PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
August 23, 2004

The meeting was called to order at 7:14 p.m.

I. PRESENT **ABSENT**

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Chairman Victoria Sherman
Mayor John Nations
City Attorney Doug Beach
Mr. Bruce Geiger, Council Liaison
Ms. Teresa Price, Director of Planning
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Hirsch

III. PLEDGE OF ALLEGIANCE

Chairman Sherman acknowledged the attendance of Mayor John Nations and Councilmember Bruce Geiger, Planning & Zoning Liaison (Ward II).

Commissioner Macaluso read the "Opening Comments" for Public Hearings.

IV. PUBLIC HEARINGS

A. P.Z. 12-2004 City of Chesterfield (Underground Utility Service): A request to amend Section 1003.167 (20) of the City of Chesterfield Zoning Ordinance to establish criteria for the first extension of underground utility service in a commercial area.

Project Planner Aimee Nasiff stated the following:

- The Department of Planning has received several inquiries regarding procedures for reimbursement to the initial developer for the installation costs of underground utility services.
- The draft language provides criteria for the use of temporary overhead electrical access.
- The draft language states that "When it can be established that there is a commercial area where the first extension of underground utilities would serve two or more parcels yet to be developed, each parcel that will be served by the first extension shall share in a pro rata amount that reimburses the cost of the first extension as a condition of their development if no other plan or process is available from the utility provider."
- The draft language states, "The initial development may utilize temporary overhead electrical access for a period of one year from the date of the issuance of its building permit."

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Dean Burns, THF Realty, St. Louis, Mo stated the following:
   - He is not in actual opposition – he is asking for clarification on what is trying to be accomplished with this petition.
   - As a property owner, he expressed concern that he might be assessed a charge that he didn't expect.
   - On Chesterfield Airport Road, there are existing power poles that serve the entire Valley. THF does not feel it is their responsibility to put those underground since they are regional transmission lines that serve the entire Valley.
   - He feels that the community should be responsible for burying regional utilities.
   - The proposed petition does not clarify what constitutes a regional utility and what constitutes a utility that may be used by a small development, such as a subdivision.
   - There are situations where there are new developments interspersed with existing developments and there is no requirement for the existing property owners to underground their utilities.

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

- Does this include fire hydrants?
- When is it the property owner's responsibility to bury the utilities underground?
- Clarify the difference between regional utilities and utilities that go to individual lots that are further back from the main utility line.
- What happens to existing developments where it is above ground now?

Commissioner Macaluso read the closing comments for Public Hearing P.Z. 12-2004 City of Chesterfield (Underground Utility Service).

B. P.Z. 15-2004 Zee Properties: A request for a change in zoning from a "M-3" Planned Industrial District to a "PI" Planned Industrial District for a 1.8 acre tract of land located north of Aviation Museum Road, south of Chesterfield Airport Road at the intersection of Olive Street Road at 18362 Chesterfield Airport Road. (Locator Number: 17W620279).

The requested amendment is to allow the following permitted uses:

(k) Business service establishment.
(dd) Mail order sale warehouses.
(mm) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.
(oo) Printing and duplicating services.
(fff) Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
  (i) Facilities producing or processing explosives or flammable gases or liquids;
  (ii) Facilities for animal slaughtering, meat packing, or rendering;
  (iii) Sulpher plants, rubber reclamation plants, or cement plants, and
  (iv) Steel mills, foundries, or smelters.
(ii) Offices or office buildings.
(iii) Stores, shops, markets, services facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
(rrr) Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids.

The following uses listed above are excluded:
(rrr) live animals, explosives, or flammable gases and liquids.

Project Planner Nassif gave a power point presentation showing an aerial view of the site, along with photographs of the area. Ms. Nassif stated the following:

- The subject site is currently zoned "M-3".
- The petitioner is requesting the property be zoned to "PI", Planned Industrial.
- Public Hearing Notice was posted on August 3, 2004.

1. Mr. Gary Wilson, Zavradinos Engineering, 17813 Edison Avenue, Chesterfield, MO 63005, representing Zee Properties, stated he was present to answer any questions pertaining to the project.

Commissioner Perantoni asked if the three curb cuts already exist. Mr. Wilson responded that just the one curb cut on Chesterfield Airport Road presently exists – the other two curb cuts are proposed.

