**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**JULY 23, 2007**

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

**I. PRESENT** **ABSENT**

Mr. David Asmus
Mr. David Banks
Mr. G. Elliot Grissom
Ms. Lu Perantoni
Mr. Gene Schenberg
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Mr. Fred Broemmer
Ms. Wendy Geckeler

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Mara Perry, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

**II. INVOCATION:** Commissioner Grissom

**III. PLEDGE OF ALLEGIANCE –** All

Chair Hirsch acknowledged the attendance of Councilmember Connie Fults, Council Liaison; Councilmember Lee Erickson, Ward IV; and City Administrator Mike Herring.

**IV. PUBLIC HEARINGS –** Commissioner Schenberg read the "Opening Comments" for the Public Hearings. Chair Hirsch addressed the audience and encouraged them to contact the Planning Commission, in writing, of any issues not brought up during the Public Hearings.

**A. P.Z. 29-2007 Elbridge Payne Office Park (1281 Chesterfield Parkway East):** A request for an amendment to St. Louis County Ordinance Number 8,800 for an amendment to the parking setback requirement for Elbridge Payne Office Park an approximately 5.4 acre tract of land, zoned "C-8" Planned Commercial District and located at the intersection of Chesterfield Parkway East and Elbridge Payne Road. (19S440523).

Project Planner Charles Campo gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Campo stated the following:

- All Public Hearing requirements were followed for the project.
- The petition is specific to the parcels of land on the west side of Elbridge Payne Drive.
- The comprehensive plan shows the site to be bordered by Residential Multi-family to the south and Urban Core on the east, north and west.
- The request is to allow a zero-foot parking setback from interior parcel lines for the parcels to the west of Elbridge Payne Road.
- St. Louis County Ordinance No. 8,800 currently requires a five-foot parking setback from interior parcel lines.

Chair Hirsch noted that this is a fully built-out site and that the petition allows the potential of sub-dividing the lots. Mr. Campo confirmed that the petition request is to facilitate splitting the lot.

**PETITIONER'S PRESENTATION:**

1. Mr. John Wagner, representing Sachs Properties, Doster, Mickes, 17107 Chesterfield Airport Road, Chesterfield MO stated the following:
   - The request is to amend the existing County ordinance to allow a zero-foot setback for the parking. Currently, a five-foot setback is required.
   - The site is not completely built-out – (the vacant areas were pointed out to the Commission).
   - There is currently a record plat pending with the City but it cannot be processed until the Petitioner complies with the existing governing ordinance, which is the reason for the amendment request.
   - The record plat was approved for the site in July, 2003 but it was never recorded. When the plat process was re-initiated in December, 2006, it was discovered that the lot lines crossed existing parking spaces.
   - The proposed lot lines follow lease lines. The petition was initiated by P.F. Chang's desire to have overflow parking. A shared parking agreement will be in place as soon as the record plat process is completed.
   - It was noted that the existing paving will remain – there will be three distinct lots with the ordinance amendment.

2. Ms. Kathy Higgins, Sachs Properties, 400 Chesterfield Center, Chesterfield, MO was available for questions.

3. Mr. Bob Osborne, 10849 Indian Head Industrial Boulevard, St. Louis, MO was available for questions.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**
1. Mr. Tom Schulze, 15631 Hedgeford Court, Chesterfield, MO indicated he would pass on speaking.

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:** None

**ISSUES:** None

**B. P.Z. 32-2007 MPD Investments, LLC (17481 and 17485 North Outer 40 Road):** A request for a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District for an 8.3 acre tract of land located north of North Outer 40 west of Boone's Crossing (17U520148 & 17U520159).

Ms. Mara Perry, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The Proposed Uses are as follows:
  - (j) Business, professional, and technical training schools;
  - (k) Business service establishments;
  - (q) Financial institutions;
  - (y) Hotels and motels;
  - (dd) Mail order sale warehouses (excluding on-site sales);
  - (gg) Medical and Dental offices;
  - (ii) Offices or office buildings;
  - (mm) Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities;
  - (oo) Printing and duplicating services;
  - (uu) Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
  - (ww) Restaurants, sit down;
  - (xx) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural

equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles;

(yy) Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;

(eee) Permitted signs (See Section 1003.168 "Sign Regulations");

(iii) 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;

(ooo) Vehicle repair facilities;

(ppp) Vehicle service centers;

(qqq) Vehicle washing facilities;

(rrr) Warehousing, storage, or wholesaling of manufactured commodities, explosives, or flammable gases and liquids (excluding explosives, flammable gases and liquids);

Ancillary Uses:

(g) Automatic vending facilities for:

(i) Ice and solid carbon dioxide (dry ice);

(ii) Beverages;

(iii) Confections.

