PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MAY 22, 2006

The meeting was called to order at 7:03 p.m.

I. PRESENT **ABSENT**

Mr. Fred Broemmer
Dr. Maurice L. Hirsch
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Tom Sandifer
Ms. Victoria Sherman

Mr. David Asmus
Mr. David Banks
Ms. Stephanie Macaluso

Councilmember Mary Brown, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Ms. Mary Ann Madden, Planning Assistant

Acting Chair Hirsch acknowledged the attendance of Past Mayor Fred Steinbach; Councilmember Mary Brown, Council Liaison; Councilmember Connie Fults, Ward IV; and City Administrator Mike Herring.

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE – All

PUBLIC HEARINGS – Commissioner Sandifer read the "Opening Comments" for the Public Hearing

A. P.Z. 7-2006 City of Chesterfield (Dierberg's Meditation Park): A request for a change in zoning from a "R2" Residence District to a "PS" Park and Scenic District for a 1.875-acre tract of land located on the north side of Olive Boulevard at its northwest intersection with River Valley Drive. (13703 Olive Boulevard/16Q230381).
Proposed Use: Public park and parkway.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- On December 1, 2003, Montgomery First National Bank property was zoned to "PC" Planned Commercial.
- At the time of the rezoning, the remainder of the site was conveyed to the City of Chesterfield for use as a municipal park.
- The current zoning for the site is "R2" Residential, which matches the surrounding residential development. The request is to zone the property to "PS" Park & Scenic.
- The City of Chesterfield currently has three other City-owned parks:
  1. Central City Park: Zoned to Park and Scenic via Ordinance 1532 in 1999.
  2. Chesterfield Valley Athletic Complex: Zoned to "PS" Park and Scenic via Ordinance 1533 in 1999.
  3. Railroad Park: Zoned to "PS" Park and Scenic via Ordinance 1534 in 1999.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

Commissioner Sandifer read the Closing Comments for Public Hearing P.Z. 7-2006 City of Chesterfield (Dierberg's Meditation Park) noting the earliest possible date the Planning Commission could vote on the subject petition would be June 12, 2006. (It was noted that the Commission could vote on this petition at the June 12th meeting since no issues were raised during the Public Hearing.)

B. P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center):
A request for a change of zoning from "NU" Non-Urban to "E-half Acre" Estate District for a 2.245 acre tract of land located north of Wild Horse Creek Road and West of Long Road. (18V510017&18V510095). The proposed uses include:

1. Administrative offices for educational facilities and administrative offices for religious purposes.
2. Mortuaries, cemeteries and mausoleums, including mortuaries operated in conjunction with the cemetery or mausoleum.
3. Child care centers, child nursery schools, child day nurseries, and child or adult day care homes.

4. Private, not-for-profit clubs, private, not-for-profit recreational land uses, and community centers.
5. Foster homes for handicapped children.
6. Group homes for the developmentally disabled.
7. Nursing homes and group homes for the elderly.
8. Hospitals and hospices.
9. Public utility facilities.
10. Dormitory or group living facilities for religious, educational, or charitable purposes.
11. Radio, television and communication or relay towers and facilities.
12. Retreats owned and operated by religious, educational, or other not-for-profit establishments.
13. Riding stables and kennels.
14. Specialized private schools.
15. Libraries, public or not-for-profit.
16. Detached single family homes.
17. Attached single family homes.
18. Churches and other places of worship.
19. Schools, public or private including kindergarten, elementary, secondary and collegiate.
20. Parks, parkways and playgrounds, public or private.
21. Forest and wildlife reservations including conservation projects.
22. Home occupations.
23. Police and Fire Stations.

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 May 5, 2006.
- After the rezoning, the petitioner will do a Boundary Adjustment Plat for the parcels at 17661 and 17655 Wild Horse Creek Road to make them one parcel.
- Items Currently Under Review include:
  1. Landscape buffering requirements along the side yard of the subject site.
  2. Review of the uses requested for site to determine if they are appropriate for the lot size and other requirements.
  3. Structure setback along the side yard.
  4. Open space percentage.

