PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 11, 2008

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

I. ROLL CALL

PRESENT	ABSENT
Mr. David Banks	
Ms. Wendy Geckeler	
Mr. G. Elliot Grissom	
Ms. Amy Nolan	
Ms. Lu Perantoni	
Mr. Stanley Proctor	
Mr. Robert Puyear	
Mr. Michael Watson	
Chairman Maurice L. Hirsch, Jr.	

Mayor John Nations
Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Susan Mueller, Principal Engineer
Ms. Mara Perry, Senior Planner
Mr. Justin Wyse, Project Planner
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Ms. Mary Ann Madden, Recording Secretary

II. INVOCATION: Commissioner Nolan

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Dan Hurt, Council Liaison; former Mayor Nancy Greenwood; Councilmember Bruce Geiger, Ward II; former Councilmember Mary Brown; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Perantoni read the "Opening Comments" for the Public Hearings.

A. **P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr)**: A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171).

STAFF PRESENTATION:

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. He noted that the following permitted uses are being proposed for the site:

(b) Animal hospitals, veterinary clinics, and kennels
(e) Associated work and storage areas required by a business, firm or service to carry on business operations
(f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
(h) Barber shops and beauty parlors
(o) Dry cleaning drop-off and pick-up stations
(q) Film drop-off and pick-up stations
(s) Financial institutions
(x) Medical and dental offices
(z) Office or office buildings
(ee) Public utility facilities
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters
(gg) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith
(hh) Restaurants, fast food
(ii) Restaurant, sit down
(pp) Permitted signs
(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on premises.
(qq) Souvenir shops and stands, not including any zoological displays or permanent open storage and display of manufactured goods.
(rr) Stores, shops, markets, service 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.

Mr. Wyse then stated the following:

- Staff has met all local and State statutory notification requirements for the Public Hearing.
- Directly to the northeast of the subject property is a vacant, undeveloped lot that is not included in the subject petition.
- Clarkson Wilson is currently governed by Ordinance 1117, which contains many restrictions on the permitted uses, such as:
    - All uses in the C-1 Neighborhood Business District without a Conditional Use Permit
    - Maximum of two (2) restaurants (Ordinance also contains restrictions on seats and square feet of restaurant use)
    - No freestanding fast food restaurants permitted
    - No drive-thru restaurants permitted
    - Veterinary clinic (no overnight boarding).
    - Apparel stores, including shoe and sporting goods stores.
    - Home entertainment equipment, not to exceed 3,000 square feet.
- Current development conditions required for the site include:
    - The uses permitted within this "C-8" Planned Commercial District shall be contained in a maximum of four buildings not to exceed a total of 42,000 square feet in floor area.
    - No building shall exceed 17,000 square feet in gross floor area or one-story in height, excluding rooftop mechanical equipment enclosures.
    - Hours of Operation 7:00 a.m. – 11:00 p.m., seven days a week
- The Comprehensive Land Use Plan identifies the subdivision as being "Neighborhood Retail".
- Staff is currently reviewing the following items:
    - Permitted Uses
    - Development conditions
    - Hours of operation
    - Draft Attachment A will be updated to the City's current format

Responding to questions from the Commission, the following points were clarified:

- The property to the northeast of the subject site is not part of this petition; it is not zoned "commercial"; and it is not owned by the Petitioner.
- The Petitioner is not requesting any changes to the "current development conditions" listed above.
- As currently requested, "fast food, drive-thru" is allowed as a permitted use.
- If some of the uses are turned into "medical offices", the site would have to meet the City's parking requirements. If parking is not adequate for such a use, the use would not be permitted.

