

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 22, 2019**

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

I. ROLL CALL

PRESENT

Commissioner John Marino
Commissioner Mary Monachella
Commissioner James Rosenauer
Commissioner Gene Schenberg
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Allison Harris
Commissioner Debbie Midgley

Councilmember Mary Ann Mastorakos, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Jessica Henry, Assistant City Planner
Mr. Christopher Dietz, Planner
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Mary Ann Mastorakos, Council Liaison; and Councilmember Michael Moore, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

- A. P.Z. 05-2019 Chesterfield Ridge Center (Parcels VII and VIII):** A request for an ordinance amendment to the existing signage allocation in a “C-8” Planned Commercial District for parcels totaling 39.2 acres located along Chesterfield Parkway W north of Olive Blvd. (18S521119, 18S540138, 18S540149, and 18S540150)

STAFF PRESENTATION:

Ms. Jessica Henry, Assistant City Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Henry then provided the following information about the subject site:

Site Information

Parcel VII contains the Pfizer Research Campus and Parcel VIII contains the Homewood Suites Hotel, the future site of the Kiddie Academy Daycare, and a vacant parcel slated for future development.

Comprehensive Plan

The Comprehensive Plan places the Chesterfield Ridge Center development within the *Urban Core* land use designation, which is suitable for dense, mixed-use development.

Signage Request

The Petitioner is requesting two additional freestanding signs. The table below shows the current language within the governing ordinance compared to the proposed language:

<u>Current Language</u>	<u>Proposed Language</u>
Parcels VII and VIII shall be limited to a maximum of three (3) freestanding business signs not to exceed fifty (50) square feet in outline area and thirty (30) feet in height. The location and size of said signs shall be as approved by the Planning Commission on the final development plans.	Parcels VII and VIII shall be limited to a maximum of five (5) freestanding monument signs with the size and height to comply with the Unified Development Code. The location of said signs shall be as approved on the Site Development Section Plans.

Currently, Pfizer has two monument signs (one on each frontage) and Homewood Suites has one sign. Increasing the amount of permitted freestanding signs to five would allow the other two lots in Parcel VII (Kiddie Academy and vacant parcel) to have freestanding signage.

There are no outstanding issues relative to this request and the Planning Commission may vote on this item later in the meeting, if it so chooses.

Discussion

During discussion the following items were clarified:

- The request pertains to freestanding monument signs, and would not affect any wall signage.
- As proposed, the size and height of the monument signs would need to comply with the Unified Development Code, which allows freestanding monument signs to be six feet in height. Planning Commission approval would be needed for any signage above 6 feet, up to a maximum height of 20 feet.

PETITIONER'S PRESENTATION:

Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that he is representing Kiddie Academy and Chesterfield Village, Inc. He explained that during the Site Development Section Plan process, it was discovered that the governing ordinance only allows for three monuments signs, which have already been constructed by Pfizer and Homewood Suites. The request is to allow two additional monument signs – one for the Kiddie Academy site, and one for the vacant parcel which is slated for future development. Both Pfizer and Homewood Suites are amenable to the proposed language.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

- B. P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown):** A request for a zoning map amendment from the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153-acre tract of land located on the north side of North Outer 40 Road. (16U110023 and 16V320067)

Ms. Jessica Henry, Assistant City Planner, stated that the request for a zoning map amendment is being sought by the property owner. The site was zoned “FPM3” Flood Plain Planned Industrial District by St. Louis County in 1965. The land is currently undeveloped and used for agriculture and the import/export of topsoil, sand, and fill materials.

The City's Comprehensive Land Use Plan identifies the subject site as being for agricultural, floodplain, and conservation. The request for rezoning brings the site in line with the Comprehensive Land Use Plan, and will allow for the permitted uses within the Agricultural District. All floodplain development regulations will still apply.

There are no outstanding issues relative to this request and the Planning Commission may vote on this item later in the meeting, if it so chooses.

Discussion

During discussion, the following items were clarified:

- Equipment used in any agricultural business within the floodplain is mobile and, therefore, acceptable to be used within the floodplain. Specific permitting is required for any activity within the floodplain and any land use must comply with all other regulations, including floodplain development regulations.
- It is Staff's understanding that the property owner will continue the current activity on the site, which is specifically allowed in the Agricultural District.

