PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 27, 2009

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

I. ROLL CALL

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

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Sarah Cantlon, Community Services & Economic Development Specialist
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Charlie Campo, Project Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; Councilmember Barry Flachsbart, Ward I; Councilmember Matt Segal, Ward I; and Councilmember Bruce Geiger, Ward II.

Ms. Aimee Nassif, Planning & Development Services Director, announced that the City's Principal Engineer, Sue Mueller, recently passed the Professional Traffic Operations Engineer exam, which is administered by the Institute of Transportation Engineers. Ms. Mueller is now the only certified PTOE in Chesterfield. The Commission offered their congratulations to Ms. Mueller.

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

A. 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 2.7 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

And

B. 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 2.7 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

STAFF PRESENTATION:

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

- All Public Hearing notification requirements were followed.
- The comprehensive plan shows the site to be bordered by Single Family Residential on all sides.
- An earlier Public Hearing was held for this project on July 23, 2007 at which time several issues were identified by the Planning Commission and residents.
- An issues letter was sent to the Petitioner identifying issues raised at the Public Hearing and City staff met with the Petitioner to discuss the issues.
- The Petitioner has now addressed all the issues.
- A second Public Hearing was required because of the length of time that has passed since last being on the agenda for Planning Commission.
- The current Preliminary Plan shows a ten-lot development with five attached structures.
- A detention area has been added on the south side of the site; common ground has been added up along Olive Boulevard.
- Issues raised at the last Public Hearing included:
  - Storm water issues – It was noted that storm water and drainage issues will be addressed during the Site Plan review process. All the storm water from the site will be managed in accordance with City and MSD regulations.
  - Density - The Issues Report includes a table of densities of surrounding residential developments.
  - Topography - The Petitioner has submitted cross elevations of the site showing its topography and how it relates to the adjacent developments.
- The City has no outstanding issues for the Petitioner at this time.

PETITIONER'S PRESENTATION:

1. Mr. Paul R. Ferber, 1227S. Geyer Road, Kirkwood, MO stated the following:
   - The subject property is approximately 290 feet deep. When measurements for the 40-foot roadway are taken out, there is only 250 feet for lot depth on each side of the road. When cut in half, it leaves about 125 feet per lot depth.
   - Under the "R2" zoning, the lots would be required to have about 120 to 125-foot fronts at the building line in order to meet the 15,000 square-foot minimum requirement. This is one of the reasons why the "R2" zoning is "a problem zoning for this piece of property".
   - At the previous Public Hearing, a plan was presented for "R5" zoning with 12 units on the site. The request has now been reduced to 10 units.
   - If bound to the "R2" zoning, the lot sizes would be almost identical to the lot sizes being proposed.
   - The current proposal is for five buildings, which could probably be done under the existing "R2" zoning; however, economically it does not work. The five buildings that would be built, whether single-family homes or attached housing, would have "identical viewing from the three abutting Glenfield homes".
   - It was noted that the site consists of two parcels - one of which is under the Petitioner's ownership and one of which is under contract. The owner of the parcel under contract has indicated no willingness to develop the site other than a multi-family type of project. If the two parcels are developed separately, they would each have entrance rights resulting in the problem of having entrances closer than 500 feet apart.
   - When MoDOT widened Olive Street Road, it had a significantly adverse impact on the subject site as it pertains to the "R2" zoning, which is why he feels these two parcels should be rezoned to an "R5" with a PEU. Speaker noted that the PEU gives the City control over the issue of density.
   - Speaker stated that he is willing to work with Staff and the Commission to reduce the density by possibly developing the site with only 8 units.
   - Speaker feels that traffic is a "non-issue" with reference to its impact on Olive Street Road.
   - Speaker feels that the required 20-foot and 30-foot buffers significantly protect the abutting property owners. Greenfield Subdivision lies significantly below the proposed project. Only one building abuts the Glenfield properties.
   - The proposed detention area would resolve storm water issues.
   - Speaker does not feel the proposed project would be financially detrimental to the surrounding homes and noted that "up and down Olive Street Road - from Chesterfield Parkway to Highway 141 - there are 11 multi-family/condo projects – 6 on the north side of Olive Street Road and 5 on the south side.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Gene Schenberg, resident of Greenfield Village subdivision, 402 Country Oak Drive, Chesterfield, MO.

