

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 14, 2009**

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

I. ROLL CALL

PRESENT

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

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Mara Perry, Senior Planner
Ms. Kimberly McMahan, Civil Engineer
Mr. Charlie Campo, Project Planner
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Ms. Mary Ann Madden, Recording Secretary

ABSENT

Mr. Maurice L. Hirsch, Jr.

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Acting Chair Grissom acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; and Councilmember Bruce Geiger, Ward II.

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

- A. **P.Z. 12-2009 New Kinkead Estates (James and Suzanne Burnley)**: A request for a new public hearing to amend the legal description for the change of zoning from an "R3" Residence District to an "R6A" Residence District for a 1.1 acre tract of land located at 1000 N. Woods Mill Road, ¼ mile south of the intersection of Woods Mill Road and Olive Boulevard. (16Q310021)

STAFF PRESENTATION:

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

- A prior Public Hearing was held for this petition on July 27, 2009. Due to a discrepancy with the legal description, the petition was re-advertised and a second Public Hearing was scheduled.
- The Public Hearing notifications were published per State statutes and City of Chesterfield requirements.
- The Comprehensive Land Use Plan designates the site as "Residential Multi-Family".
- No changes have been made to the rezoning request other than the amendment to the legal description.

PETITIONER'S PRESENTATION:

Ms. Sue Burnley, 1000 N. Woods Mill Road, Chesterfield, MO passed on speaking.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

Ms. Carol Osterloh, 806 Amolac Drive in Wood Lake Condominiums, Chesterfield, MO stated the following:

- She represents the Wood Lake residents as a member of the Board of Trustees.
- A second letter has been sent to the Planning Commission from Marvin J. Nodiff, attorney representing the Wood Lake Residents Association, outlining additional concerns from the residents.
- One of the most "worrisome concerns" for the residents is the stormwater runoff that comes from the west, down the creek, and into their lakes.
- If the subject rezoning is approved, the residents are concerned that the runoff from multiple dwellings will be carried to the creek instead of saturating the now existing grass-covered ground.
- Speaker pointed out that the September 2009 issue of the *Chesterfield Citizen* addresses the issue of stormwater runoff and encouraged the Commission to read this article.

SPEAKERS – NEUTRAL:

Mr. William Engel, 815 Amolac Drive in Woods Glen Condominiums, Chesterfield, MO stated the following:

- There is concern that a significant amount of loose earth, cement, and building debris will be disposed of in the creek during the construction phase.
- He requested that a “strict set of restrictions associated with building materials” be put in place that would prohibit any of these types of material being disposed of in the creek, which would then contaminate their lakes.
- He feels these “prohibitions should be clearly stated and in place” during the construction period, which would be prior to the Site Plan stage.

Mayor Nations responded to Mr. Engel assuring him that the City has standards for controlling runoff and silt. Normal procedures require that the Developer measure the lake prior to, and after, construction.

Commissioner Geckeler noted that the runoff and siltation controls have improved dramatically in the City over the years. Commissioner Watson added that this process is in place for the construction being done at Justus Post to protect their lake. The lake was measured prior to construction and siltation fences were put up, along with reinforcements, to insure that no construction debris would enter the lake. The City has been doing “an excellent job” in monitoring the construction site at Justus Post.

REBUTTAL: None

ISSUES:

Referring to the issues raised by the Speakers, Ms. Perry pointed out that during the Improvement Plan stage:

- The Developer would need to provide a Stormwater Protection Plan;
- The Developer may also need to provide a Lake Protection Bond;
- There would be an ongoing monitoring of the process by the City;
- The Developer would have to meet MSD’s stormwater and water quality protection requirements;
- The Developer would have to apply for a Grading Permit before the ground is disturbed; and
- If an issue arises, there is the ability to initiate a Stop Work Order.

Commissioner Geckeler read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Proctor made a motion to approve the minutes of the August 24, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

A. P.Z. 10-2009 84 Lumber (MASE LLC):

Petitioner:

Mr. Chris Kehr, 911 South 13th Street, St. Louis, MO stated he was available for questions.

