

CORRECTED

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
June 9, 2003**

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

I. PRESENT

ABSENT

Mr. David Banks
Mr. Fred Broemmer
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Dr. Lynn O'Connor
Mr. Jerry Right
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill, Senior Planner
Mr. David Bookless, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Commissioner Right

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations, Councilmember Jane Durrell (Ward I); Councilmember Bruce Geiger (Ward II); Councilmember Mike Casey (Ward III); Councilmember Dan Hurt (Ward III); Councilmember Connie Fults (Ward IV), and Council Liaison Mary Brown (Ward IV).

IV. PUBLIC HEARINGS:

Commissioner Nolen read the first portion of the ‘Opening Comments.’

- A. **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**: A request for a “Commercial Service Procedure” within an “NU” Non-Urban District for an approximately 1.0-acre tract of land located at 14691 Clayton Road (Locator Number: 21R-44-1504).

Proposed Uses: Professional Office

Project Planner David Bookless gave a power point presentation of the subject site and surrounding area.

1. Mr. Albert Watters, 75 Midland Avenue, Maryland Heights, MO 63043, engineer for **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**, stated the following:

- Even with the Commercial Service Procedure request, this site will remain ‘NU Non-Urban and residential;
- The entrance to the site, along Clayton Road, needs to be widened to allow for two (2) lane traffic;
- Three (3) additional parking spaces will be added to the rear;
- Use will be for a State Farm Insurance office (sales and service) not an auto claims location;
- The shed on the site will be demolished;
- The awning on the rear of the residence will be removed;
- The existing brick structure will remain as is;
- A walkway will be added in front to tie in with the driveway;
- The front will be re-landscaped;
- The roof will be replaced;
- Interior work will be done;
- The house is approximately 75-80 feet off Clayton Road;
- The house is well-screened with mature trees on the site;
- A few trees will be lost due to the widening of the driveway and the additional parking spaces;
- With the additional parking and widening of the driveway, there will be very little additional impact on the drainage but the petitioner will monitor the drainage onto the neighbor’s property;
- There would be a total of three (3) employees with approximately one (1) client a day;
- Hours of operation would be: 9 - 5 Monday – Friday; 9 - 12 Saturday;
- Will improve the property to City standards;
- This proposal will have minimal impact on the traffic.

2. Ms. Susan Daigle, 572 Malinmor Drive, St. Charles, MO 63304, petitioner for **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that she was present to answer questions.
3. Mr. Mike Daigle, 572 Malinmor Drive, St. Charles, MO 63304, petitioner for **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that he was present to answer questions.
4. Mr. Thomas Gerlach, 510 Baxter Road, Chesterfield, MO 63017, realtor for the petitioner of **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that he was present to answer questions.
5. Mr. David Costello, 14691 Clayton Road, Chesterfield, MO 63011, realtor and currently residing at the property for **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that he is in favor of this petition;
 - Speaker asked the Planning Commission to approve this petition.

SPEAKERS IN FAVOR –

6. Ms. Kris Van House, 17605 Laurel Leaf Court, Wildwood, MO 63005, speaking in favor of **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker declined to speak.

SPEAKERS IN OPPOSITION –

7. Ms. Mary Jane Mueller, 14904 Jockey Club Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that even with this site remaining residential, the perception by people driving by is that this area is commercial;
 - Speaker asked that this area remain residential.
8. Ms. Edith Hadzima, 14905 Jockey Club Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
 - Speaker stated that the Comprehensive Plan designated this area residential and should remain residential.

9. Mr. Ashim Ghosh, 2401 Clayborn Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker expressed concern with the high school nearby and other homes in the area wanting to become Commercial Service Procedures (CSP's).

City Attorney Doug Beach explained Commercial Service Procedures (CSP's) and why this procedure was created. Mr. Beach stated that signage would be limited for the location.

10. Ms. Linda L. Werner, 14900 Jockey Club Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker expressed concern with lower property values;
- Speaker stated that a traffic study needs to be done.

11. Ms. Marybeth Lumetta, 2422 Clayborn Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker stated that she is opposed to this proposal.

12. Ms. Parul Shaw, 2414 Clayborn Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker expressed concerned with property values being lowered.

