PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 10, 2011

The meeting was called to order at 6:30 p.m.

I. ROLL CALL

PRESENT	**ABSENT**
Mr. Bruce DeGroot	Mr. Stanley Proctor
Ms. Wendy Geckeler	
Ms. Laura Lueking	
Ms. Debbie Midgley	
Mr. Robert Puyear	
Mr. Michael Watson	
Mr. Steven Wuennenberg	
Chair Amy Nolan	

Mayor Bruce Geiger
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Shawn Seymour, Senior Planner
Mr. Justin Wyse, Senior Planner
Ms. Susan Mueller, Principal Engineer
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Nolan acknowledged the attendance of Mayor Bruce Geiger; Councilmember Connie Fults, Council Liaison; and Councilmember G. Elliot Grissom, Ward II.

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

A. P.Z. 09-2011 Simpson Construction Materials (17971 North Outer Forty Road): A request for an Amendment to a Conditional Use Permit authorized by St. Louis County in a "FP-M3" Flood Plain Planned Industrial District of 81.64 acres in size and located on the east side of US Highway 40/Interstate 64 south of its crossing of the Missouri River (16W240030).

STAFF PRESENTATION:

Senior Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- All Public Hearing notification requirements per State and City of Chesterfield requirements were met.
- The site is currently being utilized as an extraction and stockpiling yard for sand. Surrounding and adjacent properties are either undeveloped or also located in the floodplain.
- The Petitioner is requesting a proposed asphalt plant; similar land uses of a concrete plant and an asphalt plant are located in the immediate area.
- The access road to the site crosses the levee trail.
- The site was zoned "FP M3" Flood Plain Planned Industrial District by St. Louis County in 1965 prior to the City's incorporation.
- A Conditional Use Permit was granted by St. Louis County in 1967. The Conditional Use Permit allows the extraction and stockpiling of the raw materials.
- The Comprehensive Land Use Plan designates the site as *Agricultural/Flood Plain/Conservation* – a blanket district for all properties located north of the levee.

- Requested Land Use:
  Extraction of raw materials from the earth and processing thereof, but not including manufacturing of a product. The existing Conditional Use Permit (C.U.P.) allows for the extraction and the Petitioner is requesting an amendment to the C.U.P. to allow for the processing of the raw materials. The processing procedure involves adding oil to the sand and gravel to create asphalt.

- Issues Under Review by Staff
  1. Staff is working with the Petitioner on Preliminary Plan details to show the exact location of items on the site.
  2. Staff is waiting for outside Agency Approval letters.
  3. Petitioner is to provide Staff with its approval letter from the Missouri Department of Natural Resources.
  4. There are environmental concerns with the site associated with possible flooding, hazard mitigation, and hazard preparedness plans.
  5. Currently the site is not served by water or sewer.
  6. There is concern about the existing level of service to North Outer Forty, which is currently being accessed by a gravel road.
  7. Staff is studying as to whether the proposed use is located in a floodplain vs. a floodway.

DISCUSSION

Commissioner Geckeler noted that the existing asphalt plant, located south of Olive Street Road, is protected by the 500-year levee and is not located near the water.

Commissioner Wuennenberg asked for clarification between the terms *processing* and *manufacturing*. Mr. Seymour noted the following definitions:

Manufacturing: The assembly of finished or semi-finished product.

Processing: The blending or synthesizing of raw materials.

In the subject case, the *processing* involves the blending of oil with the sand and gravel to create asphalt.

Commissioner Watson expressed concern that there are no fire hydrants in the area in connection with the requested asphalt plant. Mr. Seymour stated that at the Site Plan review stage, the Petitioner will need to obtain approval from the Fire District, MSD, and Missouri Water for the proposed plant. At that time, these agencies may require the running of their utilities.

City Attorney Heggie asked if the amendment to the Conditional Use Permit would be restricted to asphalt processing or whether the language would be more general to allow other potential processing. Mr. Seymour replied that the language being requested is the generic language from the Zoning Ordinance out of the Floodplain Overlay – it is noted below but does not specify *asphalt* processing:

> *Extraction of raw materials from the earth and processing thereof, but not including manufacturing of a product.*

City Attorney Heggie recommended that Staff work with the Petitioner to determine if they are willing to restrict the language to the processing of asphalt only.

