

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 13, 2008**

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

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Acting Chair David Banks

ABSENT

Mr. Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Bruce Geiger, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Mr. Charlie Campo, Project Planner
Ms. Kimberly McMahan, Civil Engineer
Mr. Shawn Seymour, Project Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Acting Chair Banks acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; Councilmember Connie Fults, Ward IV; former Mayor Nancy Greenwood; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Proctor read the “Opening Comments” for the Public Hearings.

- A. P.Z. 16-2008 Long Road Dental Office (143 Long Rd.):** A request to amend City of Chesterfield Ordinance 2278 to amend the Floor Area, Building Requirements and Setback Requirements for Long Rd. Dental Office (143 Long Rd.), a 0.5 acre tract of land zoned “PI” Planned Industrial District located 0.1 mile south of the intersection of Chesterfield Airport Rd. and Long Rd. (17U120221)

STAFF PRESENTATION:

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

- All Public Hearing notification requirements were followed.
- The Comprehensive Plan shows the site to be bordered by Mixed-Use (Retail, Office, Warehouse) on all sides.
- The Petitioner is requesting the following:
 1. Remove the total building floor area limitation. (Currently 4,224 sq. ft.)
This item is no longer written into the City’s Attachment A.
 2. Revise open space requirement to 30%. (Currently 36%) It was noted that the open space requirement for a “PI” District is 30% so the Petitioner is currently over the required percentage.
 3. Remove the Floor Area Ratio requirement. (Currently .21)
This item is no longer written into the City’s Attachment A.
 4. Revise building and parking setback requirements to allow for flexibility during the site plan review process.
 5. Revise parking requirements to allow for surface parking. (Currently no surface parking is permitted.)
- The Department has no issues with the petition.

Acting Chair Banks inquired as to when the existing Ordinance was approved. Mr. Campo replied that it was around 2003. At that time, the Ordinance was written very tightly to the Preliminary Plan and is too restrictive to make many changes on the site.

PETITIONER’S PRESENTATION:

1. Mr. Jack E. Wolf, 803 Westmeade Drive, Chesterfield, MO was available for questions.

Commissioner Geckeler noted that there are a lot of businesses along Long Road that have curb cuts and asked how far the subject site’s curb cut on Long Road is to Monarch Fire District’s curb cut. Mr. Campo replied that the curb cut for the subject site is centered in the lot. The City’s Engineering Staff has reviewed the Site Plan and has no concerns with the location of the curb cut.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

RESPONSE: None

ISSUES: None

- B. P.Z. 22-2008 St. Luke's Hospital, Parcel D:** A request for an amendment to City of Chesterfield Ordinance 2372 to amend the parking requirements and parking setbacks for a 14.0 acre tract of land zoned "MU" Medical Use District located to the northwest of the intersection of Conway Road and Woods Mill Road.

STAFF PRESENTATION:

Ms. Mara Perry, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The site was posted per State statute and Department of Planning & Public Works requirements.
- The Petitioner is requesting amendments to Section I.C.2. of the Attachment A regarding "Parking Setbacks". Staff proposes the following changes to the setback requirement to allow the Petitioner to make changes to the site **(Changes shown in bold)**:

2. PARKING SETBACKS

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. ~~—No surface parking will be permitted.~~
- a. b. Fifty (50) feet from the right of way of Old Woods Mill Road on the eastern boundary of this "MU" District.
- b. e. Twenty-five (25) feet from the northern ~~or southern~~ boundaries of the "MU" District.
- c. Twenty-five (25) feet from the southern boundaries of the "MU" District. **At such time as the southern boundary line of this district should no longer exist, the southern parking setback will no longer apply.**
- d. One hundred fifty-five (155) feet from the western boundary of the "MU" District.

