PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 28, 2017

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner Wendy Geckeler	Commissioner Mary Monachella
Commissioner Allison Harris	
Commissioner Laura Lueking	
Commissioner John Marino	
Commissioner Debbie Midgley	
Commissioner James Rosenauer	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Jessica Henry, Senior Planner
Ms. Cecilia Dvorak, Project Planner
Mr. Mike Knight, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; State Representative Bruce DeGroot; Councilmember Barbara McGuinness, Ward I; Councilmember Guy Tilman, Ward II; Councilmember Ben Keathley, Ward II; and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

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

A. P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC (Ordinance Amendment): A request to amend Ordinance 2841 to amend the development conditions in a "C-8" Planned Commercial District, for a 2.93 acre tract of land located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461 & 17U140472).

STAFF PRESENTATION:
Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Existing Conditions
The subject site consists of two parcels – the northern parcel includes a McDonald's restaurant and a BP gas station; the southern parcels includes the Northwest Tire & Auto facility.

Comprehensive Land Use Plan
The subject site is located within the *Mixed-Use Retail/Office/Warehouse* land use designation in the Comprehensive Land Use Plan.

Request
- Increase the allowable square footage of the Oil Change Facility to 3,250 square feet with a maximum of 6 bays.
  - *The current square footage is 2,100 square feet with 3 bays*

- Decrease the minimum open space requirement by 1% to 26% for the entire development.
  - *The current open space for the development is 27%*

- Decrease the structure setback from the southern boundary of the development to 10 feet to accommodate the relocation of a trash enclosure.
  - *The current structure setback from the southern boundary line is 15 feet*

Preliminary Plan
The Preliminary Plan depicts changes on the southernmost parcel, which shows the three-bay, 1,315 square foot expansion and the relocation of the trash enclosure. It was noted that the requested decrease in open space would affect the entire development. All final plans, including parking configuration and changes in the site circulation, would require an amended site development section plan.

Discussion
Commissioner Wuennenberg asked for clarification on the where the 1% decrease in open space would occur. Ms. Dvorak explained that it's not shown in any one particular area; the Petitioner has provided an exhibit showing the current open space at 27.7%, and is requesting an allowable open space of 26%. It was confirmed that the City's standard open space requirement is 30%.

PETITIONER'S PRESENTATION:
Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO – speaking on behalf of Automotive and Trailer II, LLC.

Mr. Stock stated that they are requesting the following three text amendments to Ordinance 2841. (changes shown in **bold)**
- The Oil change facility and Vehicle repair and service facility uses shall be limited to ~~three (3)~~ **six (6)** bays and shall not exceed ~~2,100~~ **3,250** square feet.

- A minimum of ~~twenty-seven percent (27%)~~ **twenty-six percent (26%)** open space is required for this development.
- ~~Fifteen (15)~~ **Ten (10)** feet from the southern boundary of this C8 District. *It was noted that this setback decrease is being requested to accommodate the proposed trash enclosure*

The Petitioner's desire is to increase the size of the building from three bays to six bays, which they feel is the right size for this facility. Mr. Stock explained that they have a select clientele, which they hope to continue to service through the proposed expansion. He noted that the site has adequate parking for the expansion and that no changes are being requested to the current land uses.

The Preliminary Development Plan depicts the addition of the three proposed bays on the west side of the existing building. The addition would place the building at 101 feet from Long Road's edge of pavement as compared to the building to the south which sits at 86.5 feet from Long Road.

Mr. Stock addressed the open space decrease noting that some of the open space is being taken from the western side of the parcel due to the additional building. However, some additional open space is being added back into the site plan on the north side of the building. He explained that the open space calculations relate to the entire development. Currently, Lot 1 (McDonald's and BP/Amoco) has an open space of 23.56%, which will remain unchanged; Lot 2 (Northwest Tire & Auto) currently has 46.9% open space. The current total open space for the two lots is 27%. The requested decrease in open space would change the open space for Lot 2 to 38.7% resulting in a total open space of 26% for the entire development.

Discussion

Councilmember Hurt gave background information on the site wherein former owners of the property requested similar changes approximately two years ago, but then withdrew the petition. And prior to that, the owners requested a larger building when the entire corner was being redesigned, but that did not occur either.

Commissioner Wuennenberg expressed a desire to have the open space percentage remain at 27%. Mr. Stock responded that they could review the number of parking spaces to determine whether it could be adjusted in order to allow for more open space.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

Mr. Corry Schulz, Atlas Unlimited Properties, LLC, 128 and 134 Long Road, Chesterfield, MO.

