

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
April 27, 1998**



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

PRESENT

Mr. Dave Dalton
Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Robert Grant
Ms. Linda McCarthy
Mr. Rick Bly, Chairman
Mr. Douglas R. Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa J. Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Annissa McCaskill, Planner I
Ms. Angela McCormick, Planner I
Ms. Sharon Rhodes, Administrative Secretary

EXCUSED

Mr. Dan Layton, Jr.
Mr. Allen Yaffe

Chairman Bly recognized Councilmember Larry Grosser, Councilmember Mike Casey and Councilmember Mary Brown.

INVOCATION: Commissioner Robert Grant

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS: None

APPROVAL OF MINUTES:

A motion to hold the minutes of April 13, 1998 was made by Commissioner Grant, seconded by Chairman Bly, and passes by a voice vote of 6 to 0.

PUBLIC COMMENT:

1. Mr. Jerry Duepner, Sachs Properties, in favor of P.Z. 4A-98. He noted that he had sent a letter to the Commission, which was distributed at the Work Session. Although the Planning Department's report recommended a 30 foot setback from Chesterfield Airport Road for the site, Mr. Duepner requested that a 15 foot setback be considered.

Commissioner Grant asked if Mr. Duepner was aware of any other 15 foot setbacks to the west or east of the subject property.

Mr. Duepner noted that to the west there is a small parcel at Chesterfield Parkway, which has a 15 foot setback. To the east, the 500 Building and the 444 Building may have a greater setback due to the parking area between the buildings and the roadway.

City Attorney Beach asked what effect the setback would have on the square footage of the development.

Mr. Duepner replied that it could affect the site to the east in dealing with the intervening parcel, since there is a 15 foot setback on that side.

City Attorney Beach asked if the two parcels would be developed together.

Mr. Duepner replied that the other parcel is only ½ acre and it is likely it would be developed with the adjoining tract, which is larger.

Commissioner Grant stated that we do not know that the larger tract will take advantage of the 15 foot setback.

2. Mr. Al Michenfelder, attorney for the petitioner, spoke in favor of P.Z. 5A-98.Swingley Ridge. He noted the following:
 - At the Public Hearing of 4-13-98, it was explained that the site plan would undergo some minor modifications since they did not have a building elevation available.
 - They have since filed modifications and the building has been reduced in overall length approximately 30 feet, and is now 310 feet in length.
 - The swimming pool, which had been on the west side, is now shown on the north portion of the property adjacent to building, and not separated by a driveway that had been the front delivery point. This driveway now permits people to drive under the overhang.
 - At the bottom there is an elevation of the proposed building and the Hampton Inn to the east and the Mallinckrodt building to the west, which indicates that the top of the building proposed is the same elevation as the Hampton Inn, and approximately 25 feet above the height of the Mallinckrodt building due to the falling terrain. A graphic site plan was prepared to incorporate changes.
 - He described the facade of the building and distributed brochures of the Studio Plus chain of hotels owned by Extended Stay America.
3. Mr. Richard Feldman, 911 Washington Avenue, spoke in favor of P.Z. 6 and 7-98. They are seeking approval of the project to increase the size of current facility at Westchester House, and also approval of a 60 unit independent living facility. Mr. Feldman stated they would like to move forward since the traffic study of White Road has been completed. He stated

that their engineer, Mr. Rhein Dabler, would like to address issues concerning an item in Attachment A (page 3, item 3(f)).

4. Mr. Rhein Dabler, Clayton Engineering, noted the following in regard to this item:
 - The wording requires that any entrances coming off of the main driveway do so at a distance of at least 150 feet from White Road, in order to avoid blocking access to the independent living facility's driveway.
 - During an independent study in February 1998, it was determined that the p.m. peak hour generation is only five exiting movements within a one hour period.
 - He requested that the requirement of 150 feet be reduced and modified to allow for the location of the driveway as shown on the Preliminary Plan.