PETITIONER'S PRESENTATION:
The following gentlemen were available for questions:

1. Mr. Jeff Wagener, Lathrop & Gage, representing the Petitioner, 7701 Forsyth, St. Louis, MO;
2. Mr. Mark Simpson, Owner of Simpson Construction Materials, 926 South Highway Drive, Fenton, MO; and
3. Mr. Mike Vonderheide, Cole & Associates, 10777 Sunset Office Drive, St. Louis, MO.

Commissioner Geckeler stated she obtained information regarding asphalt plants and siting criteria from the subcommittee report of the Thurston County Planning Commission in the State of Washington. She asked questions pertaining to the following issues to which Mr. Simpson responded.

- Emission Control System: All emissions will be processed through a baghouse. The baghouse is sized in ratio to the size of the plant. In addition, the Missouri Department of Natural Resources issues an air permit and a stormwater discharge permit.

- Land and Environmental Issues regarding recycled asphalt product: There will not be any recycled asphalt product on the site.

- Siting Issues relative to locating on a floodplain along the Missouri River: Simpson Construction currently has its main plant permitted by St. Louis County in the Meramec River floodplain. The two liquid products to be used on the proposed site are the burn fuel and AC-20 – these two products will be contained in insulated, multi-walled tanks, which are placed in a concrete bunker sized to the number of gallons in the particular tank. In the event a tank would rupture, the material would be contained in the bunker. Even if the concrete bunker is under flood for several months, there would not be any penetration out to the surrounding ground.

- Siting Issues with respect to being near the levee trail: There is an asphalt plant in the City of St. Charles on the Missouri River within a few feet of the Katy Trail – much closer than the proposed plant is to the levee trail.

- Emergency Procedures since there is no access to water on the site: Mr. Simpson referred to a *Safety Data Sheet* published by Conoco Oil Company, a supplier for the AC-20 (oil). This data sheet includes a five-step rating system (0-4) for AC-20 with respect to firefighting measures. The chart below shows the rating for this product. Mr. Simpson noted that the chance of fire for this product is very minimal; but the site is within 500 feet of the river from where water could be pulled in the event of a fire.

AC-20	**Rating**
Health Concerns	0 – Minimal
Flammability Concerns	1 – Very slight
Instability Concerns	0 – Minimal

Commissioner DeGroot asked if there would be any odor from the asphalt plant. Mr. Simpson indicated that there will not be any odor from the plant. The emissions will be controlled by the baghouse - there are "virtually no emissions that come out of the plant."

Chair Nolan asked if there will be any waste from the project. Mr. Simpson stated there will not be any waste – it is a perishable item which, once mixed and put on a truck, will be transported off the site.

Commissioner Watson asked about the fuel source that will be used to produce heat as he felt this fuel would be combustible. Mr. Simpson replied that the two liquid products, the burner fuel and the AC-20, will be contained in tanks in concrete bunkers.

City Attorney Heggie asked how much material would have to be moved from the site in the event of a flood; and how long it would take to move it. Mr. Simpson replied that it would involve moving 4-5 truckloads and that there would be ample time to move the product given the fact that there would be several days' warning of any impending flooding. The decision to move will be made by the Owner. It was also noted that the plant is elevated above the floodplain. They have a lot of experience working in the floodplain because the company has been working in the river bottoms since 1932.

Ms. Geckeler referred to data that states *asphalt plants may emit significant levels of both particulate matter and gaseous volatile organic compounds, which are considered detrimental to human health.* The data noted that while pollutants can be minimized by technology and periodic inspections, failed technology could allow the emission of plumes of gases that are not fully cleaned. She asked who requires periodic inspections. Mr. Simpson replied that the State DNR conducts inspections at least twice per year – the company also has its own in-house maintenance program where all the emissions are checked on a regular basis.

Commissioner Lueking asked if they currently dry sand at their Chesterfield facility. Mr. Simpson replied that the sand is not dried at this facility.

