

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 8, 2018**

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

I. ROLL CALL

PRESENT

ABSENT

Commissioner Allison Harris
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Mary Monachella
Commissioner James Rosenauer
Commissioner Gene Schenberg
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Mark Lee, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Jessica Henry, Assistant City Planner
Ms. Cassandra Harashe, Planner
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Also in attendance were Councilmember Ben Keathley, Ward II; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Michael Moore, Ward III; and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

- A. P.Z. 07-2018 City of Chesterfield (Unified Development Code—Article 3):**
An ordinance amending Article 3 of the Unified Development Code to revise the “AG” Agricultural District regulations and the Use Table for Nonresidential Districts.

STAFF PRESENTATION:

Planner Andrew Stanislav stated that the purpose of this Public Hearing is to amend the permitted and conditional uses contained within the Use Table for Nonresidential Districts for the “AG” Agricultural District, and noted that Staff was authorized to pursue these updates at the November 9, 2017 Planning and Public Works Committee meeting.

The request stems from numerous areas that are unprotected by the 500-year levee within the Chesterfield Valley. Amendments to the Conditional and Permitted Uses are proposed to allow for more passive recreational uses, as well as the current activities taking place in the area north of the Monarch Chesterfield Levee. There are currently several properties north of the levee which have an industrial zoning that ties back to an old St. Louis County zoning district that is no longer an active district under the City’s Unified Development Code (UDC). The City’s Comp Plan designated this area as Agricultural/Floodplain/Conservation, which may not be suitable for industrial zoning districts.

The requested changes to the agricultural district would provide an incentive for property owners to zone away from the industrial type zoning, which is currently in place, in favor of the “AG” Agricultural District. This would better align the zoning designations in this area with the Comprehensive Plan’s Agricultural/Floodplain/Conservation land use designation.

If these updates were approved and property owners chose to file a petition to rezone their properties into the AG District, it would bring these areas into an active zoning district under the City’s UDC, which would facilitate future development. However, it’s important to note that the use table simply establishes the permitted and conditional uses for the zoning district. Any proposed development of one of these uses would still be required to comply with all local, state, and federal regulations for development within the floodway.

Eleven revisions are proposed, as summarized in the table below:

USE	REQUESTED ACTION
Agriculture and Agricultural Buildings	Delete from table; redundant*
Livestock raising and keeping of animals	Delete from table; redundant*
Historic Sites, including buildings	Add as permitted use
Natural or primitive areas and forests encompassed by the provisions of the MO State Forestry Law	Add as permitted use
Camping facility	Add as conditional use
Farmer’s market	Add as conditional use
Extraction & processing of raw materials from the earth and processing thereof	Add as permitted use
Device for energy generation	Add as permitted use
Individual sewage treatment facilities	Add as permitted use
Telecommunications structure	Add as permitted use
Telecommunications tower or facility	Add as permitted use

*Redundant with use “Farming, livestock and stables. Farming includes cultivation of crops, plants, and domestic animals with no salesrooms.”

Initially, Staff had requested that the Commission vote on this item this evening. However, following the release of the meeting packet, Staff has heard from some of the property owners requesting additional information. In order for all of these properties to fully participate in the process, Staff is requesting that no action be taken on this petition this evening. This will allow Staff to hear input from the Commission and any Speakers, and to address that input, as necessary, before bringing this item back for a vote.

Discussion

Floodway Area

Ms. Jessica Henry, Assistant City Planner explained that all of the area north of the Monarch Levee is considered *floodway*. The floodway allows for very limited activities and any operation must comply with FEMA regulations showing that the activity will not result in additional rise. There are currently both sand excavation and topsoil operations working in this area. Commercial-type structures are generally not permitted in the floodway.

SPEAKERS IN FAVOR:

Ms. Ruth Haynes, Chesterfield Topsoil, 16849 North Outer 40 Road, Chesterfield, MO.

