

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 24, 2015**

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

I. ROLL CALL

PRESENT

ABSENT

Ms. Wendy Geckeler
Ms. Merrell Hansen
Ms. Allison Harris
Ms. Laura Lueking
Ms. Debbie Midgley
Ms. Amy Nolan
Mr. Guy Tilman
Mr. Steven Wuennenberg
Chair Stanley Proctor

Councilmember Connie Fults, Council Liaison
Interim City Attorney Harry O'Rourke
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Jonathan Raiche, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Councilmember Connie Fults, Council Liaison; Councilmember Elliot Grissom, Ward II; and Councilmember Bridget Nations, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – None.

V. APPROVAL OF MEETING SUMMARY

Commissioner Lueking made a motion to approve the Meeting Summary of the August 10, 2015 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and passed by a voice vote of 9 to 0.

VI. PUBLIC COMMENT

A. Highland on Conway (Delmar Gardens III) SDP

Petitioners – the following individuals stated they were available for questions:

1. Mr. Rusty Saunders, Principal, Loomis Associates, 707 Spirit 40 Park Drive, Ste. 135, Chesterfield, MO.
2. Mr. Ronald Dierker, Delmar Gardens, 14805 N. Outer 40, Chesterfield, MO.
3. Mr. Mike Vorwerk, Civil Engineering Design Consultants, 11402 Gravois, St. Louis, MO.
4. Mr. Larry Milles, Principal, Gray Design Group, Nine Sunnen Drive, Maplewood, MO.

Discussion

Commissioner Lueking asked for additional information regarding the height of the parapet walls on the parking garage, along with the decorative fencing on the front of the building which faces the northern boundary.

Mr. Milles provided the following information:

- The south elevation has the tallest screen element and is 189 feet tall with a base line of 100 feet, which puts it at 89 feet above grade.
- The turret with the decorative fencing is approximately 185 feet high and the fencing itself is approximately 12 feet above the roof.
- At the south side of the parking structure, it is approximately 25-28 feet from grade to the top of the parapet, exclusive of the stair towers.
- The stair towers extend approximately 10-12 feet above the parapet.

Ms. Nassif, Planning and Development Services Director asked the Petitioners to review the heights as the ordinance allows a maximum height of 70 feet exclusive of mechanical equipment and other items. Mr. Milles stated that the proposed building and the two existing buildings have an architectural parapet, which makes up a large element of the top of the building, but it is used to screen mechanical equipment. He also noted that the height of the proposed building to the top of the roof is in compliance with the City's height requirements.

Residents:

1. Mr. Greg Wittenbrink, 31 Upper Conway Lane, Chesterfield, MO.

Mr. Wittenbrink stated that his residence is adjacent to the northern border of the Delmar Gardens property to be developed and the front left of his home will be 50 feet from the proposed garage. Mr. Wittenbrink expressed the following concerns:

- The view from his property will be of a five-story building, concrete, and cars.
- The proposed development will have a significant, negative effect on real estate values for all 41 units in August Hill subdivision.

Mr. Wittenbrink stated that the tree planting requirements on the northern border could help in mitigating some of the reduction in property value. He referred to the Staff Report which indicates 32,620 square feet of new tree canopy is required to be planted. He is

requesting that the required tree canopy be increased to a minimum of 50,000 square feet with specific requirements of type, height, and density of trees in order to have as much natural foliage as possible.

Discussion

Ms. Nassif asked Mr. Wittenbrink if he had any comments on the proposed Landscape Plan. Mr. Wittenbrink indicated that it is difficult for him to look at such a plan and understand how the final product will appear, which is why he is requesting a greater amount of dense trees to be planted. He added that the subdivision's Trustees have had numerous meetings with representatives of Delmar Gardens who have listened to the residents' concerns, but he still has concerns about what will be seen from his property.

Commissioner Geckeler asked Mr. Wittenbrink if he would prefer the existing trees to be retained or removed with new trees installed. Mr. Wittenbrink stated that it would be a combination of both, or whatever would provide the maximum screening all year long. He noted that within the 19-foot area that may be preserved, there are a lot of small trees that lose foliage during the winter months so they would not provide much screening. He thinks that removing some of those types of trees and replacing them with dense evergreens would be preferable,

2. Mr. Roger Berent, 7 Upper Conway Lane, Chesterfield, MO.

Mr. Berent stated his home is on the street that runs directly into the middle of the garage. He expressed concern about the following:

- The negative monetary effect to the homes in his subdivision.
- Lighting from the garage.