Mr. Schulz stated that Atlas Unlimited Properties, LLC owns the two properties south of the subject site - Same Day Auto Body and a small house that is being renovated for leasing purposes. He explained that the existing easement on the site is the only access for the two businesses south of the subject property. He then noted his concerns as follows:

- The easement will be overly-stressed by any sort of development; the easement is already stressed wherein traffic gets blocked on an almost-daily basis. Mr. Roger Herin of the Monarch Fire Department has indicated that the

easement needs to be turned into a marked fire lane for EMS and fire vehicles to use in the event of an emergency at one of these businesses.
- The expansion of the building would block Same Day Auto Body from the intersection.
- The proposal indicates that the building may be used for repairing large vehicles, such as RVs. Speaker has concerns that the parking, along with the width of the drive-thru lanes and easement, is not adequate for these types of vehicles.

Mr. Schulz added that they want to work with their neighbors to find a solution to correcting the easement while still allowing them to expand their business.

SPEAKERS – NEUTRAL: None

ISSUES:
1. Determine whether the decrease in open space can be minimized.
2. Agency comments and safety concerns related to the existing easement

Commissioner Wuennenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Lueking made a motion to approve the Meeting Summary of the August 14, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 6 to 0 with 2 abstentions.**

VI. PUBLIC COMMENT

State Representative Bruce DeGroot, 16814 Crystal Springs, Chesterfield, MO.

Mr. DeGroot expressed his appreciation and thanks to Mayor Nation, Councilmember Hurt, and the Planning Commission for their service to the City.

Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO representing the Petitioner for **P.Z. 05-2017 Villages at Bonhomme Creek (704 Alrick, LLC)** stated he was available for any questions.

Mr. Mike Lang, 11469 Olive Boulevard, St. Louis, MO representing the Petitioner for **P.Z. 05-2017 Villages at Bonhomme Creek (704 Alrick, LLC)** stated he was available for any questions.

The following individuals spoke **in opposition** to **P.Z. 05-2017 Villages at Bonhomme Creek (704 Alrick, LLC):**

1. **Ms. Carol Partlow Fyock**, 17842 Wild Horse Creek Road, Chesterfield, MO - member of St. Thomas United Church of Christ.

Ms. Fyock stated that for the past two years, St. Thomas United Church of Christ has joined with The Journey in operating programs for the children within the Chesterfield Mobile Home Park, along with doing repairs to the two trailers owned by The Journey. She noted that the mobile home park is the only moderate to low-income priced-housing located in Chesterfield, which provides homes to a diverse group of residents of all ages and backgrounds. She suggested that the proposed apartment complex could be built elsewhere in Chesterfield and encouraged the Commission to vote "in a manner that will not destroy the Chesterfield Mobile Home Park".

2. **Mr. James Moore**, 15457 Duxbury Way, Chesterfield MO – speaking on behalf of Social Justice for All and West County Community Action Network.

Mr. Moore provided an update from the last meeting on their work to possibly establish a Community Land Trust (CLT), which would meet the needs of the owner who wants to sell the land, the needs of the existing residents of the Chesterfield Mobile Home Park, and the needs of the City to improve the housing stock within the mobile home park. By means of a door-to-door survey, it has been determined that 85% of the mobile home park residents have "desires to stay long-term in the mobile home park". Mr. Moore expressed his hope that the City will allow them "the opportunity to move forward to finalize this great idea".

Discussion

Commissioner Lueking asked Mr. Moore if has reached out to the owner of the property. Mr. Moore replied that they have had some communication with the owner, but indicated that the owner is under legal constraint and unable to negotiate because of an existing contract in place. Mr. Moore added that they are "under the belief that if the rezoning request is denied and the family still seeks to sell the land, they would entertain an offer from a community land trust for purchase of the land – or a possible partnership with the current owners in establishing a community land trust." He clarified that they have not discussed the matter in any great detail because of the legal constraints on the property owner at this time.

3. **Mr. Patrick Fisher**, 16695 Wild Horse Creek Road, Chesterfield, MO - Principal of Wild Horse Elementary School.

Mr. Fisher stated that the Commission's decision is ultimately about the people and children who live in the mobile home park, and who have contributed to the community and to the schools. He stated that he is here to support his "kids" and to fight for what he believes is best for them, and hoped the Commissioners "would do the same" when casting their votes.

4. **Rev. Margaret Philip**, 17836 Wild Horse Creek Road, Chesterfield, MO – Pastor of St. Thomas United Church of Christ.