(l) Cafeterias for employees and guests only;

(ll) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours (excluding for a period in excess of seventy-two (72) hours);

- One additional use is being requested. This additional use has been re-advertised and a second Public Hearing is scheduled for August 13th for the additional use.
- The site was posted according to State statutes, as well as the City's positing requirements.
- The subject site has an existing building on it.
- The subject site is located in sub-area 4 of the Chesterfield Valley Area and is designated as Mixed Commercial use.
- The Comprehensive Plan calls for this area to be Mixed Commercial use which includes: Retail, Low-Density Office and Limited Office/Warehouse Facilities.
- Development Guidelines for this sub-area also include:
  - Retention of 50% open space
  - Parking setbacks of 50 feet from North Outer 40 Right-of-Way
  - Parking ratio of 4.0 spaces/ 1,000 square feet of development

**PETITIONER'S PRESENTATION:**

1. Mr. Mike Doster, representing the Petitioner - MPD Investments, LLC, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint Presentation and stated the following:
   - MPD Investments, LLC includes principals Mike Matheny and Brett Phillips.
   - They are requesting a rezoning of the site from "C-8" Planned Commercial to "PI" Planned Industrial District.
   - The site is approximately 8.3 acres.
   - When the application was filed, a true Concept Plan was filed with it. This is a speculative development – no users are committed at this time.
   - The plan shows "hypothetical buildings" to give an idea of what the site could look like.
   - The subject site is in the Mixed Commercial Use Area, sub-area 4.
   - There are three differences between the uses approved on the former Larry Enterprises site and the subject site as follows:
     - The Petitioner is requesting Medical and Dental offices;
     - The Petitioner is requesting outdoor storage of vehicles; and
     - The Petitioner has recently added "Animal hospitals, veterinary clinics and kennels" as a use. The Public Hearing for this use will be on August 13th.
   - The Petitioner intends to combine three sites into one development (as shown in the PowerPoint presentation).
   - Buildings A & B are shown on the approximately seven acres of the former Larry Enterprises site – a Concept Plan and Site Section Plan have been approved for Building A. This portion of the site will be developed under the existing ordinance.
   - The subject petition is for the properties where Buildings C and D are shown – the Walker family property. A Concept Plan has been presented for this portion of the site.
   - Larry Enterprises/Lynch Hummer is subject to a green space requirement of 31%. The Petitioner is seeking a similar standard on its site so as to be compatible with the developments to the east.
   - One reason for reducing the recommended sub-area guideline from 50% to 30% open space is because the properties narrow as one goes west because of the positioning of the levee.
   - The Walker's negotiated an agreement with the Levee District to convey an additional seepage berm. This berm was conveyed to the Levee District on the properties showing Buildings C and D, which has further reduced the usable area. To the south, there will be a storm water drainage ditch traversing the front of all these properties.
   - The plan shows three curb cuts. The total lineal footage of the portion of the development showing Buildings C and D is approximately 780 feet. The distance between the middle curb cut and the one to the west is 280

feet; the distance between the middle curb cut and the one to the east is approximate 420 feet.
- Utilities are available to the site.

2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

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

- **Regarding why "PI" zoning is being requested vs. "PC" zoning:** They feel "PI" fits the category of uses in "Mixed Commercial", which includes the use "Limited Office/Warehouse Facilities". The Petitioner wants to take advantage of this use, which is not found under "PC". They feel "PI" is consistent with the area.
- **Regarding possible improvements to the road going to the proposed buildings:** They do not plan on improving the road at this time. However, they may receive comments from MoDOT and the Public Works Department regarding improvements in this area. Mr. Stock added that through the permit process, MoDOT is requiring a third lane on the North Outer Road creating a continuous left-hand turn lane from the east property line of Building A and continuing to the west. MoDOT has indicated that it will be providing its comments to the City on Buildings C and D. It is assumed that the comments will require the left-hand turn lane continuing across the entire frontage of the property.

Discussion was held on the following proposed uses with the Commission asking the Petitioner to consider eliminating all, or a portion, of the language in these uses.

(y) Hotels and motels

(xx) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles;

(yy) Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;

Mr. Doster stated that he felt the uses could be revised to address the concerns raised.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:** None

**ISSUES:**

1. Compare the subject petition with the Larry Enterprises/Lynch Hummer ordinance.
2. Road improvements on North Outer Forty.
3. How do the proposed uses fit with the sub-area 4 designation? How does Staff see them as being consistent or inconsistent?
4. Curb cuts – will MoDOT allow the three proposed curb cuts?
5. Address traffic and road issues. Are there any scheduled improvements from MoDOT or from the Petitioner? Should a traffic study be done of the two intersections in this area? Chair Hirsch noted that the Attachment A includes the possibility of requiring a traffic study.
6. Provide the open space on existing sites in sub-area 4.
7. Address why the Comprehensive Plan calls for 50% open space.
8. Limiting it to the north side of the North Outer Road, provide information as to whether there is a precedent of speculative zoning.