He stated that Delmar Gardens has met with the residents and suggested changes with respect to the 30-foot barrier between the subdivision's property and the proposed garage. Delmar Gardens has suggested that 19 feet of the 30-foot barrier be planted to provide screening. Mr. Berent suggested that Delmar Gardens "take the 19 feet, level the ground and bring it right up to the garage wall and use the garage wall as the support for the land." This would allow them to plant trees at 30 feet vs. the proposed 19 feet. He has concerns that large trees planted in a 19-foot area would not survive.

3. Dr. Donald J. Mielcarek, President of Trustees of August Hill Homeowners Association, 500 Upper Conway Circle, Chesterfield, MO.

Dr. Mielcarek stated that as a representative of the Trustees, they are interested in following what the community wants and noted that there have been issues raised with respect to trees and the distance between the garage and their subdivision. The Trustees and a number of residents have been significantly involved with Delmar Gardens during the past six weeks to try and work out the residents' concerns. He stated that Delmar Gardens has been listening to their concerns and they realize that Delmar Gardens is a good management company. Some of the unresolved issues include:

- Serious concerns about their property values;
- The impact of the proposed development on their community; and

- The desire to preserve more of the large trees throughout the site.

4. Ms. Susan Berent, 7 Upper Conway Lane, Chesterfield, MO.

Ms. Berent stated her concerns as follows:

- Both the monetary and aesthetic value of their homes;
- That the large trees will not thrive because their roots require a certain yardage to survive; and
- Damage to the trees as the Developer cuts into the property line.

Ms. Berent stated that they want to keep the existing aesthetics of the area, and to keep the area “desirable for good taxpayers”.

Discussion

Commissioner Geckeler asked Ms. Berent if her concern about the trees refers to trees on her property or on Delmar Gardens’ property. Ms. Berent replied that there are large pine and walnut trees on the borderline.

Dr. Mielcarek stated that in 2011 the residents had requested a barrier of undisturbed property up to 15 feet. Delmar Gardens has proposed extending the undisturbed area up to 19 feet, which would solve the problem of saving all of August Hills’ trees, which are 20-25 feet tall with 18-inch trunks but noted that this is different than preserving the really large trees. There are at least four or five large trees close to the subdivision’s property which he feels could be saved and which are part of the current discussions with Delmar Gardens. The current discussions also include plantings of sizeable trees, such as Norway Spruce, within the 19-foot barrier and the additional footage to the garage.

Ms. Nassif explained that in order to accomplish this, Delmar Gardens will be submitting an amendment to the proposed two retaining walls to make it one wall, which may result in additional tree preservation.

Mr. Berent suggested that both retaining walls be eliminated and allow the garage north wall to serve as the retaining wall, which would allow 30 feet of planting in many areas.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **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 Chesterfield Airport Commerce Park. The motion was seconded by Commissioner Lueking and **passed by a voice vote of 9 to 0.**

- C. **Larry Enterprises – Lynch Hummer, Lot B (Scott Retail):** Amended Architectural Elevations and an Amended Architect's Statement of Design for a 7.09 acre lot of land zoned "PI" Planned Industrial District located on the west side of Boone's Crossing on the north side of North Outer 40 Road.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the Amended Architectural Elevations and Amended Architect's Statement of Design for Larry Enterprises – Lynch Hummer, Lot B (Scott Retail). The motion was seconded by Commissioner Lueking and **passed** by a voice vote of 9 to 0.

- B. **Highland on Conway (Delmar Gardens III) SDP:** A Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 5.292 acre tract of land zoned "PC" Planned Commercial District located on the north side of North Outer 40 Road, east of Chesterfield Parkway East.

Staff Presentation

Mr. Jonathan Raiche, Senior Planner, provided the following information about the project:

Site Development Plan

The Site Development Plan shows a 5.3 acre site with a proposed four-level parking structure on the north portion of the site, and an office building of approximately 126,000 sq. ft. The zoning approved in 2011 set out many of the entitlements for the site.

Access for the site will be via one western shared access drive and one eastern shared access drive. The existing direct driveway to North Outer Forty will be closed.

The Site Development Plan includes 52% open space vs. the required 30%. The majority of the parking for the site will be within the parking structure.

