

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
August 25, 2003**

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

I. PRESENT

ABSENT

Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill, Senior Planner
Mr. David Bookless, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations, Councilmember Bruce Geiger (Ward II), Councilmember Mike Casey (Ward III), Councilmember Connie Fults (Ward IV), and Council Liaison Mary Brown (Ward IV). Chairman Sherman also recognized the attendance of former Mayor Nancy Greenwood, former Councilmember Jade Bute and former Planning Commissioner Bob Grant.

IV. PUBLIC HEARINGS:

Commissioner Macaluso read the first portion of the ‘Opening Comments.’

- A. **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)**: A petition for rezoning from “NU” Non-Urban District to “R-3” Residence District for a 3.7-acre property located at the intersection of Clayton Road and Schoettler Road. (Locator Number 21R-63-0511)

And

- B. **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**: A petition for a Planned Environment Unit (PEU) Procedure in an “R-3” Residence District for a 3.7-acre property located at the intersection of Clayton Road and Schoettler Road. (21R-63-0511)

Senior Planner Annissa McCaskill gave a power point presentation of the subject site and surrounding area.

1. Mr. Ed Griesedieck, 1 City Center, St. Louis, MO 63101, attorney for **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**, stated the following:

- Proposal is for 7, 2-family attached villas and 1 single-family detached home for a total of 15 homes on this site;
- Use is consistent with other uses in the area;
- Site is 3.74 acres;
- Rezoning from ‘NU’ Non-Urban to ‘R-3’ Residence District with a Planned Environment Unit (PEU);
- Site is located west of the intersection of Schoettler and Clayton roads;
- Proposed development would be similar to the Villas at Whitebrook development off Olive Boulevard;
- To the west of the site is a cemetery for First Baptist Church of Ballwin. Its access is also to the west of the site. Directly north and east of the proposed development is property owned by the Mertz’s. Access for the Mertz property is off Schoettler Road. The Mertz property is approximately 17 acres;
- Clayton Road is south of the site;
- Proposed homes would be a mixture of stone, brick and frame;
- Proposed development would have seven (7) extra parking spaces for visitors;
- The interior street would be 26-feet wide and private but built to City standards;
- Homes would be priced between \$400,000 to \$600,000;
- Homes would be from 2,000 square feet to 4,000 square feet in size;
- Homes would be a mixture of 1, 1 ½ and 2-story homes;
- Homes would have a minimum of a 2-car garage for each unit;

- Homeowners would own the building and lot but would be maintained by a homeowner's association;
- Decorative lamps throughout site for exterior lighting;
- Petitioner would build a 4-foot high berm along Clayton Road that would be heavily landscaped;
- There would be perimeter plantings throughout the site;
- Site is 3.74 acres with 1.38 acres of that being common ground;
- Dry detention on the west side of the site for storm water;
- Interior sidewalk will be on one side of the street;
- A monument sign will be at the entrance of the site.

COMMENT/DISCUSSION

Mr. Broemmer stated that the plan shows that the homes will range from 3,975 square feet to 6,626 square feet.

Mr. Griesedieck stated that he will check the square footage.

Ms. Perantoni asked about the difference in traffic due to this proposed development and the prior use – Congregation Kol Am.

Mr. Griesedieck stated that traffic will be more spread out with this type of development and does not expect much additional traffic on Clayton Road with the number of homes being proposed.

Chairman Sherman asked about the possibility of a stub street in this proposed development for use when the Mertz property is developed.

Mr. Griesedieck stated that the Mertz property has Clayton Road frontage and he does not know how the property will be developed and may not be compatible with this site.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL –

1. Mr. Jim Sarr, 14709 Westerly Place, Chesterfield, MO 63017, neighboring resident speaking neutral but leaning towards opposition for **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**;

- Speaker expressed concern with the water run-off;
 - Speaker expressed concern for a precedent being set for the number of homes per acre for this proposed development and the number of homes per acre that may be requested when the Mertz property is developed.
2. Mr. Bob Grant, 14721 Westerly Place, Chesterfield, MO 63017, neighboring resident and speaking neural to **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**;
- Speaker asked the Commission to be aware of the water run-off;
 - Speaker expressed concern for a precedent being set for the density for the proposed site and when the Mertz property will be developed;
 - Speaker stated that the Mertz property also has a curb cut on Schoettler Road;
 - Speaker stated that there is a stub street in the Westerly Place Subdivision.

REBUTTAL –

Mr. Griesedieck stated the following:

- The Mertz property is 17 acres;
- There is a curb cut on Schoettler Road and Clayton Road for the Mertz property;
- There is a stub street from the Waverly Place Subdivision;
- The common ground on the proposed site is 36.7% of the site;
- Water-run off will be handled according to MSD standards.

