PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 23, 2019

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

I. ROLL CALL

PRESENT	ABSENT
Commissioner Allison Harris	Commissioner Debbie Midgley
Commissioner John Marino	
Commissioner James Rosenauer	
Commissioner Gene Schenberg	
Commissioner Jane Staniforth	
Commissioner Guy Tilman	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Mayor Bob Nation
Councilmember Mary Ann Mastorakos, Council Liaison
Mr. Michael Lindgren, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning & Development Services
Mr. Chris Dietz, Planner
Ms. Annisa Kumerow, Planner
Mr. Mike Knight, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Mary Ann Mastorakos, Council Liaison; Councilmember Barb McGuiness, Ward I; Councilmember Mary Monachella, Ward I; and Councilmember Dan Hurt, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Schenberg read the "Opening Comments" for the Public Hearing.

A. P.Z. 12-2019 Burkhardt Place (16626 Old Chesterfield Road) Ordinance Amendment: A request for an ordinance amendment to an existing "PC" Planned Commercial District with a "LPA" Overlay to add coffee shop as a permitted use within the existing structure at 16626 Old Chesterfield Road (17T310412).

STAFF PRESENTATION:

Planner Annisa Kumerow gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Kumerow then provided the following information about the subject site:

Zoning
The subject site is zoned "PC" Planned Commercial. A number of the properties along Old Chesterfield Road have been zoned with the *Landmark and Preservation Area* overlay, the intent of which is to preserve structures that contribute to the cultural and historic character of the community.

Comprehensive Plan
The subject property is designated as *Urban Core* within the City's Future Land Use Plan, with the following Plan Policies applicable to the petition:

- Policy 1.8 Urban Core: The Urban Core should be developed to contain the highest density of mixed-use development in Chesterfield. It should serve as the physical and visual focus for the City and include both residential and commercial developments with parks, municipal services, and preservation of historic structures and areas, with cultural, entertainment and pedestrian amenities for its residents.
- Policy 3.6.8 Historic Preservation – Historic structures, districts, and sites should be preserved and protected and the City's historical heritage should be promoted where appropriate.

The subject site conforms with these Plan Policies as it is located within a planned district and contains a mix of uses, all of which are housed within a preserved historic building under the terms of the Landmark Preservation Area overlay.

Request
The Petitioner is requesting to add ***coffee shop*** as a permitted use without a drive-thru element. Modifications to the subject site to accommodate this use will take place within the interior of the existing building. The Petitioner also intends to utilize the existing porch by providing tables and seating.

Preliminary Plan
Given that there are no exterior modifications associated with the requested use, the current site development plan will serve as the preliminary plan for this request.

Discussion
Chair Hansen asked for clarification on the operating hours. Ms. Kumerow noted that the operating hours for the proposed coffee shop will align with the operating hours of the existing music business.

Mayor Nation inquired as to the relevance of the historic overlay in connection with the subject petition. Mr. Justin Wyse, Director of Planning & Development Services, explained that the site is included in the original plat of Chesterfield, and as such, is included on the National Historic Register. The overlay allows increased flexibility in preserving the character of the area. In this particular case, the Petitioner is requesting relief from the parking requirement. It was noted that to meet City Code requirements, a significant amount of parking would be necessary for this site, which would alter the historical appearance of the area. Under the Landmark Preservation Area overlay, the site is allowed to have less parking than City Code requirements.

PETITIONER'S PRESENTATION: None

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Commissioner Schenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Tilman made a motion to approve the Meeting Summary of the September 9, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 7 to 0. (***Commissioner Harris abstained from the vote.)*

VI. PUBLIC COMMENT

A. Chesterfield Valley Medical Office Building II, Sign Package

Petitioner:
Mr. Shannon Brown, Owner of The Designery, 3051 Bartold Avenue, St. Louis, MO

Mr. Brown stated that he represents the Missouri Center for Reproductive Medicine, which has approximately 12,000 sq. ft. of space in the subject building at 17300 North Outer 40 Road. Since most of the patients visiting the site are from out of town, "the way-finding application" on the building is very important.