   Chair Hirsch acknowledged Mr. Schenberg as a past member of City Council and past member of Planning Commission. Mr. Schenberg then stated the following:

   - At the previous Public Hearing, a number of residents spoke against the proposed development and its proposed density. Since that time, the Developer has not met with the Trustees of the neighborhoods to discuss the project. The residents are still opposed to the proposed density.
   - The majority of residents are in favor of development, in general, provided it is done following good planning procedures and following the zoning master plan for Chesterfield.
   - The subject site is zoned "R2" and the surrounding areas are zoned "R2". Speaker feels it "would be a travesty to allow anything other than R2, with possibly a PEU provided it has a good plan. No one begrudges the Developer the opportunity to try to maximize their yield and profit but profit and maximizing yields are not entitlements. It is not the City's responsibility to guarantee that when somebody buys a piece of property that they are able to make a profit when they develop it."
   - He is opposed to the subject proposal. He feels "R2" is the appropriate zoning based on the surrounding zoning and he encourages the Commission to consider this when making their decisions.

Commissioner Geckeler stated that she feels that the most important feature of infill is that it be compatible with existing patterns of development in the area, which in this case is "R2" single family. She asked Mr. Schenberg if he is more concerned about the proposed attached housing or the proposed density. Mr. Schenberg replied that he is concerned with both issues. He feels it is more appropriate to have five lots with five single-family detached houses all fitting within "R2-R2.5" zoning or "R2" with a PEU. He noted that the smaller density developments are farther away from this site – not directly adjacent to "R2" single-family developments.

2. Ms. Nancy Greenwood, 14441 Corallin, Chesterfield, MO.

   Chair Hirsch acknowledged Ms. Greenwood as former Mayor of Chesterfield. Ms. Greenwood then stated:

   - She is not in attendance as an adjoining resident but is present as a Ward I resident. She noted that the City was incorporated "because the people were most interested in having representatives that lived in their area make decisions about the zoning that happens in their neighborhoods."
   - The subject proposal is for "R5" zoning, which she feels is "totally out of character" for the site. She does not feel there is "anything good in planning practices that allow for a transition to jump from an R2 to an R5" and asked that the Commission take this into consideration.

- She feels that traffic is an issue for everyone who lives in that quadrant of the City.
- She feels that the "R2" zoning is appropriate for this site and asked that the Commission consider this.

3. Mr. Gene Holtzman, 645 Stablestone Drive, Chesterfield, MO stated the following:
   - He noted that his concern about drainage was previously addressed by Mr. Campo.
   - His property is directly behind the proposed development and asked who would be responsible for maintaining the area of foliage that abuts his back yard.

4. Mr. Brad Scherzer, 534 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - He and his wife are "adamantly opposed to the rezoning of this area to the "R5" district" noting that there are no other R5 developments in the immediate area.
   - He feels the proposed zoning would adversely affect his property value.
   - He feels the "R5" zoning will adversely impact the traffic in the area taking into consideration the traffic that will be generated from the unfinished Paddington Hill project.
   - He does not oppose development in the area, but he does oppose an "R5" development in this area.

Commissioner Geckeler asked Mr. Scherzer if the project would be more amenable if the site was developed as single-family attached housing with a lower density. Mr. Scherzer responded that such a proposal would "certainly mitigate some of the problems that would be created by the traffic". He added that the plans are only "proposed plans" and that an "R5" zoning "just opens the door wide-open for any other change in those plans".

5. Dr. Leonard Winer, 526 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - When he and his wife moved to the area seven years ago, they looked at the adjacent properties and knew that the property behind his house was zoned "R2". This zoning was taken into consideration when they bought their property.
   - His property sits next to the proposed detention basin which he has concerns will attract mosquitoes.
   - They are very concerned about the aesthetics of what will be seen from their back yard; about the "greenage" in Chesterfield; about the zoning being changed to an "R5"; about the density and the attached homes.
   - They feel their property will be adversely affected by the proposed multi-family project. He has concerns that the project will not be developed in a

timely manner taking into consideration the incomplete Paddington Hills project.
- He opposes the "R5" zoning since the surrounding area is all "R2" zoning.