Mayor Nations asked Staff to carefully review the water run-off for this proposal due to the water run-off problems associated with the Villas at Whitebrook Subdivision.

Ms. McCaskill stated that the following issues will be reviewed and addressed:

- Traffic for the current use versus the proposed use and what the difference may be;
- Width and height of the proposed buffer along Clayton Road;
- Detention/retention of water for the site;
- Future precedent for the adjacent ‘NU’ Non-Urban property concerning density and density for the existing site;
- Density of the Ballwin area immediately south of the proposed site;
- Access for the cemetery for now and for the future;
- The State’s policy for sidewalks along Clayton Road.

Commissioner Macaluso read the closing portion of the ‘Opening Comments.’

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the August 11, 2003 Meeting Minutes. The motion was seconded by Commissioner Perantoni and **passes** by a voice vote of 9 to 0.

VI. PUBLIC COMMENT -

1. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, M), speaking to the Ordinance Review Committee concerning the Tree Preservation Ordinance;
 - Speaker stated that there are problems with the Tree Preservation Ordinance;
 - Speaker expressed concern with the removal of trees from the Chesterfield Hollow development on Olive Boulevard;
 - Speaker asked that the Ordinance Review Committee work quickly to make changes to the Tree Preservation Ordinance.
2. Ms. Nancy Greenwood, 1441 Corallin, Chesterfield, MO, speaking to the Ordinance Review Committee concerning the Tree Preservation Ordinance;
 - Speaker presented a hand-out to the Commission showing trees that have been cut down from the Chesterfield Hollow Subdivision;
 - Speaker stated that mitigation is the rule and saving trees is not;
 - Speaker asked the Ordinance Review Committee to review Section 10 of the Tree Preservation Ordinance as soon as possible.

Commissioner Macaluso stated that the Landscape Committee of the Planning Commission has had a meeting and is reviewing the Tree Preservation Ordinance and that the next meeting is scheduled for September 10, 2003 at 9:00 a.m. at City Hall.

3. Ms. Linda Malin, 287 Woodcliffe Place Drive, Chesterfield, MO, Trustee of Wild Horse Springs Subdivision speaking in favor of **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** and **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)**;
 - Speaker asked for Planning Commission support of **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** and **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** since it is a unique and individual situation.
4. Mr. Kurt Krueger, 10777 Sunset Office Drive, Sunset Hills, MO 63127. architect for and speaking in favor of **Chesterfield Commons Four - Wehrenberg Theatre**;

- a. Speaker stated that the Wehrenberg proposal has been modified according to recommendations and is looking for approval by the Planning Commission.
5. Mr. Ron Krueger II, 12800 Manchester Road, St. Louis, MO 63131, petitioner and speaking in favor of **Chesterfield Commons Four - Wehrenberg Theatre;**
 - a. Speaker stated that he was present to answer questions;
 - b. Speaker stated that, if approved, he estimates that the theatre would open in summer of 2004.
6. Mr. John Mitchell, 12800 Manchester Road, St. Louis, MO 63131, representing and speaking in favor of **Chesterfield Commons Four - Wehrenberg Theatre;**
 - a. Speaker stated that he was present to answer questions.
7. Mr. Keith Moore, 8245 Douglas Avenue, Dallas, TX 75225, representing and speaking in favor of **Chesterfield Commons, Outlots 8-9 (Mimi's Café);**
 - a. Speaker stated that he was present to answer questions.
8. Mr. Andy Sutton, Volz Engineering, 10849 Indianhead Industrial Boulevard, St. Louis, MO 63132, engineer and speaking in favor of **P.Z. 12-2003 Sheridan's Ice Cream Parlor;**
 - a. Speaker stated that he was present to answer questions;
 - b. Speaker stated that the petitioner wants to retain the access to the south;
 - c. Speaker stated that there is a sidewalk proposal along the frontage that would meet with the Pathways on the Parkway requirements.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Towne Center:** Amended Site Development Concept Plan for an 18.34-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, south of Edison Road.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan for **Towne Center**. The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0.

Commissioner Macaluso left the meeting at 7:56 p.m.

- B. **Towne Center, Lot 3 (Meineke):** Site Development Section Plan, Architectural Elevations, and Landscape Plan for a 4,550 square foot building on a 0.737-acre tract of land, zoned "PC" Planned Commercial District, located on Long Road south of Edison Road.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for Towne Center, Lot 3 (Meineke) with the conditions of adding landscaping in place of the sidewalk at the front of the building and adding architectural articulation to the front elevation of the building. The motion was seconded by Commissioner Hirsch and **passes by a voice vote of 8 to 0.** (Commissioner Macaluso was absent for the vote.)