PETITIONER'S PRESENTATION:

1. Mr. Rodney Henry, Member Manager of Plan Provisions, LLC, 17661 Wild Horse Creek Road, Chesterfield, MO 63005 stated the following:
   - They are requesting a rezoning from Non-Urban to E-Half Acre Estate District in accordance with the revised Comprehensive Plan for the bowtie area.
   - The parcel size is 2.245 acres – approximately 97,000 sq. ft.
   - The proposed building footprint is 12,000 sq. ft.

- The green space calculations are 35.77% - excluding the building, pavement, and sidewalks.
- The open space calculations are 51.67% - excluding the building, pavement, sidewalks, and green space.
- Parking is located at the rear of the site to keep it somewhat hidden from Wild Horse Creek Road.
- The site requires 27 parking spaces – they are proposing 32 parking spaces.
- They have provided a 15-foot dedicated right-of-way per MoDOT's request.
- The site has one ingress and two egresses – one for right-hand turns and one for left-hand turns.
- The ingress is aligned with the elementary school across the street at the signalized light.
- They are proposing a lot of berming and green space in the front of the site.
- They are proposing a five-foot mulch walking path along the east boundary line.
- The building is set 150' back from Wild Horse Creek Road. They have a minimal structure setback from any other street of 100', with which they are in compliance.
- The required structural setback from the adjacent property lines is 75'. The petitioner meets the setback on the east side. However, because of the narrowness of the lot size, they will be requesting a variance for the west property line to allow a 30' setback.
- The minimum parking lot setback from the peripheral road is 50', with which they are in compliance.
- The maximum building height is 50' – they are proposing a height of 35'.
- The minimum landscape buffer on the east property line is 30', with which they are in compliance. On the west property line, a variance would be requested for the landscape buffer for the parking lot – it requires 30'; they would request a variance to allow 20'.
- Open space requirement is 50%; they are at 51.67%.

Ms. Nassif clarified that the variance for the structure setback would be presented to the Board of Adjustment upon approval of the rezoning. The variance for the landscape buffer is from the Tree Manual and would be handled with the Department of Planning. This information will be included in the Issues Report but will not require a separate vote from the Planning Commission.

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

- There are not any sidewalks planned along the proposed drive.
- Parking will be offered to the elementary school across the street for overflow parking for school functions. No parking will be allowed along the driveway.

- The Petitioner is willing to review the list of uses to determine if any can be eliminated.

2. Mr. Tom Hall, Architect for the proposed project, 35 Arrowhead Estates, Chesterfield, MO stated the following:
   - They have designed the project to be residential in character with a low profile and rich detail in terms of materials.
   - The building would be constructed of stone, simulated wood shakes, and asphalt shingles. The building eave height is approximately 11-12 feet; they are proposing a very low-pitched roof in order to keep the height of the building as low as possible.
   - They would be using a lot of residential-type elements – columns on the porte-cochere, as well as residential-type windows.
   - The colors would be earth tones.

Responding to questions from the Commission, Mr. Hall stated the following:
- There will be equipment mounted on the roof top on the west side of the building towards the landscaping firm. It will be screened with the same material as will be used on the walls of the building – the simulated wood shake. It was noted that the equipment cannot be placed on the ground because of the on-site playground.
- There is an outdoor playground as required by law.

3. Ms. Julie Nolfo, Traffic Engineer with Crawford, Bunte & Brammeier, stated the following:
   - The traffic study was based on the understanding that (1) the child care center will have access opposite the drive that is signalized and serves Chesterfield Elementary School; and (2) the child care center will serve a maximum of 160 children.
   - The number of children is what drives the trip generation for a day care center.
   - The peak hours of a day care center tend to coincide with commuter peaks. In order to be conservative, the traffic study was done with the assumption that all the traffic would be new to the area.
   - Using the number of 160 children, 125 trips will be generated in the morning peak hours and 115 trips in the evening peak hours.
   - The direction of the traffic is influenced by commuter patterns. The impact to the west on Wild Horse Creek Road is about 25 new cars in either peak hour; the impact to the east on Wild Horse Creek Road is about 100 new cars in either peak hour. This equates to an increase of about 8% in traffic volume in this section of the road.
   - In re-evaluating the conditions with this additional traffic, it was concluded that things stay basically as they are today. Locations that are currently having unacceptable levels will continue to have operating problems. Locations that are operating acceptably will continue to operate acceptably.