Ms. Haynes stated that she and her husband are the owners of the family-run business, Chesterfield Topsoil, which they started in 1976. She asked that the proposed revisions be approved. She noted that if the revisions aren't approved, their property would be restricted to agricultural uses resulting in its value being greatly reduced, and resulting in their topsoil business not being permitted.

Discussion

During discussion, it was explained that Chesterfield Topsoil has been operating its business under a series of grading permits. If the proposed revisions are approved, *extraction and processing of raw materials from the earth and processing thereof* would be a permitted use under the AG District. Chesterfield Topsoil would be able to file a zoning map amendment petition requesting the AG District for their property. Ms. Henry noted that these operations would also be subject to FEMA regulations for operating in a floodway.

If Chesterfield Topsoil would choose not to rezone to the AG District, the active grading permit would expire in January of 2020 and at that point, the use would no longer be permitted on the site.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

Mr. Sean Sortor, 1717 Wilson Avenue, Chesterfield, MO.

Mr. Sortor stated that they own a couple hundred acres in the area being discussed and asked that the Planning Commission postpone its vote to allow them time to meet with Staff to review the permitted and conditional uses being proposed.

Chair Hansen confirmed that the Commission had agreed to postpone voting on this petition at this time. Commissioner Tilman stated that he is pleased these discussions are taking place before a vote because the Planning & Public Works Committee suggested getting feedback from the affected property owners to determine how a change in zoning would affect them.

Discussion

Commissioner Tilman asked for clarification on the use *Individual sewage treatment facilities*. Ms. Henry explained that this refers to septic systems noting that she is not aware of any septic systems north of the levee. However, it is quite possible that there are still septic systems associated with the older farm sites down Olive Street Road and around Eatherton Road. The proposed revisions would not force anyone to join into a sewer system; MSD determines whether a property is required to connect to a new sewer system.

Commissioner Midgley read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

A. Approval of September 12, 2018 Planning Commission Meeting Summary

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the September 12, 2018 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 7 to 0. (*Commissioners Harris and Schenberg abstained.*)

B. Approval of September 26, 2018 Planning Commission Meeting Summary

Commissioner Midgley made a motion to approve the Meeting Summary of the September 26, 2018 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 9 to 0.

VI. PUBLIC COMMENT

P.Z. 08-2018 Homewood Suites (Keller Ventures, LLC):

1. Mr. Mike Doster, 16090 Swingley Ridge Road, Chesterfield, MO – representing Sachs Properties as affiliate of Chesterfield Village, Inc.

Mr. Doster provided background information on the cross access easement noting that in 1998, at the time of approval of the Site Development Plan for Homewood Suites, a condition was imposed that there be a cross access easement for the benefit of Homewood Suites. On the Site Development Plan approved by the City, there is script that reads as follows:

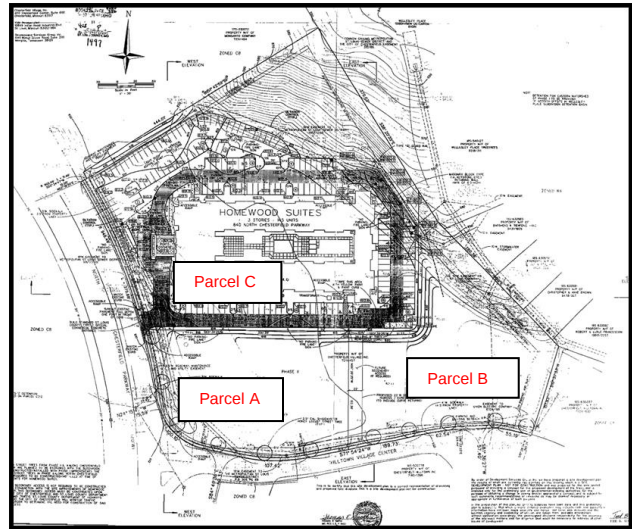
The proposed secondary access is not required to be constructed immediately in conjunction with the site improvements of Homewood Suites, however, this secondary access must be constructed upon demand by the City of Chesterfield and St. Louis County Department of Highways and Traffic. St.