PETITIONER'S PRESENTATION:

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for Clarkson-Wilson Shopping Center, 10829 Olive Boulevard, Ste. 200, St. Louis, MO stated the following:
   - They are looking to "conduct business as usual". There are no plans for a "different use, different development, different building, different construction, or different design".
   - The petition was initiated by a change from a restaurant use to a bakery use, which included seating. The bakery use would have been the sixth restaurant on the site, of which they traditionally had on the site. When the Municipal Zoning Application was submitted, it was determined that the original zoning has a restriction of two restaurants for the site, along with restrictions pertaining to seating.
   - After meeting with the Planning Staff, they applied for a change of zoning from "C8" to "PC" Planned Commercial.
   - Their goal in seeking the "PC" zoning involves being able to have the existing permitted uses still be permitted uses; being able to have the number of restaurants that the Center has been operating with for the last 10 years; being governed by the parking ordinances of the City; and being able to have the same flexibility of types of uses as they now have.
   - They have had an ongoing discussion with a representative from the Clarkson Woods Subdivision regarding the neighborhood's concerns . The Petitioner is willing to address the concerns expressed – such as building above one-story, and outdoor, overnight kennels.
   - The following uses have been eliminated by the Petitioner, as indicated:
     (f) ~~Auditoriums, churches, clubs, lodges, meeting rooms~~, libraries, reading rooms, ~~theaters, or any other facility for public assembly~~.

     (ff) Recreational facilities, indoor ~~and illuminated outdoor facilities~~, including swimming pools, ~~golf courses, golf practice driving ranges, tennis courts,~~ and gymnasiums, ~~and indoor theaters, including drive-in theaters~~.

     (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, ~~fishing tackle and bait shops~~, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on premises.

     (qq) ~~Souvenir shops and stands, not including any zoological displays or permanent open storage and display of manufactured goods.~~

     (rr) Stores, shops, markets, service 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.

Chair Hirsch noted that *"automatic vending machines"* would be indicated as an "ancillary use" rather than a "full use".

Ms. Aimee Nassif, Planning & Development Services Director, asked Mr. Holtzman if "drive-thru" for fast food restaurants is being requested. Mr.Holtzman replied that they have not reviewed the use sufficiently to make a determination at this time. It was agreed that the Petitioner would work with Staff on this use before the petition came up for vote.

2. Ms. Sarah Mansholt, Property Manager of Hutkin Development Company for Clarkson-Wilson Shopping Center, 10829 Olive Boulevard, Ste. 200, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Ms. Nancy Minster, 16080 Clarkson Woods Drive, Chesterfield, MO stated the following:
   - Her home is the first house that resides against the drive as one enters Clarkson Wilson Centre.
   - Her major concern is "loss of control" in that the currently-zoned "C8" property is not operating within all the restrictions of its existing zoning – such as, five or six restaurants vs. the restriction of two restaurants.
   - Parking is a problem for the site – cars are often parked along the drive; when the County government has session, cars are parked along the drive on both sides and up into the subdivision street.
   - Increased traffic into the neighborhood is a concern. Rather than using the Clarkson Road entrance, motorists use the Clarkson Woods Subdivision as a means of entering and exiting the site because of the stop light at the subdivision.
   - Numerous accidents have occurred because of parking along the driveway.
   - Hours of operation are currently until 11 p.m. for some of the restaurants. Speaker has a concern that the hours could be extended beyond 11 p.m.
   - Speaker has a concern about more restaurants having the ability to serve alcohol.
   - Speaker noted that trash is routinely thrown along the sidewalk.

2. Mr. Dave Hirschbuehler, Trustee of Clarkson Woods Subdivision, 16006 Meadow Oak Drive, Chesterfield, MO stated the following: *(It was noted that a copy of the Trustees' objections were included in the meeting packet.)*
   - They have spoken to Mr. Holtzman, who has been very receptive to their requests.

- Speaker stated that he did not see, in the Petitioner's presentation, the Trustees' objection to communication towers/satellite dishes. He also clarified that they do not want anyone to construe their objection to mean *residential satellite dishes*. Their objection is to having more towers similar to the power lines to the south of the subject site.
- The Trustees also object to fast food restaurants with drive-thru lanes, which they feel would change the traffic pattern, along with the noise and activity of the shopping center.

3. Ms. Barbara Nauert, Trustee of Clarkson Woods South Subdivision, 15904 Country Ridge Drive, Chesterfield, MO stated the following: *(It was noted that a copy of the Trustees' objections were included in the meeting packet.)*
   - Clarkson Woods South Subdivision is on the south side of the subject development, on the east side of Clarkson Road. There is a strip of common ground that separates them from the Clarkson Wilson Centre.
   - She expressed concern about the use "*public utility facilities"* and asked that the use be specified more clearly.
   - The residents are concerned about the hours of usage – they do not want 24-hour usage.
   - The residents do not want any drive-thrus on the fast food restaurants.
   - Speaker asked that "*automatic vending facilities"* be eliminated because there is a high school nearby.
   - Speaker also asked that "*swimming pools"* be eliminated.
   - Speaker expressed a desire to see the final list of uses before a vote is taken.

