

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 11, 2004**

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

I. PRESENT

Mr. David G. Asmus
Mr. David Banks
Dr. Maurice L. Hirsch, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Chairman Victoria Sherman
Mayor John Nations
City Attorney Doug Beach
Mr. Bruce Geiger, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Senior Planner
Mr. David Bookless, Project Planner
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Mary Ann Madden, Planning Assistant

ABSENT

Mr. Fred Broemmer

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE

Chairman Sherman acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; and Councilmember Dan Hurt (Ward III).

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

A. Approval of September 22, 2004 Committee of the Whole Minutes

Commissioner Hirsch made a motion to approve the minutes of the September 22, 2004 Committee of the Whole Meeting. The motion was seconded by Commissioner Sandifer.

Commissioner O'Connor felt the minutes were incorrect with respect to addressing questions to petitioners during the Issues portion of the meeting. After discussion, it was noted that the appropriate time to address questions to petitioners is during the Public Comments portion of the meeting. Commissioner Hirsch then amended his motion to approve the minutes with the correction that the following sentence be struck from page 1:

Also, during the Issues Meeting, the Commission has the opportunity to ask questions of the petitioner.

The amended motion was agreed to by Commissioner Sandifer and **passed** by a voice vote of 8 to 0.

B. Approval of September 27, 2004 Planning Commission Minutes

Commissioner Macaluso made a motion to approve the minutes of the September 27, 2004 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

1. Mr. Chris Malherse, The Standard Group, 1000 W Wilshire Boulevard, #349, Oklahoma City, OK 73116, stated he was available to answer any questions regarding **Dierberg's The Market Place (Hollywood Video)**.
2. Mr. Tom Schoeffel, Lawrence Fabric Structures, 3509 Tree Court Industrial Boulevard, St. Louis, MO 63122, in favor of **Dierberg's The Market Place (Hollywood Video)** stated he was available to answer any questions.
3. Mr. Larry Chapman, 390 South Woodsmill Road, Suite 160, Chesterfield, MO 63017, speaking in favor of **Stoneridge Office Building (Tristar)**, stated the following:
 - They are requesting to modify the Stoneridge Office development from a 130,000 sq. ft. building, with large garages, to a 55,000 sq. ft. property, requiring only surface parking.
 - They are requesting a text amendment to allow up to 250 surface parking instead of parking only in a garage.

- If the text amendment is approved, they will have to address the Architectural Review Board and then will have to request a Site Plan Review.
- The Site Plan, in its current version, has not been completed because there has not yet been a meeting with the neighboring residents. Such a meeting is scheduled for October 12, 2004.
- It is anticipated that after the meeting with the residents, the petitioner will present a Site Plan to the Planning Commission for approval.
- The request at this time is to allow the modification of this project from the larger building and larger density to a smaller building with more green space and less density.

City Attorney Doug Beach stated that the original Site Development Plan, which was approved when the site was zoned, shows a non-disturbance area and that the proposed Site Development Plan appears to show some fill in the non-disturbance area. City Attorney Beach stated that there will be some issues with fill in the non-disturbance area as Section XVI. A. 3. of the Attachment A states:

The City of Chesterfield will enforce the conditions of this ordinance in accord with the Site Development Plan approved by the City of Chesterfield and terms of this Attachment A.

Commissioner Hirsch asked why changing the number of parking spaces is the first step and why the whole project is not being presented together. Mr. Chapman replied that the ordinance is written with “maximums” in it so the revised Site Plan cannot be submitted for review until the text in the ordinance is amended to allow for 250 surface parking spaces instead of the current 20.

For clarification, Mayor Nations stated that once there is an ordinance, any site plans submitted for review have to conform to the ordinance. Mayor Nations then asked Mr. Chapman to give a quick comparison between the approved Site Plan and the proposed Site Plan.

Mr. Chapman outlined the following changes between the two Site Plans, noting that there may be additional changes resulting from the upcoming meeting with neighboring residents.

- The size of the actual parking lot has been reduced in terms of total number of square feet.
- The parking lot now sits down lower.
- Without a parking garage, the Fire Department is now able to do on-site circulation, which allows the elimination of some of the roads previously required.
- The building footprint has been reduced.
- There is the addition of a retaining wall.
- The top elevation of the building will be several feet lower.