COMMENTS/DISCUSSION

Commissioner Grant asked what hardship would be incurred with 150 feet.

Mr. Dabler stated that a distance of 150 feet would require people to go down hill, make a hairpin U-turn and come back up hill.

Commissioner Grant asked Mr. Feldman if the setback for the independent care facility would increase from 50 to 75 feet.

Mr. Feldman stated that in looking at the development, the Staff asked if they could remove a portion of building. He said the petitioner had agreed with the Staff to remove 2 or 3 units in order to have a greater distance (75 feet) from White Road and keep the 4.1 acre buffer area.

5. Mr. John Munch of Consolidated Healthcare, in favor of P.Z. 6-98 and P. Z. 7-98. He stated he was available to answer any questions.
6. Mr. Michael Doster, attorney, in favor of P.Z. 15-98. Using a plan of the petitioned area, Mr. Doster noted the gray portion is currently zoned "M-3" and the red portion was zoned by the City in 1991, as "C-8" for an automobile dealership. The parcel under contract is the middle parcel, which is being proposed for use as an automobile repair facility. He stated that when the City was approached about this petition, the Planning Department did not want a request to rezone from "C-8" to "PC" District for just the parcel under contract, which would leave the parcel in front zoned "C-8". Therefore, the petition was submitted for the entire piece, even though the client controls only the middle piece.

COMMENTS/DISCUSSION

Councilmember Brown asked if both portions are to be approved for "PC" District with no use specified for the other portion.

Mr. Doster stated although both parcels would be zoned “PC”, his client is only interested in the middle parcel for a vehicle repair facility.

City Attorney Beach clarified that since the Moratorium resulted in new zoning classifications, instead of rezoning any portion of a site that does not comply with the new guidelines, Planning Staff is using every opportunity to rezone the entire site so they come into compliance with the new classifications. The Staff requested the petitioner rezone the whole site and not leave ‘pockets’ or partial rezonings or changes.

Commissioner Grant asked if the Ordinance prescribes the whole tract, can it limit uses to one tract.

City Attorney Beach stated that there are two parcels. The whole tract is being rezoned, but only one parcel specifies uses. If they wanted the front parcel developed at a later time, they would have to ask for specific uses for that parcel at that time.

Councilmember Brown noted that in some cases in the future, both owners might not be in agreement with uses.

6. Mr. Michael Sater, Sabur Surveying and Engineering spoke in favor of P.Z.1-98, Hennessey Development Inc. for White House Farm and noted the following:

- Petitioner is requesting a change in zoning for a 10 lot development of 15,000 square foot lots on White Road from “NU” Non-Urban to “R-2”.
- Plans have been revised to add a stormwater detention basin in the rear of Lot 10 due to stormwater problems of an adjacent homeowner.
- St. Louis County asked for full road improvements with tapers on all projects. Frontage of the property is 435 feet along White Road and St. Louis County will require a 30 to 1 or 40 to 1 taper. Mr. Sater displayed two 30 to 1 tapers on each end, which makes a considerable amount of cost for road improvements and stated they are asking for an equitable limit to those road improvements.

NEW BUSINESS:

A. **P.Z. 1-98 Hennessey Development Inc. (White House Farm)**; “NU” Non-Urban District to “R-2” 15,000 square foot Residence; east side of White Road, 2,500 feet south of Olive Boulevard.

Assistant Director Griggs-McElhanon summarized the Department report and the issues as follows:

- The proposal is for straight zoning to “R-2”. Normally, conditions would not be attached to a straight zoning petition. However, conditions are being recommended to address detention and road improvements as attached to report
- An issue concerning access to Lot 1, is referenced in the handout from Sabur Surveying. As currently recommended, no individual lot access would be permitted on White Road.

This condition would require the current access to the existing house be eliminated. The White Road Study references eliminating individual lot access to White Road. The Public Works Department and Planning Department are of the opinion that it would be appropriate to eliminate individual lot access on future rezonings.