13. Mr. Joseph Conway, 2448 Clayborn Drive, Chesterfield, MO 63017, President of White Gate Farm Condo Association and speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker stated that of the 13 condominium units in the Association, 9 voted against this proposal;
- Speaker stated that there would be a problem with water run-off;
- Speaker asked the Planning Commission to view the total impact of this proposal.

14. Ms. Karen Shapiro, 2413 Clayborn Drive, Chesterfield, MO 63017, Trustee of White Gate Farms Estates Subdivision and speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker expressed concern with the water run-off;
- Speaker expressed concern with screening for residents along Jockey Club Drive;
- Speaker expressed concern with the residence not being kept up to the standards of the neighborhood;

- Speaker stated that Jockey Club Drive is a private street maintained by the residents. Speaker is concerned with clients of the insurance business using this street.
15. Mr. John Kennedy, 14694 Clayton Road, Ballwin, MO 63011, speaking in opposition to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;
- Speaker stated that he opposes this proposal;
 - Speaker stated that traffic is very bad on Clayton Road.

SPEAKERS – NEUTRAL –

16. Mr. William R. Young, 14685 Clayton Road, Ballwin, MO 63011, speaking neutral to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker stated that he lives next door to this site;
- Speaker expressed concern if trees are cut down and replaced with smaller ones;
- Speaker asked that if the driveway is widened, that it be widened away from his property;
- Speaker stated that the proposed site has a lot of history and character;
- Speaker asked that if this proposal is approved, what would be happening to the properties on both sides of Clayton Road.

17. Ms. Lisa Young, 14685 Clayton Road, Ballwin, MO 63011, speaking neutral to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker wants assurances that this site will stay residential.

18. Mr. Lynn Goetz, 14206 Clayton Road, Ballwin, MO, speaking neutral to **P.Z. 08-2003 14691 Clayton Road (Susan Daigle)**;

- Speaker stated that this site is on a dangerous stretch of Clayton Road.

REBUTTAL:

Mr. Watters stated that if a new house were built on this site, all of the trees would be lost. Mr. Watters stated that the current owners under contract for this site are very sensitive to the concerns of the neighboring residents and want to keep the house looking like it belongs in the community. Mr. Watters stated that the petitioner would be willing to replace the trees lost during the widening of the driveway and the additional parking spaces.

Mr. Bookless stated that following issues would be reviewed and addressed:

- Widening of the driveway;
- Extent of any tree loss during widening of the driveway;
- Desire by the neighbors to keep this site residential;
- Maintaining the spirit of the Comprehensive Plan;
- Traffic concerns related to the impact of additional vehicles and safety concerns on this stretch of the road;
- Impact on neighboring property values;
- Whether there is a next step relative to the development of this property towards commercial;
- Water run-off concerns;
- Screening with additional landscaping for the parking area;
- Maintenance of the home if it becomes a business;
- Concerns with people missing the drive and having to turn-around on a neighboring private road;
- Issue of rezoning to residential E-One Acre rather than remaining 'NU' Non-Urban;
- Limiting permitted uses to the requested use;
- List the hours of operation in the Ordinance;
- Whether there will be additional lighting in the parking area;
- Possibility of a different design of the driveway to conserve trees.

Mr. Bookless stated that he had not yet received comments from the Department of Public Works concerning the water run-off.

Commissioner Nolen read the closing portion of the 'Opening Comments.'

Chairman Sherman called a recess at 8:13 p.m. and the meeting reconvened at 8:20 p.m.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the May 28, 2003 Meeting Minutes. The motion was seconded by Commissioner Layton and **passes** by a voice vote of 9 to 0.

VI. PUBLIC COMMENT -

Commissioner Layton stated that he was excusing himself from the dais and would not participate in any discussions or votes on **P.Z. 29-2002 The Bluffs at Appaloosa Way.**

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;
 - Speaker requested that **P.Z. 29-2002 The Bluffs at Appaloosa Way** be held until the June 23, 2003 Meeting pending a possible resolution with this rezoning and the Shearn's and Reuther's.

Commissioner Macaluso made a motion to suspend the rules to vote on holding **P.Z. 29-2002 The Bluffs at Appaloosa Way**. The motion was seconded by Commissioner Wardlaw and **passes** by a voice vote of 8-0-1. (Commissioner Layton abstained from voting.)