Commissioner Macaluso returned to the meeting at 7:59 p.m.

- C. **Chesterfield Commons Four - Wehrenberg Theatre:** a Site Development Concept Plan and Landscape Plan for a proposed development consisting of a theater building and six outparcels, originally known as Chesterfield Commons Technology Park II, zoned "PI" Planned Industrial District located south of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Site Development Concept Plan and Landscape Plan for **Chesterfield Commons Four - Wehrenberg Theatre** with the following conditions: Change the pear trees to maples along the walkway, add evergreens to the front to replace some of the crabapple trees and add a stamped concrete area or a change of surface area at the entrance for pedestrians and stop signs for both directions at the front entrance. The motion was seconded by Commissioner O'Connor.

Commissioner Broemmer made an amendment to the motion that the verbiage in the request state that the project **will be** compatible (not '...will attempt to be compatible in design and style with the rest of the Chesterfield Commons development, while maintaining a Wehrenberg identity as a destination'.) The amendment to the motion was accepted by Commissioner Wardlaw and Commissioner O'Connor and **passes by a voice vote of 9 to 0.**

- D. **Chesterfield Commons Four - Wehrenberg Theatre:** a Site Development Section Plan, Landscape Plan, and Architectural Elevations for a proposed theater building as part of a development originally known as Chesterfield Commons Technology Park II, zoned "PI" Planned Industrial District located south of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Chesterfield Commons Four – Wehrenberg Theatre**, as presented. The motion was seconded by Commissioner Layton and **passes** by a voice vote of 9 to 0.

- E. **Windsor Crossing Community Church**: An Amended Site Plan and Landscape Plan for a church on a 35.10 acre tract of land, zoned “NU” Non-Urban District, and located east of Eatherton Road, north of the Chicago, Rock Island, & Pacific Railroad, and south of Spirit of St. Louis Airport.

Commissioner Wardlaw on behalf of the Site Plan Committee, made a motion to approve the Amended Site Plan and Landscape Plan for Phase I of **Windsor Crossing Community Church**, as presented with the condition that the overall number of parking spaces remain the same amount as originally proposed (1,247 spaces). The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0.

- F. **Chesterfield Commons, Outlots 8-9 (Mimi’s Café)**: a Site Development Section Plan, Landscape Plan, and Architectural Elevations for a restaurant building as part of the Chesterfield Commons development, zoned “C-8” Planned Commercial District located south of Chesterfield Airport Road and west of JW Drive.

Commissioner Wardlaw, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Chesterfield Commons, Outlots 8-9 (Mimi’s Café)**, as presented. The motion was seconded by Commissioner Broemmer and **passes** by a voice vote of 9 to 0.

City Attorney Doug Beach suggested that the Commissioners be more specific in their motions for what they are requesting (percentages, calipers, definitions, etc.)

VIII. OLD BUSINESS -

- A. **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)**: A request for an amendment to City of Chesterfield Ordinance No. 787 to provide for an increase in the number of lots from thirty (30) to thirty-one (31) in the Wildhorse Springs Plat 1 Subdivision, located on the north side of Wild Horse Creek Road, east of Wilson Road.

AND

- B. **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)**: A request for amendment of City of Chesterfield Ordinance No. 879, providing for a First Amendment to Indenture of Trust and Restrictions of the Wildhorse Springs Plat 1 Subdivision; located on the north side of Wildhorse Creek Road, east of Wilson Road.

Project Planner David Bookless gave an overview of **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** and **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)**. Mr. Bookless stated that his report includes a history of the subdivision and describes the circumstances unique to this petition. Mr. Bookless stated that his report shows the allowable density for the site relative to how many units are now there and permitted per ordinance. Mr. Bookless stated that he included costs associated with the removal of the detention basin as well as a more detailed history as to the basin relative to what the developer had done versus what the residents believed was promised. Mr. Bookless stated that he included a more complete petition from all of the owners on record of the property as well as a written guarantee from the subdivision trustees as to what the funds will be used for from any potential sale, as well as pictures to help illustrate the situation a little bit better.

City Attorney Doug Beach stated that with the detailed report the City will go on record for issues of precedent which include the fact that this particular developer went bankrupt in the middle of the development which is probably the most unique of all of the factors. City Attorney Beach stated that is why he had asked that there be a more detailed record then normal so there could be a record for the future for people to review to show that this situation is unique.