**C. P.Z. 35-2007 Olive Greenfield Condos (14306 and 14298 Olive Blvd.):** A request for a change of zoning from "R-2" Residential District to "R-5" Residential District for a 2.9 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

And

**D. P.Z. 37-2007 Olive Greenfield Condos (14306 and 14298 Olive Blvd.):** A request for a Planned Environment Unit (PEU) Procedure within an "R-5" Residential District for a 2.9 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

Project Planner Charles Campo gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Campo stated the following:

- All Public Hearing notification requirements were met.
- The petition proposes 12 single-family lots with 10 attached housing units and 2 detached housing units.
- The Comprehensive Plan shows the site to be bordered by Single Family Residential on all sides. The surrounding sites are zoned R-2 and R-3.
- Paddington Hill is across the street from the subject site. It is zoned R-3 and is 7.8 acres with 27 housing units. The maximum lot size is 7,244 sq. ft and 4,240 sq. ft. is the minimum lot size.

- Chesterfield Zoning Ordinance Minimum Lot Sizes:

| | Min. Lot Area | PEU |
|---|---|---|
| R-1A | 22,000 sq.ft. | - |
| R-2 | 15,000 sq.ft. | 10,000 |
| R-3 | 10,000 sq.ft. | 7,500 |
| R-4 | 7,500 sq.ft. | 6,000 |
| **R-5** | **6,000 sq.ft.** | **4,500** |
| R-6 | 4,500 sq.ft. | 4,500 |
| R-6A | 4,500 sq.ft. | 4,500 |
| R-7 | 4,500 sq.ft. | 4,500 |
| R-8 | 4,500 sq.ft. | 4,500 |

- R-5 allows attached single-family housing by right; R-2 allows attached housing with a PEU.
- Items Currently Under Review by the Department of Planning:
  - Adherence to the City of Chesterfield Tree Manual – Petitioner must submit a Tree Stand Delineation
  - Petitioner must submit site cross sections
- Staff will review the site for issues pertaining to open space requirements, storm water run-off control, etc.

Mr. Campo noted that a PEU permits smaller allowable lot sizes by right than a zoning category would allow. A PEU allows flexibility in development of the site and has an Attachment A for residential development.

Mr. Mike Geisel, Acting Director of Planning, added that the difference between the R-5/R-6 zoning category and the PEU is as follows:

- With the PEU, the Petitioner is still required to maintain the R-5 density but the individual lot size for a unit can be reduced – but it would have to be made up in common ground and open space.
- With an R-6 or further denser site, the lot size is the density that is allowed.

**PETITIONER'S PRESENTATION:**

1. Mr. Paul Ferber, Attorney representing the Petitioners, 1227 South Geyer, Kirkwood, MO stated the following:
   - It is his understanding that the PEU still requires the same density as R-5 zoning but the PEU permits a smaller lot. It is his understanding that the PEU still requires the same frontage as required in the specific district.
   - The subject site is presently zoned R-2 with 15,000 sq. ft. and has an 85-foot front at the building line; 15-foot side yard setbacks; and 30-foot rear yard setbacks.
   - There is a required buffer strip on all sides of the project. The Petitioner proposes a 20-foot buffer strip along the Glenfield Subdivision and Greenfield Subdivision; and a 30-foot buffer strip along Olive. The landscaping of the buffer strips is dictated by the City.

- They have met with the Trustees of Greenfield Subdivision and with the homeowners in Glenfield Subdivision to advise them of the proposal.
- Deducting the proposed street, the square footage of the site is 107,000 square feet. Under the R-5 zoning with 6,000 square-foot lots, they would be entitled to 17 units – they are requesting 12 units for the site.
- All of the proposed lots are 6,000 square feet or more. There is a 50-foot front requirement for each attached unit.
- The lighting of the street would be in accordance with City requirements.
- Speaker commented on the grade of the site as follows:
    - The grade differentials are quite significant between the subject property and the Glenfield property - except all the way to the south, which is a grade that starts in the back yard of the existing lot and tapers down. The grade in the south corner is at 634 and rises consistently up to Olive Street Road at 652.
    - There is about a 6-foot grade differential down to about a 4-foot grade differential along the 20-foot buffer strip. As it goes to the back of the site, it is a slow taper.
    - The property flows from west to east away from Glenfield.
- In meeting with Councilmember Flachsbart, he asked the Petitioner to try and solve some of the surface water problems that Greenfield Subdivision is experiencing.
- It is their intention to make one of the buffer strips as common ground. Common ground has also been created in the corner in effort to keep as much existing green space buffer as possible.