- An issue relative to limiting road improvement costs for this development, as shown in the handout from Sabur Surveying, was discussed with Mike Geisel, City Engineer. The Public Works Department and Planning Department are of the opinion that the cost of road improvements should not be limited to the Trust Fund rate of \$700 per lot.

Assistant Director Griggs-McElhanon stated the Department recommends approval of rezoning to "R-2" with conditions as outlined in Attachment A.

COMMENTS/DISCUSSION

Commissioner Eifler asked how water would drain at the northeast corner.

Assistant Director Griggs-McElhanon stated there are catch basins in the adjacent subdivision that the proposed development will tie into. One of the conditions in Attachment A is that the developers are required to provide documentation that the downstream facilities can handle their water. The Public Works Department will review the documentation to see if it is necessary for the developer to upgrade the downstream facility. Developers must comply with the City and MSD standards.

City Attorney Beach stated this issue was thoroughly discussed with Public Works due to concerns.

Commissioner Broemmer asked if Lot 1 is also required to be accessed from the proposed new subdivision street, as specified in Attachment A for Lot 10.

Commissioner Grant stated that an extensive discussion was held at the Work Session concerning traffic problems on White Road, and a traffic study was prepared which was explained by a representative from Crawford Bunte Brammeier in detail. He felt Staff had done a good job in wording the conditions for this proposal.

A motion to approve P.Z. 1-98 along with the conditions in Attachment A, as amended to add a reference to Lot 1 in Condition 1(e), which would require access from the internal street, was made by Commissioner Grant and seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner McCarthy, yes; Chairman Bly, yes.

The motion passes by a vote of 6 to 0.

- B. **P.Z. 6-98 Consolidated Health Care Resources Fund I, L.P.** “R-1A” 22,000 square foot Residence District to “R-2” 15,000 square foot Residence District; east side of White Road, south of Olive Boulevard.

And

- C. **P.Z. 7-98 Consolidated Health Care Resources Fund I, L.P.**; Conditional Use Permit (CUP) in the “R-2” 15,000 square foot Residence District; east side of White Road, south of Olive; and an amendment to an existing Conditional Use Permit (CUP), established by St. Louis County, P.C. 60-80, in the “R-2” 15,000 square foot Residence District for a 7.058 acre tract of land; east side of White Road, south of Olive. The total acreage encompassing this Conditional Use Permit request is 16.174 acres. Proposed Amendment: Expansion of existing Conditional Use Permit to allow the construction of an independent living facility and an adult/child day care.

Assistant Director Griggs-McElhanon summarized the report. She noted that there are two petitions, which will require separate motions. The first item, P.Z. 6-98, is a request for rezoning because the current zoning district is being phased out per changes following the Moratorium. The second item, P.Z. 7-98, is to expand their CUP to allow for a second building to be built along White Road in addition to the existing building. She noted the following issues:

- The restriction for the access drive to the Independent Care Facility to be at least 150 feet from White Road. St. Louis County Highway Department is concerned that if there a line of cars when cars pull in and turn left, the traffic may back up onto White Road.
- Developer must provide a permanent cul-de-sac for the end of Bellechase, which will be dedicated to the City.
- Attachment A has been amended to increase the setback for the Independent Care Facility from White Road from 50 feet to 75 feet, to require landscaping along the entire frontage of White Road, and to require Planning Commission review of the design, location and size of guardrails.

Assistant Director Griggs-McElhanon stated that the Department is recommending approval of P.Z. 6-98, for rezoning to “R-2” 15,000 square foot Residence District, subject to conditions in Attachment A. The Department also recommends approval of the conditional use permit for Westchester House, P.Z. 7-98, subject to conditions contained in Attachment A, as amended.

COMMENTS/DISCUSSION

Commissioner Broemmer discussed comments made by Mayor Greenwood concerning guardrails being required.

Commissioner Grant asked if Staff could modify the condition of 150 feet since there will be a low amount of traffic going in and out of the entrance.