B. P.Z. 04-2019 13559 Olive Blvd (McDonald's)

Petitioner:
Mr. Bob Polk, licensed professional engineer and Principal at Farnsworth Group, 20 Allen Avenue, St. Louis, MO

Mr. Polk stated that he is representing McDonald's USA. Since their last meeting with the Planning Commission, he has worked with both his client and City Staff to address concerns regarding hours of operation, noise, and lighting. He stated he is available to answer any questions after Staff's presentation.

Speakers – Neutral:
Mr. Bill Burns, 13493 Coliseum Drive, Chesterfield, MO

Mr. Burns stated that he is speaking as a Board Member of The Forum/Woodsmill Point Condominium Association, noting that the condo development borders the north side of McDonald's. He stated that most of the proposed changes in the plans are satisfactory to the condo residents. They have visited other McDonald sites where the proposed ordering stations have been installed, and listening from a 25-foot distance, their concerns about noise appear to be addressed.

Mr. Burns then pointed out that they are unable to find on the proposed drawings the fence that borders between the condo site and McDonald's site. Mr. Polk agreed that there appears to be an issue with the plotting of the drawing, but the fence is shown as a very light line. He confirmed that the fence will remain, and a new sound-proof fence to the north of the trash enclosure will replace the existing wood fence.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Chesterfield Valley Medical Office Building II, Sign Package: A request for a Sign Package for a 4.725 acre tract of land located on the north side of North Outer 40 Road at the intersection of Boone's Crossing and South Outer Forty Drive.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for Chesterfield Valley Medical Office Building II. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 7 to 1**. *(Chair Hansen voted "no".)*

VIII. UNFINISHED BUSINESS

A. P.Z. 04-2019 13559 Olive Blvd (McDonald's): A request for a zoning map amendment from a "C8" Planned Commercial District to a "PC" Planned Commercial District for a .86 tract of land located north of Olive Blvd., west of its intersection with North Woods Mill Rd. (16Q241471)

Request
Planner Mike Knight stated that the primary purpose of this request is to allow for: (1) an update to both the interior and exterior renovations of the existing McDonald's building; and (2) construction of a double drive-thru lane.

Proposed Changes
The position of the new ordering station for the double-drive-thru lane necessitates the following changes:

- Relocation of parking spaces to the west of the building;
- Relocation of the trash enclosure approximately 20 feet to the north; and
- Adjustments to the structure setbacks and parking setbacks.

ISSUES

The applicant has addressed the issues raised at the July 8th Public Hearing, as noted below:

Sound

To address concerns regarding added noise levels for the adjacent residential neighborhood, the applicant has directed the ordering station east so that it faces commercial property vs. the current condition to the north facing residential properties. A sound exhibit has also been provided showing that the newly-positioned ordering station will not affect noise levels to the residents.

The applicant will also provide a 30 linear foot sound wall around the trash enclosure.

Cross Access and Access

Concerns had been brought forward regarding both vehicular and pedestrian circulation.

The applicant has agreed to record a cross-access easement to the commercial property to the east for any future redevelopment. In addition, the applicant has agreed to provide a short connection to the commercial property to the east, as shown on the Preliminary Development Plan.

It was also noted that MoDOT has planned improvements budgeted for 2021 to include a sidewalk along Olive Boulevard.

Parking

The applicant was asked to provide a Preliminary Development Plan that does not decrease the parking on the site.

The applicant has noted that the proposed Preliminary Development Plan does not decrease the amount of parking from the existing condition.

Location of Trash Enclosure

Because the proposed Preliminary Development Plan depicts the trash enclosure closer to the residential property, the applicant is agreeable to installing a new, non-masonry screening fence for approximately 30 linear feet. Such language has been added to the Attachment A as a requirement.

Hours of Operation

The applicant has removed its request for a 24-hour operation and is requesting hours of operation from 5:30AM–11:00PM Monday-Saturday; and 6:00AM–11:00PM on Sunday. Mr. Knight pointed out that the existing governing ordinance restricts hours of operation from 6:30AM-10:00PM daily, but the applicant has been operating from 5:30AM-11:00PM so their request matches the hours that McDonald's is currently open.