Commissioner Macaluso asked how the open space would be affected with the proposed on-site parking. Mr. Chapman responded that his figures refer to green space and they show the proposed plan as having just over 71% green space as opposed to just over 65% on the old plan.

Commissioner Macaluso asked how many trees would be lost with the proposed plan. Mr. Chapman replied that he will have to refer to his completed tree study.

Commissioner Perantoni asked what is being buffered. Mr. Chapman replied that the residents had expressed concern about the noise from trash trucks and other activity. To address this concern, the building was engineered to be sitting down in a hole. From sound studies which they have conducted, they have learned that solid masses – such as building walls and earthen berms – deflect sound better than trees.

4. Mr. Rick Clawson, ACI – Boland, 11477 Olde Cabin Road, St. Louis, MO 63141, in favor of **Stoneridge Office Building (Tristar)**, stated he was available for any architectural questions on the project.
5. Mr. George M. Stock, 257 Chesterfield Business Parkway, Chesterfield, MO 63005, in favor of **Stoneridge Office Building (Tristar)**, stated he was available for questions.
6. Mr. Howard P. Zinschlag, 1542 Candish Lane, Chesterfield, MO, speaking in opposition to **Stoneridge Office Building (Tristar)**, stated the following:
 - His property adjoins the referenced Tristar property at the southwest corner.
 - Within the last two days, it was brought to his attention that a change is being requested for the previously-approved development plan for this property.
 - He is not opposed to the new development plan being proposed but does object to the suggested use of the remainder of the property on the south portion of the property.
 - When the homeowners of Chesterfield Hill Subdivision met in 2001 with members of the Planning Board, City Council, City Legal Counsel, and an outside arbitrator, the homeowners agreed to the rezoning of the property to Commercial with certain agreed-to conditions and restrictions.
 - One of these restrictions was that the open space on this property, starting at 1528 Candish Lane through 1548 Candish Lane, would be left undisturbed except for the utility easement.
 - It was also agreed that the deed restriction for this part of the property would be recorded with the City of Chesterfield and would automatically transfer to any future owners of the property.
 - In the spirit of the law, the deed restriction was to encompass all disturbance of the open space including buildings, parking lots, excavation, dirt dumping, etc.
 - Any significant disturbance of the open space will potentially result in the destruction of the eye appeal of the general area.

- It is requested that the City honor and uphold the agreement made with the Chesterfield Hill Subdivision homeowners as it considers any development changes for this property.

(City Attorney Beach left the meeting at 7:38 p.m.)

Commissioner Banks asked Mr. Zinschlag to estimate how many trees would be removed if the proposed berm is built. Mr. Zinschlag replied that his estimate would be a dozen or more.

(City Attorney Beach re-joined the meeting at 7:39 p.m.)

7. Ms. Denise Koessel, 1530 Candish Lane, Chesterfield, MO 63017 speaking in opposition to **Stoneridge Office Building (Tristar)**, stated the following:
 - She has concerns regarding the absence of the no-disturb area from the plan that the homeowners had reviewed earlier.
 - She has questions relative to the building of the berm as to how they will get to the area and what will be disturbed.
8. Mr. Bill Biermann, 317 Clarkson Road, Suite 103, Ellisville, MO 63011 speaking in favor of **P.Z. 20-2004 McCarthy L.L.C. (Farmers Valley Market)** stated the following:
 - He is in favor of the zoning request but has concerns with the proposed access to this site and how it will affect the operation of the Valley Express.
 - Since a curb cut on Long Road will not be allowed, he is requesting that signage be imposed in order to alleviate any potential traffic problems.

Commissioner O'Connor asked what kind of signage he is requesting. Mr. Biermann replied that cars are stacking in the McDonald's drive-thru, cars are bypassing the drive-thru lane, and cars are making a right-hand turn into the back of the Valley Express and he would like to see some directional signage informing people how to get to the Market.

Commissioner Banks said he didn't know if it was even possible to have access to the property in the front, but asked Mr. Biermann if it were possible, would front or back access to the property be better in his opinion. Mr. Biermann replied that he felt access from the back would be better because there is not much room in the front of the property.

Mayor Nations asked Mr. Biermann if his client would agree to have the directional signage on his property. Mr. Biermann did not feel it would be a problem but did not have a final commitment from his client at this time.