Commissioner Perantoni expressed concern about the close proximity of the northwestern curb cut to the intersection and asked why three curb cuts are necessary. Mr. Wilson responded that the developer wanted it for traffic circulation. He also stated that the northwest entrance is currently barricaded so there is not an exit out to Chesterfield Airport Road.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

- Clarification on the location of the curb cuts.
- Provide information about the intersection where the temporary concrete barricade is – will that location be permanently sealed?
- Regarding this same intersection, check with St. Louis County Department of Highways as to their future plans for it.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the August 9, 2004 Meeting Minutes, as corrected. The motion was seconded by Commissioner Perantoni **and passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

1. Dean Burns, 2127 Innerbelt Business Center Drive, St. Louis, MO 63114, speaking in favor of **P.Z. 16-2003 THF Chesterfield Two Development, L.L.C. (Chesterfield Commons East**, stated the following:
   - They presently have 37.5% green space, and close to 40% open space.

2. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, speaking in favor of **P.Z. 16-2003 THF Chesterfield Two Development, L.L.C. (Chesterfield Commons East** and **P.Z. 08-2004 Bull Moose Tube,** stated the following:
   - He would address the Bull Moose zoning only and is available for questions regarding P.Z. 16-2003.
   - The requested change of use for Bull Moose asks for the second building of the two-building development to allow for medical and dental use.

- They are offering a reduction in size of the second building – it is approximately a 12,000 sq. ft. reduction. (This is the building that sits closer to Clarkson Road.)
- They are proposing the elimination of the parking structure that was previously approved by the City.
- They have agreed to provide the cross access to the development to the north.
- In Attachment A, a traffic study is required but not at this stage. It is required prior to Site Development Plan approval and they will comply with that condition.
- The parking of the existing building has not proven to be a problem – there are always parking spaces available even though the building is almost fully leased.
- On the site, there is approximately 45% green space among the three parcels.

3. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO 63005, speaking in favor of **P.Z. 08-2004 Bull Moose Tube,** stated he was present to answer any questions pertaining to the project.

4. Mr. Mike Dustmann, 1819 Clarkson Road, Chesterfield, MO 63017, speaking in favor of **P.Z. 08-2004 Bull Moose Tube**, stated the following:
   - Going back to 1996, parking has not been an issue at Bull Moose Company at this site.

5. Mr. Rich Clawson, 11477 Olde Cabin Road, St. Louis, MO 63141, speaking in favor of **P.Z. 08-2004 Bull Moose Tube** stated he was available to answer any questions on architectural design and elevations.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Chesterfield Commons Four Outparcel B (Restaurant and Retail): Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for a restaurant/retail development in Chesterfield Commons Four Outparcel B, zoned "PI" Planned Industrial and located south of Chesterfield Airport Road, east of Public Works Drive at 17408 Chesterfield Airport Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations with the condition that a shrub row be added between street trees along THF Boulevard. The motion was seconded by Commissioner Macaluso.

Chairman Sherman moved to amend Commissioner Hirsch's motion to remove the shrubs between the street trees. The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner O'Connor, Commissioner Perantoni, Commissioner Sandifer, Commissioner Hirsch, Chairman Sherman

Nay: Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Macaluso

The motion passes by a vote of 5 to 4.

The vote on the original motion to approve, minus the shrubs, passes by a voice vote of 8 to 1. (Commissioner Macaluso voted "nay".)

B. Fox & Hound Restaurant, Chesterfield Commons Four Outparcel A: Site Development Section Plan, Architectural Elevations, Lighting Plan and Landscape Plan for a 1.911 acre parcel located south of Chesterfield Airport Road at its intersection with Public Works Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations, Lighting Plan and Landscape Plan with the condition that a shrub row be added between street trees along THF Boulevard. The motion was seconded by Commissioner Macaluso.

Chairman Sherman moved to amend Commissioner Hirsch's motion to remove the shrubs between the street trees. The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner Perantoni, Commissioner Sandifer, Commissioner Hirsch, Commissioner O'Connor Chairman Sherman

Nay: Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Macaluso

The motion passes by a vote of 5 to 4.

The vote on the original motion to approve, minus the shrubs, passes by a voice vote of 8 to 1. (Commissioner Macaluso voted "nay".)

