

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL**

**MEETING SUMMARY
JUNE 11, 2007**

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

I. PRESENT

Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
Councilmember Bruce Geiger, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Mary Ann Madden, Planning Assistant

ABSENT

Mr. David Asmus
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg

II. INVOCATION: Commissioner Geckeler

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; Councilmember Lee Erickson, Ward II; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

Chair Hirsch then welcomed Mr. Elliot Grissom as a new member of the Planning Commission.

PUBLIC HEARINGS – Commissioner Broemmer read the “Opening Comments” for the Public Hearings.

- A. **P.Z. 21-2007 River Crossing (Lamborghini of St. Louis):** A request for an amendment to City of Chesterfield Ordinance Number 1871 to allow for an increase in the number of buildings, increase the number of lots, and to amend the structure and parking setbacks for lots currently known as Lot 6 and Lot 7 of River Crossing Development, zoned "PC" Planned Commercial and located north of Chesterfield Airport Road and Arnage Blvd, containing 2.58 acres of land. (17U520049)

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

- The original Concept Plan showed seven lots and seven buildings. The Petitioner would like to amend the plan to have three lots and three buildings in the northern portion of the site instead of just two.
- The request is to:
 - Allow eight structures on eight lots instead of seven.
 - Amend the setbacks from Highway 40.
 - Amend the setbacks from the western property line and interior roadway.
 - Amend parking and loading setbacks from internal drives.
- Ordinance 1871 wrote the setbacks for the parking, the loading spaces and the structures very specifically to the site, which is why an amendment is being requested at this time.
- The Comprehensive Land Use Plan calls for the subject site to be "commercial".

Chair Hirsch asked if all the requested setbacks are allowable. Ms. Nassif replied that Staff has reviewed the request for all of the setbacks and the Petitioner meets all the standards of the Zoning Ordinance and City Code. The Petitioner still meets the open space requirement and the parking requirement. Staff has no issues with the Ordinance amendment.

PETITIONER'S PRESENTATION:

1. Mr. George Stock, Stock & Associates – representing Bentley Holdings, LLC, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:
 - Bentley Holdings, LLC owns Lots 7 and 8 (Tract A). They own and operate the Bentley dealership. They are desirous of taking Tract A, which is 2.39 acres, and dividing it into two lots to accommodate a Lamborghini car dealership and an additional retail user on the far west lot.
 - The requested setbacks are consistent with the existing setbacks of the Bentley dealership.
 - The text amendments to the Ordinance are necessary for the Petitioner to move forward with a Site Development Plan.

Councilmember Geiger asked if there is a change in the square footage of the buildings with the requested amendments. Ms. Nassif replied that there is a

change. The current Ordinance allows a maximum square footage of 170,000 square feet; the proposal is requesting 135,000 square feet.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

- B. P.Z. 22-2007 Westland Acres II (Westland Acres Development LLC):** A request for a change of zoning from “NU” Non-Urban to “E-Half Acre” Estate Half Acre District for 4.28 acre tracts of land located at 17069 Church Road, 17083 Church Road, 17609 Bridgeway Circle Drive, 17617 Bridgeway Circle Drive

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

- Public Hearing notices were posted on each of the four sites.
- Originally the petition for the Westland Acres Development had 61 acres in Chesterfield with 56 lots; the petition had 56 acres in Wildwood with 46 lots.
- The Petitioner is asking to rezone the four parcels (4.28 acres) located on Church Road and Bridgeway Circle Drive. The Petitioner is also petitioning the City of Wildwood to rezone 5-6 lots (approx. 6 acres) for the Westland Acres Development.
- The new development would consist of 117 lots on 125 acres.
- Westland Acres was rezoned from Non-Urban to E-Half Acre in 2006 in Chesterfield. Wildwood rezoned 56 acres for this development also. The total development was for 102 detached homes.
- Staff has worked extensively with the Petitioner and the City of Wildwood on the formation of the development conditions and design criteria for the site.
- Governing Ordinance 2321 addresses tree preservation requirements, increased buffer requirements, public art, development cohesiveness between Chesterfield and Wildwood, structure setbacks, and required environmental studies.
- The Petitioner is requesting that the subject four parcels be straight-zoned to E-Half Acre.
- Because of the work already completed in the Westland Acres Development, Staff recommends that the existing Ordinance 2321 be amended, along with a change to the legal description so that the boundaries incorporate the subject four parcels. These four parcels would

- then have to adhere to the same criteria as the rest of the Westland Acres Development.
- The recommended Ordinance amendment would only involve changing items pertaining to:
 - The number of lots that would be allowed to be built;
 - The tree canopy coverage; and
 - The boundary of the development.