- Access to the day care center comes in opposite the traffic signal. The signal operates only on school peak hours – from 8:30-9:15 a.m.; 11:50-1:15 pm; and 3:40-4:20 pm. The rest of the time, the signal is on flash. It is MoDOT's preference to leave it operating in this way. The traffic generation from the day care center is not enough to warrant full-time signalization.
- They have recommended two separate lanes out – a separate left and a separate right – because when the day care traffic hours are peaking, the traffic signal will not be in operation. The peak queue in the drive will be 3-4 cars. The drive is wide enough to allow for this queue without interfering with the drop-off and pick-up of children behind the building.
- The school will be constructing a left-hand turn on Wild Horse Creek Road. The day care will also have a left-hand turn lane into its development.

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

- **Regarding the drop-off and pick-up of children:** Most day care centers require the parents to park and enter the building to drop off or to pick up children up to a certain age – usually until the age of at least five.
- **Regarding the hours of the signalized light:** It is MoDOT's decision as to whether or not to extend the hours of the signalized light.

SPEAKERS IN FAVOR:

1. Mr. Fred Steinbach, past Mayor of Chesterfield, stated the following:
   - Over the past two years, Mr. Henry has lost potential business, potential opportunity, and will incur increased costs for construction.
   - He asked that the Commission move the rezoning forward if possible.

2. Mr. Frank Emsick, 17434 Highland Way Drive, Chesterfield, MO stated the following:
   - He has four children and has an interest in possibly using the proposed day care. He noted that most of the area day care centers are full.
   - He feels that if the project is moved forward, it will provide additional safe parking for the elementary school functions.
   - He was impressed with the fact that the developer has met with those residents in opposition to the project.
   - He feels the day care center will provide professional jobs for the area.
   - He feels that the location of the day care center across the street from an elementary school is appropriate.
   - He feels that the current house on the site is unsightly and needs to be removed.
   - He finds the frequent posting of signs at the entrance to his subdivision annoying.

Commissioner Hirsch informed Mr. Emsick that the posted signs in his subdivision are not an issue for the Commission in dealing with the proposed rezoning.

SPEAKERS IN OPPOSITION:

1. Ms. Renee Heney, Wildhorse Creek Road Association, 1513 Honey Locust Court, Chesterfield, MO stated the following:
   - The Wildhorse Creek Road Association represents approximately 1000 homeowners in nine subdivisions along Wild Horse Creek Road, who would all be directly impacted by any development on the bowtie property.
   - They understand that a child care center is a permitted use for this site.
   - They disagree with the E-One-Half Acre zoning, along with their Ward IV Council representatives. They feel this section of the bowtie should be E-One Acre.
   - They feel the entire bowtie area is residentially-viable. They base their position on the fact that very high-end homes are currently being built on the bluff and below the bluff right next to the Airport. They also base their position on past conversations with residential developers.
   - They feel the front section of the property, which has been designated by the Planning Commission for residential use, should remain residential. They do not understand how a for-profit day care center, which will bring added traffic to the area during the peak times, fits the character of residential use.
   - They do feel that a day care could be a nice addition to the area - but they feel it would be better placed in the Neighborhood Office section of the bowtie.
   - She pointed out that the City Council voted unanimously to restudy the bowtie property because there were strong concerns against commercial use. The Council also denied the Vision Ventures ten-acre office development request in a 5-3 vote. If the City approves a day care center on the front two acres, which would probably be followed by office development on the back eight acres, they feel they would end up with the prior situation of ten acres of commercial development.
   - They question whether the Planning Commission truly intended this type of use, which they consider commercial use, on the front residential section of the bowtie.
   - If the day care center is approved, they ask that extensive buffering be provided around the center – not only in the front on Wild Horse Creek Road, but on both the east and west sides as well, to keep the area viable for residential use.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. Henry stated the following:
   - **Regarding the residential aspect to the subject two acres:** He has met with three of the area's major home builders – Jerry Duepner, Land Development Manager for The Jones Company; Bill Taylor of Taylor Morley Homes; and Gene DeVore, Director of Engineering and Land Development of Greater Missouri Builders – trying to get some