- The subject site is made up of a series of four parcels and the property line between this development and the “MU” development to the south is in question. Currently, there is a setback of 25 feet for any parking, which does not allow for any parking connections between the two parcels. By not providing the connections between the two parcels, additional drive entrances and exits may be required due to fire restrictions.
- The Preliminary Plan for Parcel D did show surface parking, but the language *“No surface parking will be permitted”* was placed in the Ordinance.
- The subject site is located in the “Single Family Residential” land use designation of the Comprehensive Plan.
- Staff has no outstanding issues with what is being proposed.

Commissioner Perantoni noted that, originally, there were several parking structures being proposed for the whole complex and asked if these were being eliminated. Ms. Perry indicated that the requested changes do not mean the garages will be eliminated. There is the potential for “things to be phased”. She noted that Parcel B’s plan proposes two buildings, a surface lot, and a garage. At this time, one building and two surface lots have been built. The phasing could be that as other buildings are constructed, a garage could be built on top of surface parking.

PETITIONER’S PRESENTATION:

1. Mr. Mike Doster, Attorney representing St. Luke’s, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:

- The zoning amendments proposed for Ordinance 2372 include:
 1. **Delete** Section I.C.2.a. Parking Setbacks - *“No surface parking will be permitted.”* Speaker noted that surface parking was shown on the Preliminary Development Plan in connection with the original zoning of Parcel D.
 2. **Modify** Section I.C.2.c. Parking Setbacks to read as follows:
“25 feet from the Northern or Southern Boundary of the “MU” District. At such time as the Southern Property Line is eliminated by Boundary Adjustment Plat, the 25 foot setback for the southern boundary of the “MU” District shall be deemed eliminated.”
 Speaker noted that the proposed language is different than the language proposed by Staff.
- Speaker noted that the zoning ordinance governing Parcel B, which is to the south of Parcel D, has different provisions than those allowed under the ordinance governing Parcel D. They are trying to bring Parcel D’s ordinance into alignment with Parcel B’s ordinance so the parcel line can be eliminated with a boundary adjustment in order to build what the Preliminary Development Plan showed.

2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Rob McDonald, representing Ladue Farm Estates, 13547 Ladue Farm Road, Chesterfield, MO stated the following:

- A number of the subdivision residents feel that St. Luke's has not kept its word with several items – specifically with the intersection at 141 and Ladue Farm Road.
- It is their understanding that the intersection was to be improved if any improvements were made to the east side of 141. Recently, St. Luke's has been doing a parking lot expansion, which the residents felt triggered the intersection improvements. He then cited the Ordinance as follows:

“Improvements as may be required by the City of Chesterfield and/or the Missouri Department of Transportation to the shared access of Ladue Farm Estates Subdivision and Parcel A shall be completed prior to occupancy of any new construction adding square footage to Parcel A, excluding the CVICU expansion of 22,000 sq. ft.”

- There is concern that the expansion will increase traffic further between the east and the west side, which will have a major impact on their subdivision.
- With the new outpatient facility, St. Luke's widened the intersection which decreases the number of cars that can sit at the stoplight at 141 and St. Luke's main entrance. As the light turns green and cars are trying to come to and from Ladue Farm Estates to get onto 141, it increases the potential for accidents with cars coming in and out of St. Luke's.
- The intersection is very dangerous and needs attention.

Acting Chair Banks explained that the improvements to the subject intersection are tied to building square footage being added to the site – not the parking lot. Commissioner Perantoni added that no more building can be done on Parcel A without making improvements to the intersection and stated that she shares the residents' concern about this issue.

Ms. Aimee Nassif, Director of Planning & Development Services, thanked Mr. McDonald for bringing these concerns to the City's attention. While the Ordinance stipulates that improvements to the intersection are triggered by building square footage, the City is keeping an eye on the situation and would be happy to discuss the matter further with Mr. McDonald.

2. Ms. Mary Ann Mueth, Trustee of, and representing, Ladue Farm Estates, 177 Cedar Bridge Court, St. Louis, MO stated the following:
 - Because numerous trees were removed with the construction on Parcel B, there is concern that this will happen again on Parcel D.
 - There have been issues of erosion because of all the trees that have been removed. They feel that St. Luke's has not kept its promise in replacing the trees on the site.
 - There is also concern that the changes being made are taking away the beauty of the area.