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

- **Regarding the request for R-5 zoning when the surrounding zoning is R-2 and R-3:** The subject property is a difficult site to develop considering that the City requires 500 feet in between driveways or roadway entrances. They are required to line up their entrance directly across from Paddington Hills' entrance. They are also installing an internal street within the site, which requires a cul-de-sac. Since R-2 requires an 85-foot front and 15,000 square feet, it is not feasible to accomplish that and still have a single entrance into the whole piece of property. He did not feel the City would want to have individual driveways entering onto Olive. After meeting with Staff, he was under the impression that he would need to apply for R-5 zoning in order to get attached housing. He how understands that attached housing is allowed under the other R-zoning districts but the straight R-2 zoning says "only single-family – no attached" which is why they requested R-5.
- **Regarding how many units could be developed on the site with R-3 zoning with a PEU:** With R-3, they would be entitled to 14 units but they are only requesting 12. With R-5, they would be allowed 17 units.

- **Regarding how many units could be developed on the site with R-2 zoning:** Approximately 7 units could be developed on the site under R-2 zoning. He does not feel they could get the maximum density under R-2 because of the configuration of the property.
- **Regarding when Mr. Ferber acquired his interest in the property:** Interest in the property was acquired in 2005. Part of the property is in another company, for which he has a contract to buy; the other part of the property is in a private ownership, for which he has a firm contract to buy. There are no contingencies on the contracts. When he entered into these contracts, the zoning on the property was R-2.

For clarification purposes for the audience, City Attorney Heggie stated that developers frequently have contact with Staff long before a presentation is made to the Planning Commission. Meetings with Staff are generally in the nature of developers trying to find out which City requirements would apply to a particular parcel. The Staff works for the Mayor, the City Council, and the residents of Chesterfield –Staff works with developers to make sure that whatever project the developer wants meets, at some level, the City's requirements. It is up to the Planning Commission and City Council to decide what zoning would be appropriate for the property.

**SPEAKERS IN FAVOR:**

1. Mr. Chris Hurt, speaking on behalf of the Greenfield Village Board of Trustees, 240 Stablestone, Chesterfield, MO stated the following:
   - Both Paul and Robert Ferber visited the Greenfield Trustee meeting and presented their plans.
   - Based upon the configuration of the space, they felt it was a good use of the space.
   - They did have some issues, which they discussed with the Ferbers – in particular, the water run-off issue.
   - They also have a concern with the cyclone fence between Greenfield's entrance and the subject site. They have asked the Petitioner to replace the cyclone fence with a privacy fence to screen the construction work.
   - Their final issue concerns traffic. They question whether this would be the time to re-think the Stablestone-Hog Hollow-Olive area.

**SPEAKERS IN OPPOSITION:**

1. Mr. Nissim Menashe, 501 Glenfield Ridge Court, Chesterfield, MO stated that the developer met with the residents of Glenfield Subdivision to present his plan. As a result of this meeting, Speaker expressed concern about the following issues:
   - Density – The developer is proposing more families to live in a place that is smaller than Greenfield Subdivision.
   - Re-zoning to R-5 from R-2.

- Traffic – With more families moving into the proposed site, it will cause a higher risk of accidents on the existing roads in the area.

2. Ms. Jan Scherza, 534 Glenfield Ridge Court, Chesterfield, MO passed on speaking.

3. Ms. Christine Joyce, 609 Stablestone Drive, Chesterfield, MO stated her concerns about the following issues:
   - Water run-off, drainage, and erosion because her home is below the proposed site.
   - R-5 zoning – She does not feel the requested zoning conforms to the surrounding neighborhoods and is not in the City's Master plan. She has concern that R-5 zoning could allow more units in the future than the 12 units now being requested.

Chair Hirsch pointed out that if the petition is approved, the number of units would be specified in the site-specific ordinance.

4. Ms. Linda Holtzman, 645 Stablestone Drive, Chesterfield, MO noted that her property backs up to the proposed site and stated the following:
   - She has corrected a drainage problem that existed in her backyard for a number of years.
   - She has concern that the proposed development will disturb the land and cause drainage problems in her yard again.
   - She asked what the developer will do with the sewer pipe that has been in her yard for many years that no one would repair.
   - She asked where the proposed privacy fence would be located because the sewer pipe is three feet in behind her line of the fence.
   - She feels R-2 zoning is more appropriate than the requested R-5.

5. Mr. Brian Alderfer, 517 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - The site is zoned R-2 and the residents have always expected it to remain R-2 even when developed.
   - He feels R-5 zoning is too dense compared to the surrounding area. Such zoning would detrimentally affect the property values of the homes in the area. He feels having 12 units on this site would adversely affect the aesthetics of the area.
   - He has concern that the proposed grading will not screen the height of the buildings.
   - There are over 100 units being developed along Olive, all of which are R-2 or R-3 zoning.
   - He questioned who the actual current owner of the property is and whether the area residents have been given "the 100% truth" of what will be done with the site.