Commissioner Macaluso made a motion to hold **P.Z. 29-2002 The Bluffs at Appaloosa Way** until the June 23, 2003 Planning Commission Meeting. The motion was seconded by Commissioner Broemmer and **passes** by a voice vote of 7-1-1. (Commissioner Right voted nay and Commissioner Layton abstained from voting.)

2. Ms. Kerry Feld, 10 South Brentwood, St. Louis, MO 63105, speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way**;
 - Speaker declined to speak.
3. Mr. Stephen Kling, Jr., 10 South Brentwood Boulevard, Clayton, MO 63105, attorney for some neighboring residents and speaking in opposition of **P.Z. 3-2003 - Montgomery First National Bank**;
 - Speaker stated that discussions are proceeding with the City concerning Deed Restrictions that would limit the use of the property for the park;
 - Speaker stated that an agreement has not yet been worked out with the petitioner concerning Deed Restrictions. If an agreement is not worked out, a statutory protest will be organized.
4. Mr. Bill Bird, 144 Ridgecrest Drive, Chesterfield, MO 63017, President of the River Bend Association, speaking in favor of **P.Z. 3-2003 - Montgomery First National Bank**;
 - Speaker stated that the residents want a Deed Restriction that states the following: Dierberg's would donate the land in perpetuity, would be maintained as a City park, and would have notification on site that it was donated by Dierberg's, and, if taken away as a City park, it would revert back to Dierberg's with its current residential zoning;
 - Speaker stated that Montgomery Bank is willing to have a Deed Restriction stating the bank will always be a bank/office as proposed.

Commissioner Layton returned to the dais.

5. Mr. Joel Montgomery, 20 Allen Avenue, St. Louis, MO 63122, petitioner for **P.Z. 3-2003 - Montgomery First National Bank;**

- Speaker stated that if this rezoning is approved, the petitioner would move quickly to build the bank and Dierberg's would deed the remainder of the land to the City. At that time the park property would be in the hands of the City. The bank is scheduled to develop the property as soon as all planning issues are taken care of, possibly in the fall or early winter and to be operational by Spring, 2004.

6. Mr. Marty Henson, 20 Allen Avenue, St. Louis, MO 63122, engineer for **P.Z. 3-2003 - Montgomery First National Bank;**

- Speaker declined to speak.

7. Mr. Larry Mintz, 243 Fick Farm Road, Chesterfield, MO 63005, petitioner and speaking in favor of **P.Z. 5-2003 Liberty Homes;**

- Speaker gave an overview of his project.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Joe's Crab Shack (McBride and Son Center, Lot 4A):** Site Development Section Plan, Landscape Plan, and Architectural Elevations for a restaurant building on Lot 4A of the McBride and Son Center development zoned "PC" Planned Commercial District located north of Chesterfield Airport Road and east of McBride and Son Corporate Center Drive.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Joe's Crab Shack (McBride and Son Center, Lot 4A)** for the revised plan submitted this evening and including that the light shades are to match the roof colors (the 2 color choices of the roof), the accent lights will only be adjacent to the building, and the rooftop will be screened. The motion was seconded by Commissioner Nolen and **passes by a voice vote of 8 to 1.** (Commissioner O'Connor voted nay.)

- B. **Bluestone Commons - Frosty's**: Amended Sign Package for the Country Club Carwash (Frosty's) development zoned "C-8" Planned Commercial District located north of Chesterfield Airport Road and east of JW Drive.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Amended Sign Package for **Bluestone Commons – Frosty's**. The motion was seconded by Commissioner Banks and **passes** by a voice vote of 9 to 0.

VIII. OLD BUSINESS -

- A. **P.Z. 3-2003 - Montgomery First National Bank**: a request for a change of zoning from an R-2 Residential District to a "PC" Planned Commercial District for a 1.38 acre tract of land located on the north side of Olive Boulevard, west of River Valley Drive. (Locator Number 16Q230334)

Senior Planner Annissa McCaskill gave an overview of **P.Z. 3-2003 - Montgomery First National Bank** and reviewed corrections made to the Attachment A regarding setbacks being measured from the new right-of-way on Olive Boulevard instead of the old right-of-way and the green space ratio being changed from 47% to 45%. Ms. McCaskill stated that the following could be referenced in the Attachment A: 1. Provide the exit lane with a 'No Right Turns' sign, 2. Construct ***rounding*** on the north side of the entrance to make right turns difficult, and 3. Angle the driveway of the bank towards Olive Boulevard to further restrict right turns. Ms. McCaskill stated that a Deed Restriction amendment could be added to Attachment A.