Commissioner Geckeler noted that when Dr. Winer moved into the area, he knew that the surrounding property was all "R2". She asked Dr. Winer if he had a reasonable expectation that the surrounding area would stay in this pattern of development. Dr. Winer replied that they looked at the area very carefully and learned what "R2" zoning meant, which is one of the reasons they bought their property.

6. Ms. Stephanie Pericich, 525 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - She spoke in opposition to the project at the previous Public Hearing.
   - She and her husband also took into consideration the "R2" zoning for the subject site before purchasing their property.
   - She feels strongly that the site needs to remain "R2" to preserve the integrity of the area.

7. Mr. Sean Tracey, 510 Glenfield Ridge Court, Chesterfield, MO stated the following:
   - His property abuts the subject site.
   - He opposes the "R5" zoning for this site.
   - He questioned whether anyone has taken into consideration the wildlife that lives on this tract of land – he sees foxes, deer, squirrel, rabbits, eagles, owls and birds of prey on the site.

8. Mr. Paul Nittel, resident of Greenfield Village, 14115 Westernmill Drive, Chesterfield, MO stated the following:
   - He does not see any reason to rezone from an "R2" to an "R5".
   - He noted that nothing has yet been sold at Paddington Hills and only a few homes are completed at the Brunhaven development. He is concerned that a similar situation would occur with the proposed project if it is zoned to "R5".

Commissioner Geckeler asked Mr. Nittel if he has more of an objection to the proposed density or to the proposed single-family attached housing. Mr. Nittel replied that he has concerns about both.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Ferber responded to the issues raised as follows:

- "R5" Zoning – He noted that the proposed "R5" zoning has a Planned Environment Unit (PEU) with it. In tying the PEU to the zoning, it his understanding that the Commission and City Council can limit the density for the project. City Attorney Heggie stated that there are a number of methods available to the City to control density with the PEU being one. The Commission and Council are under no obligation to approve the "R5" zoning being requested. Mr. Ferber stated that there is no intent to develop more than 10 units on the site and is open to discussions to reduce the density even further.
- Paddington Hill – He feels the proposed site is a much more desirable site than the Paddington Hill site.
- Traffic – He does not think that 10 condo units, which are not large-family units, vs. 5 or 6 single family lots would generate any more traffic movement.

Commissioner Banks noted that the south side of the property appears to have two tie walls behind lots 5 and 6 and inquired as to the elevation of the tie walls. Staff stated that this information is not yet available noting that this is a Preliminary Plan.

ISSUES:

1. Amount of traffic that would be generated from the site. Mr. Campo stated that the Petitioner has submitted a traffic study for the site. In summary, the study states that considering the amount of cars that travel Olive Boulevard on a daily basis, the proposed development would have minimal impact on the traffic.
2. Responsibility of maintaining the foliage on the south side of the site. Mr. Campo stated that any foliage on common ground would be the responsibility of the owners of the development. The landscape buffer on lots 5 and 6 would need to be maintained by the owners of lots 5 and 6 or by the subdivision. Ms. Nassif added that the City does require a landscape installation and maintenance bond. The maintenance bond is held for two years and insures that any trees that die will be replaced
3. Density with respect to single family housing vs. attached housing. Chair Hirsch pointed out that the site-specific governing ordinance would outline how many residences would be allowed to be constructed on the site.
4. Wildlife preservation
5. Provide calculations of how this site could be developed as an "R3" zoning.
6. Have the subject parcel looked at relative to a Planned Unit Development.
7. Parking of three spaces per residential unit is not designated on the plans. Mr. Campo stated that parking calculations are not reviewed during the rezoning process – they are reviewed during the Site Plan stage.
8. Provide information on the Residential Business Uses surrounding the subject site. Ms. Nassif stated that the property next to the subject site is

Clark Financial Services and is zoned "R2" and has a Residential Business Use – the only use permitted on the site is financial office and they have 6-7 parking spaces on their site, which include 2 spaces in the garage.