SPEAKERS – NEUTRAL:

1. Ms. Jeanne Geeseke, Trustee of, and representing, Green Trails Country Club Grounds, 14015 New Bedford Court, Chesterfield, MO stated the following:
 - Questioned whether there would be any impact with merging Parcels B and D together – specifically whether it would affect the berm that was to be erected at the west end of the property behind buildings proposed for Parcel D.
 - They are happy with surface parking but have concerns with the visual impact of parking garages being proposed for Parcels B and D.

Acting Chair Banks clarified that the Petitioner will only be allowed to make the changes currently being requested with respect to the boundary and setbacks. The requirement for the berm is still in the Ordinance.

2. Ms. Nancy Greenwood, 14441 Corallin, Chesterfield, MO stated the following:
 - She questioned how permitting surface parking would change anything granted previously.
 - She questioned whether there could always be Power of Review for these changes at the Council level or whether it has to be requested by a Council member.

Acting Chair Banks replied that the original Site Plan included surface parking but language prohibiting it was mistakenly added to the Ordinance.

Ms. Nassif replied that changes to the Ordinance will automatically go to City Council for final approval. When the Site Plan comes in, Power of Review can be requested by a Council member.

RESPONSE:

1. Mr. Mike Doster responded to the issues raised as follows:
 - **Intersection:** St. Luke's will honor its commitment to improving the intersection. If there is any additional square footage of building built on Parcel A, the entrance to Ladue Farms off of 141 will be constructed.
 - **Tree Removal:** Parcel B is governed by a separate Ordinance, which has many requirements within it. There is an approved Site Plan and Landscape Plan for Parcel B. The Ordinance and the Plans will be

honored by St. Luke's – including the preservation of the trees on the west and northwest; the establishment of the proposed buffer/tie wall; and the berm on the northwest corner.

- **Removing the Legal Lot Line:** Removing the legal lot line will not impact the obligations outlined above. The two ordinances governing Parcel B and Parcel D will remain in place, unchanged, subject to the technical corrections being requested at this meeting for the ordinance governing Parcel D.

City Attorney Heggie indicated that the language proposed by the Petitioner for Section I.C.2.c. of the Attachment A is acceptable to Staff.

ISSUES:

1. Insure that the requirements of the Ordinances governing Parcels A and B are honored.
2. Tree Removal/Replacement: *Ms. Perry stated that Parcel B has met all of its obligations for all trees that were required to be saved. Staff is currently inspecting the site with respect to the number of proposed trees that are to be planted, including the trees that are required for the buffer area.*
3. Merging Parcels B and D: *Ms. Perry stated that the two ordinances governing these parcels remain in place.*
4. Power of Review: *Ms. Perry stated that the ordinance for Parcels A and B currently has Automatic Power of Review. City Council has the ability to ask for Power of Review for the ordinance pertaining to Parcel D.*
5. Since all the buildings have not yet been constructed on Parcel B, is the Petitioner still under obligation to plant all the new trees at this time or do they have until the development cycle runs out to complete it? *Ms. Perry noted that the Petitioner has a new Landscape Plan for the site. The second building and parking garage have not yet been built. The Landscape Plan meets the buffer requirements – they have put their Landscape Bond down and are required to complete all the landscaping within that period.*
6. Noting that the two ordinances for Parcels B and D will remain in place, how do you define things in each of the two ordinances once the boundary is removed? *City Attorney Heggie replied that the ordinances will still control even if the boundary is eliminated. Currently, the City zones by districts so the legal description of their rezonings will control the actual ordinance requirements that apply to different parcels. The actual metes and bounds descriptions will apply to the particular ordinances.*

Commissioner Proctor read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the **September 22, 2008 Planning Commission Meeting**. The motion was seconded by Commissioner Watson and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC):

Petitioner:

1. Mr. John King, 7701 Forsyth, Clayton, MO was available for questions.

B. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr.)