Since the property Mr. Biermann is representing is not before the Planning Commission, Mayor Nations suggested that the petitioner and Mr. Biermann's client cooperate on the directional signage. Mr. Biermann stated he is willing to cooperate with the petitioner on

this matter. Mayor Nations thanked Mr. Biermann for his cooperative approach in trying to resolve this issue with the petitioner.

Commissioner O'Connor expressed concern that there have been several instances where a petitioner's proposal affects the neighboring properties but the Planning Commission does not receive any material related to them.

9. Ms. Mary McCarthy, 128 Long Road, Chesterfield, MO, speaking in favor of **P.Z. 20-2004 McCarthy L.L.C. (Farmers Valley Market)** stated the following:

- In response to the access issue, she is willing to cooperate with Express Valley Lube on the requested directional signage to facilitate the flow of traffic.
- New pavilion drawings have been prepared and will be given to the Planning Commission.
- In the new pavilion drawing, issues were addressed regarding the flow of pedestrian traffic with a new entrance and exit door added to the pavilion.
- Regarding the discrepancies in measurement on the pavilion, these have been corrected on the new drawings.
- The location of the pavilion has been modified to the west in order to accommodate additional parking.
- She was given incorrect calculations for parking, so now the site is overparked. Parking is now at 20 spaces instead of the original 13. If it is necessary to eliminate some parking, the spaces directly across from the pavilion can be removed.

Commissioner Hirsch asked Ms. McCarthy if she would be willing to remove permitted uses for the following:

- (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- (uu) Vehicle repair facilities for automobiles.
- (vv) Vehicle service centers for automobiles.
- (ww) Vehicle washing facilities for automobiles.

Ms. McCarthy stated she would be willing to remove the above-noted permitted uses.

For clarification, City Attorney Beach stated that because the Valley Express site is not before the Planning Commission, a sign restriction can not be imposed on Ms. McCarthy that requires the approval of Valley Express. She is being encouraged to work with Valley Express on the issue of directional signage. Ms. McCarthy stated she would be happy to work with Valley Express and is looking for assistance on sign requirements. Chairman Sherman stated that Project Planner Mike Hurlbert will be able to assist her on this matter.

Commissioner O'Connor referred to the internal traffic circulation problem that has been noted, and asked Ms. McCarthy if she would be willing to eliminate those permitted uses that would potentially add to the circulation problem – such as a dry cleaning drop-off, fast food restaurants, etc. Ms. McCarthy responded that she would consider eliminating any of those uses but is hoping that with the extra parking area, there will be less of a problem for turn-around and in-and-out access.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Baxter Center:** Amended Architectural Elevations and Landscape Plan for a retail center in a “C-8” Planned Commercial District located on Clayton Road, east of the intersection of Baxter Road and Clayton Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations and Landscape Plan with the two ARB recommendations provided. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

- B. **Chesterfield Commons Four a.k.a. Chesterfield Commons West (Sign Approval):** Sign Approval for Chesterfield Commons Four zoned “PI” Planned Industrial and located south of Chesterfield Airport Road, east of Public Works Drive.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Sign Approval. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

- C. **Chesterfield Commons Outlot 16 (Retail):** Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a retail building in the Chesterfield Commons development, zoned “C-8” Planned Commercial and located south of Chesterfield Airport Road, east of Chesterfield Commons Drive.

Commissioner Macaluso, 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 Hirsch and **passed** by a voice vote of 8 to 0.

- D. **Dierberg's The Market Place (Hollywood Video):** Amended Architectural Elevations for one retail building on an 11.35-acre tract of land, zoned “C-2” Planned Commercial District, located Northeast corner of Baxter and Clarkson Roads.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Banks and **passed by a voice vote of 7 to 1.** (Commissioner Hirsch voted nay.)

- E. **Westfield Shoppingtown Chesterfield (Chesterfield Mall):** Amended Final Development Section Plan Phase III and Lighting Plan for a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Final Development Section Plan Phase III and Lighting Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 20-2004 McCarthy L.L.C. (Farmers Valley Market):** A request for a change of zoning from an "NU" Non-Urban District to a "PC" Planned Commercial District for a .45 acre tract of land located east of Long Road and south of Chesterfield Airport Road (Locator Number: 17V 14 0043).