City Attorney Beach stated that the Deed Restriction would be private and not a condition of the Attachment A.

Commissioner Broemmer made a motion to approve **P.Z. 3-2003 - Montgomery First National Bank** with the addition of the following conditions: Add the corrections noted by Staff regarding setbacks and green space ratio and the following three (3) items concerning the exit from the bank: 1. Provide the exit lane with a 'No Right Turns' sign, 2. Construct ***rounding*** on the north side of the entrance to make right turns difficult, and 3. Angle the driveway of the bank towards Olive Boulevard to further restrict right turns. The motion was seconded by Commissioner Banks.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Dr. O'Connor, yes; Commissioner Right, yes; Commissioner Wardlaw, abstained; Chairman Sherman, yes.

The motion passes by a vote of 8-0-1.

- B. P.Z. 5-2003 Liberty Homes:** a request for a "Commercial Services Procedure" within an "R3" District for a .36 acre property located at 996 Chesterfield Parkway East, south of Olive Boulevard and North of Interstate 40/64. (Locator Number: 18S-33-0601)

Senior Planner Annissa McCaskill gave an overview of **P.Z. 5-2003 Liberty Homes** and asked the Commission if they had additional issues to be reviewed and addressed. Ms. McCaskill stated that the shed on the site would be removed.

General discussion followed concerning the green space ratio and changing the appearance of the building.

City Attorney Beach stated that the petitioner could make changes to the exterior of the building with approval of the Planning Commission.

Chairman Sherman stated that **P.Z. 5-2003 Liberty Homes** would be held until all issues were reviewed and addressed.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

A. Committee of the Whole –

Nomination and Election of New Officers

Commissioner Right made a motion to nominate Chairman Sherman for Chairman of the Planning Commission. The motion was seconded by Commissioner Layton.

Commissioner Macaluso made a motion to nominate Commissioner Broemmer for Chairman of the Planning Commission. The motion was seconded by Commissioner Wardlaw.

Chairman Sherman was re-elected Chairman of the Planning Commission by secret ballot.

Commissioner Layton made a motion to nominate Commissioner Banks as Vice-Chairman. The motion was seconded by Commissioner Right.

Commissioner Banks was elected Vice Chairman of the Planning Commission by a voice vote of 9 to 0.

Commissioner Right made a motion to nominate Commissioner O'Connor as Secretary. Commissioner O'Connor declined the nomination.

Commissioner Macaluso made a motion to nominate Commissioner Wardlaw as Secretary of the Planning Commission. The motion was seconded by Commissioner Layton.

Commissioner Wardlaw was nominated Secretary of the Planning Commission by a voice vote of 9 to 0.

Chairman Sherman asked the Commissioners to contact either the Department or herself with Committees on which they would like to serve.

- B. Ordinance Review Committee**
- C. Architectural Review Committee**
- D. Landscape Committee**
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

Commissioner Nolen expressed concern with the mechanical equipment on a pad in front of the church at Baxter and Wild Horse Creek roads.

City Attorney Beach stated that the Supreme Court of the State of Missouri has ruled that the only control that municipalities have over churches deal with public health and safety issues (i.e. curb cuts).

Ms. Price stated that Staff will review this particular situation.

Commissioner Broemmer expressed concern with the painting of the building for the Brunswick bowling alley on Olive Boulevard.

Director of Planning Teresa Price stated that Staff is researching the County Ordinance for this site for any information regarding elevations.

Commissioner Broemmer expressed concern with the concrete barriers that remain at the old Shell Gas Station at Woods Mill Road and Olive Boulevard.

Ms. Price stated that Staff will keep informed on issues concerning the Nuisance Ordinance and that the Beautification Committee has requested information on the property owner and the Governing Ordinance.

Mayor John Nations and the Commissioners expressed their appreciation to Jerry Right for his dedication to the Planning Commission.

Mayor Nations congratulated the new Planning Commission officers.

The meeting unanimously adjourned at 9:10 p.m.

Jerry Right, Secretary