Petitioner:

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for Clarkson Wilson Centre, 10829 Olive Blvd, Ste. 200, St. Louis, MO stated the following:
 - They are not interested in opening up uses to anything objectionable or offensive in any way.
 - They are trying to figure out how to preserve the ability of being able to lease to other tenants who may have hours that do not fit within the current permitted hours of 7:00 a.m. to 11:00 p.m. Speaker noted that, in general, veterinary clinics are now keeping longer hours. They are also working with a couple of franchisees that have small space 24-hour fitness concepts.
 - They are looking to retain reasonable flexibility within the hours of operation. Speaker noted that the existing tenant, Pizza Hut, has hours of operation that are not in compliance with the ordinance. Pizza Hut is open until 2:00 a.m. for delivery only.
 - They are requesting a change in the hours of operation from 7:00 a.m. to 11:00 p.m. to 6:00 a.m. to 1:00 a.m. Speaker noted that these requested hours may still not work for Pizza Hut but he intends to talk to Pizza Hut about their hours.
 - They hope to be able to maintain some reasonable latitude in the hours of operation in order to attract good, quality tenants.

In Opposition:

1. Ms. Nancy Minster, 16080 Clarkson Woods, Chesterfield MO stated the following:
 - Her property adjoins the drive that leads to Pizza Hut and the other restaurants in the shopping center.
 - She expressed her major concerns at the last Public Hearing which included traffic, parking, hours of operation, and trash pick-up.
 - Speaker noted that at the last meeting, the Petitioner indicated that they were not interested in changing the hours of operation and that the current hours of operation are 7:00 a.m. to 11:00 p.m.
 - Speaker stated that she informed Staff of a recent incident where a Pizza Hut delivery vehicle passed her home at 1:00 a.m. playing loud music. In a conversation with the Pizza Hut manager, she learned that Pizza Hut is open until 1:00 a.m. on Fridays and Saturdays, and always has been in the subject location.
 - She has concern that Hutkin is now asking for a change in the hours of operations when they previously indicated they wouldn't be extending the hours.
 - A number of the area residents chose not to attend this meeting based on the information received from the Petitioner at the last meeting on this item.

Commissioner Watson clarified that the requested hours of operation begin at 5:00 a.m. Ms. Minster stated that she does not believe this information has been communicated to any of the area residents.

2. Mr. Rich Kastel, Trustee of Clarkson Woods North Subdivision, 16031 Clarkson Woods, Chesterfield, MO read the following prepared statement from the Trustees of Clarkson Woods North addressed to Ms. Aimee Nassif. Speaker noted that a copy of this letter had been e-mailed to Ms. Nassif earlier in the day.

Dear Ms. Nassif:

The Trustees of Clarkson Woods, on behalf of the 283 homeowners in our subdivision, very strongly object to any change in operational hours of the Clarkson Wilson Centre. This objection was made clear to Hutkin Development Property and it was also made clear in our July 17, 2008 letter to Mr. Wyse of the Chesterfield Planning and Zoning Department.

"Clarkson Woods Trustees do not object to the rezoning of Clarkson Wilson Centre provided the Centre's square footage and operational hours remain the same, and provided the Centre's usage remains compatible with that of businesses that exist in the midst of two residential subdivisions."

We were assured that we would have ample notification of future meetings regarding this Centre. Since we inadvertently discovered that this meeting was to take place tonight, we request that this hearing be postponed and that Hutkin Development Property notify homeowners of the proposed operational changes and of future hearings by the Chesterfield Planning and Zoning Department.

Sincerely,
Sandy Baranowski, Secretary Clarkson Woods

Mr. Kastel then stated the following:

- He expressed concern that their subdivision has been turned down for a requested stop sign on Clarkson Woods connecting to Park Forest to help control the traffic. Clarkson Woods is a thru-street and only has one stop sign.
- If the hours of operation are going to be increased at the subject shopping center, the traffic will be increased. The residents have no answers on controlling the speed of traffic, which is posted at 25 mph on Clarkson Woods/Park Forest.
- He requested that the area residents be notified of these meetings pertaining to the Clarkson Wilson Centre as he feels more residents would have been present if they had been aware of this meeting.