Rev. Philip stated that if the zoning change is approved, then the Commission is also "approving the removal of a very crucial citizenry of the City of Chesterfield", who are service workers, students, and retirees who live there because "there is no other affordable housing available to them in the City of Chesterfield". She added that whether or not the zoning is approved, "there must be a plan for affordable housing in Chesterfield" and asked the Commission to consider this issue.

5. **Ms. Sarah Sperry**, 1275 Somerset Field Drive, Chesterfield, MO

Ms. Sperry stated she is the President of the PTO at Wild Horse Elementary School but is speaking as a parent within the community of the school. She noted that the Wild Horse Elementary School is very multi-cultural including an "amazing group of children who come from all over the world and speak over 20 languages". She noted that the parents of those children who live in the mobile home park are "hard-working, have strong character, are at the school and very involved with their children, and are part of the school community". She added that she hopes the City can look for ways to bring in people of all walks into the Chesterfield community and that as developers come into Chesterfield, they can develop other properties so that the individuals of the mobile home park are not displaced.

6. **Ms. Jane Durrell**, 177 Gunston Hall Court, Chesterfield, MO.

Ms. Durrell asked that the Commission leave the current zoning in place as she believes the current neighborhood is serving a purpose to the City and to the people who live there. She feels that the proposed development is not compatible with the neighborhood as it includes a dense development of modern, four-story buildings compared to the "quaint, nearly 100-year-old" houses across the street, many of which are on the National Register of Historic Places. She agrees with former speakers who encouraged Chesterfield to have affordable housing and noted that the mobile home park is already in place as affordable housing.

Ms. Durrell then referred to the existing cemetery plot on the site noting that it is her understanding that the deed to the cemetery will be held by the Long family heirs in perpetuity. She questioned how having the cemetery land owned by the Long family would affect open space percentages and density of the site.

Ms. Durrell concluded that during her many years of service and involvement with the City, "the going phrase has been *Neighborhoods first*" and she hopes the Commission will let that stand.

Discussion

Commissioner Lueking stated that the Commission is struggling with this vote for all the reasons expressed by the speakers, but then explained that the subject site is currently zoned "C-7", which is a commercial zoning with the trailer park being a non-conforming use. She pointed out that the site is not currently a residential zoning. In addition, the property directly across the street has a "C-8" zoning for an approved gas station.

Commissioner Wuennenberg agreed that there is an emotional piece to this issue and that while it is a tough decision, the Commission must look at it objectively.

Responding to Ms. Durrell's suggestion that the use be "grandfathered in", City Attorney Chris Graville explained that *grandfathering* means that the trailer park is a legal, non-conforming use because it existed before the current zoning was put in place. When the subject property was rezoned by St. Louis County, the legal, non-conforming use continued because the owner of the property can continue to use it as a trailer park as a "grandfathered use" regardless of the rezoning. Even if the Commission votes to rezone the property, it is the owner's decision as to whether or not he continues with the legal,

non-conforming use. A positive vote by the Commission to rezone the property does not eliminate the trailer park as that is the owner's decision.

7. **Mr. Steve Robinson**, 16703 Chesterfield Manor Drive, Chesterfield, MO.

Mr. Robinson stated that the rezoning should not be approved because of the following reasons:

- It contradicts the City's Comprehensive Plan.
- It will cause an increase in traffic.
- The housing analysis posted on the City's website indicates that "rental units may be becoming less affordable based upon the percentage of household income spent on rent."
- There is already a luxury-apartment complex under construction close to the City's pool and amphitheater and he has concerns that two such complexes may not be viable.
- Mobile home parks are the only unsubsidized, low-income housing available in America and 6% of the U.S. population lives in one.

8. **Dr. Ed Ernstrom**, 908 Doresay Lane, Chesterfield, MO.

Dr. Ernstrom noted that in addition to being a resident of the mobile home park, he is also a chiropractor operating in the City at 300 Chesterfield Center. He indicated his agreement with the comments made by the previous Speakers and added that the mobile home park residents are citizens of Chesterfield and the Comprehensive Plan should protect them as such.