Responding to questions from the Commission, Ms. Nassif stated the following:

- **Regarding the increase in lots in Chesterfield:** The City previously approved 59 lots. The Preliminary Plan is currently showing 62-64 lots on 65 acres. Some parcels need to be added and some setbacks need to be reviewed so the number of lots may change. It appears that 5-7 lots would be added with the subject petition. There may also be a boundary adjustment between Chesterfield and Wildwood, which would also change the number of lots.

PETITIONER'S PRESENTATION:

1. Mr. Jerry Duepner, The Jones Company, 16640 Chesterfield Grove, Ste. 200, Chesterfield, MO stated the following:
 - The original petition was submitted to both Chesterfield and Wildwood. At that time, there were a number of parcels that were not included in the original petition.
 - Since then, additional properties have been placed under contract in Chesterfield and Wildwood. The Petitioner is requesting that these properties be added to the Westland Acres Development.
 - The Petitioner is seeking E-Half Acre zoning in Chesterfield for four additional parcels, which is the current zoning for most of the development. In Wildwood, the request is to include the additional parcels under that city's Fifth Land Use category.
2. Mr. Brad Goss, Attorney for the Petitioner, 1475 Fairgrounds Road, Ste. 102, St. Charles, MO gave a PowerPoint Presentation and stated the following:
 - The City's Land Use Plan calls for the subject area to be single-family residential homes.
 - The site is to be developed taking into consideration the area's historic nature.
 - The existing land use of the area is consistent with the requested rezoning of E-Half Acre. The City previously rezoned the balance of the acreage, which makes up Westland Acres, to E-Half Acre.
 - The overall density of the development is one unit per acre, which is consistent with the development pattern that has taken place in Wildwood.
 - There are some landowners who have decided to sell their property, which the Petitioner wants to incorporate into the Westland Acres Development.
 - The overall Westland Acres site contained approximately 110 acres in Chesterfield and Wildwood.

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

- **Regarding the total number of lots being proposed in Chesterfield:** It is expected that there will be 62 lots in Chesterfield.
- **Regarding the possibility of having the subject petition fall under Ordinance 2321:** The Petitioner does not want to open up a new set of parameters for the subject four parcels with respect to the existing zoning that has already been granted. Nor does the Petitioner want additional conditions attached to the requested zoning. To the extent that zoning is consistent with those conditions, the Petitioner would not object to that. If the Attachment A recognizes the additional lots without changing any conditions, the Petitioner would be in agreement with it. They are not willing to see additional conditions created as a consequence of going through that process.

3. Mr. Mike Falkner, 5091 New Baumgartner Road, St. Louis, MO was available for questions.

4. Mr. Jean Magre, The Sterling Company, 5055 New Baumgartner Road, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Bradley Sinclair, 17613 Bridgeway Circle Drive, Chesterfield, MO stated the following:

- He has written a letter to the Commission, which is part of the meeting packet.
- His property backs to the proposed development. He and his wife have lived in their home for the past 15-1/2 years.
- The proposed site includes a lot of natural wildlife because it has been undisturbed all this time.
- He and his wife are requesting that the additional proposed parcels be denied for rezoning.
- The Wildhorse Subdivision is zoned as one-acre density while the request for the proposed area is one-half acre. Much of the land surrounding the subject site is non-urban.
- Speaker noted that the site has a very steep grade and includes a drainage ditch, which goes into a concrete drainage runoff that runs underground and drains into a pond in the Wildhorse drainage area. They are concerned that disturbing the land will cause more erosion to the site.
- They are concerned with what appears to be proposed retaining walls or tie walls on the site. Such walls would be visible from their homes vs. the existing wildlife they currently see. They request that covenants prohibit the construction of retaining walls for this developer and all future landowners.

- If the Developer is permitted to rezone the subject site, Speaker requests that the Developer be required to leave the land as close to its natural state as possible.