6. Ms. Stephanie Pericich, 525 Glenfield Ridge Court, Chesterfield, MO noted that she and her husband purchased their home in Glenfield Subdivision within the past year and stated the following:
   - She felt she represented the perspective of a recent home buyer interested in purchasing property in the Chesterfield market.
   - The part of Chesterfield which lies between Ladue Road and Hog Hollow appealed to them – in part because of the school district and convenience – but mostly because of the aesthetics of the area, which has been very well preserved and controlled.
   - They hope the proposed zoning will not be approved at the higher density of R-5.

7. Mr. Paul Pericich, 525 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - He does not feel R-5 zoning is needed for the subject site.
   - He and his wife purchased their property within the past year because of the aesthetics and value of the area.
   - The proposed petition would greatly impact the value of the homes in the surrounding area.

8. Mr. Stuart Radloff, 518 Glenfield Ridge Court, Chesterfield, MO passed on speaking as he felt his comments had been covered by previous speakers.

9. Ms. Charlene Winer, 526 Glenfield Ridge Court, Chesterfield MO stated the following:
   - She and her husband purchased their property five years ago with the property behind them being zoned R-2. Their property is directly in the path of the construction.
   - They have recently spent a lot of time and effort putting in various plantings in their backyard.
   - If the R-5 zoning is approved, they will have a lot of buildings as their view.
   - She expressed concern about mature trees being removed from the subject site, which is her present view. (Speaker submitted a picture, which will become a part of the public record.)
   - The R-5 zoning will result in more density, trees being removed, and her view being of buildings and cement.
   - She does not feel the proposed buffer zone is big enough to screen the rooflines of the proposed buildings.

10. Mr. Robert Virag, 14337 Cypress Hill Drive, Chesterfield, MO stated the following:
    - He and his wife have lived at this address for the past 20 years.
    - Their home backs to common ground at the bottom of the hill of the subject property – approximately 100 feet below the peak of the site at Olive.

- He has concern about the storm water run-off from hard surfaces, such as roofs, sidewalks, and roads, which may be generated from the proposed development.
- During the past 20 years, they have observed the dramatic erosion of the woodland behind them. They have seen the collapse of hill sides, mature trees felled, and the clogging of the streams. During a one-inch rain storm, the small creek "swells to a twelve-foot wide raging torrent", caused by the run-off of the development over the last 20 years.
- They have concerns that the proposed development could increase the storm water run-off approximately 10-20% into the creek.
- With a one-inch rain storm, every acre of land drains about 27,000 gallons of water. This amount of water comes past their backyard every time it rains.
- They are asking that a study be funded by environmental civil engineers to understand what the impact will be from the storm water run-off from this site. They are also asking that there be the installation of any environmentally-friendly mitigations that may be recommended from such a study.

11. Mr. Tom Vrooman, 14106 Glen Cove, Chesterfield, MO stated the following:
    - The proposed development will be seen from his front yard.
    - From reviewing the plans, he has not been able to determine the height of the project. He suggested that a computer-generated model be used to show what the project will look like.
    - He has concerns about how the development will impact the traffic in the area.
    - He has concerns about how many units are allowed to be developed under the R-5 zoning.

12. Ms. Wei Gu, 659 Stablestone Drive, Chesterfield, MO stated the following:
    - They enjoy the character of the area and their backyard.
    - She expressed concern about the removal of trees and concern about building so near to her driveway.
    - She has concerns about the traffic, which is already bad in the area.
    - She has concerns that the development would adversely affect the value of their home and would make it difficult to sell.

Commissioner Schenberg asked Ms. Gu how much of the space at the top of her retaining wall would be retained if the proposed development is approved. Ms. Gu replied that between her fence and retaining wall, there would be about 10 feet – they have a very small backyard.

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:**

1. Mr. Ferber stated the following:
    - They are proposing common ground along the homes on Greenfield. To the extent that the City will allow, they want to leave the existing buffering. Ms. Gu's property abuts the common ground that has been set out on the plat.
    - Regarding the concern about tree removal, he noted that any development done on the site by any developer would have trees removed.
    - Regarding R-3 vs. R-5 zoning, he noted that R-3 allows lot sizes of 7,500 square feet; they are requesting lot sizes of 6,000 square feet. Based upon the acreage of the property, the R-5 zoning would allow 17 units; they are requesting 12 units. The lots are small so as to create as much common area and buffer area as possible. It is his understanding that the R-5 zoning is consistent with the Comprehensive Plan for attached residential.
    - They do not have any plans for a specific privacy fence along the Greenfield lots.
    - Regarding traffic, they have a letter from MoDOT indicating that there are no plans for any further widening of Olive Street Road. He does not feel the addition of 12 attached units will generate any more traffic than the standard single-family residential.