Dr. Ernstrom also referred to the following sections of the Comprehensive Plan:

- Section 2.1 Quality Residential Development - The City recognizes that neighborhoods are the identity of Chesterfield and that the condition of neighborhoods determines the desirability of Chesterfield as a place to raise a family. This Plan is meant to assist residents in creating and preserving neighborhoods. *Dr. Ernstrom stated that apartments do not attract families.*
- Multi-family, residential housing types located in Chesterfield include apartments and condominiums which consist of four or more dwellings located in a single structure. Multi-family residences tend to be located along high-traffic volume roads, such as Olive, Chesterfield Parkway, Clayton, Baxter, and Woods Mill. *Dr. Ernstom noted that Wild Horse Creek Road is not listed as an area for multi-family housing.*

9. **Ms. Kalila Jackson**, 1027 South Vandeventer, St. Louis, MO – Senior Staff Attorney at the Metropolitan St. Louis Equal Housing and Opportunity Council

Ms. Jackson stated that she has submitted a letter to Staff which outlines her concerns. She stated that the City has an obligation to affirmatively further fair housing (AFFH) both under its Consolidated Plan and as a sub-recipient to the block grant fund which the City receives under St. Louis County. The Consolidated Plan directs the Commission to recognize and consider the importance of encouraging a range of housing opportunities within the City of Chesterfield. And while the owner has the right to sell and utilize the property as he sees fit, the City has elected to reserve the right to review those

development plans, which needs to be done consistently with the plan that has been adopted and with the obligations that the City has undertaken as an AFFH sub-recipient. She encouraged the Commission to "do the due diligence and examine how these communities will be affected" and "to consider developing an affordable housing plan".

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. 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 Wuennenberg, 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 Midgley and **passed by a voice vote of 8 to 0**.

B. Chesterfield Airport Commerce Park (P.Z. 15-2009 Time Extension Request): A request for a one (1) year extension of time to commence construction for three properties totaling 10.546 acres zoned "PI" Planned Industrial District located at 17970 Chesterfield Airport Road, 609 Cepi Drive, and 17975 Edison Avenue (17V240153, 17V240331, 17V330311).

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of a one-year extension of time to commence construction for P.Z. 15-2009 Chesterfield Airport Commerce Park (Insituform Technologies, Inc.). The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0**.

VIII. UNFINISHED BUSINESS

A. P.Z. 05-2017 Villages at Bonhomme Creek (704 Alrick, LLC): A request for a zoning map amendment from the "FPC7" Flood Plain General Extensive Commercial and "C7" General Extensive Commercial Districts to a "UC" Urban Core District for 11.73 acres located on the north side of Old Chesterfield Road east of its intersection with Santa Maria Drive and north of its intersection with Wild Horse Creek Road (17T320071).

Senior Planner Jessica Henry stated that the public hearing on this request was held on April 24, 2017. Following the public hearing, Staff sent a letter to the Petitioner containing items that needed to be addressed. The Petitioner provided a formal response, which was discussed at the August 14th Planning Commission meeting. At that meeting, the Planning Commission requested additional information on several items, which has been provided in the Petitioner's response letter and in the August 28th Staff Report.

The one item which remains to be addressed is the existing, non-conforming billboard sign on the subject site, which the Petitioner is requesting be permitted to remain. Language regarding the billboard will be added to the Attachment A dependent upon whether the Commission chooses to permit it or have it removed. A draft Attachment A has been prepared for the Commission's consideration and the petition may be voted on if the Commission so chooses.

Discussion

Surrounding Zoning

Staff confirmed that the 98.10 acres spread over a number of parcels are all under one zoning ordinance and would be allowed 1,000 residential units. Commissioner Lueking inquired as to what would be allowed under the "PC" portion of the PC&R zoning for the parcels located along the roadway adjacent to the mobile home park. Mr. Justin Wyse, Director of Planning & Development Services, replied that the ordinance allows 1.7 million square feet of commercial development for the entire 98.10 acre tract, which is all under one ownership. The uses allowed are retail commercial, office commercial, civic, residential, and lodging.

Density/Traffic

Commissioner Lueking expressed concern about the proposed density and the traffic generation of 596 trips/day.

Chair Hansen also noted her concern about density and stated that she views the site as a transition area from the surrounding areas to the highest density part of the urban core.

Mr. Stock then stated that the Land Use Map designates the site as *Urban Core*, which is the highest density within the City of Chesterfield. The performance criteria being proposed for 298 units does not come close to the highest density in the City of Chesterfield. He then provided the following comparison between what is allowed under the Urban Core zoning and what is being proposed:

Urban Core	Proposed
Allows 8-story buildings	4-story buildings
Requires a minimum of 30% open space	Close to 45% open space

In addition, a traffic assessment was conducted of Old Chesterfield Road, Baxter Road, and Wild Horse Creek Road. Based on the ITE generations, the assessment concluded that the additional trips from 298 units would not present any adverse effects compared to the current trips from the existing 141 residents. The assessment concluded that some road improvements would be necessary, such as turn lanes at the intersections.