City Attorney Heggie pointed out the petition for Clarkson Wilson Centre would not be voted upon at this meeting. The Planning Commission and Staff are very aware of the residents' concerns in terms of the requested change in the hours of operation. This item will be back on the agenda at a future date for a vote. The Trustees of the area subdivisions will be notified of this date. After the Planning Commission votes on the petition, it is forwarded to City Council for review and approval.

Mayor Nations then explained the petition process to Mr. Kastel.

- A Public Hearing is held before the Planning Commission when a request is made to amend an Ordinance.
- The next meeting is an Issues Meeting with the Planning Commission to discuss any issues raised at the Public Hearing.
- There is then at least one more meeting with the Planning Commission at which time a vote is taken.

C. P.Z. 28-2007 THF Chesterfield Seven Development (THF Chesterfield Seven Development LLC)

Petitioner:

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - The Petitioner is only requesting three modifications to the Performance Standards as outlined in the Staff Report.
 - The requested uses are compatible with uses in the neighborhood and are compatible with the uses next door to the subject site.
 - The requested 30% open space is comparable to the 31% open space at River Crossings.
 - The requested height is the same as the permitted height next door at River Crossings.
 - Speaker noted that although the property to the west is an “NU” zoning, the Comprehensive Plan calls for “Commercial”. It is not likely that “Residential” will be requested for the site to the west of the subject site. They are, therefore, requesting a reduction in the setback on the western boundary.

D. MOTION TO RECONSIDER - Valley Gates Subdivision lot 2 (Value Place Hotel)

Petitioner:

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - ACI Boland has been engaged by the Petitioner to consult with their out-of-town architect on ways to enhance the elevations and, hopefully, address the issues that have been raised.
 - If the “Motion to Reconsider” is approved, they would like to be placed on the November 10th agenda in order to have adequate time to revise the elevations.
2. Mr. Rick Clawson, ACI Boland, Inc., 11477 Olde Cabin Road, St. Louis, MO stated the following:
 - He has been contacted by the Petitioner and is working on design opportunities to meet some of the challenges noted by the Architectural Review Board.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Chesed Shel Emeth Society:** A Minor Subdivision Plat for a 1.29 acre portion of a 23.4 acre tract of land zoned "NU" Non-Urban District, located along White Rd. approximately one-half mile south of Olive Blvd.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Minor Subdivision Plat for **Chesed Shel Emeth Society**. The motion was seconded by **Commissioner Perantoni** and **passed** by a voice vote of 8 to 0.

- B. Larry Enterprises and Lynch Hummer Lot B:** Amended Site Development Section Plan, Amended Landscape Plan and Amended Lighting Plan for a 7.02 acre parcel zoned "PI" Planned Industrial District located west of Boone's Crossing on the north side of North Outer Forty Road.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Amended Landscape Plan, and Amended Lighting Plan for **Larry Enterprises and Lynch Hummer Lot B**. The motion was seconded by **Commissioner Proctor** and **passed** by a voice vote of 8 to 0.

- C. Plaza Tire Service (17520 Chesterfield Airport Road) Sign Package:** A sign package for a 1.47-acre tract of land zoned "PC" Planned Commercial District located at 17520 Chesterfield Airport Road.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for **Plaza Tire Service (17520 Chesterfield Airport Road)** with the amendment that the height of the base be reduced from 4 feet to 3 feet. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0.