**ISSUES:**

1. The proposed density of the development – specifically R-5 zoning.
2. Possible drainage problems to properties south of the development.
3. Landscape buffers
4. Traffic generation
5. Privacy fence along Greenfield Village
6. Question about an old sewer pipe
7. Consistency with the Comprehensive Plan
8. Tree preservation – Tree Stand Delineation
9. Provide a chart showing the specific maximum/minimum lot sizes of the surrounding neighborhoods.
10. Provide a contour drawing of the site
11. Provide a computer-generated model of the proposed development, which would show the heights and depths of the site.
12. Is a third-party study of the storm water and run-off issues necessary at this time?

Mr. Geisel addressed the issue of water run-off and stated the following:

- When a Petitioner proposes the improvements of a site – such as the homes and roads – the Petitioner's engineer provides a set of detailed engineering improvement plans. These plans are reviewed by a variety of

agencies, including MSD and the City of Chesterfield, which have very specific storm water standards dealing with detention, water quality, etc.

- The storm water reviews include a detailed analysis of how to handle on-site storm water problems during the construction process.
- He noted that any time additional hard surfaces are added, more storm water is generated.
- The standards imposed by both the City and MSD attempt to mitigate those problems by detention basin installations where water is collected and stored for a period of time. The site is reviewed for the two-year storm, the fifteen-year storm, and the basins are required to hold back the 100-year storm and store it for 24 hours.
- The water is collected and metered out at a slower rate. While you may have a larger volume of storm water from the site, the actual rate of discharge can be managed to be at, or below, what is was before.
- The situation with Ms. Holtzman's property could be made noticeably better by collecting the storm water, piping it to a sewer system, and discharging the water.

Commissioner Schenberg read the Closing Comments for the Public Hearings.

## V. APPROVAL OF MEETING MINUTES

**Commissioner Schenberg made a motion to approve the minutes of the July 9, 2007 Planning Commission Meeting.** The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

## VI. PUBLIC COMMENT

**RE: Saturn of West County (Long Road Crossing)**

**Petitioner:**

1. Mr. Jon Baumgardner, District Sales Manager, Saturn Division of General Motors-St. Louis, 1447 Norwood Hills Drive, O'Fallon, MO stated the following:
   - As a manufacturer, Saturn has a design process and the proposal shows Saturn's national design from 2007.
   - Saturn has very strict guidelines on the design of its retail facilities, which are referred to as "critical image elements". The design presented meets the critical image design elements for Saturn.
   - As a brand, the design is critical to Saturn.

2. Mr. Michael E. Bauer, Architect for Jim Butler Dealerships, Bauer & Associates, 12412 Powers Court, St. Louis, MO stated the following:
   - When a dealership is opened, it has to comply with Saturn guidelines, along with the local municipality's regulations and comments.
   - Given the Saturn mandate, they have tried to respond to the City's regulations and ARB's comments as follows:
     - They have changed the building materials from Saturn's aluminum skin to an all-masonry structure.
     - Landscaping has been enhanced.
     - Some parking has been given up.
     - Additional green space has been added bringing it up to 32%.
     - Some of the architectural elements have been refined – such as the customer service entry door.
   - They have been unable to change the following critical components of the Saturn brand:
     - The location of the main customer entry.
     - The vehicle delivery module.
     - The service reception doors.
     - The horizon and window box element.
     - The overall colors of the building.
   - Regarding the glass service entry doors fronting on Highway 40, Speaker stated the following:
     - These are automatic doors, which are triggered by in-ground sensors. When a customer drives up, the doors open; once the vehicle is inside, the doors close. All this happens in less than one minute.
     - The expectation for service customers is 30-60 per day – divided by three doors – is 20 operations per door per day resulting in the doors being opened for 20 minutes in a typical day.
     - The normal position of the doors is closed.
     - They have offered to change the doors from glass overhead doors to a glass bi-fold door to match the door on the vehicle delivery module.
     - If there is more of an issue with the doors being seen than with the type of door, they would prefer to return to the glass overhead door vs. the bi-fold door.
     - Regarding adding a screen wall similar to the Hummer dealership, Speaker noted that they are not able to put a screen wall in front of these doors.
     - It is of critical importance to Saturn that the doors are visible to their customers and their potential customers.
     - The Hummer dealership doors are only partially screened and are clearly visible from Highway 40 westbound. The Bentley dealership has overhead doors facing Highway 40 that have only the normal ordinance-required landscaping in front of them.

- They are willing to add more low landscaping in addition to the required landscaping.