C. Joe's Crab Shack (McBride and Son Center, Lot 4A): A sign package including exposed neon accents for a restaurant building on Lot 4A of the McBride and Son Center development zoned "PC" Planned Commercial District located north of Chesterfield Airport Road and east of McBride and Son Corporate Center Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the sign package without any exposed neon, with the exception of a single tube of neon outlining the monument sign. The motion was seconded by Commissioner Macaluso **and passes by a voice vote of 8 to 1.** (Commissioner O'Connor voted "nay".)

D. **Montgomery First National Bank**: A Site Development Plan, Landscape Plan, Architectural Elevations, Lighting Plan, and a Sign Package for a bank/office building on a 1.38 acre tract of land, zoned "PC" Planned Commercial District, located at the northwest corner of Olive Boulevard and River Valley Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Landscape Plan, Architectural Elevations, Lighting Plan and Sign Package as presented. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 9 to 0.**

Commissioner Hirsch made a motion to suspend the rules to move Item IX.A., Dugsford Commons, to this portion of the Agenda as Dugsford Commons is a Site Plan matter. The motion was seconded by Commissioner Macaluso **and passes by a voice vote of 9 to 0.**

IX. A. Dugsford Commons: Amended architectural elevations for a 5.3 acre parcel zoned "C-8" Planned Commercial District located on the north side of Wild Horse Creek Road and east of Long Road at 17269 Wild Horse Creek Road. (Locator Number 18U420522)

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Perantoni.

Commissioner Macaluso stated that it was discussed in the Site Plan Committee that Staff would check to determine if the large "For Lease" sign in Dugsford Commons is in compliance.

The motion to approve passes by a voice vote of 8 to 1. (Commissioner Banks voted "nay".)

VIII. OLD BUSINESS

A. **P.Z. 16-2003 THF Chesterfield Two Development, L.L.C. (Chesterfield Commons East)**: A request for a change of zoning from a "C-8" Planned Commercial District and a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 61.984 acre tract of land located south of Chesterfield Airport Road, east of Chesterfield Commons Drive, west of Chesterfield Commons East Drive, and north of Edison Avenue. (Locator Numbers: 17T 23 0101, 17T 23 0079, 17T 14 0055, 17T 14 0176).

Project Planner Michael Hurlbert stated the following:

- Regarding the open space requirement, the Planning Commission had asked the petitioner to submit the calculations of green space as if the development was parked at 5 spaces per 1000 sq. ft. – it's currently parked at 5.33/1000. The petitioner did not submit the requested calculation so this issue remains open.

- The Attachment A refers to "open space", which is more inclusive than "green space". The definition of "open space" was read: "*Open space can include grass areas, landscaped areas, water features or drainage ditches, sidewalks and plaza areas or seating. But specifically excludes any portion of a site covered by a building, any paved area for vehicular circulation or parking, and any outdoor storage areas.*"
- The petitioner calculated the site at 37.5% green space – calculations are not available for open space, but it would be higher than 37.5%.
- The Attachment A requires a minimum of 40% open space.
- The calculations of 37.5% green space is with parking at 5.33 spaces per 1000 sq. ft.

Commissioner Macaluso requested clarification on Item 4 of the Issues Report pertaining to the square footage remaining to be built. Project Planner Hurlbert responded that 117,461 sq. ft. is what is remaining on the maximum square footage allowed in the entire Chesterfield Commons development. The only outlot remaining to be developed is Outlot 16, which is just north of this property. Through the rezoning, Outlot 17 is being pulled into the new "PC" District, which will be known as Commons East.

Commissioner Broemmer made a motion to approve the request for a change of zoning, which includes the Attachment A as written. The motion was seconded by Commissioner Hirsch.

Upon roll call, the vote was as follows:

Aye: Commissioner Sandifer, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Hirsch, Commissioner Macaluso, Commissioner O'Connor, Commissioner Perantoni, Chairman Sheman

Nay: None

The motion passes by a vote of 9 to 0.

B. P.Z. 08-2004 Bull Moose Tube: A request to amend the City of Chesterfield Ordinance 1218 for Bull Moose Tube Holdings, Inc., zoned "C-8" Planned Commercial district located at the west side of Clarkson Road, south of Baxter Road and north of Forest Meadows Drive at 1815, 1819 and 1855 Clarkson Road.
(Locator Numbers 19T 34 0345, 19T 34 0367, 19T 32 0468)

Project Planner Kyle Dubbert stated that the outstanding issues for this project are parking, verbiage clarifying height, and the traffic study.