Commissioner Lueking also inquired as to how far the plant is from the bridge and how its location may impact any future expansion of the bridge. It is believed that the plant is

approximately 200 feet away from the right-of-way line – any expansion should not impact the plant.

Commissioner Lueking asked for an estimate on the additional truck traffic that would be crossing the levee trail. Mr. Simpson felt there would be 25-30 truckloads per day. He noted that there is very good visual sight to the trail and that the truck drivers are going at a slow speed over the trail; in addition, cyclists and pedestrians are elevated giving them an excellent visual at the crossing.

Commissioner Lueking asked for an estimate of how many truckloads per day are currently crossing the trail. This information was not available but Ms. Aimee Nassif, Planning & Development Services Director stated that this request will be added to the list of issues.

Commissioner Watson stated that he hopes the gravel road will be paved as it generates a lot of dust for motorists using the on-ramp to the highway. Mr. Simpson stated that they will be spraying water and a dust suppressant on the road to hold the dust down.

City Attorney Heggie then thanked the current owners of the site for granting an easement to the City for the construction of the levee trail.

Councilmember Fults asked for the location of Simpson Construction Materials' two existing plants in St. Louis County. Mr. Simpson stated that one is located on the North Outer Road one mile west of Highway 141 and Highway 44 – between the Outer Road and the Meramec River; the other plant is on St. Charles Rock Road in Bridgeton.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:
Chair Nolan then asked Ms. Nassif to list those issues identified by the Planning Commission:

1. Truck traffic crossing the levee: current traffic and projected estimates, along with the impact it will have on the trails.
2. Fire District comments.
3. Applicant to address fire concerns raised, as well as other concerns related to hazard and flooding issues.
4. Possibility of restricting the site to an asphalt plant only.
5. Petitioner to provide information on permits and inspections required by State and Federal entities.
6. Confirmation that there will not be any odor generated from the plant.

Commissioner Midgley read the Closing Comments for the Public Hearing.

Ms. Nassif explained to members of the audience that Staff will send an Issues Letter to the Applicant. Staff will then work with the Applicant in addressing these issues. Once all the issues have been addressed, the petition will be placed on the Planning Commission agenda for vote.

V. APPROVAL OF MEETING MINUTES

Commissioner Puyear made a motion to approve the minutes of the September 26, 2011 Planning Commission Meeting with a correction to Commissioner Proctor's name as listed in the Roll Call as follows:

~~Robert~~ Stanley Proctor

The motion was seconded by Commissioner DeGroot and **passed by a voice vote of 6 to 0** with Chair Nolan and Commissioner Lueking abstaining.

VI. PUBLIC COMMENT

A. P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC.)

Petitioners:

1. Mr. Mike Doster, Doster, Ullom, 16090 Swingley Ridge Road, Chesterfield, MO referred to the height limitation in the Attachment A for P.Z. 07-2011. The request for a maximum height of 60 feet is to allow for some vertical architectural articulation that they believe will improve the appearance of the development.
2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS - None

VIII. OLD BUSINESS

A. P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC.): A request for a change of zoning from a "NU" Non-Urban District and an "FP NU" Flood Plain Non-Urban District to a "PC" Planned Commercial District for a 48.625 acre area of land located north of North Outer 40 Road and east of Boone's Crossing (17T420016, 17T430048, and 17U640103).

Senior Planner Justin Wyse stated that the Public Hearing for this petition was held on September 12, 2011. Staff has received correspondence from the Petitioners indicating their willingness to remove the following uses from the request. Consequently, the Attachment A excludes these uses.

Permitted Uses

(9) Automobile sales, new
(27) Coffee shop, drive-thru
(35) Drug store and pharmacy, drive-thru
(37) Dry cleaning establishment, drive-thru
(45) Filling station and convenience store with pump stations
(49) Financial institution, drive-thru
(85) Restaurant, with drive-thru window

Accessory Uses

(2) Amusement park
(10) Automobile sales, accessory to Automobile sales, new
(80) Research facility, accessory to Office – general and medical
(101) Vehicle repair and services facility, accessory to Automobile sales, new

A draft of the Traffic Impact Study has been submitted to the City, County, and the Missouri Department of Transportation. The Study, along with any associated improvements, is required to be completed at the Site Development Plan phase of the process.