Chair Hirsch stated that they appreciate the change to the bi-fold door vs. the overhead door. Because of the few deciduous trees on the site and with no partial screening, the concern has been that the doors are plainly visible from Highway 40. Mr. Bauer stated that the only thing Saturn is prepared to do with the doors at this time is to offer more low landscaping out in the front between Highway 40 and the doors. They are not prepared to do a screen wall or move the doors to the side.

For clarification, Chair Hirsch asked if they are physically unable to build a screen wall because of the site and the traffic flow. Mr. Bauer replied that he is not able to build a screen wall and have Saturn approval of the dealership. Basically, there is room enough to make the maneuver and make the turn into the service doors, but to add a screen wall, landscaping, and other planting materials would cause them to push the building back further on the site and that would impact the overall site plan and parking counts.

Commissioner Asmus pointed out that the Bentley dealership has brick on all four sides of its building. Mr. Bauer stated that the proposed Saturn dealership would have brick on the front of its building and concrete masonry units, the same color as the brick, on the rest of the building.

Commissioner Perantoni noted that the horizon element is still red metal.

**Speakers in Favor:**

1. Mr. Kent Kehr, owner of the subject property, 13334 Fairfield Square, Town & Country, MO stated the following:
   - He does not feel the view of the proposed Saturn dealership would be of concern to anyone.
   - They have photographed the Bentley and Hummer dealerships and they all have doors that are visible.
   - He noted that there is a lot more color on the Lowe's and Home Depot stores than what is being proposed for Saturn.
   - He feels the design is fine – especially with the landscaping being proposed.

2. Mr. Chris Kehr, 11141 Clayton Road, St. Louis, MO stated the following:
   - He asked that the Commission not take lightly the work that has been put in to Saturn's presentation. They started meeting a year ago with the Councilmembers in the area and with Staff.
   - They looked at all the other dealerships and the issues. A lot of time was put in to present something which they all felt would be a benefit to the Valley.
   - A lot of changes have been made to try to satisfy the needs of the Valley.

- He feels it presents a consistent business, a consistent architecture, and an asset to the Valley and he wholeheartedly supports it.

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**RE: P.Z. 36-2007 City of Chesterfield (City of Chesterfield (Planned Commercial and Residential Mixed Use District (PC&R) District)**

**Speakers in Favor:**

1. Mr. Mike Doster, Attorney for Sachs Properties, 17107 Chesterfield Airport Road, Chesterfield, MO stated he has reviewed the proposed changes from City Attorney Heggie and suggested the following changes **(changes shown in bold):**

   Section 5) Procedure to Approve a Site Development Concept Plan and Section Plan(s).

   (a) The Site Development Concept Plan shall assure consistency and continuity of the "downtown" concept and shall comply with the Site Specific PC&R District Ordinance, the recommendations of the Architectural Review Board **as approved by the Planning Commission**, and the applicable provisions of the City of Chesterfield Code; any Section Plan shall comply with the Site Specific PC&R District Ordinance, the Site Development Concept Plan and the applicable provisions of the City of Chesterfield Code.

   Section 6) Procedure to Approve a Site Development Plan.

   (a) The Site Development Plan shall comply with the Site Specific PC&R District Ordinance, the recommendations of the Architectural Review Board **as approved by the Planning Commission,** and the applicable provisions of the City of Chesterfield Code.

## VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

**A. 1 Georgetown Road (Georgetown Estates):** A request for an increase in building height for new residential construction "NU" Non-Urban District located at 1 Georgetown Road in the Georgetown Estates Subdivision.

**Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the building height for 1 Georgetown Road (Georgetown Estates)**. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 7 to 0**.

**B.** **14684 Summer Blossom Lane**: House addition on the southwest side of an existing home zoned "R-1A" Residential, located at 14684 Summer Blossom Lane in the Seasons at Schoettler Subdivision.

**Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the house addition for 14684 Summer Blossom Lane**. The motion was seconded by Commissioner Banks and **passed by a voice vote of 7 to 0**.

**C.** **Saturn of West County (Long Road Crossing)**: A Site Development Section Plan, Architectural Elevations, Landscape Plan and Lighting Plan for a 5.34 acre parcel zoned "PC" Planned Commercial located at the northwest corner of the intersection of Long Road and Chesterfield Airport Road.

Commissioner Schenberg, representing the Site Plan Committee, reported that Saturn of West County (Long Road Crossing) was held by the Site Plan Committee to be further reviewed during the Planning Commission Meeting.

**Commissioner Schenberg made a motion to approve the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for Saturn of West County (Long Road Crossing)**. The motion died due to the lack of a second.