Assistant Director Griggs-McElhanon stated traffic information could be provided with the Site Development Plan to prove traffic conditions in the area.

City Attorney Beach noted the wording of the condition could state “150 feet, or as approved by Public Works Department”.

Councilmember Brown stated a revised drawing would be necessary if the 150 feet entrance is actually required.

A motion to approve P.Z. 6-98 was made by Commissioner Grant and seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner McCarthy, yes; Chairman Bly, yes.

The motion passes by a vote of 6 to 0.

A motion to approve P.Z. 7-98 subject to conditions contained in Attachment A, and amending Condition 5(f) to provide the internal drive be 150 feet or as approved by the Chesterfield Public Works Department, was made by Commissioner Grant and seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner McCarthy, yes; Chairman Bly, yes.

The motion passes by a vote of 6 to 0.

- D. P.Z. 8-98 Fischer-Frichtel, c/o John P. King (Whitestone Farm); “NU” Non-Urban District to “R-2” 15,000 square foot Residence District; west side of White Road, 2,000 feet south of Olive Boulevard.**

And

- E. P.Z. 9-98 Fischer-Frichtel, c/o John P. King (Whitestone Farm); a Planned Environment Unit (PEU) procedure in the “R-2” 15,000 square foot Residence District; west side of White Road, 2,000 feet south of Olive Boulevard**

Assistant Director Griggs-McElhanon stated there is a letter from petitioner requesting that these items be held.

A motion to hold P.Z. 6 & 7-98 was made by Commissioner Grant, seconded by Commissioner Dalton **and approved by a voice vote of 6 to 0.**

- F. **P.Z. 14-98 City of Chesterfield Planning Commission**; a proposal to amend section 1003.140 "PC" Planned Commercial District regulations to include cemeteries as a permitted use.

Planner I McCaskill summarized the report. The Department recommends approval of P.Z.14-98 as outlined in Attachment A, to allow cemeteries as a permitted use in the "PC" Planned Commercial District.

A motion to approve P.Z. 14-98 was made by Commissioner Eifler and seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner McCarthy, yes; Chairman Bly, yes.

The motion passes by a vote of 6 to 0.

- G. **P.Z. 4A-98 Chesterfield Village, Inc. and First Baptist Church of Chesterfield**; "NU" Non-Urban District to "PC" Planned Commercial District; south side of Chesterfield Airport Road, 300 feet east of the intersection of Chesterfield Parkway South.

Assistant Director Griggs-McElhanon summarized the report. The Department recommends approval of P.Z. 4A-98 subject to conditions contained in Attachment A.

COMMENTS/DISCUSSION

Commissioner Grant asked staff to point out property that Mr. Duepner compared relative to the setback.

Assistant Director Griggs-McElhanon stated adjacent property, which has a 15 foot setback, is indicated with an orange line on the Plan.

A motion to approve P.Z. 4A-98 was made by Commissioner Broemmer and was seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner McCarthy, yes; Chairman Bly, yes.

The motion passes by a vote of 6 to 0.

- H. **P.Z. 5A-98 Swingley Ridge Development**; "C-2" Shopping District to "PC" Planned Commercial District; north side of Swingley Ridge Drive, west of Olive Boulevard.

Planner I McCormick referenced the issues provided in the meeting packet.

A motion to hold P.Z. 5A-98 was made by Commissioner Grant, seconded by Commissioner Broemmer and approved by a voice vote of 6 to 0.

- I. **P.Z. 15-98 Arthur R. McRoberts and Mary McRoberts (Hart Auto Body Inc.);** “C-8” Planned Commercial District and “M-3” Planned Industrial District to “PC” Planned Commercial District; north side of Chesterfield Airport Road, 600 feet east of Long Road.

Planner I McCormick referenced the issues provided in the meeting packet.