Chairman Sherman asked how the parking is calculated. Project Planner Dubbert responded that the parking for Lot 2, which is the developed portion of this development, is parked at 3.33 spaces per 1000 sq. ft., which reflects the old "C-8" standard for office.

Lot 1, which will be the newly-constructed building and where the medical use is proposed, will need to be parked at 4.5 spaces per 1000 sq. ft. to meet current regulations.

Project Planner Dubbert suggested that language be included in the Attachment A to restrict medical use to the newly-constructed portion only of the site.

Commissioner Banks asked if any calculations had been done to determine how the green space would be affected if the parking requirements were met for the whole complex. Project Planner Dubbert responded that if the entire site was brought up to current parking standards and the use limited to Lot 1, the portion not constructed, the number is 333 stalls. At the present time, there are 315 stalls. A study has not been done to determine how this would affect green space, but it would appear that it would be minimal.

Commissioner Broemmer stated that the request allows for medical and dental offices as a permitted use. He stated that the definition of "medical and dental office" may need to be reviewed. It is his opinion that medical and dental offices would not include surgery. City Attorney Doug Beach stated that the current definition is as follows:

> *Medical or Dental Office (Clinic) is a facility for the practice of medicine or dentistry for humans, including accessory diagnostic laboratories, but not including in-patient or overnight care or operating rooms for major surgery.*

City Attorney Beach pointed out that there currently is no definition for "major surgery".

Chairman Sherman referred to the Staff Report pertaining to "height" and asked if more accurate measurements could be used to describe "three-story" and "two and one-half story" based on the mean sea level. Project Planner Dubbert stated that the three-story building is already built and the old ordinance didn't define "stories" as a matter of feet.

Commissioner Asmus referred to the Staff Report pertaining to "impact on traffic" and noted that a proposed medical office building for this site was not approved by St Louis County based on concerns over increased traffic circulation and the ability to park the intended use. Commissioner Asmus also noted that the Staff Report indicates that the allowance of a medical and dental office would have an adverse impact on traffic.

For clarification purposes, Project Planner Dubbert stated that the proposed plan now being presented is not the same plan reviewed by the County. Commissioner Banks stated that when the County expressed their concerns over traffic, they were reviewing a much larger plan than the one now being presented.

Commissioner Broemmer pointed out a discrepancy in the Staff Report pertaining to "height" – page 4 of the report shows a table that states, "626 feet (mean sea level) to top of parapet"**,** while a note below the chart states, "The above shall be **exclusive** of rooftop mechanical equipment." Commissioner Broemmer stated that "to top of parapet" would **include** the hiding of rooftop equipment.

Project Planner Dubbert responded that this discrepancy would be corrected when the buildings are described in terms of "footage" as opposed to "stories".

Commissioner Perantoni asked that research be done as to what kind of safety problems have arisen at the access in to Clarkson, such as accident reports filed for that site.

Commissioner Asmus made a motion to hold the request to amend City of Chesterfield Ordinance 1218 for Bull Moose Tube Holdings until the issues that have been presented to the Project Planner have been answered or information is provided including, without limitation, a completed traffic study.

For clarification of the motion, the following Issues were outlined:

- Clarify the height using mean sea level
- A traffic study showing how traffic and parking will be impacted from the newly-constructed building being used as a medical and dental office.
- Regarding parking, what does it do to the Attachment A if it is parked under the current regulations? Calculations should be done with one building as medical use and the other building as general use.
- A tally of the accident rate coming out of Bull Moose Tube
- Clarify in the Attachment A that only the newly-constructed building will be used as a medical and dental office.

The motion to hold was seconded by Commissioner Perantoni **and passes by a voice vote of 8 to 1.** (Commissioner Hirsch voted "nay".)

C. P.Z. 14-2004 Delmar Gardens: A request for the following amendments to City of Chesterfield Ordinance 1806 for a 8.48 acre "PC" Planned Commercial District located on the north side of North Outer 40 Road, east of Delmar Gardens at 14825 and 14805 North Outer 40 Road. (18S320194) Proposed Uses: Medical and Dental Office and Parking Structure

Project Planner Aimee Nassif stated the following:

- A Public Hearing was held on June 28, 2004.
- At this time, all issues have been addressed and provided in the Staff Report.