- D. **St. Luke's Hospital Parcel A (West Parking Lot Addition) Site Development Section Plan:** A Site Development Section Plan and Tree Stand Delineation Plan, Preservation Plan and Landscape Plan for a section of a 55 acre lot of land zoned "MU" Medical Use District located at the southeast corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Tree Stand Delineation Plan, Preservation Plan and Landscape Plan for **St. Luke's Hospital Parcel A (West Parking Lot Addition)**. The motion was seconded by **Commissioner Puyear** and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 28-2007 THF Chesterfield Seven Development (THF Chesterfield Seven Development LLC):** A request for a change of zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 6.7 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Chesterfield Airport Road and Boone's Crossing. (17U510028)

Project Planner Charlie Campo stated that the Public Hearing for this project was held on April 28, 2008. An Issues Meeting was held on September 8, 2008 and all outstanding issues have been resolved or withdrawn by the Petitioner except for the three issues outlined in the Staff Report. Each of these issues will require a separate vote by the Commission requiring six "aye" votes to carry them.

Commissioner Puyear made a motion to approve **P.Z. 28-2007 THF Chesterfield Seven Development (THF Chesterfield Seven Development LLC)**. The motion was seconded by **Commissioner Grissom**.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner Grissom,
Commissioner Nolan, Commissioner Perantoni,
Commissioner Proctor, Commissioner Puyear,
Acting Chair Banks

Nay: Commissioner Watson

The motion **passed** by a vote of 7 to 1.

Commissioner Grissom made a motion to reduce the open space percentage from 40% to 30%. The motion was seconded by Commissioner Watson.

Upon roll call, the vote was as follows:

Aye: Commissioner Grissom, Commissioner Nolan,
Commissioner Proctor, Commissioner Puyear,
Commissioner Watson, Acting Chair Banks

Nay: Commissioner Geckeler, Commissioner Perantoni,

The motion passed by a vote of 6 to 2.

Commissioner Watson made a motion to reduce the building setback from the western boundary from 35 feet to 15 feet. The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

Aye: Commissioner Grissom, Commissioner Nolan,
Commissioner Perantoni, Commissioner Proctor,
Commissioner Puyear, Commissioner Watson,
Commissioner Geckeler, Acting Chair Banks

Nay: None

The motion passed by a vote of 8 to 0.

Commissioner Grissom made a motion to increase the maximum building height from two stories to three stories, or 45 feet. The motion was seconded by Commissioner Proctor.

Upon roll call, the vote was as follows:

Aye: Commissioner Nolan, Commissioner Perantoni,
Commissioner Proctor, Commissioner Puyear,
Commissioner Grissom, Acting Chair Banks

Nay: Commissioner Watson, Commissioner Geckeler

The motion passed by a vote of 6 to 2.

- B. P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC):** A request for a change of zoning from an “R3” Residential District (10,000 sq. ft.) and an existing “PC” Planned Commercial District to a new “PC” Planned Commercial District for a .68 acre tract of land located west of Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085).

Project Planner Shawn Seymour stated that the Public Hearing was held on March 10, 2008. The last time this petition was before the Commission was on July 14, 2008 for an Issues Meeting, at which time two issues were identified as outstanding.

Staff has reviewed two variance requests from the buffer requirement of the Tree Manual and has made the following determinations:

- The Tree Manual requires a 30-foot buffer when a non-residential zoning district abuts a residential zoning district. The Petitioner had requested locating a six-foot tall sight-proof fence in lieu of the 30-foot buffer. Staff has approved a 10-foot buffer.
- The Tree Manual requires a 30-foot buffer when a property is located adjacent to an arterial route – in this case U.S. Highway 40/Interstate 64. The Petitioner requested a lesser buffer of 13.3 feet closest to the parking area, and 20 feet closest to the structure. Staff has approved the request as submitted.

One issue remains open. The Petitioner has requested a variance from the Performance Standards. Ordinance 1747 provides performance standards for retail uses in planned commercial districts and requires a 35-foot setback where a retail use in a Planned Commercial District abuts a Residence District. The Petitioner proposes a 10-foot setback. The Comprehensive Plan Land Use Designation for both properties is “Urban Core”. If the residential property located to the east had a similar Planned Commercial zoning, no setback would be required. The variance request requires a separate vote by the Commission, which requires 6 votes for passage.

Commissioner Nolan made a motion to approve P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC). The motion was seconded by Commissioner Watson.