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

- **Regarding the difference in topography between the property immediately behind Mr. Sinclair's home and the property to its east, which is part of the approved Westland Acres development:** The topography between the two pieces of property is quite different. The lot behind his house is flat to a point and then goes up a pretty steep hill. When it reaches the top of his property line, it flattens out. The adjacent property includes a ravine running down at an angle and does not flatten out until it almost reaches the top of the road. In his letter to the Commission, he has requested a 100-foot restriction to have the property remain natural, which would allow for the natural grade of the land.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. Brad Goss stated the following:

- The Petitioner's focus is on the rezoning, which they believe is consistent with the Comprehensive Plan, the City's ordinances, and the existing land use.
- He noted that in the northwest area of the Preliminary Plat it is proposed to be at a 556 elevation. Mr. Sinclair's home is at a 575 elevation.
- Most of the steeper area to the northeast will be left alone.
- There are no proposed retaining walls shown on the plan. The plan shows topographic lines and proposed topographic lines, which may have been misread as retaining walls.
- They will review the area immediately to the south of the Sinclair property.
- They are using preliminary data at this time. They do not yet have final development improvement plans.
- They do have a requirement to re-vegetate areas that are disturbed.
- Referring to the area immediately to the south of the Sinclair property, which is uphill from his property and is at a 612 elevation, the natural runoff from this property is flowing to an area inlet, which is on the boundary between the Whitman and the Sinclair properties. They will review the concern raised by Mr. Sinclair when developing the property.
- They do not believe the proposed development will have any visual impact on the Sinclair property. They feel they can address the issues of storm water runoff in accordance with the City's requirements.

ISSUES:

1. Should the zoning request be placed under Ordinance 2321?
2. Provide information on the number of lots that would be added in Chesterfield. Provide a comparison, after the boundary adjustment, as to what has been approved and what is being requested.

3. What would be the effect on minimum lot size?
4. Referring to the lots mentioned in the June 3rd letter from the Sinclairs on Bridgeway Circle Drive, provide information on how these lots are different than the previously-approved lots. Also provide information from Mr. Geisel with respect to comments made by the Sinclairs regarding terracing, the retaining walls, and water run-off.
5. Noting that Wildwood has an “undisturbed” buffer, why does Chesterfield have a landscaped buffer – why isn’t it designated as an undisturbed buffer too? Ms. Nassif replied that on the Chesterfield property, there are gaps in the existing buffer. The City wants these gaps planted. If the zone is designated as “non-disturb”, the developer would not be allowed to add trees to the area.
6. Include language in the Attachment A that would require heavily matured forest behind the Sinclairs’ property.
7. Is the Petitioner amenable to increasing the 30-foot buffer to 40 or 50 feet?
8. Address the issues of buffering to the adjacent properties and the topography of the site.
9. How much of the site can be left in a natural state?

Mayor Nations asked for more information on the possible boundary adjustment between Chesterfield and Wildwood. City Attorney Heggie stated that Mr. Geisel has had some very brief conversations with staff of the City of Wildwood about the process of a boundary adjustment. The adjustment would prevent some of the existing lots from being split between Chesterfield and Wildwood. The Petitioner will submit proposals to both cities regarding the boundary adjustment.

- C. P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.):** A request for a change of zoning from “M-3” Planned Industrial District to “PI” Planned Industrial District for a 23 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Long Road and Chesterfield Airport Road. (17V510016)

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

- Proposed Uses for the Site are:
 - (h) Broadcasting studios for radio and television
 - (i) Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications.
 - (j) Business, professional, and technical training schools.
 - (k) Business service establishments.
 - (q) Financial institutions.
 - (y) Hotels and motels.
 - (bb) Laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
 - (dd) Mail order sale warehouses.

- (ff) Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
 - (i) Facilities producing or processing explosives or flammable gasses or liquids;
 - (ii) Facilities for animal slaughtering, meat packing, or rendering;
 - (iii) Sulfur plants, rubber reclamation plants, or cement plants; and
 - (iv) Steel mills, foundries, or smelters.
- (gg) Medical and dental offices.
- (ii) Office or Office Buildings.
- (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.
- (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.
- (eee) Permitted signs (See Section 1003.168 'Sign Regulations')
- (rrr) Warehousing, storage or wholesaling of manufactured commodities.
- (sss) Welding, sheet metal, and blacksmith shops.