Commissioner Banks stated that during the Public Hearing it was indicated that there is no odor from the paint being used. When visiting the Carstar site at 47 Caprice Drive on two different occasions, he noted that the overhead doors were open and solvent could be smelled. Mr. Kehr stated that he also visited the Carstar site on three occasions and never smelled anything either outside or inside the building. He stated he would get an answer as to why an odor was present during Commissioner Banks' visits.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Brooking Park Village (The Willows at Brooking Park Village):**
Amended Site Development Plan, Amended Architectural Elevations, Amended Lighting Plan, and Amended Landscape Plan for a 15.119 acre tract of land, zoned "R-1" Residence District and "R-3" Residence District (10,000sq.ft.) with a Conditional Use Permit, located west of Woods Mill Road at the intersection of Woods Mill Road and Brooking Park Drive.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Plan, Amended Architectural Elevations, Amended Lighting Plan, and Amended Landscape Plan for **Brooking Park Village (The Willows at Brooking Park Village)**. The motion was seconded by Commissioner Geckeler and **passed** by a voice vote of 8 to 0.

- B. **Wings Corporate Estates Lot 20 (Natoli Engineering)**: A Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 3 acre tract of land zoned "PI" Planned Industrial District located on the North side of Paul Haglin Drive

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for **Wings Corporate Estates Lot 20 (Natoli Engineering)**. The motion was seconded by **Commissioner Geckeler** and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 10-2009 84 Lumber (MASE LLC)**: A request for a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District for a 7.42 acre tract of land located south of Interstate 64/Highway 40 and East of Long Road at 17519 Chesterfield Airport Rd. (17U510073)

Project Planner Charlie Campo stated that the Public Hearing for this project was held on June 22, 2009 at which time two Speakers spoke in opposition to the project and several issues were identified by the Planning Commission. Mr. Campo then summarized the issues and how they have been addressed.

1. Proposed Uses

- The Petitioner has removed four of the twenty-five requested uses. A revised list of uses has been incorporated into the Attachment A.
- The building and parking setbacks listed in the draft Attachment A have been written to limit all uses to the southern portion of the site that is currently developed.
- The request is for "PI" Planned Industrial zoning vs. "PC" Planned Commercial inasmuch as "*Uses e, j, k and u*" being requested by the Petitioner are not listed as permitted uses in the "PC" Planned Commercial district.
- The uses proposed are similar to the uses allowed in other surrounding developments within the "Mixed Commercial Use" land use category. The uses identified in the draft Attachment A are consistent with the surrounding area.

2. Site Operation

- The gate will be open during operational hours; however, this site is not intended to be a "retail" type of location with customers visiting the site throughout the day, nor is it expected to have any type of 24 hour activity.

- Regarding the number of cars to be stored outdoors on the site, the Petitioner has stated that it is difficult to estimate a precise number. Staff feels that the Petitioner would be able to operate in accordance with the regulations of the draft Attachment A with regard to screening the open storage areas on the site and that no limits on the number of cars allowed are required.
- At the request of the Commission, the Petitioner has indicated he will get more information on the issue regarding paint odors on the site.

3. Cross Access

- The Petitioner has no plans for cross access to the existing Car Star facility to the west. However in the Attachment A, a requirement has been included to provide cross access to the developments to the east and west as directed by the City of Chesterfield – but cross access is not being required at this time.

4. Screening

- Staff was asked to work with the Petitioner regarding screening of the site from Chesterfield Airport Road and I-64/Highway 40-61. The draft Attachment A requires that all open storage shall be screened with landscaping and/or fencing as shown on the Site Development Plan, which matches the language that was previously in Ordinance 1010. The existing landscaping and fencing on the Site Development Plan will provide adequate screening of the property from both Chesterfield Airport Road and I-64/Highway 40-61. The Petitioner has stated that they are planning to bring the site into conformance with the existing Landscape Plan.

Commissioner Geckeler noted that the contiguous properties to the subject site are zoned either “PC” or “NU”; and that there are no “PI” properties on the north side of Chesterfield Airport Road. Mr. Campo pointed out that there are “PI” properties on the south side of Chesterfield Airport Road and on the west side of Long Road. Commissioner Geckeler added that there was a “philosophical point of view that ‘PI’ should be predominantly west of Long Road on Chesterfield Airport Road”.

Because the subject site is adjacent to Highway 64 and is a “gateway into our community”, Commissioner Perantoni stated her concern about the appearance of the site. She also noted that there are no “PI” properties in this area adjacent to Highway 64.