Chair Hirsch explained that the issues raised will be sent to the Petitioner for response. The Commission will then review the Petitioner's responses at an "Issues Meeting" before a vote is taken.

SPEAKERS – NEUTRAL: None

PETITIONER'S RESPONSE:
Mr. Holtzman responded to the issues as follows:

- **Satellite and communication towers:** This use can be eliminated except for those items that are allowed under other provisions and ordinances for tenants' use on the rooftops.
- **Drive-thrus:** This use can be eliminated.
- **Fast food:** Speaker is not sure how "fast food" is specifically defined – he would not want to eliminate this kind of use if it pertains to a restaurant such as "Subway".
- **Hours of operation:** They are not proposing any change in the existing hours of usage.
- **Swimming pools:** This use can be eliminated.
- **Parking:** From their own internal parking survey, they have found that there has always been more than an ample amount of parking during the

peak times of the day. He agreed that when the County has court nights, there is a policing and controlling issue on which the Centre works with the County in directing traffic.

- **Lot immediately to the north of the subject site:** The Petitioner does not own this lot and is not interested in owning this lot. It is his understanding that it is zoned "residential".

Councilmember Hurt suggested that "no parking" signs be posted along the drive that goes into the subdivision from the Centre. Mr. Holtzman said he had no objection to this.

ISSUES:

1. Clarification of permitted uses including *communication towers* and *drive-thrus*
2. Hours of operation
3. Height of the buildings
4. Parking concerns
5. Traffic concerns
6. Possible stop sign on the side road
7. Concern with outdoor seating because of the proximity to residential

B. P.Z. 18-2008 City of Chesterfield (Architectural Review Board): An ordinance repealing section 1003.177 of the City of Chesterfield Zoning Ordinance and creating a new section to address the Architectural Review Board Policies, Procedures and Architectural Standards.

On behalf of the Planning Commission, Chair Hirsh expressed the Commission's appreciation for the Architectural Review Board (ARB) and for its advice. He then commended the Architectural Review Board for its perseverance over the years in working with the Commission. He appreciates that ARB has pressed this issue forward so that the ARB is specifically included in Chesterfield's Ordinances, as well as the architectural review standards.

STAFF PRESENTATION:

Senior Planner Mara Perry gave a PowerPoint presentation and stated the following:

- Public Hearing notification was posted per State statute and Department requirements.
- Currently Section 1003.177 of the Zoning Ordinance states: "*To preserve and protect the character of the City of Chesterfield, the Planning Commission shall establish an Architectural Review Committee. The purpose of said Committee is to review architectural elevations submitted to the Commission during the site development plan and site plan*

process." Chair Hirsch clarified that *"Architectural Review Committee"* is synonymous with *"Architectural Review Board".*

- The subject petition proposes that Section 1003.177 would be titled *"Architectural Review"* with three sections added to it as follows:
    A. Architectural Review Board
        - Purpose
        - Composition of the Architectural Review Board – Ms. Perry clarified that the draft language states "*one member from the Chesterfield Arts Inc*". – this will be changed to read *"one member from the Chesterfield Arts Inc.* ***Board".***
        - Terms
        - Officers
        - Meetings
        - Compensation
        - Powers and Duties
        - Fees

    B. Definitions – Includes key definitions to help define the document.

    C. Design Standards
        - Applicability and Compliance – Defines how the Design Standards would be applied.
        - Exemptions
        - Alternative Compliance
        - Requirements and Procedures
            - Submittal Requirements
                - ✓ Color site plan is required
                - ✓ Added requirement for Lighting cut sheets for any building fixtures and electronic version of ARB packet
                - ✓ Amended Architect's statement requirement for clarity
        - General Requirements for Site Design
            - Site Relationships
            - Circulation System and Access
            - Topography
            - Retaining Walls
        - General Requirements for Building Design
            - Scale
            - Design
            - Materials and Colors
            - Landscape Design and Screening
            - Signage
            - Lighting
        - Chart of Standards based on Use
        - Specific Requirements for the Chesterfield Valley

Ms. Perry stated that the above information had been part of what previously had been the "Guidelines for the Architectural Review Board". These guidelines were not a part of the Zoning Ordinance.