independent views of the residential aspect for these two acres. Initially, there did appear to be some interest to do residential but no offers were forthcoming. When Mr. Henry phoned them back, he was told that because there are only two acres, they would not be able to create a "center of community" for residential use – even if it were attached homes. The fact that this would be the ingress and egress to the back parcel of the property – the neighborhood office district – does not make it residentially viable.

- **Regarding the inner-connecting road:** They are still proposing, for the future, the inner-connecting road. He does not know how soon this road would be developed – it could be anywhere from 5-20 years. When this road is constructed, it is possible that the currently proposed ingress/egress could be abandoned.

ISSUES:

1. Current Department issues, as outlined in the Staff Presentation.
2. Meet with the Petitioner to reduce the proposed uses.
3. Review the possibility of having a sidewalk along the drive. Insure that the sidewalk does not penalize the developer in its green space calculations.
4. Provide the location of the playground. Are there any setback requirements with respect to playgrounds?
5. West boundary issue.
6. Review the possibility of extensive landscape buffering on the east and west side of the property.
7. Provide further information about the possibility of the current proposed ingress/egress being abandoned in the future when the inner-connecting road is constructed. How would it impact the subject development?
8. If the proposed road joins with a possible future east-west road, would the road remain a public road?
9. What other cities have close proximity of schools to day care centers?

Commissioner Broemmer stated that he is opposed to Commercial Service Procedures in residential areas. He feels that the proposed day care center is another form of a Commercial Service Procedure.

Commissioner Sandifer read the Closing Comments for Public Hearing P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center) noting the earliest possible date the Planning Commission could vote on the subject petition would be June 26, 2006.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the May 8, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 6 to 0.**

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Borders Books & Music/Westfield Shoppingtown Chesterfield: Amended Architectural Elevations for a bookstore located in a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations subject to the change to EIFS from metal panels and subject to the use of colors and landscaping as presented to the Site Plan Committee. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 6 to 0**.

B. Central Park Condominiums (Parcel C-211): A request for an 18-month time extension for commencement of construction of an approved Partial Final Development Plan for two (2) multi-family residential buildings located on the northeastern side of Lydia Hill Extension.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the request for an 18-month time extension. The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner O'Connor, Commissioner Perantoni, Commissioner Sandifer, Acting Chair Hirsch

Nay: Commissioner Broemmer, Commissioner Sherman

The motion passed by a vote of 4 to 2.

C. Chesterfield Commons East (Dick's & Inline Shops E): An Amended Site Development Concept Plan, Landscape Plan, and Lighting Plan for a 61.984 acre lot of land zoned "PC" Planned Commercial located at THF Boulevard and Chesterfield Commons Drive.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan,

Landscape Plan, and Lighting Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 6 to 0**.

D. Chesterfield Commons East (Dick's & Inline Shops E): An Amended Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for a 61.984 acre lot of land zoned "PC" Planned Commercial located at THF Boulevard and Chesterfield Commons Drive.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Architectural Elevations, Landscape Plan, and Lighting Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 6 to 0**.

E. Drew Station: Amended Landscape Plan and Architectural Elevations for a 4.91 acre lot of land zoned "C-8" Planned Commercial located at the northeast corner of Clarkson and Baxter Roads.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Amended Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 6 to 0**.

F. Pepose Vision Institute (Bull Moose Tube Lot 1): Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Signage for 2.9 acres of land zoned "C-8" Planned Commercial District located between Forest Meadows Drive and Baxter Road on Clarkson Road.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, and Signage. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 6 to 0**.