Commissioner Nolan made a motion to approve P.Z. 10-2009 84 Lumber (MASE LLC). The motion was seconded by Commissioner Puyear.

Commissioner Geckeler then made a motion to amend the motion to make the following three amendments to the proposed Attachment A. (changes shown in **bold**)

- Section I.A. - Permitted Uses
 - n. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, and boats, **but excluding tractor trailers**, as well as associated repairs and necessary outdoor storage of said vehicles, **but excluding tractor trailers**.
 - ~~u. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.~~
- Section I.N. - Miscellaneous
 - 1. All utilities will be installed underground.
 - 2. **At such time as significant structural improvements or changes to the existing fences or buildings are made to the existing development, the existing development will be required to adhere to all applicable code requirements and design guidelines of the City of Chesterfield.**

Commissioner Watson seconded the motion. Both Commissioners Nolan and Puyear accepted the amendment to the original motion.

Upon roll call, the vote to approve P.Z. 10-2009 84 Lumber (MASE LLC), as amended, was as follows:

**Aye: Commissioner Nolan, Commissioner Puyear,
Commissioner Watson, Acting Chair Grissom**

**Nay: Commissioner Perantoni, Commissioner Proctor
Commissioner Banks, Commissioner Geckeler**

The motion failed by a vote of 4 to 4.

City Attorney Heggie announced that the petition would go forward to City Council without approval from the Planning Commission.

- B. P.Z. 12-2009 New Kinkead Estates (James and Suzanne Burnley):** A request for a new public hearing to amend the legal description for the change of zoning from an "R3" Residence District to an "R6A" Residence District for a 1.1 acre tract of land located at 1000 N. Woods Mill Road, ¼ mile south of the intersection of Woods Mill Road and Olive Boulevard. (16Q310021)

Ms. Mara Perry stated that at the previous Planning Commission meeting, Staff reviewed the issues with respect to adjacent zoning and densities, traffic, access

to the site, and the proposed density. The meeting packet includes exhibits of possible designs of the site, easement documentation, and a letter from Attorney Marvin Nodiff representing the Wood Lake Residents Association. Staff has no outstanding issues on the petition.

Commissioner Geckeler stated that she feels it is important that infill development be complementary to the properties adjacent to, and around it. It appears to her that the density is very compatible with the surrounding developments. Ms. Perry added that the “R6A” zoning is very similar in density to the adjacent multi-family units. It was also noted that the City enforces additional setbacks on the “R6A” straight zoning than what was required by St. Louis County for the adjacent multi-family project. There are also additional landscape buffers, as well as a new stream buffer, which were not required for the existing surrounding developments.

Ms. Perry stated that parking would need to meet the City’s current requirements of 2.5 parking spaces per unit. It is not required that all of the spaces be enclosed – while there may be a one-car garage per unit, the Developer would still need to provide on-site parking for another 1.5 spaces per unit.

Commissioner Proctor noted that the letter from Attorney Nodiff indicates that the *“applicant proposes twelve (12) dwellings on the subject parcel”*. He requested clarification that the number of dwellings has not yet been determined and that 12 dwellings would not be possible on the site. Ms. Perry confirmed that the Petitioner has not submitted a Site Plan and is not required to submit one at this time. In Staff’s opinion, it would be quite difficult to develop the site with more than eight units.

Mayor Nations addressed the residents’ previously-stated concerns regarding stormwater runoff. He noted that the Developer would be required to submit a stormwater management plan, along with the other items outlined earlier. Staff believes that the issues have been addressed at this particular time through the requirements of the City and what the Developer would be obligated to do. If the residents have any further concerns, the Mayor encouraged them to attend the upcoming meetings on this project.

Ms. Perry further explained the approval process for the rezoning, which involves a series of Committee and City Council meetings. After that point, a Site Development Plan would be submitted, which would also go through a review process by City Staff, the Planning Commission, and outside agencies such as MSD and the Fire District. After that process, Improvement Plans would be submitted for Staff review.

Commissioner Banks made a motion to approve P.Z. 12-2009 New Kinhead Estates (James and Suzanne Burnley). The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0.

The petition will move forward to the Planning & Public Works Committee scheduled to meet on September 24th at 5:30 p.m.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Michael Watson, Secretary