At the Public Hearing, there was considerable discussion about the Comprehensive Plan and how it relates to the definition of *regional retail*. The definition refers to national tenant anchors having more than 150,000 square feet. The Petitioner has agreed to a restriction that would limit single tenant occupancy to no more than 75,000 square feet within the development. This restriction would differentiate the development from a *regional retail facility* as identified in the Comprehensive Plan.

Additionally, Staff believes that an overall density requirement of 500,000 square feet is appropriate for this development and the Petitioner has no objection to such a restriction.

After receiving the Issues Letter, the Petitioner contacted Staff regarding the 45-foot height restriction. The Attachment A allows for architectural features to be no taller than 60 feet in height, while other portions of the building must not exceed 45 feet in height. The 60-foot allowance cannot add to the usable floor area and it is not to be used for elevating signage.

The proposed building will have to show compliance with the sky exposure plane; have an FAA permit; and will be reviewed by the Architectural Review Board and the Planning Commission.

The Petitioner is requesting a modification to the openspace requirement to reduce the it from 35% to 30%. The justification presented by the Petitioner for the reduction was that the required drainage channel along the front (southern) portion of the property would be enclosed, which they feel will improve the aesthetic value of the open space when compared to the typical open channel along other portions of North Outer 40 Road. This request will require a separate vote of Planning Commission with a two-thirds vote for recommendation of approval.

If the Planning Commission considers the requested modification to the openspace requirement, Staff recommends the following amendment be included in the Attachment A for this development:

3. *Open Space*

   a. *A minimum of 35% openspace is required for this development. 30% openspace shall be required if the required storm water improvements, per the current version of the Chesterfield Valley Master Storm Water Plan, along the southern portion of this District are enclosed.*

City Attorney Heggie asked if the Department of Planning & Public Works is comfortable with the ditch being enclosed and the maintenance thereof. Mr. Wyse stated that there is language in the Attachment A allowing the developer *to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements.*

Commissioner Watson asked if the site would be able to park a development of 500,000 square feet. Mr. Wyse advised that if the site cannot be parked, it cannot be built. He noted that the Petitioner is not being granted 500,000 square feet – rather they are being granted a **maximum** square footage of 500,000.

Commissioner Watson inquired as to the number of buildings in the Valley that are over 45 feet in height. Staff did not have this information available. Commissioner Watson then asked if any of the retail establishments in The Commons are over 45 feet. It was noted that there are not.

Commissioner DeGroot made a motion to approve the rezoning request of P.Z. 07-2011 Chesterfield Outlets (T-O Ventures, LLC.) The motion was seconded by Commissioner Midgley.

Commissioner Watson made a motion to amend the motion by amending Section I.B.2.a. of the Attachment A as follows: (changes shown in **bold)**

> *The maximum height of the building, exclusive of rooftop mechanical equipment and screening, shall not exceed 45 feet;* ***~~however, architectural features, including but not limited to towers, that do not add any usable floor area may be a maximum of 60 feet in height.~~***

The motion died due to the lack of a second.

Upon roll call, the vote to approve the rezoning was as follows:

Aye: Commissioner DeGroot, Commissioner Geckeler, Commissioner Midgley, Commissioner Puyear, Commissioner Wuennenberg, Chair Nolan

Nay: Commissioner Lueking, Commissioner Watson

The motion passed by a vote of 6 to 2.

Commissioner Puyear made a motion to amend Section I.B.3.a. of the Attachment A regarding the openspace requirement as follows: (changes shown in **bold)**

> *A minimum of 35% openspace is required for this development.* ***30% openspace shall be required if the required storm water improvements, per the current version of the Chesterfield Valley Master Storm Water Plan, along the southern portion of this District are enclosed.***

The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote on the openspace requirement was as follows:

Aye: Commissioner Geckeler, Commissioner Lueking, Commissioner Midgley, Commissioner Puyear, Commissioner Watson, Commissioner Wuennenberg, Commissioner DeGroot, Chair Nolan

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:33 p.m.

_____

Michael Watson, Secretary