Ms. Perry then noted the following change that will be made to Section C.1.b. on page 3:

> Unless other required by the City of Chesterfield, new Single Family Residential subdivisions, tear downs and residential additions shall be reviewed by ~~Planning and Development Services~~ **Planning & Public Works Department** during Site Plan Review or Municipal Zoning approval.

The above change would include all staff members who may be reviewing the documents.

Commissioner Perantoni referred to the information under "Residential Architecture – Exterior Elements" on page 9. She questioned whether the language for this section should be similar to the language used for the Valley – specifically the language that deals with "facades that can be seen from public roads", which requires that the material on the front of the building is to be repeated on the other elevations. Ms. Perry stated she would look into this issue.

Mayor Nations then acknowledged former-Mayor Nancy Greenwood noting that the Architectural Review Board was one of her priorities, which "has been a great blessing to the people of Chesterfield".

Speakers – Neutral:

1. Ms. Nancy Greenwood, 14441 Corallin, Chesterfield, MO stated the following:
   - Referring to Commissioner Perantoni's comment about the exterior elements for residential architecture, Speaker noted that the language used for the Valley states: *"Utilize architectural elements from the front façade on the side and the rear of the structure"* but it does not specify *"of comparable materials"*. Chair Hirsch clarified that there is the issue between "replicating the materials" and "replicating the details" – it may be that the details are replicated but in compatible, different materials.
   - Regardless of what type of business comes to the Valley, she feels that they should be required to meet the same criteria as the existing structures in the Valley.

As a resident, Ms. Greenwood then expressed her appreciation to the members of the Planning Commission and the Architectural Review Board for all their time and work.

Commissioner Perantoni read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the July 28, 2008 Planning Commission Meeting, as corrected below.

> Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the amendment to the architectural elevations for Jared's Jewelers (Chesterfield Mall). The motion was seconded by Commissioner Puyear and passed by a voice vote of 4 to 2 with Commissioners Geckeler and ~~Grissom~~ **Watson** voting "no".

The motion was seconded by Commissioner Watson and **passed by a voice vote of 6 to 0** with 3 abstentions from Chair Hirsch, Commissioner Nolan and Commissioner Perantoni**.**

VI. PUBLIC COMMENT

A. P.Z. 14-2008 Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.):

Petitioner:

1. Mr. Bill Remis, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - They are requesting a rezoning from "C8" to "PC" in order to create conformity and consistency for the City, and to make the site more workable for the Petitioner.
   - The Petitioner is willing to amend the following permitted uses as indicated below:
     n. Recreational facilities, indoor ~~and illuminated outdoor~~ facilities, including swimming pools, tennis courts, gymnasiums, and indoor theaters;
     r. ~~Sales,~~ rental, and leasing of new and used vehicles, including automobiles, as well as associated repairs and necessary outdoor storage of said vehicles;

Responding to questions from the Commission, Mr. Remis stated the following:

- **Use r:** They would like to keep *"as well as associated repairs and necessary outdoor storage of said vehicles"* as part of the use in the event the Center wants to lease to an automobile leasing facility, which would require those types of uses to support the leasing.
- **Parking Reduction:** They would carry over the 20% parking reduction granted by the County in 1989, but have no intention of requesting a further reduction at this time.
- **Fishing tackle and bait shops:** Since no one has objected to this use, they intend to keep it.

- **Use v - Stores, shops, markets, service 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:** They would like to keep "*including indoor sale of motor vehicles"* as part of the use as *"motor vehicles"* is different than *"automobiles". "Motor vehicles"* could pertain to motorcycles or mopeds.