Commissioner Hirsch made a motion to approve P.Z. 14-2004 Delmar Gardens with the Attachment A as presented. The motion was seconded by Commissioner Broemmer.

Commissioner Sandifer asked if the concern raised by Councilmember Barry Streeter at the Public Hearing had been addressed pertaining to the residents in the area opposing Saturday surgeries.

Project Planner Nassif responded that the current Attachment A limits the Saturday hours from 8:00 a.m. to 1:00 p.m. The petitioner has responded that they do not anticipate any surgeries being performed on Saturdays.

City Attorney Beach noted that the way the Attachment A is currently written, surgeries could be performed on Saturday.

Commissioner Sandifer moved to amend Commissioner Hirsch's motion to bar Saturday surgeries so that Item I.B.3 of the Attachment A would read:

> "*The hours of operation for the medical and dental offices shall be limited to Monday thru Friday 7:00 a.m. to 6:00 p.m. and on Saturdays from 8:00 a.m. to 1:00 p.m. excluding surgeries on Saturday.*"

The motion was seconded by Commissioner Broemmer.

For background purposes, Mayor Nations stated that when this area was being developed, it was repeatedly pointed out to the citizens that one of the advantages of having an office use is that people aren't there in the evening or on weekends. This is the reason why Councilmember Streeter, representing Ward II, expressed concern about a surgery center being open on the weekends. Mayor Nations also noted that the ordinances do not limit the hours of operation for the buildings on North Outer Forty.

Chairman Sherman stated that the petitioner had consulted with the citizens directly behind the development and they did not express any concerns about the hours of operation of the surgery center.

Commissioner Broemmer stated that the proposed tenant had indicated that normally surgeries are not performed after 3:00 p.m. and that surgeries are not scheduled on Saturdays.

Upon roll call, the vote to bar surgeries on Saturday was as follows:

Aye: Commissioner Broemmer, Commissioner Sandifer

Nay: Commissioner Asmus, Commissioner Banks,
Commissioner Hirsch, Commissioner Macaluso,
Commissioner O'Connor, Commissioner Perantoni,
Chairman Sherman

The motion fails by a vote of 7 to 2.

Upon roll call, the vote to approve P.Z. 14-2004 Delmar Gardens with the Attachment A as presented was as follows:

Aye: Commissioner Hirsch, Commissioner Macaluso,
Commissioner Asmus, Chairman Sherman

Nay: Commissioner Banks, Commissioner Broemmer,
Commissioner O'Connor, Commissioner Perantoni,
Commissioner Sandifer

The motion fails by a vote of 5 to 4.

IX. NEW BUSINESS

X. COMMITTEE REPORTS:

A. Committee of the Whole

Chairman Sherman stated that an educational session for the Commission is scheduled for **Wednesday, September 22nd at 6:00 p.m.** Staff will send an email to the Commission regarding the date and time of the meeting.

A request was also made for an updated list of the Planning Commission members, including email addresses. Staff will provide this.

B. Ordinance Review Committee

Commissioner O'Connor felt there was some confusion over "medical use" and "medical district" and suggested that the Ordinance Review Committee review the terms. Staff pointed out that an overnight stay is usually the difference between a medical district and a medical use.

C. Architectural Review Committee

Commissioner Hirsch stated that he will be contacting members of the Architectural Review Committee to set up a committee time.

Planning Director Teresa Price clarified the difference between "green space" and "open space" – open space is more inclusive than green space. Open space includes drainage ditches, water features, grass areas, landscaped areas, sidewalks, plazas and seating but specifically excludes any portion of the site covered by the building, the paved area for vehicular circulation or parking or outdoor storage areas. Paved areas are not part of open space, with the exception of pedestrian walkways. To be consistent, the Attachment A will now use the term "open space" instead of "green space".

D. Landscape Committee – No report
E. Comprehensive Plan Committee – No report
F. Procedures and Planning Committee – No report
G. Landmarks Preservation Commission – No report

XI. ADJOURNMENT

The meeting adjourned at 8:50 p.m.

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Lynn O'Connor, Secretary