Upon roll call, the vote was as follows:

**Aye: Commissioner Perantoni, Commissioner Proctor,
Commissioner Puyear, Commissioner Watson,
Commissioner Geckeler, Commissioner Grissom,
Commissioner Nolan, Acting Chair Banks**

Nay: None

The motion passed by a vote of 8 to 0.

Commissioner Grissom made a motion to reduce the structure setback from the eastern boundary from 35 feet to 10 feet. The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

**Aye: Commissioner Puyear, Commissioner Watson,
Commissioner Geckeler, Commissioner Grissom,
Commissioner Nolan, Commissioner Perantoni,
Commissioner Proctor, Acting Chair Banks**

Nay: None

The motion passed by a vote of 8 to 0.

- C. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr.):** A request for a change of zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171).

Project Planner Justin Wyse stated the Public Hearing was held on this petition on August 11, 2008. After the Public Hearing, an issues letter was sent to the Petitioner. The Petitioner’s response letter is a part of the meeting packet.

At the Public Hearing, the following issues were identified and subsequently addressed by the Petitioner:

1. Building Height: The Petitioner has no objection to limiting the building heights to one story, exclusive of architectural features and roof top mechanical equipment.
2. Parking along the Entrance between the Development and Clarkson Woods Drive: The Petitioner has no issue with placing “*No parking*” signs along the drive entrance.
3. Lack of Intersection Control at the Driveway Entrance to Clarkson Woods Drive: At the recommendation of the Department of Planning & Public Works, the Petitioner has agreed to put a “*Cross traffic does not stop*” sign along the exit lane of the access drive to Clarkson Wilson Centre from Clarkson Woods Drive.
4. Outdoor Dining: The Petitioner is requesting that any outdoor dining be governed by the development’s ability to park the site.

The following issues remain open:

1. Use of “Animal hospitals, veterinary clinics, and kennels”: The Petitioner did not address this issue in their response letter. It was noted that the City defines “kennel” as: *“The use of land or building for the purpose of boarding or keeping of five or more dogs, over four months in age and not owned by the proprietor, or the boarding or keeping of six or more cats, over four months of age and not owned by the proprietor, or the keeping or boarding of a combination of six or more dogs and cats, which are sheltered, fed, and watered in return for a consideration. This term shall include all boarding activities regardless of name used, including pet sitting services.”*

Commissioner Perantoni asked whether a grooming service that has six dogs waiting to be groomed would be considered a kennel. Ms. Nassif added that there is an additional part to the definition of “kennel”, which addresses *“breeding, boarding, selling, and keeping of”*. Because the City does not have a specific definition for “pet grooming”, the term “kennel” best fits the use for pet grooming. It was noted that “kennels” is included with the uses of “animal hospital and veterinary clinic” so that all kinds of services for domesticated animals are covered under this one use.

Commissioner Perantoni expressed concern about “kennel” being a permitted use for the subject site because it implies that animals may be outside and too near the residences in this area.

Commissioner Geckeler suggested that the following language be added to the Attachment A regarding “Animal hospitals, veterinary clinics, and kennels”:

“Overnight boarding services shall only be permitted in conjunction with the animal hospital and veterinary clinic use.”

The consensus of the Commission was that the above language should be included in the Attachment A.

2. Hours of Operation: The Petitioner had previously indicated that they were not pursuing a change in the hours of operation; however, after review of the site and the current uses in the development, they are now requesting a change to the hours of operation.

Because of the concerns raised by the residents and their opinion that the Centre is not complying with the restrictions on the hours of operation, Mayor

Nations directed Ms. Nassif to investigate the issue and to report back to him with her findings.

3. Sign Regulations: This issue was not brought up at the Public Hearing. The current ordinance does not allow temporary signs or portable signs in the development. The Petitioner is now requesting that the site be regulated by the City's sign regulations.

Commissioner Watson asked for clarification on the request regarding temporary signs. Mr. Wyse replied that the temporary signs permitted would only be signs that are currently allowed under the City's Zoning Ordinance. Various types of temporary signs are allowed, such as signs for "special sales". The temporary signs have defined amounts of time that they are allowed to be displayed. The current Ordinance only allows temporary signs in December of 1995 so at this time, no temporary signs are allowed in the development.