Ms. Nassif asked that the Petitioner, rather than Staff, be directed to respond to issues relative to what possibly could be developed in lieu of "R2" zoning.

C. P.Z. 03-2009 Four Seasons, Lot 3, Plat 6 (Schuyler Corporation): A request for a change of zoning from "C8" Planned Commercial to "PC" Planned Commercial for a 2.35 acre shopping center located at 13700-13732 Olive Boulevard, on the south side of Olive Boulevard, directly across from the intersection of Olive Boulevard and River Valley Drive. (LOCATOR NUMBER 16Q230260)

STAFF PRESENTATION:

Ms. Annissa McCaskill-Clay, Lead Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- The subject site was posted per City of Chesterfield public hearing notification requirements.
- The Comprehensive Plan designates the appropriate land use for the site as "Community Retail".
- The current Attachment A for the governing ordinance limits the drive-through uses to the easternmost portion of the existing building on the site. The Petitioners are requesting removal of this limitation and requesting that drive-through facilities be permitted on the site with limited uses. The language being proposed for Section I.A.2.e. of the Attachment A is as follows:

  Drive-through uses for said facilities will be limited to "low intensity" financial institutions and restaurants in the form of bakeries and/or coffee shops and similar or comparable uses.

- The rezoning change from "C8" to "PC" will bring the site up-to-date in terms of the City's current zoning ordinances.

If the proposed ATM is approved, Commissioner Banks asked for confirmation that the site must still meet its parking requirements relative to the other uses in the development. Ms. McCaskill-Clay replied that the first entrance into the site is required to be closed by the Missouri Department of Transportation, as well as the City of Chesterfield. This will result in a gain of parking spaces allowing the ATM to be moved within the development.

PETITIONER'S PRESENTATION:

1. Mr. Jeff Wagener, representing Schuyler Corporation, 7 Sappington Barracks Road, St. Louis, MO stated the following:
   - The request is for the addition of an ATM for National City Bank and for a change in language to the Attachment A as described by Ms. McCaskill-Clay.
   - The zoning change from "C8" to "PC" is at the request of Staff.
   - Regarding the closure of the first entrance off of Olive Street Road into the site, Speaker stated that he received a letter from Fire Marshall Dave Nichols of the Monarch Fire Protection District. The Fire District has some concerns about closing this entrance as it is their best entrance into the site in the case of a fire. MoDOT has agreed that the closure of this entrance will no longer be required.
   - Regarding the concerns raised about meeting the required parking for the site, Mr. Wagener stated that the center is a mix of retail and office use so there is more than enough parking as required by the City's ordinances.

Commissioner Watson asked for information on the number of existing parking spaces and the number of spaces that would be eliminated from an ATM.
Mr. Wagener replied that there are presently 101 spaces; 4 spaces would be eliminated for the ATM, resulting in 97 spaces. Ms. Nassif indicated that parking would be reviewed at the Site Plan stage.

Councilmember Fults asked what possibilities are open for drive-through facilities for the site. Ms. Nassif stated that the original Attachment A restricted the drive-through to the easternmost portion of the existing building. After reviewing the geometrics of the site, approval of a drive-through in this location would be difficult, so this restriction has been removed. Any proposed drive-through – either attached or free-standing - would need site development plan approval.

Because of the open issue with MoDOT, Chair Hirsch announced that the Commission will not be voting on this petition tonight.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Closure of the first entrance to the site.
2. City Attorney Heggie recommended that the Petitioner craft language, either through a letter or in the Attachment A, that would definitively indicate that a drive-through at the easternmost location would be problematic.