Mr. Knight also noted that the City is in receipt of a letter from the residents requesting hours of operation to be from 6:00AM-11:00PM daily. Mr. Burns was asked back to the podium whereupon he stated that the residents accept the applicant's proposed operating hours of 5:30AM-11:00PM

Requested Modifications
The applicant is requesting two modifications, which require separate motions and two-thirds approval by the Planning Commission, as noted below:

1. No structure shall be permitted within thirty-five (35) feet of a property line adjoining property designated residential.
2. No parking area shall be permitted within twenty-five (25) feet of a property line adjoining property designated residential**.**

Discussion

During discussion, the following items were reviewed and clarified, as necessary:

Trash Removal
The Attachment A includes language that limits deliveries and trash pick-ups to the hours of 7:00 a.m. to 10:00 p.m., which matches the existing ordinance.

Parking/Trash Enclosure
As someone who lives near the subject McDonald's, Commissioner Schenberg pointed out that he has never seen the lot full of parked cars. Accordingly, he suggested that the applicant request a variance to reduce the parking by the three spaces that have been moved to the western side of the site. He also noted that the preliminary plan indicates that cars can park right up to the front of the trash dumpster, which he feels could cause problems if the trash is being picked up while cars are parked in that area.

He then suggested moving the trash enclosure from the current position to the rear corner of where the newly created parking west of the building is proposed. Commissioner Schenberg pointed out that this location would not impact the residents as the proposed location would.

Mr. Burns indicated his agreement with Commissioner Schenberg's suggestion.

Mr. Polk stated that it is not uncommon for parking spaces to be located in front of the trash enclosure. The building owner generally works out an arrangement with the trash service whereby the spaces can be coned off if a regular pick-up schedule is in place. He indicated that he is not in a position at this time to determine if it the suggested relocation is feasible.

Because of odor issues, Commissioner Tilman noted his concern with the trash enclosure being located next to the neighborhood pool without consent from the pool owner. He then asked whether consideration had been given to locating the trash enclosure in the area about midway between the existing trash location and the proposed location. Mr. Polk replied that moving the trash enclosure to that location would result in the loss of mature landscaping, which includes significant pine trees. He explained that the proposed location has the back of the trash enclosure embedded about three feet into grade with a fence on top of a berm above the trash enclosure. It is anticipated that from the top of the masonry wall to the top of the sound wall, it is approximately 6-8 feet.

Commissioner Rosenauer noted his opposition to moving the trash enclosure to the northwest corner of the site because that area provides substantial tree coverage, which mitigates the sound to the adjacent condo complex.

Commissioner Tilman also raised safety concerns about parking spaces being moved to the western side of the building.

Parking Requirements
Mr. Polk explained that they meet the existing parking with the proposed development plan, but they are under-parked per the requirements of the "PC" Planned Commercial zoning. Parking studies have determined that the existing parking is more than sufficient for the site's peak hours. He noted that the three parking spaces which have been moved to the western side of the building are needed to match the existing parking the site now has.

Commissioner Rosenauer pointed out that these three parking spaces could possibly be utilized by customers who have placed online orders.

Councilmember Mastorakos expressed concern with the three parking spaces on the western side of the site because of the loss of green space in this area.

VOTE
Before making a motion on the petition, Commissioner Schenberg asked if the applicant wanted to consider relocating the trash enclosure and parking spaces thereby delaying the vote. Mr. Polk stated that he is confident that McDonald's prefers the plan as presented.

Commissioner Schenberg made a motion to approve P.Z. 04-2019 13559 Olive Blvd (McDonald's) as presented. The motion was seconded by Commissioner Wuennenberg.

Amendment 1:

Commissioner Wuennenberg made a motion to amend the motion to amend the west Parking Setback from 75' to 17'. The motion was seconded by Commissioner Tilman.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0.

Amendment 2:

Commissioner Wuennenberg made a motion to amend the motion to amend the Trash Enclosure to be located as seen on the Preliminary Development Plan. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0.

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

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

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

Commissioner Wuennenberg suggested that meeting packets include 22"x17" drawings as he feels they are easier to work with than the full-sized drawings. After a brief discussion, it was the consensus of the Commission to direct Staff to review the possibility of providing 22"x17" drawings for meeting packets vs. full-sized drawings.

X. COMMITTEE REPORTS

XI. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Gene Schenberg, Secretary