Commissioner Macaluso made a motion to approve **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** which is an amendment to City of Chesterfield Ordinance No. 787 to provide for an increase in the number of lots from thirty (30) to thirty-one (31) in the Wildhorse Springs Plat 1 Subdivision. The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, no; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion passes by a vote of 8 to 1.

Commissioner Macaluso made a motion to approve **P.Z. 3 & 4-93 DCL Development Co. (Wildhorse Springs)** which is an amendment to City of Chesterfield Ordinance No. 879 providing for a First Amendment to Indenture of Trust and Restrictions of the Wildhorse Springs Plat 1 Subdivision. The motion was seconded by Commissioner Hirsch.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, no; Commissioner Wardlaw, yes; Commissioner Banks, yes; Chairman Sherman, yes.

The motion passes by a vote of 8 to 1.

- C. **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**: A request for a "Commercial Service Procedure" within an "NU" Non-Urban District for an approximately 1.0-acre tract of land located at 14691 Clayton Road (Locator Number: 21R-44-1504).

Project Planner David Bookless gave an overview of **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**. Mr. Bookless stated that he has received a petition and check for the filing fee from the petitioner to rezone this property from 'NU' Non-Urban to 'E-One Acre Residence District.' Mr. Bookless stated that the petitioner is only asking for the use of 'Professional Office.'

Mr. Beach stated that 'Professional Office' use does include medical offices.

Commissioner Macaluso made a motion to approve the Commercial Service Procedure (CSP) for **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)** with the condition that page 5 of Attachment A, IV. SPECIFIC CRITERIA, 10. Miscellaneous, c. **Additional requirement is to file a petition and proceed on a timely fashion to rezone this site to an 'E-One Acre Residence District.** The motion was seconded by Commissioner Perantoni.

Upon a roll call the vote was as follows: Commissioner Hirsch, no; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Commissioner Broemmer, no; Chairman Sherman, yes.

The motion passes by a vote of 7 to 2.

- D. **P.Z. 12-2003 Sheridan's Ice Cream Parlor**: A request for an amendment to Ordinance 1025, authorizing the use of a drive-in restaurant in Hilltown Village Center, a "C-8" Planned Commercial District located at the intersection of Olive Boulevard and Chesterfield Parkway West (Locator Numbers 18S520778, 18S520954).

Senior Planner Annissa McCaskill gave an overview of **P.Z. 12-2003 Sheridan's Ice Cream Parlor** and asked the Commission if they had additional issues to be reviewed and addressed.

Chairman Sherman and Commissioner Layton would like additional information (who this comment is from and the reasons why) for Comment #3. 'The exit only drive located on the south portion of the site will not be allowed. Additional comments will be provided once a formal site development plan submittal is received.'

Commissioner Wardlaw expressed concern with traffic exiting onto Chesterfield Parkway and that there will be cross traffic in the parking lot.

Commissioner Macaluso asked for additional information to limit the drive-thru to just this parcel in the Hilltown Center.

Commissioner O'Connor stated that she favors the extra exit due to heavy traffic on Olive Boulevard and would like as many exit options as possible.

Commissioner Broemmer stated that he supports not having the southern access.

Commissioner Banks suggested having the traffic move in one direction through the site for a better traffic flow pattern.

Chairman Sherman stated that **P.Z. 12-2003 Sheridan's Ice Cream Parlor** would be held until all issues are reviewed and addressed.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

- A. Committee of the Whole**
- B. Ordinance Review Committee**
- C. Architectural Review Committee**
- D. Landscape Committee**
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

Commissioner Macaluso, pertaining to **P.Z. 6-2003: Villages at Kendall Bluff**, asked Staff to find out the actual distance from Surrey Place to the existing homes on Old Riverwoods Lane (edge of parking and property line). Commissioner Macaluso stated that the western side of the project has a 125-foot buffer and wants to know why the eastern side would not have the same buffer.

Commissioner Macaluso stated that she would like a Tree Stand Delineation with an overlay for what is and is not remaining for the property in tonight's Public Hearing, **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**.

General discussion followed concerning the Tree Stand Delineation being required for commercial and multi-family and not residential.

Commissioner Broemmer suggested that this be reviewed by the Ordinance Review Committee.

Commissioner Macaluso suggested that Tree Stand Delineations be required on residential but the Commission would have the option to not require it on certain projects.

City Attorney Beach suggested that Staff review the tree situation at Chesterfield Hollow and return with a response.

The meeting was unanimously adjourned at 8:45 p.m.

B. G. Wardlaw, Secretary