Commissioner Geckeler commented that the proposed density compares favorably with the Watermark development but pointed out that Watermark is on Chesterfield Parkway and Clarkson while the proposed development is on Old Chesterfield Road, which she feels is substantially different. Mr. Stock responded that their location fronts I-64, which is the most intense 7/24 hour road in Chesterfield.

Chair Hansen questioned whether the Petitioner would consider a less dense complex. Mr. Stock replied that they intend to build a market-rate, affordable apartment facility which has exceptional design and preserves the existing cemetery. They need a

particular number of units in order to successfully and sustainably develop the project to the standards and goals of Chesterfield. He added that they have increased the number of garages on the property since the last meeting, which is an aesthetic component but raises the rent on some of the units. He added that they are trying to stay "well below the rental rate of Watermark" at $1.75/square foot.

Historic Preservation
Mr. Stock stated that while the subject site is not adjacent to the two-story homes along Old Chesterfield Road, the architecture of the proposed buildings will reflect the historic nature of these homes and historic light fixtures will be utilized. He pointed out that there is a concrete plant between the site and the homes, and he considers the proposed complex as being a transitional site.

Urban Core District
Commissioner Geckeler referred to the Unified Development Code (UDC) which states that *Urban Core Districts are required to provide exceptional design*. While acknowledging the Petitioner's statement that the exceptional design will be provided through the architecture, she expressed concern about the amount of surface parking and size of garages. The UDC also cautions against creating incompatible land uses and Commissioner Geckeler pointed out that there is a cement plant next to the subject site which has no restrictions on its hours of operation. Because the current residents have complained about the noise from the cement plant, the railroad, and highway traffic, Commissioner Geckeler questioned whether residential use is appropriate for the site. She also noted that she had requested that the buffer be enlarged on the west from 30 feet to 50 feet between the subject site and the cement plant and highway.

Mr. Stock pointed out that the proposed buildings are 110 feet from the interstate with parking 60 feet from the interstate. Because the buildings are pulled to the center of the site and towards Old Chesterfield Road, some of the current residents live much closer to the concrete plant than what is proposed for the site. In addition, the design and the glass within the apartments will be noise resistant.

Responding to the request for a 50 buffer, Mr. Stock stated that the riparian trail runs along the top of Bonhomme Creek and parking is 30 feet off the north property line, which is Bonhomme Creek. The buildings are then an additional 80 feet beyond that point.

Billboard Lease
Because the lease is due to expire as of February 1, 2018, Commissioner Rosenauer recommended that the billboard be removed at that point.

Building Height/Density
Commissioner Rosenauer suggested adding a maximum building height referenced in feet as opposed to stories. Commissioner Wuennenberg noted that the Urban Core District allows eight stories and the Petitioner is only requesting four stories. He felt the density in an urban core setting should be dependent upon the traffic study, and added that density is not an issue for him considering that the apartments are not backing up to single-family homes but rather back up to a highway, a concrete plant, and a road.

Exceptional Design
Chair Hansen stated that she had hoped for more information regarding the elements that would be considered exceptional design. Mr. Stock responded that those features would be brought forward at the site development plan stage. He also pointed out that the Petitioner is sensitive to the residents, the architecture, and the City, but intends to purchase the subject site whether the zoning is approved or not.

Missouri Statute
Commissioner Lueking stated that the Planning Commission is governed by Missouri State Statute which directs them to review zoning issues against the Comprehensive Plan, the Land Use Map, and the City's zoning regulations.

Commissioner Geckeler referred to Section 2.0 of the Comprehensive Plan which states:

> *It is a goal of the Planning Commission to preserve existing neighborhoods… Plan Policies are meant to support neighborhood preservation and historic preservation…*

She felt the Commission should not forget this part of the Comprehensive Plan.

Commissioner Wuennenberg stated that the challenge with that comes back to the existing zoning of C-7 Extensive Commercial and the fact that the site is not zoned residential or zoned as a neighborhood.

Commissioner Geckeler felt the Commission needs to question whether the requested zoning is compatible by allowing a residential use next to a concrete plant with unrestricted hours.

Commissioner Wuennenberg made a motion to approve P.Z. 05-2017 Villages at Bonhomme Creek (704 Alrick, LLC) with the condition that language be included in the Attachment A that would disallow the existing billboard as of February 1, 2018. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

Aye: Commissioner Marino, Commissioner Rosenauer, Commissioner Wuennenberg

Nay: Commissioner Geckeler, Commissioner Harris, Commissioner Lueking, Commissioner Midgley, Chair Hansen

The motion failed by a vote of 3 to 5.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:47 p.m.

Steve Wuennenberg, Secretary