Tree Stand Delineation

The Tree Stand Delineation shows existing woodlands spread throughout the site, with the majority of trees on the south, north, and east sides.

Tree Preservation Plan

After all the required grading for the site is complete, 2.4% of the existing tree canopy will be preserved along the northern property line and includes one monarch tree towards the eastern portion of the site. On the western side of the site, a tree protection fence will be provided to preserve the trees on the property line and northward.

Landscape Plan

The Landscape Plan shows a number of trees proposed throughout the site with large amounts on the northern 30-foot landscape buffer between the proposed parking structure and the adjacent residential neighborhood. As currently proposed, there are two retaining walls in the northwest corner of the site that would support many shrubs, along with a buffer line of both deciduous and evergreen trees to keep a buffer throughout the year.

There are also a substantial amount of trees to be planted along the southern line, and dispersed throughout the site with the internal drive and along the borders of the property.

Lighting Plan

The Lighting Plan meets all City codes so the light trespass on the borders of the site is minimal or non-existent.

Elevations

The proposed office building is within the City's maximum height restriction of 70 feet exclusive of any parapet and screening. The proposed materials and design of the building are consistent with Delmar Gardens' existing development to the west.

The top of the deck of the four-level parking structure is required to be at, or below, 585 feet Above Sea Level and the structure is proposed at 582 feet.

The Architectural Review Board reviewed the elevations in July and unanimously recommended approval.

Exhibit

The Petitioner also submitted exhibits showing the screening provided by the existing trees both during the winter and summer months viewed from the existing cul-de-sac on the south side of Upper Conway Lane.

Staff Recommendation

Staff has reviewed all the plans against City code and recommends approval.

Discussion

Stair Towers

Commissioner Lueking requested information about the height of the stair towers above the 582-foot parking structure. Mr. Milles explained that the stair towers are purely enclosures with no mechanical equipment on top of them. The towers are identical, in scale and proportion, to the existing stair tower on one of the existing Delmar Gardens' buildings. It is approximately 15 feet from the top level of the parking garage to the top of the stair tower.

Headlights/Landscaping

Commissioner Nolan requested information about the possibility of vehicle headlights shining into the adjacent subdivision from the parking garage. Mr. Milles stated the garage has a parapet which extends up approximately 42" from the parking deck, which will screen most headlights. He added that additional plant material will be installed in concert with the residents in specific areas chosen by the residents.

Ms. Nassif explained that some of these additional plantings will be planted on the adjacent residential properties, which would not traditionally be shown on Delmar Gardens' Landscape Plan.

Landscape Exhibits

Commissioner Harris referred to the Exhibits provided by the Petitioner and recommended that additional evergreen trees should be planted to provide complete screening of the parking garage.

Mr. Saunders, Landscape Architect of the project, stated that the exhibit was created to demonstrate the existing conditions without any new landscaping. When the new landscape material is added, there will be a denser screening. They have spoken to the neighbors about providing supplemental plantings which Delmar Gardens would place on the residents' property to provide more effective screening. At the residents' suggestion, Delmar Gardens has agreed to install an ornamental fence along the property line.

Nineteen-foot Buffer Area

Commissioner Hansen questioned whether large heritage trees could adequately grow in a 19-foot area. Mr. Raiche pointed out that the 19-foot area is not presented on the proposed plans at this time but is an option that is being discussed. Currently, there are four large trees and one large monarch tree on the site and the City Arborist had no concerns with those trees not being able to be preserved, and had no concerns with the new trees proposed for the 30-foot area.

Preserved Trees/Mitigation

Along with the monarch tree, Commissioner Geckeler inquired as to which other trees will be preserved within the 2.4% tree canopy. Mr. Raiche stated that there is a woodland area in the same area as the monarch tree where some of the trees will be preserved.

Commissioner Wuennenberg asked if the shrubs within the 30-foot landscape buffer located in the northwest corner will adequately shield the residents' view of the garage. Mr. Raiche noted that the top of the parking deck in the northwest corner meets grade and the northern property line is approximately 8 feet higher than the top of the parking deck. When looking straight up, bushes will not provide adequate screening. Because of the topography of the site, the visual buffer will be provided by the trees along that line. In addition, the Petitioner will be required to plant mitigation trees and the mitigation exhibit shows a substantial amount of trees in this area.