Councilmember Brown would like the Department to consider specifying the other parcel with frontage on Chesterfield Airport Road would not have uses specified.

A motion to hold P.Z. 15-98 was made by Commissioner Eifler, seconded by Commissioner McCarthy and approved by a voice vote of 6 to 0.

- J. **P.Z. 1-90 Long Road Realty Venture, Inc.;** request for an amendment to City of Chesterfield Ordinance Number 430, the governing “C-8” Planned Commercial District Ordinance for the Short Stop Center; west side of Long Road, South of Chesterfield Airport Road (relative to reducing the setback from the west property line).

Assistant Director Griggs-McElhanon presented slides of the rear of the Short Stop Center, which depicted a partially built deck. She noted the following concerns:

- The owner was informed by the St. Louis County Department of Public Works, in conjunction with a building permit request for a new tenant, that access was needed to exit the back door safely. A deck was partially constructed, as shown on slides, without a building permit. The governing Ordinance for the development requires a ten (10) foot setback from the west property line. To obtain permission to construct the deck, the setback will have to be reduced.
- The Fire Department requires a six foot deck, with four foot walkway, and three foot swinging doors that can be opened 180 degrees. The slides depict air conditioners and electric meters that prohibit doors from opening 180 degrees.
- A condition is being recommended to reduce the doors from 4 foot to 3 foot and move some of the air conditioner units and/or move electric meters. This would permit the swinging doors to open to 180 degrees.
- Tenants are restricted from using the deck as a storage area, since this would obstruct the walkway and provide an unsightly appearance.
- The ditch at the rear of structure does not conform to the master drainage plan, which specifies use of a 4 foot flat bottom bleeder ditch. The Department is recommending a condition to bring the entire ditch into compliance.

Assistant Director Griggs-McElhanon stated that the Department recommends approval of the amendment request, subject to the numerous conditions as outlined in the Department report.

COMMENTS/DISCUSSION

Councilmember Brown asked why the deck was put up in the first place in place of stoops.

Assistant Director Griggs-McElhanon stated one building has stoops and she did not know why this was an issue. She deferred the question to the owner's attorney, Mr. Doster.

A motion to waive the rules to allow the Commission to ask Mr. Doster questions was made by Commissioner McCarthy, seconded by Commissioner Eifler **and approved by a voice vote of 6 to 0.**

Mike Doster stated that the owner, Denis St. John, had been trying to handle the ordinance amendment himself. Mike Doster was not aware that this item was on docket, but would discuss what he had been told.

- Prior to the flood and subsequent regrading of the swale area, there was not a problem exiting the rear of the building. After the flood and regrading, the doors were too high off of the ground to allow a safe exit, and the solution was to build a deck, providing an exit from the rear doors to steps at the end of the deck. If they used small steps, tenants would step into the drainage swale.
- Mr. St. John was not aware of a violation until the deck was virtually completed.

Commissioner McCarthy stated that with the deck there, tenants may start storing items on the deck.

Assistant Director Griggs-McElhanon stated that there was an alternate plan that showed a railing, but at this point the Department is addressing allowing either a fence or a railing.

Commissioner Grant asked if mechanical equipment would be on the roof and not screened.

Assistant Director Griggs-McElhanon noted the current ordinance stated that all rooftop mechanical equipment and ground air conditioner units must be screened.

Commissioner Broemmer stated the deck was not feasible because it doesn't extend far enough out for the doors to swing 180 degrees.

Assistant Director Griggs-McElhanon suggested that Commission might feel more comfortable waiting until the owner responded to conditions.

A motion was made by Commissioner Eifler to hold the request pending receipt of information from owner as to conditions contemplated. The motion was seconded by Commissioner Dalton **and approved by a voice vote of 6 to 0.**

A motion to adjourn, was made by Commissioner Eifler, seconded by Commissioner McCarthy **and passes by a voice vote of 6 to 0.**

The meeting adjourned at 8:30 p.m.



Rick Bly, Chairman

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