Project Planner Mike Hurlbert noted that the Issues Report has been set up in a new format. If there is any question or concern with how an issue has been addressed, it needs to be brought up at the Issues Meeting, along with any additional issues that may have arisen.

Commissioner O'Connor requested clarification on Issue #7 regarding parking and asked how much parking is needed, specifically pertaining to the office use. Project Planner Hurlbert responded that the square footage of the structure was not broken down between upstairs and downstairs; the square footage provided was for the entire structure so the calculations in the Issues Report are "all office" or "all retail". When the proposal comes in, if the first floor is retail and the second floor is office, the parking breakdown will be accordingly. It was noted that office parking is calculated at 3 1/3 spaces.

Commissioner Perantoni asked if the site may be under-parked when considering the different uses. Project Planner Hurlbert replied that there are three uses being considered - office, retail and the market. The list of uses falls under one of these categories with most of them falling under "retail". The "worst case scenario" was figured regarding parking so the site will not be under-parked.

Commissioner Macaluso stated that there is a major problem with getting a sidewalk on Long Road. She asked that the sidewalk be deferred so that Issues #9 and 10 can be removed from the Issues List. Chairman Sherman suggested that funds be put into escrow

for a sidewalk at a later date. City Attorney Beach stated that Issue #9 cannot be removed unless the Commission agrees with the petitioner's suggestion and then the petitioner would be required to escrow funds for a sidewalk. If the sidewalk is never built, then the escrowed funds would be returned to the petitioner. Project Planner Hurlbert stated that the St. Louis County Highways & Traffic Department has submitted comments and they are requiring a sidewalk, "as directed", which, if appropriate, would allow for funds to be placed in escrow to be constructed at a later time.

Discussion was held regarding the process of eliminating Issues. It was agreed that future Issues Reports would be formatted showing three separate categories. It was further agreed that if a Commissioner wants to keep a particular issue on the Issues List, it needs to be brought up at the Issues Meeting. If nothing is said about an issue, it will be removed from the Issues List and considered resolved.

ISSUES:

- Request for copies of the new elevations including the front building. These will be submitted before the Vote Meeting.
- Regarding Issue #1, remove (p) (uu) (vv) and (ww) from Permitted Uses for this site and consider removing uses that relate to traffic flow.
- Issue #5 regarding the use of garage doors on the pavilion.
- Issue #12 regarding traffic flow – internal circulation with site to the north.

Commissioner O'Connor requested a copy of the State's statute which governs how the Planning Commission is set up and which states its mission and purpose.

Commissioner O'Connor asked for clarification on what the Planning Commissioners are allowed to review with respect to issues that affect sites adjacent to proposed projects. City Attorney Beach replied that it is the Commission's responsibility to review all the issues that are brought before it. If a Commissioner wants to see how a particular proposal will affect an adjacent site, staff can provide drawings of the adjacent site.

IX. NEW BUSINESS

- A. Stoneridge Office Building (Tristar):** An amendment to City of Chesterfield Ordinance 1943, allowing 250 surface parking spaces in lieu of twenty (20) for the Stoneridge Office Building a "PC" Planned Commercial located on the south side of South Outer Forty Road, northeast of Yarmouth Point Drive and Candish Lane.

Senior Planner Annissa McCaskill-Clay stated the following:

- On August 12, 2004, the City of Chesterfield received a request for a text amendment to Ordinance 1943, which was approved July 21, 1993.
- Ordinance 1943 approved a change in zoning from "R-5" Residence District to "PC" Planned Commercial District for the Stoneridge Office Development, which is located immediately east of Chesterfield Hills' entrance.

- The text amendment proposed by the petitioner and shown on the preliminary plan was for an allowance of 250 surface parking spaces.
- The way the Ordinance is currently written limits surface parking in the area and says, “*Said surface parking shall not exceed 20 spaces.*”
- The preliminary plan that was submitted along with the text amendment shows that the parking structure, originally shown when the Ordinance was passed, is gone and is replaced with 250 surface parking spaces.

Councilmember Geiger stated that the approved project has a non-disturb area and does not include a berm and asked for verification that this would not change at this time if the proposed text amendment is approved. Senior Planner McCaskill-Clay replied that the limits of disturbance as referenced in the ordinance are not being changed.