Commissioner Nolan read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the April 13, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Nolan and **passed by a voice vote of 6 to 0 with 1 abstention** from Commissioner Banks**.**

VI. PUBLIC COMMENT

A. P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr): A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

Petitioner:

1. Mr. Gene Holtzman, Hutkin Development Company – managing agent for the Clarkson Wilson Center, 10829 Olive Boulevard, Ste. 200, Creve, MO stated the following:
   - Since the last Public Hearing, they have spoken with the Trustee Presidents of the Clarkson Woods South and Clarkson Woods North subdivisions regarding the outstanding issue of hours of operation.
   - It is being proposed that the hours of operation for the entire Centre be from 7:00 a.m. to 11:00 p.m. with the exception that the existing Pizza Hut restaurant and the existing veterinary hospital be allowed to deviate from these hours. It is his understanding that these hours are acceptable to the Trustee Presidents.
   - The following uses are being eliminated: *"Research facilities, professional and scientific laboratories"* and *"cabinet makers".*

2. Ms. Sarah Mansholt, Hutkin Development Company - Property Manager for Clarkson Wilson Centre, 10829 Olive Boulevard, Creve, MO was available for questions.

Speakers in Opposition:

1. Mr. Rick Kastel, Trustee of Clarkson Woods North subdivision, 16031 Clarkson Woods Drive, Chesterfield, MO stated the following:
   - They object to the proposed hours of operation.
   - The current hours of operation have never been enforced and they question how any new hours would be enforced.

- They have concern about the number of food establishments within the development. The original "C8" zoning allowed two restaurants – there are now five food establishments. They question how this regulation will be enforced since it was not enforced in the past.
- They would like to be informed on how the signage may be changed.

Ms. Sue Mueller, Principal Engineer, stated that any complaint-based issue brought to the City's attention is enforced – including hours of operation. The City does not currently monitor hours of operation but if any non-compliance is brought to the City's attention, the City is able to investigate and proceed with correct enforcement.

Chair Hirsch addressed the concern of how the number of food establishments would be monitored. He stated that as tenants change and new business licenses are requested, Staff reviews the requests against the governing ordinance to determine if they are allowed.

Ms. Nassif added that this is the reason for the current petition. The Petitioner submitted an application to the Department for a new restaurant. During review, it was determined that no additional restaurants are allowed in the Centre so the Petitioner is requesting a change to the ordinance to allow more food establishments.

2. Ms. Nancy Minster, 16080 Clarkson Woods Drive, Chesterfield, MO stated the following:
   - Her property is adjacent to Clarkson Wilson Centre.
   - She is opposed to the proposed hours of operation since most traffic drives through the subdivision to gain access to the Centre.
   - They have a lot of issues with noise from the delivery vehicles and cars driving fast through the area.
   - She is opposed to increasing the number of allowed restaurants in the Centre.
   - She has concern that there is no mechanism in place for enforcing what is already in violation.
   - She was under the impression that Hutkin Development was to notify the adjacent residents of these upcoming meetings but noted that she was not notified by Hutkin. She thought that other residents may have attended had they been notified.

Councilmember Fults stated that it was also her understanding that Hutkin was to notify the residents of any subsequent meetings.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. **143 Long Road:** A Site Development Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 0.5 acre tract of land zoned "PI" Planned Industrial District located 0.1 mile south of the intersection of Chesterfield Airport Rd. and Long Rd

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Site Development Plan, Lighting Plan, and Architectural Elevations for 143 Long Road; the Landscape Plan is to be held pending the resolution of any outstanding issues and may subsequently be approved by Staff. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0**.

B. **Downtown Chesterfield, Plat One:** A Record Plat for a 15.96 acre lot of land zoned "C-8" Planned Commercial District located on the northwest corner of Chesterfield Parkway West and Lydia Hill Road.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Downtown Chesterfield, Plat One. The motion was seconded by Commissioner Watson and **passed by a voice vote of 7 to 0**.

C. **Stoneridge Office Building:** An Amended Site Development Plan and Amended Landscape Plan for a 9.3 acre parcel of land zoned "PC" Planned Commercial District located on the south side of South Outer 40 Road, northeast of Yarmouth Point Drive and Candish Lane.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Plan and Amended Landscape Plan for Stoneridge Office Building. The motion was seconded by Commissioner Banks and **passed by a voice vote of 6 to 0 with 1 abstention** from Commissioner Proctor.