Louis County Department of Highways and Traffic and the City of Chesterfield will monitor traffic conditions in order to determine the need for construction of said secondary access.

Mr. Doster stated that Chesterfield Village, Inc. conveyed both the fee simple title to the property and the 22-foot wide ingress/egress easement to the entity that owns the Homewood Suites, Chesterfield Village Hotel, LLC. He went on to say that the obligation to construct the easement is on Homewood Suites if it is determined the easement is needed as a result of traffic generated by the hotel.

The Petitioner, Keller Ventures, LLC, has committed to building a joint access that would connect to the easement to serve Parcels A and B. The easement extending north to the property line towards Homewood Suites would only serve Parcel C. They question the City imposing the obligation to construct the access on the developer of Parcel A, as they do not feel it is fair or in accord with the history of the prior approvals. They feel the condition can be enforced against Homewood Suites.

The image to the right shows the approved Site Development Plan depicting the ingress/egress easement.



2. Mr. George Stock, Stock & Associates Engineering Consultants, 275 Chesterfield Business Parkway, Chesterfield, MO – representing Keller Ventures, LLC, owner under contract of Parcel A.
3. Ms. Kate Stock Gitto, Stock & Associates Engineering Consultants, 275 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock noted that Mr. Doster covered the issue that he was going to address. Mr. Stock and Ms. Stock Gitto both indicated they were available to answer questions regarding the amendment request.

New Spirit Energy Convenience Store (Circle K) 4th Amended Architectural Elevations

1. Mr. Jason Buxton, 1249 Weber Loop, Farmington, MO – on behalf of Circle K and New Spirit Energy.

Mr. Buxton stated he was available to answer any questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **New Spirit Energy Convenience Store (Circle K) 4th Amended Architectural Elevations**: Amended Architectural Elevations and Project Narrative for a 0.84 acre tract of land zoned "PC" Planned Commercial District located on the southeast side of the intersection of Clayton Rd. and Wildwood Pkwy.

Commissioner Midgley, representing the Site Plan Committee, made a motion recommending approval of the **4th Amended Architectural Elevations and Project Narrative for New Spirit Energy Convenience Store (Circle K)**, as presented. The motion was seconded by **Commissioner Schenberg**.

Discussion

Councilmember Hurt asked for the Commission's opinion on the five-foot high, red colored stripes being requested taking into consideration the discussions on the Brite Worx development for an 18-inch colored band. He noted that both of the developments are on Clayton Road and abut residential areas.

It was noted that the Commission considered the following during its discussion in the earlier Site Plan Committee meeting:

1. The Circle K car wash has already been approved with a four-foot red stripe.
2. The Architectural Review Board expressed the opinion that the proposed single stripe was preferable to the existing two stripes.
3. The proposed stripe will not be lit vs. the existing stripes being back-lit.
4. The surrounding area and its compatibility with the site is different than the area surrounding the Brite Worx site.
5. The lower portion of the building will have a color change from the existing bright red to a "nuthatch brown" color.

The motion to approve **passed** by a voice vote of 9 to 0.

- A. **The Smokehouse (Annie Gunn's Restaurant)**: A request for a five-year renewal of a temporary structure previously approved by the Planning Commission for a 1.85 acre parcel of land zoned "C-8" – Planned Commercial District and located south of Chesterfield Airport Road and west of Baxter Road (17T240201).

Commissioner Midgley, representing the Site Plan Committee, made a motion recommending approval of the five-year renewal of the **Amended Architectural Elevations for The Smokehouse (Annie Gunn's Restaurant)** with the temporary structure depicted on the renderings as a permanent structure for the purpose of the City's Zoning Ordinance. The motion was seconded by **Commissioner Tilman** and **passed** by a voice vote of 9 to 0.