Ms. Henry explained that the Agricultural District zoning regulations and permitted uses were updated last year allowing owners to rezone those properties north of the levee, bringing them in line with the Comprehensive Plan.

PETITIONER'S PRESENTATION: None

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Schenberg made a motion to approve the Meeting Summary of the April 8, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed** by a voice vote of 5 to 0. (*Commissioners Rosenauer & Tilman abstained.*)

VI. PUBLIC COMMENT

P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes)

Representing the Petitioner:

1. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that Marathon Pipeline has provided its consent for a drainage easement via an email dated April 22, 2019, which has been provided to Staff.

2. Ms. Sunny Simms, Counsel for Herman & Connie Grimes, 1401 S. Brentwood Blvd, Suite 875, St. Louis, MO. Ms. Simms stated she was available for questions.

Speakers in opposition:

1. Mr. Chip Rombach, 18639 Olive Street, Chesterfield, MO.

Mr. Rombach stated that he owns the two houses on either side of the subject development, noting that the homes have been on the site for over 80 years. Mr. Rombach noted his concerns as follows:

- The homes will be “unlivable” due to the unrestricted hours of operation for the proposed use on the site.

- The height of the building could be as tall as 65 feet with a length of 250 feet and a width of 70 feet, which he feels will give the appearance of a wall between his two residential houses.
- He feels that water for the drainage channel should be directed west.
- A road is being shown through his property with a 50-foot easement for flood control, shared by adjoining property owners.
- His homes will be devalued from the proposed use of the site.
- The proposed use of a “construction warehouse does not blend nicely with the existing outlet mall and motel, and destroys two homes”.

2. Mr. Tim Hayes, Attorney on behalf of Mr. Chip Rombach, 14643 Chermoore Drive, Chesterfield, MO.

Mr. Hayes noted the following concerns:

- The Petitioner is proposing to construct a 24/7 sewer cleaning business on the subject site, and Mr. Rombach feels it is inappropriate for such a business operation to be located between his two homes.
- It is Mr. Hayes’ understanding that Marathon Pipeline does not intend to approve any interim water on its property.
- The subject proposal is requesting a 5-foot building setback which means the proposed building would be only 15 feet from the Marathon pipeline. Marathon’s guidelines require a 50-foot setback from any pipelines.

Mr. Hayes asked for clarification on the length of time the *interim* drainage channel would be in place.

3. Mr. Dan Hayes, Spirit Valley Development, 101 S. Hanley Road, St. Louis, MO.

Mr. Hayes stated that the proposed project is not appropriate for the site. Spirit Valley Development, and his partners, own 80 acres across the street from the subject site.

Mr. Hayes then noted his concerns as follows:

- Height of the proposed structure
- Proposed five-foot setback
- The proposed industrial-type use belongs on the south side of Olive Street Road rather than on the north side

He suggested that Mr. Rombach’s property be separated from the proposed building by a 50-60 foot setback with a major landscaping cushion.

Mr. Hayes also advised that he had a conversation with Marathon Oil late this afternoon and they informed him that they are strongly opposed to having a building five feet off of the property line.

4. Mr. Dean Wolfe

Mr. Wyse, Director of Planning & Development Services, reported that Staff is in receipt of an email from Dean Wolfe of Wolfe Properties, LLL opposing this petition, a copy of which has been provided to each of the Planning Commissioners. Wolfe Properties owns 80% of Chesterfield Blue Valley (CBV) and CBV owns about 103 acres of

undeveloped land immediately east of the parcel proposed to be rezoned. CBV is opposed to “spot zoning” of small parcels at this time. Mr. Dean’s email states, in part:

“Approval of the proposed subject plan with warehouse and industrial use adjacent to residential is not appropriate on its face. All of the land area south of Olive Street Road and Chesterfield Airport Road designated for industrial use argues further that such additional warehouse and industrial use is unnecessary. A large monolithic building simply would not fit the envisioned Gateway Master Land Use Plan.