VIII. OLD BUSINESS

A. **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 2.7 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

And

B. <u>P.Z. 37-2007 Olive Greenfield Condos (14306 and 14298 Olive Blvd.):</u> A request for a Planned Environment Unit (PEU) Procedure within an "R-5" Residential District for a 2.7 acre tract of land located at the southwest corner of Olive Blvd., and Stablestone Dr. (16R320911, 16R320948).

<u>Chair Hirsch</u> reported that the Petitioner, Mr. Ferber, needed to leave the meeting for personal and family reasons.

<u>Project Planner Charlie Campo</u> stated all the issues have been addressed by the Petitioner or Staff. Mr. Campo summarized some of the issues as follows:

- Storm water issues will be reviewed during the Site Plan process.
- Minimum/Maximum lot sizes were requested and are a part of the Staff Report.
- Elevations of the site in relation to adjacent developments are part of the meeting packet.
- A traffic study has been submitted from the Petitioner's engineer indicating that traffic impact from this development would be minimal to Olive Boulevard.

<u>Chair Hirsch</u> then outlined the open issues as follows:

1. Overall density
2. Single family vs. attached homes
3. Traffic impact on Olive Boulevard – specifically, the number of trips generated by 5 single detached residences vs. 10 attached units. <u>Ms. Mueller</u> stated that the traffic study indicates that the 10 attached units are estimated to generate an average daily traffic of 100 vehicles per day vs. 50 vehicles per day from 5 single family homes. If it is broken down to the peak hour impact, typically a factor of 10% of ADT would be applied resulting in an estimated 10 vehicles per day during peak hour for 10 attached units vs. 5 vehicles per day for 5 single family homes.

B. <u>P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr):</u> A request for a change of zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

Project Planner Justin Wyse stated the second public hearing for this petition was held in February, 2009. Since that time, the Petitioner has met with Staff, as well as some of the Trustees in the adjacent neighborhoods resulting in the following proposed changes:

- Removal of the uses: *"Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therein"* and *"cabinet makers".*
- Hours of operation: To allow for an exception for two existing users – Kennelwood and Pizza Hut – to continue their operations as is; however, as tenants change those exclusions would no longer be permitted.

Commissioner Banks asked Mr. Wyse if he has any information on whether any of the neighboring residents are in agreement with the proposed hours of operation. Mr. Wyse replied that he had spoken to Deborah Rowan, one of the Trustees at Clarkson Woods subdivision, a few days ago and he was under the impression that she had no issues with the proposed hours of operations for the two existing tenants only. The Petitioner was then asked for clarification on this issue.

Mr. Holztman stated that his meetings with the Trustees were by phone – he spoke to Deborah Rowan, President of the Trustees for Clarkson Woods and Barbara Nauert, President of the Trustees for Clarkson Woods South. At that time, they both indicated they were not opposed to the proposed change but they did not want to see a change to the hours of operation for the entire Centre. Kennelwood has been opening at 6:15 a.m. for one morning per week for a number of years and Pizza Hut has been making deliveries after 11:00 p.m. on Fridays and Saturdays.

Mr. Holtzman added that he would be happy to restrict the in-and-out traffic for the Pizza Hut delivery drivers to just the Clarkson entrance on Fridays and Saturdays after 11:00 p.m. He felt such language could be made a part of the tenant's lease. Chair Hirsch stated that while this could be incorporated into a lease, the City would not be able to enforce it.

Ms. Barbara Nauert, President of the Board of Trustees at Clarkson Woods South, 15904 Country Ridge Drive, Chesterfield MO then addressed the Commission. She stated that she had had some discussions with Sarah Mansholt, Property Manager for Clarkson Wilson Center, at which time a compromise was proposed regarding the hours of operation for two of the existing tenants. After discussing the proposal with the other Trustees, it was felt the proposed hours of operation "were reasonable and that it was a compromise they could live with". Ms. Nauert added that their subdivision does not abut the Centre like the Clarkson Woods North subdivision does and understood that Clarkson Woods North may disagree with the proposed hours.