Retaining Walls

Commissioner Wuennenberg asked whether it is possible to bring the dirt up to the parking garage without using the retaining walls. Mr. Saunders stated that conversations with the neighbors during the last week included the idea of creating a "no-grade area" for the first 17-20 feet. If a taller retaining wall was built within this 17-20 foot line, then the trees between the property line and the retaining wall would be in a "no-grade area". There is a construction technique that could be used to allow a more vertical condition rather than having the soil laid back, which is a considerable expense but Delmar Gardens has agreed to shoring the entire face of the cut where the garage will be. They are working with their contractor to determine exactly where the shoring will occur but are comfortable with that 17-20 foot range. The shoring would allow them to keep the grade higher and to create a higher zone in which to plant.

Parking

Commissioner Tilman asked if the proposed plan meets or exceeds the number of parking spaces required for the site. Mr. Raiche replied that the parking is in compliance with the City's parking code – it exceeds the minimum requirements but is below the maximum requirements.

Deferred Vote

Commissioner Lueking stated she had supported Delmar Gardens' original two buildings; however she feels that the residents should be able to have reasonable expectations when they spend that much on their homes with what was promised on the 2011 ordinance. Commissioner Lueking stated her serious concerns about going from 2.71 acres of existing tree canopy to the proposed .07 acres of preserved tree canopy. She stated she would like to defer voting on the plans until the Petitioner provides more detailed information regarding structure heights and landscaping in light of the recent conversations between the Petitioner and the residents.

Commissioner Geckeler noted her agreement in postponing the vote.

Chair Proctor then outlined the three choices the Commission has at this time: to approve, to approve with conditions, or to postpone the vote until the issues discussed have been resolved.

Commissioner Geckeler then made a motion to postpone the vote. The motion was seconded by Commissioner Hansen.

Discussion on the Motion

The following items were then summarized as to what should be addressed by the Petitioner prior to vote:

- Clearly denote the building heights on the exhibits and plans.
- Submit any changes in plans to the retaining walls and to the landscaping to the property to the north to maximize the buffer between the parking structure and the adjacent neighborhood.
- Denote the undisturbed areas on the plan.
- Review the possibility of saving several of the existing large trees in the corner of the site.

For the record, Mr. Dierker of Delmar Gardens stated that when they came in for the rezoning in 2011, they were asked to move the parking structure 5 feet further from the property line - from 25 feet to 30 feet, which they did. At the recent Architectural Review Board meeting, the residents expressed their concerns about the landscaping so they have been working with them to try and address their concerns. He added that the proposed plan meets the City's requirements and they are working with Dr. Mielcarek, President of the Trustees of August Hill HOA and with their construction team to try and give the residents as much undisturbed area as possible but he is not able to give a definitive size to the undisturbed area – only that it will be in that 17-20 foot range.

Ms. Nassif stated that the Commission is requesting more information on the types of trees, the landscape buffer, and the retaining wall. Staff will work with the Petitioner on grading limits and landscaping details that will include more evergreens to provide a visual barrier year-long.

Mr. Dierker requested that the plans be approved at this time with the condition that Staff review the final changes to the back 20-30 feet of the site.

Councilmember Fults encouraged the Petitioner to work with the residents because the Councilmembers from Ward II have the option of calling Power of Review on the Site

Development Plan, which would require review by the Planning & Public Works Committee and then full Council, which would involve at least another two months of review.

Mr. Berent expressed his concern about the “massive size” of the parking structure and the stairwell towers that are 15 feet above the top deck.

Mr. Harry O'Rourke, Interim City Attorney, asked for confirmation that the parking structure height and floor area comply with City ordinance requirements. Mr. Raiche confirmed that they do.

Upon roll call, the vote to postpone the vote was as follows:

**Aye: Commissioner Geckeler, Commissioner Hansen,
Commissioner Harris, Commissioner Lueking,
Commissioner Midgley, Commissioner Nolan,
Commissioner Tilman, Commissioner Wuennenberg,
Chair Proctor**

Nay: None

The motion passed by a vote of 9 to 0.

OLD BUSINESS - None

VIII. NEW BUSINESS

A. Proposed Amendments to Bylaws

Commissioner Geckeler made a motion to amend the By-Laws as proposed. The motion was seconded by Commissioner Wuennenberg and passed by a voice vote of 9 to 0.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Steve Wuennenberg, Secretary