- B. Spirit Valley Business Park II (P.Z. 42-2007 Time Extension Request):**
A request for a one (1) year extension of time to commence construction for a 27.4 acre tract of land zoned “PI” Planned Industrial District located south of Olive Street Road and west of Wardenburg Road.

Commissioner Midgley, representing the Site Plan Committee, made a motion recommending approval of a one-year extension of time to commence construction for P.Z. 42-2007 Spirit Valley Business Park II (18730 Olive Street Road). The motion was seconded by Commissioner Schenberg and **passed** by a voice vote of 9 to 0.

VIII. UNFINISHED BUSINESS

- A. P.Z. 07-2018 City of Chesterfield (Unified Development Code - Article 3):** An ordinance amending Article 3 of the Unified Development Code to revise the “AG” Agricultural District regulations and the Use Table for Nonresidential Districts.

Chair Hansen announced that the Commission has agreed to postpone discussion on this petition allowing Staff time to address input received from the Commission and property owners affected by the proposed changes.

- B. P.Z. 08-2018 Homewood Suites (Keller Ventures, LLC):** A request to amend Ordinance 2916 to establish new permitted uses and development criteria for 7.4 acres of land within an existing “C-8” Planned Commercial District and located at the northeast corner of Chesterfield Parkway West and Hilltown Village Center. (18S540138, 18S540149, 18S540150).

Planner Cassie Harashe stated that the Public Hearing for this petition was held on August 13, 2018. The request is two-fold: (1) to add two new uses to the list of approved uses for this site - *Day Care Center* and *Kindergarten or Nursery School*; and (2) that the Urban Core standards, with the exception of the parking setback and landscape buffer along Hilltown Village Center, be applied to the new uses only.

Ms. Harashe presented the table below comparing the requirements of the current governing ordinance, the Urban Core standards, and the petitioner's request.

Development Criteria	Current Ordinance	Urban Core District	Petitioner's Request (for new uses only)
Parking Setbacks			
Roadway	15'	30'	30' – Chesterfield Parkway 15' – Hilltown Village Center
Northwestern Boundary Line	15'	30'	15'
Northeastern Boundary Line	30'	30'	30'
Internal	0'	No minimum	0'
Structure Setbacks			
Roadway	20'	35'	35'
Northwestern Boundary Line	20'	35'	35'
Northeastern Boundary Line	30'	35'	35'
Internal	0'	No minimum	0'
Open Space	--	30%	30%

The Petitioner has stated that they will comply with the setbacks along Chesterfield Parkway, but has noted that the depth of the lot makes it difficult to comply with the parking setback and landscape requirements along Hilltown Village Center. Ms. Harashe pointed out that the parking setbacks and landscape buffers along Hilltown Village Center range between zero feet at West County Day School to thirty feet behind Schnuck's.

Due to a lack of regularity in the surrounding area, the Petitioner's request for reduced parking setbacks and landscape buffers for the new uses along Hilltown Village Center would not create an inconsistency between the uses that would develop on Parcel A and Parcel B, nor would it disrupt any particular pattern along the remainder of Hilltown Village Center. Staff has no concern with the Petitioner's request along Hilltown Village Center.

Staff recommends that the cross access from the hotel site to Hilltown Village Center be installed with the next phase of development. There is an existing cross access easement currently in place. The Petitioner has stated that they only wish to install a portion of this drive. Therefore, Staff recommends that the Planning Commission include a motion to amend the Attachment A to include a requirement to install the cross access with the next phase of development. Draft language has been included in the Staff report, as noted below:

III. Specific Design Criteria: "C-8" Along Olive Street Road

- 7. Cross access connecting Parcel C to Hilltown Village Center, as directed by the City of Chesterfield, shall be constructed with the development of either Parcel A or B, whichever comes first.*

In summary, Staff recommends a motion incorporating the cross access into the draft Attachment A and amending the setbacks along Hilltown Village Center.