Commissioner Watson noted that one of the Trustees brought up signage as an issue and asked for clarification on the matter. Mr. Wyse explained that the current ordinance has some very restrictive requirements regarding signage – such as only allowing temporary signs in December, 1995. The Petitioner is requesting that the Centre adhere to the City's sign regulations.

Commissioner Grissom felt there is still some confusion on whether the Trustees of Clarkson Woods North agree or disagree with the proposed hours of operation. He then asked why these establishments have been allowed to continue to operate under hours that are in violation of the current ordinance. Ms. Nassif replied that the City was not made aware of the violation until the Petitioner came forward asking for the additional restaurant use. Upon Staff's review of the request, it was determined that two of the tenants were operating outside of the allowed hours of operation. Violations have not been issued during the past several months because the ordinance is considered open at this time and subject to change. Staff has been working with the process and waiting to see what the final requirements would end up being.

Based upon these facts, Commissioner Grissom stated that he cannot support the proposed changes to the hours of operation.

Chair Hirsch summarized that the draft Attachment A allows hours of operation from 7:00 a.m. to 11:00 p.m. with extended hours for Pizza Hut, 42 Clarkson Wilson Centre and Kennelwood, 4 Clarkson Wilson Centre. The extended hours would be eliminated for any change in tenancy at these two addresses.

Commissioner Banks made a motion to approve P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr) with the following change to the Attachment A, Section I.A. "Permitted Uses":

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

The motion was seconded by Commissioner Nolan.

Discussion on the Motion:
Commissioner Banks noted that people make honest mistakes when it comes to meeting existing zoning ordinances but he expressed concern about changing ordinances as a way of correcting Petitioners' mistakes.

Commissioner Grissom made a motion to amend the motion with the following changes to the Attachment A, Section I.A.3. "Hours of Operation":

a. The permitted uses listed above are subject to hours of operation from 7:00 AM to 11:00 PM.

~~b. The existing restaurant located at 42 Clarkson Wilson Centre will be permitted to provide delivery service between the hours of 11:00 P.M. and 1:00 A.M. on weekends only. This exception to the above-referenced~~

~~hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants.~~

c. ~~The existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre will be permitted to commence operation of business at 6:15 one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants~~.

Commissioner Geckeler seconded the motion to amend.

Discussion on the Amendment

Commissioner Geckeler noted that the two subject businesses went into the Centre knowing that the hours of operation were 7:00 a.m. to 11:00 p.m. She questioned why the Commission "would compromise the comfort and safety of residents" by changing the hours of operation.

Ms. Mueller stated that she didn't feel the City could conclude that the tenants were knowingly violating the hours of operation. Chair Hirsch stated that the issue pertains specifically to the hours of operation – not whether the hours were violated knowingly or not.

Upon roll call, the vote on the amendment to the hours of operation was as follows:

Aye: Commissioner Watson, Commissioner Banks, Commissioner Geckeler, Commissioner Grissom, Commissioner Nolan, Commissioner Proctor, Chairman Hirsch

Nay: None

The motion passed by a vote of 7 to 0.

Upon roll call, the vote on the motion to approve P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr), as amended, was as follows:

Aye: Commissioner Banks, Commissioner Geckeler, Commissioner Grissom, Commissioner Nolan, Commissioner Proctor, Commissioner Watson, Chairman Hirsch

Nay: None

The motion passed by a vote of 7 to 0.

D. **P.Z. 03-2009 Four Seasons, Lot 3, Plat 6 (Schuyler Corporation)**: A request for a change of zoning from "C8" Planned Commercial to "PC" Planned Commercial for a 2.35 acre shopping center located at 13700-13732 Olive Boulevard, on the south side of Olive Boulevard, directly across from the intersection of Olive Boulevard and River Valley Drive. (LOCATOR NUMBER 16Q230260)

Commissioner Banks made a motion to hold P.Z. 03-2009 Four Seasons, Lot 3, Plat 6 (Schuyler Corporation) until the issue with MoDOT is resolved. The motion was seconded by Commissioner Proctor and **passed by a voice vote of 7 to 0**.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:57 p.m.

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Michael Watson, Secretary