Speakers – Neutral:

1. Ms. Nancy Greenwood, 14441 Corallin, Chesterfield, MO stated the following:
   - She has concern about allowing "automobile rental" on the site with a 20% parking reduction.
   - She feels there is a parking problem on the eastern portion of the parking lot between the hours of 10 a.m. and 2 p.m. where Dierberg's, the cleaners, and Panera are located

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Downtown Chesterfield: An Amended Site Development Concept Plan and Conceptual Landscape Plan for a 15.96 acre lot of land zoned "C-8" Planned Commercial District located on the northwest corner of Chesterfield Parkway West and Lydia Hill Road.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Concept Plan and Conceptual Landscape Plan for Downtown Chesterfield with the condition that the Honey Locust trees be replaced with another tree variety. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0**.

B. River Crossings Partially Amended Conceptual Landscape Plan, Lots 6, 7 & 8 (1, 9 and 17 Arnage Rd.): A Partially Amended Conceptual Landscape Plan for a 2.763, 2.386 and 1.11 acre tract of land zoned "PC" Planned Commercial District, located north of Chesterfield Airport Road and south of Interstate 64/Highway 40.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Partially Amended Conceptual Landscape Plan for River Crossings Partially Amended Conceptual Landscape Plan, Lots 6, 7 & 8 (1, 9 and 17 Arnage Rd.) with the condition that the winter creeper ground cover is to be replaced with a substitute as approved by Staff. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 9 to 0**.

C. River Crossings Amended Landscape Plan, Lots 7 & 8 (1 and 9 Arnage Rd.): An Amended Landscape Plan for a 2.763 and 2.386 acre tract of land zoned "PC" Planned Commercial District, located north of Chesterfield Airport Road and south of Interstate 64/Highway 40.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Amended Landscape Plan for River Crossings Amended Landscape Plan, Lots 7 & 8 (1 and 9 Arnage Rd.) with the condition that the Petitioner work with Staff on the replacement of the winter creeper ground cover, burning bush, and chantileer pear tree as appropriate. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 9 to 0**.

D. Spirit Valley Business Park (Sign Package): Sign Package for a 52.82 acre tract of land zoned "PI" Planned Industrial District located approximately 4,200 feet west of the intersection of Chesterfield Airport Road and Olive Street Road.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending that the Sign Package for Spirit Valley Business Park be held at the request of the Petitioner's attorney. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 9 to 0**.

VIII. OLD BUSINESS

A. P.Z. 14-2008 Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.): A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 8.25 acre tract of land located southwest of the intersection of Olive Boulevard and Woods Mill Road. (16Q210763)

Ms. Mara Perry, Senior Planner, stated that the rezoning would clean up the uses and would have them conform to the City's current types of uses. At the Public Hearing, the following issues were raised, which Staff feels have been addressed by the Petitioner:

- Hours of Operation: They have carried forth the hours of operation that had been in the previous Attachment A from St. Louis County.
- Uses: Uses "n" and "r" have been amended by eliminating some of the permitted uses.
- Drive-thrus: Drive-thrus have been excluded from the "*restaurant, fast food"* use.

Ms. Perry stated that the Petitioner did not request a sign package for the development – they will continue to adhere to the current sign regulations. She

then noted that the following items have been carried over from the previous governing ordinance and are included in the Attachment A:

- Parking and structure setbacks
- Landscape buffer and fencing requirements to the adjacent residential – It was noted that these requirements are above the requirements of the Tree Manual
- Hours of operation for the bowling alley
- Parking reduction and limit on loading requirements

Commissioner Watson made a motion to approve P.Z. 14-2008 Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.) as amended on uses "n" and "r". The motion was seconded by Commissioner Nolan.

Upon roll call, the vote was as follows:

Aye: Commissioner Nolan, Commissioner Perantoni, Commissioner Proctor, Commissioner Puyear, Commissioner Watson, Commissioner Banks, Commissioner Grissom, Chairman Hirsch

Nay: Commissioner Geckeler,

The motion passed by a vote of 8 to 1.

IX. NEW BUSINESS

A. Silent Prayer

It was the consensus of the Commission to dispense with the oral invocation at the start of the meeting and to replace it with a silent prayer.

X. COMMITTEE REPORTS

A. Architectural Review Board

It was agreed that Staff will prepare a new schedule outlining the Planning Commission liaisons to the ARB through the end of the year.

XI. ADJOURNMENT

The meeting adjourned at 8:16 p.m.

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Michael Watson, Secretary