Discussion

Cross Access

Considerable discussion took place regarding Staff's recommendation that the cross access be constructed with the next phase of development, and as to who is responsible for its construction. It was noted that it is not the City's responsibility to determine who will pay for the access. Mr. Doster stated his opinion that Homewood Suites is obligated to construct the cross access, as noted by the language on the approved 1998 Site Development Plan. He cited the conditional language from the Site Development Plan:

The proposed secondary access is not required to be constructed immediately in conjunction with the site improvements of Homewood Suites, however, this secondary access must be constructed upon demand by the City of Chesterfield and St. Louis County Department of Highways and Traffic. St. Louis County Department of Highways and Traffic and the City of Chesterfield will monitor traffic conditions in order to determine the need for construction of said secondary access.

Mr. Doster pointed out that the language proposed by Staff puts the obligation on Keller Ventures, LLC as they are the first to come forward with a proposal to develop Parcel A.

Because the access will benefit both Homewood Suites and Parcel A, Councilmember Hurt indicated that he didn't have an opposition to both entities sharing in the cost of its construction.

After further discussion, the Commission agreed that the cross access easement should be built but language does not need to be included in the Attachment A as the City already has the authority to enforce its construction, per the approved 1998 Site Development Plan.

Uses

No issues were raised with respect to the requested uses. Because of the development of new businesses around the site, Chair Hansen stated that there is probably a need for the expanded uses.

Setbacks

No issues were raised regarding the requested setbacks.

Commissioner Wuennenberg made a motion to approve P.Z. 08-2018 Homewood Suites (Keller Ventures, LLC), and its Attachment A, as presented. The motion was seconded by Commissioner Tilman.

Commissioner Wuennenberg then made a motion made to amend his motion to amend Section III.2.b.ii.c. of the draft Attachment A as follows (*changes shown in red*):

- III. Specific Design Criteria: "C-8" along Olive Street Road
 - 2. No parking areas, loading areas or structures, including internal drives except ingress and egress drive shall be located within the following landscaped setbacks:
 - b. Parcel VIII.
 - ii. For the uses: day care center and kindergarten or nursery school:
 - c. **Thirty (30) Fifteen (15)** feet along the Hilltown Village Center right-of-way.

The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote on the amendment to the Attachment A was as follows:

**Aye: Commissioner Marino, Commissioner Midgley,
Commissioner Monachella, Commissioner Rosenauer,
Commissioner Schenberg, Commissioner Tilman,
Commissioner Wuennenberg, Commissioner Harris,
Chair Hansen**

Nay: None

The motion passed by a vote of 9 to 0.

Upon roll call, the vote to approve P.Z. 08-2018 Homewood Suites (Keller Ventures, LLC), as amended, was as follows:

Aye: Commissioner Midgley, Commissioner Monachella,
Commissioner Rosenauer, Commissioner Schenberg,
Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Chair Hansen

Nay: None

The motion passed by a vote of 9 to 0.

Commissioner Tilman recommended that the Planning & Public Works Committee be advised of the Commission's consensus that the cross access needs to be completed with the next phase of development, and that Staff should coordinate with Homewood Suites regarding its construction. Chair Hansen added that the Commission approved the petition based on the language included on the 1998 approved Site Development Plan authorizing construction of the secondary access upon demand by the City and County. Ms. Henry responded that Staff will summarize the Commission's discussion and take it forward to the Planning & Public Works Committee.

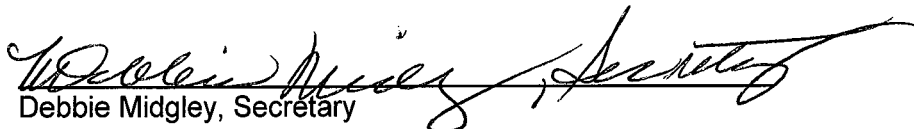
IX. NEW BUSINESS

Chair Hansen reported that the Planning Commission Liaisons for each of the 2019 Architectural Review Board Meetings have been designated.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:17 p.m.


Debbie Midgley, Secretary