For clarification, City Attorney Beach stated that the non-disturb area is on the original site plan and became an issue when a new site plan was presented with the proposed text amendment – the new site plan creates a disturbance in the area, which is identified as not to be disturbed on the site plan that was part of the lawsuit settlement.

Commissioner Macaluso made a motion to approve the amendment to City of Chesterfield Ordinance 1943 allowing for either 250 surface parking spaces in lieu of the 20 surface parking spaces; or the originally-approved 20 surface parking spaces with the parking structure, and to request that City Council look further into this Ordinance, specifically to the building size and no-disturb zone. The motion was seconded by Commissioner Hirsch.

Senior Planner McCaskill-Clay asked if the Commission would like Staff to address any particular changes between what was originally done with Attachment A and this plan.

City Attorney Beach stated that Staff needs to address site plan issues because the site plan is part of the litigation settlement.

Reference was made to page 10 to the Attachment A, item 11. “Power of Review”, which states:

The Site Development Plan for the development shall be reviewed and approved by the entire City Council.

Discussion was then held regarding whether the Site Development Plan would be reviewed by the Planning Commission before going before City Council. It was determined that the Site Development Plan will come back to the Planning Commission before being presented to the City Council.

Commissioner Asmus expressed concern about the following:

- The amount of background to the development, of which he was not aware due to the fact that he was not a part of the Commission – background that included numerous ordinance drafts, lawsuits, and settlement of lawsuits.

- The concerns raised by two residents during the Public Comments portion of the meeting.
- Questions raised about the process as to whether the Planning Commission would be reviewing this project again before it goes to City Council.

Commissioner Asmus stated that he has real concerns about approving the requested amendment given the absence of background information being provided to those Commissioners who have not been a part of the entire process. He further stated that the citizens should be given every clear indication that the Commission has heard what they have said. He would have preferred hearing the developer's request after the developer's meeting with the residents.

Commissioner Asmus made a motion to table the motion approving the amendment to City of Chesterfield Ordinance 1943. The motion **dies** due to a lack of a second.

Upon roll call, the vote on the original motion to approve was as follows:

Aye: Commissioner Macaluso, Commissioner O'Connor,
Commissioner Perantoni, Commissioner Sandifer,
Commissioner Banks, Commissioner Hirsch,
Chairman Sherman

Nay: Commissioner Asmus

The motion passed by a vote of 7 to 1.

B. Barry Simon Development (Fox Hill Farms)

Commissioner Macaluso referred to the ordinance for Eagle Bluff Court with respect to the cul-de-sac and asked how the Commission can approve zoning without amending the ordinance. It was her understanding that if the ordinance is not amended, moving forward on the project would be violating the ordinance and asked how the Commission could proceed.

City Attorney Beach replied that, in his opinion, the Commission would not be violating an ordinance which is in place. The ordinance passed by the City Council says that there will be an access point to the property which is beyond and it is his opinion the ordinance clearly states this intention. Mr. Beach explained to the Commission that they were to review the petition before them based on good planning principles.

COMMITTEE REPORTS:

A. Committee of the Whole – No Report

B. Ordinance Review Committee

Commissioner Banks stated that the Ordinance Review Committee will meet at 3:00 p.m. on October 20, 2004.

C. Architectural Review Committee – No Report

D. Landscape Committee – No Report

E. Comprehensive Plan Committee – No Report

F. Procedures and Planning Committee – No Report

G. Landmarks Preservation Commission – No Report

H. Valley Master Plan Committee

Commissioner O'Connor reported on a recent meeting she attended regarding the Valley Master Plan. She noted that the City's Comprehensive Plan has different uses planned for the western end of the Valley than the eastern end. Planning in the western end includes more warehouse and industrial uses requiring a lesser need for sewer and water. She wanted the Commission to be aware that if other kinds of development - such as biotech or more office use - are approved for the western end, there is the possibility that there will not be enough sewer and water available.

Commissioner O'Connor had a DVD available for viewing, which showed how much development has been accomplished in Chesterfield Valley over the past ten years. Mayor Nations stated that the DVD was prepared by CCDC, with the assistance of St. Louis Family Church, in conjunction with the Tenth Anniversary of the establishment of the Tax Increment Financing District in the Valley. If anyone is interested in seeing the DVD, copies can be obtained by contacting CCDC.

XI. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Lynn O'Connor, Secretary