G. Stoneridge Medical Office Building: Amended Architectural Elevations for a "PC" Planned Commercial located on the south side of South Outer Forty Road, northeast of Yarmouth Point Drive and Candish Lane.

Commissioner Sandifer, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 6 to 0**.

VIII. OLD BUSINESS

A. P.Z. 6-2006 City of Chesterfield ("WH" Wild Horse Creek Road Overlay): A request to repeal Section 1003.110 "Urban District Regulations" of the City of Chesterfield Code and to establish a new Section 1003.110 "WH" Wild Horse Creek Road Overlay. Said new section provides general and specific development criteria for all properties in the area known as the "Wild Horse Creek Road Sub-Area" in the City of Chesterfield Comprehensive Plan.

Ms. McCaskill-Clay pointed out the differences between the current Attachment A and the earlier draft Attachment A:

- Section 2 regarding Available Uses: This section has been rewritten to state that the petition for the zoning has to address specific information regarding the neighborhood office in the Half-Acre Residential Development, as well as the One-Acre Residential Development.
- Section 6 regarding the Review Process: This section includes a sentence stating that a separate vote will be required for adherence to the overlay and zoning district requirements.

Commissioner Sandifer made a motion to approve P.Z. 6-2006 City of Chesterfield ("WH" Wild Horse Creek Road Overlay). The motion was seconded by Commissioner Sherman.

Discussion was held on the following two issues:

- The proposed language for Section 2 regarding Available Uses and Neighborhood Office Development; and
- Whether or not the Commission wants to allow all of the non-residential uses allowed under the E-District in the Neighborhood Office area.

Councilmember Brown asked if the non-residential uses are allowed in the PC district. Ms. Teresa Price, Director of Planning, replied that these uses are not allowed in the PC district.

[Acting Chair Hirsch called a recess from 8:37 p.m. to 8:44 p.m. to allow the City Attorney and Director of Planning to work on revised language for Section 2 of the Attachment A]

City Attorney Heggie proposed the following changes to Section 2 of the Attachment A: (Changes shown in **bold.**)

> Available uses: Designation of the "WH" Wild Horse Creek Road District qualifies properties for certain uses depending where the property is located. Specific land uses shall be established in the conditions of the governing ordinance for the particular planned

district**. ~~and shall be taken from the list of the available uses from said district ("PC" Planned Commercial District, "E-Half Acre" District, or "E-One Acre" District.)~~**

Each petition for zoning shall address the following:

Neighborhood Office Development – Due to concern regarding airport noise, it is recommended that all development within this 1,920 foot setback be developed as neighborhood office. Neighborhood Office shall be defined as set forth in the Policies and Guidelines of the Wild Horse Creek Road Study. **~~Uses include Office and Medical and Dental offices, excluding surgical centers.~~ Petitions for rezoning seeking access to Neighborhood Office uses shall file a petition to rezone to "PC" Planned Commercial District and be allowed only Office, Medical and Dental uses, excluding surgical centers. Additional "Estate" District non-residential uses may be allowed.**

Commissioners Sandifer and Sherman accepted the above changes and amended the motion to include them.

Upon roll call, the vote to approve, as amended, was as follows:

Aye: Commissioner Sherman, Commissioner Broemmer, Commissioner O'Connor, Commissioner Perantoni, Commissioner Sandifer, Acting Chair Hirsch

Nay: None

The motion passed by a vote of 6 to 0.

IX. NEW BUSINESS

Commissioner Broemmer suggested reviewing all the non-single family uses in all the "Residential" districts. Acting Chair Hirsch referred this issue to the Ordinance Review Committee.

X. COMMITTEE REPORTS - None

A. Committee of the Whole
B. Ordinance Review Committee
C. Architectural Review Committee

D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee
G. Landmarks Preservation Commission

XI. ADJOURNMENT

The meeting adjourned at 8:47 p.m.

_____

Lynn O'Connor, Secretary