**Commissioner Schenberg made a motion to hold the Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for Saturn of West County (Long Road Crossing) until the next meeting of the Planning Commission to give the Petitioner and Staff time to work on the issues raised.** The motion was seconded by Commissioner Asmus and **passed by a voice vote of 7 to 0.**

For clarification purposes, Commissioner Grissom asked that the issues needing to be addressed be identified at this time. The following issues were noted:

- Screening of the doors
- Red metal horizon material that did not receive ARB approval
- Green space and open space – Chair Hirsch stated that the open space and green space would be dictated by the ordinance.
- Window box element - what will be in the window box and will it be considered part of the sign package?
- What are the unchangeable Saturn branding elements compared to the Commission's concerns? What is trade dress and what is an architectural element as compared to what is a sign?
- How does the exposure of the doors on Highway 40 compare to the other two dealerships in the area?

## VIII. OLD BUSINESS

**A. <u>P.Z. 36-2007 City of Chesterfield (City of Chesterfield (Planned Commercial and Residential Mixed Use District (PC&R) District)</u>**: A request to establish Section 1003.139 "Planned Commercial and Residential Mixed Use District" in the City of Chesterfield Zoning Ordinance. Said section is to provide general regulations for the PC&R District and contains the enabling authority for the adoption of site specific ordinances, site development plan, or site development concept plan and site section plans for specific PC&R developments.

<u>Mr. Mike Geisel,</u> Acting Director of Planning, stated there were a few issues raised at the July 9th Public Hearing that have now been addressed.

Specifically, the City Attorney was asked to review the proposed zoning category to insure that the flexibility created by a "tiered" review and the imposition of performance standards was provided for. The City Attorney has reviewed the language and is comfortable with it as provided.

The second issue related to whether or not the proposed PC&R District is available throughout the entire Urban Core. City Attorney Heggie had suggested that the area for the PC&R District be narrowed down. During the Work Session, revisions were given to the Commission noting that geographically the limitations of the PC&R District have been limited basically to the north portion of the southeast quadrant. It is bounded on the east by Clarkson Road, on the south by Lydia Hill, on the west by Baxter Road, and on the north by Highway 40. As a result, the PC&R District does not apply to the entire Urban Core.

The final issue related to whether the reference to the "Chesterfield Historical Commission" should be updated to reflect the "Chesterfield Landmark Preservation Commission". The PC&R language has been changed to reference the Chesterfield Landmark Preservation Commission.

The following additional changes have been made to the draft PC&R per recommendations from the City Attorney **(changes shown in bold):**

> Performance Standards for the PC&R District are provided in the Chesterfield City Code **for the PC (Commercial) and R (Residential) land uses. Conflicts between the Commercial and Residential performance standards shall be resolved in the Site Specific PC&R Ordinance, Site Development Plan, Site Development Concept Plan, or Site Development Section Plan.**

Mr. Geisel also noted that, earlier in the meeting, Mr. Doster suggested the following changes to Sections 5 and 6 of the draft PC&R **(changes shown in bold):**

> . . .the recommendations of the Architectural Review Board **as approved by the Planning Commission**,. . .

City Attorney Heggie agreed with Mr. Doster's suggestion noting that this would allow the Commission flexibility to reject, or accept, any specific recommendations made by the Architectural Review Board.

Commissioner Banks expressed concern that the way the ordinance is written, standards could be changed at other steps in the development process. He noted that City Council does not get a chance to change the standards.

City Attorney Heggie stated that normally all of the standards are in the Attachment A. Under PC&R, the standards could be staggered at different stages of the development process. The City Council has Automatic Power of Review on Site Plans where they could address issues if they disagree with the Commission's recommendation. It is expected that the entire, or most of, the area for this development will come in at one time for review, at which time the appropriate standards could be established for the Attachment A.

Mr. Geisel noted that PC&R is a new zoning category, which Council has full control over the adoption of all the standards in Attachment A. The standards in Attachment A would not be changed during the development process. The standards that are more related to individual site development would be deferred to the Site Development Concept Plan or Site Development Section Plan.

Commissioner Perantoni suggested the following change to Section 3) (c) of the draft PC&R regarding Performance Standards:

> ~~minimum~~ setbacks

**Commissioner Schenberg made a motion to approve P.Z. 36-2007 City of Chesterfield (City of Chesterfield (Planned Commercial and Residential Mixed Use District (PC&R) District), as amended by City Attorney Heggie, and including the proposed amendments to Section 3) (c); Section 5); and Section 6).** The motion was seconded by Commissioner Grissom.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Banks, Commissioner Grissom, Commissioner Perantoni, Commissioner Schenberg, Commissioner Watson, Commissioner Asmus, Chairman Hirsch**

**Nay: None**

**The motion passed by a vote of 7 to 0.**

## IX. NEW BUSINESS - None

## X. COMMITTEE REPORTS - None

## XI. ADJOURNMENT

The meeting adjourned at 9:29 p.m.

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Gene Schenberg, Secretary