Discussion was held on the procedures for notifying the area residents of the next meeting regarding this petition. Ms. Nassif explained that the Public Hearing notification requirements require the City to provide notice to the Subdivision Trustees and homeowners within 225 feet of the subject site. Subsequent meetings are posted on the City's website, at City Hall, and any questions are directed to the Planner of the Day. The Commission can direct the Petitioner to send written notice of the next meeting, or to meet with the homeowners prior to the vote meeting.

Commissioner Perantoni questioned whether a second Public Hearing is required considering there is a request to change the hours of operation. City Attorney Heggie stated he would review the initial Public Hearing notice to determine if it was broad enough to give the City jurisdiction to make such a change or whether a second Public Hearing is required.

Commissioner Proctor made a motion that if a second Public Hearing is not required, the Petitioner is to provide public notice to the residents of the next meeting of this petition in accordance with Public Hearing notification requirements. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0.**

- D. **P.Z. 22-2008 St. Luke's Hospital, Parcel D:** A request for an amendment to City of Chesterfield Ordinance 2372 to amend the parking requirements and parking setbacks for a 14.0 acre tract of land zoned "MU" Medical Use District located to the northwest of the intersection of Conway Road and Woods Mill Road.

Senior Planner Mara Perry noted that there was a discussion during the earlier Public Hearing regarding language for Section I.C.2.c. of the Attachment A

regarding "Parking Setbacks". It is the City Attorney's recommendation that the language be amended as follows (**changes shown in bold**):

"Twenty-five (25) feet from the southern boundaries of the "MU" District. At such time as the southern ~~boundary~~ **property line is eliminated by boundary adjustment plat, the twenty-five (25) foot setback for the southern boundary of the "MU" District shall be deemed eliminated.** ~~of this district should no longer exist, the southern parking setback will no longer apply.~~"

Other issues raised during the Public Hearing included:

- Power of Review: Ms. Perry stated that the Ordinance does not currently include "Automatic Power of Review". Council members of the subject Ward have the ability to request it.
- Ordinance governing Parcels A and B: The issues expressed do not specifically relate to the subject petition but Staff will continue to review the concerns raised.

Commissioner Watson made a motion to approve P.Z. 22-2008 St. Luke's Hospital, Parcel D with the recommended change to Section I.C.2.c. of the Attachment A. The motion was seconded by Commissioner Puyear.

Upon roll call, the vote was as follows:

**Aye: Commissioner Watson, Commissioner Geckeler
Commissioner Grissom, Commissioner Nolan,
Commissioner Perantoni, Commissioner Proctor,
Commissioner Puyear, Acting Chair Banks**

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

- A. MOTION TO RECONSIDER - Valley Gates Subdivision lot 2 (Value Place Hotel):** Architectural Elevations for 3.06 acre tract of land located in a "PC" Planned Commercial District north of US Highway 40 and east of Boones Crossing.

In his absence, Chair Hirsch had asked Acting Chair Banks to report to the Commission that Chair Hirsch has had two conversations with Mr. Doster and his associates about Value Place Hotel. Chair Hirsch discussed the desirability of having a "motion to reconsider" and discussed some of the concerns of the Commission regarding the proposal as presented.

Commissioner Geckeler made a motion to reconsider the Architectural Elevations for Valley Gates Subdivision lot 2 (Value Place Hotel) at the November 10th Planning Commission Meeting. The motion was seconded by **Commissioner Perantoni** and **passed** by a voice vote of 8 to 0.

X. COMMITTEE REPORTS

- A. Comprehensive Land Use Plan Committee** – Next Meeting is scheduled for October 30th at 3:00 p.m.
- B. Ordinance Review Committee** – Staff is finishing up the Ordinance Review Committee's comments.
- C. Landscape Committee** – Staff is finishing up the Landscape Committee's comments.

XI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Michael Watson, Secretary