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.
- (m) Child care centers, nursery schools, and day nurseries.
- (v) Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private).
- (tt) Recreational facilities, indoor including swimming pools, tennis courts, and gymnasiums.
- (vv) Restaurants, fast food, with no drive-through facilities.
- (ww) Restaurants, sit down.
- The comprehensive plan shows the site to be bordered by Mixed-Use on the east and west sides, Spirit Airport to the south, and Park/Recreation to the north across Highway 40.
- Items Currently Under Review by the Department of Planning:
 - Cross access and internal access (pedestrian and vehicular) for the site.
 - Adherence to the City of Chesterfield Tree Manual.

PETITIONER'S PRESENTATION:

1. Mr. John Wagner, Doster, Mickes, representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint Presentation and stated the following:
 - The Comprehensive Plan shows the site to be Mixed Use.
 - Lot A is comprised of 10.2 acres – the Preliminary Plan shows a three-story office building.
 - Lot B includes the existing Mark Andy operations and is comprised of 12.8 acres. There are no current plans for the 47,600 sq. ft. expansion at this time.
 - The overall site has a 37% open space calculation – 45% open space on Lot A and 31% open space on Lot B.
 - Both lots meet the City's parking requirements.
 - The Petitioner will review the uses.
 - The Petitioner is requesting PI zoning for its flexibility and they feel such zoning meets the Comprehensive Plan.

Chair Hirsch asked that the Petitioner work with Staff to reduce the number of requested uses.

Mayor Nations stated that Planned Commercial zoning would be more appropriate for the site than the requested Planned Industrial zoning. The City wants to put high-class office space along the highway. He is not interested in zoning properties along the highway as Planned Industrial. He encouraged the Petitioner to amend the petition to Planned Commercial zoning. The Mayor noted his delight with the proposal but indicated his support would be for PC zoning rather than PI zoning.

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

- **Regarding parking:** The site has several spaces over the parking requirement given the warehouse use. With the expansion not being currently planned, all the spaces will not be immediately constructed. Mr. Campo pointed out that the original St. Louis County resolution governing the site specifies 249 parking spaces to be built.
 - **Regarding open space:** It was agreed that the open space calculation of 37% will be verified.
2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.
 3. Mr. Mike Howard, Mark Andy, Inc., 18081 Chesterfield Airport Road, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Review the appropriate rezoning for the site – PC vs. PI.
2. Work with Staff to review the requested uses.
3. Verify the open space calculation.

Commissioner Broemmer read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the **May 30, 2007 Planning Commission Meeting**. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 5 to 0.**

VI. PUBLIC COMMENT

Mayor Nations welcomed Commissioner Grissom to the Planning Commission. He noted that the next nominee for the Planning Commission is Mr. Mike Watson, who has been interviewed by the Planning & Zoning Committee. His nomination will be voted upon by the City Council at its next meeting.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. 14560 Marmont Drive:** House addition on the South side of an existing home zoned "R-2", located at 14560 Marmont Drive in the Ladue Park Subdivision.

Commissioner Broemmer, representing the Site Plan Committee, made a motion recommending approval of the House Addition. The motion was seconded by Commissioner Banks and **passed by a voice vote of 5 to 0.**

- B. Wild Horse Creek Road Office (17531 Wild Horse Creek Road):** Site Development Plan, Landscape Plan, Lighting Plan, Tree Stand Delineation, and Tree Preservation Plan for an office building in a "PC" Planned Commercial District located north of Wild Horse Creek Road, west of Deep Forest Drive at 17531 Wild Horse Creek Road.

Commissioner Broemmer, representing the Site Plan Committee, made a motion recommending approval of the Site Development Plan, Landscape Plan, Lighting Plan, Tree Stand Delineation, and Tree Preservation Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 5 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners LLC)**: A request for a change of zoning from a “NU” Non-Urban District to an “E-One Acre” Estate District with a “WH” Wild Horse Creek Road Overlay for an approximately 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road.

Chair Hirsch announced that P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners LLC) has been withdrawn from the Agenda by the Petitioner.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Nominating Committee

Commissioner Geckeler, representing the Nominating Committee, made a motion nominating the following slate of Officers of the Planning Commission:

Chair: Commissioner Hirsch
Vice-Chair: Commissioner Banks
Secretary: Commissioner Schenberg

Chair Hirsch asked if there were any other nominations from the Commission. No other nominations were made.

The motion to approve the above slate of Officers was seconded by Commissioner Grissom and **passed by a voice vote of 5 to 0.**

XI. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Gene Schenberg, Secretary