Finally, to rezone this parcel without conditions would be grossly inequitable to CBV and all contiguous land owners to the said subject parcel. 1.) The storm water master plan requires the extension of the storm water channel to the west across the subject parcel and to connect it to the Reservoir #237 under Olive Street Road to drain the 70 acres west of CBV. 2.) CBV was required to size Outlet Boulevard to 5 lanes 13’ wide to accommodate a “reliever road” to connect with Eatherton Road. 3.) Blue Valley Avenue was sized to provide access to parcels fronting on Olive Street Road to minimize curb cuts on Olive Street Road.

Action on the proposed zoning should be tabled until the Land Use Plan is updated. All three of the above requirements must be imposed by design adjustments to preserve the integrity of all the completed development done by CBV heretofore. In fairness to all contiguous parcels west of CBV, the proposed parcel should be required to escrow funds to pay its pro rata share, on a land square footage basis, to extend the storm water channel westward and under Olive Street Road into Reservoir #237. Failure to make these requirements binding upon the Grimes 3.1 acre parcel will threaten negatively CBV’s stormwater plan.

P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)

Representing the Petitioner:

1. Mr. Jim Otis, speaking on behalf of Chesterfield Village Lodging, 1850 Craigshire Rd. Suite 103, St. Louis, MO.

Mr. Otis thanked the Commission for their previous recommendations and then outlined changes that have been made to the Site Plan in line with those comments:

- The garage has been relocated to underneath the buildings, which has helped in maintaining throat depths, maintaining parking setbacks, and not encroaching on the Chesterfield Parkway setback.
- They were able to redesign the proposed arrival experience for the dual-branded concept by having a combined lobby, which now brings the porte cochere all the way back to the back of the property.

Several Commission members acknowledged the Petitioners’ cooperation in working with the Commission and noted their agreement with the new design.

2. Mr. Andy Sutton, 138 Weldon Parkway, St. Louis, MO. Mr. Sutton stated he was available for questions.

P.Z. 02-2019 Highland on Conway (14880 Conway Road)

Representing the Petitioner:

Mr. Jason Hagan, 10850 Galt Industrial Road, St. Louis, MO.

Regarding the issue of providing a stub street, Mr. Hagan stated that the adjacent property is locked in a trust; however, they are working with Staff on the process of establishing a stub street when the property is no longer under a trust.

With respect to the issue of lot sizes, Mr. Hagan stated that the proposed lots are larger than the adjacent lots.

Speakers in Favor:

1. Mr. Jim Walsh, 14850 Conway Road, Chesterfield, MO.

Mr. Walsh stated that he has resided at his present address for 39 years. He advised that he has established a trust for his property insuring that it can never be sold. However, if the current owners (*his sons*) and the Trustee Chairman all agree, the trust allows them to donate the property to Bonhomme Presbyterian Church. This is the only use, other than residential, that is allowed for this property. Consequently, an access road will not be permitted.

2. Mr. Mike Meiners, St. Charles Engineering & Surveying, Inc., 801 S. 5th Street, St. Charles, MO – Civil Engineer representing Jason Hagan. Mr. Meiners stated he was available for questions.

Speakers in Opposition

1. Ms. Sue Hale, 2 Bonhomme Grove Ct., Chesterfield, MO – President of the Conway on the Grove Homeowners Association.

Ms. Hale stated that they have reviewed the updated Staff Report and they continue to disagree that the R-4 zoning is compatible with the surrounding properties. She noted that there are no R-4 residential developments along Conway Road from Woods Mill to Chesterfield Parkway. Ms. Hale then noted the HOA's concerns as follows:

- The proposed zoning for the subject site has no requirements for common ground.
- The subject site is not eligible to be a Planned Unit Development (PUD) because the property's size does not meet the minimum acreage requirements. Speaker pointed out that the properties to the west and north of the subject site are Planned Environmental Units (PEU).
- Conway on the Grove has over 35,000 sq. ft. of common ground and green space while the 11,731 sq. ft. set aside for common ground on the subject site appears to be designed primarily to accommodate the required detention pond and a 40-foot court at the end of the street.

Ms. Hale stated that the criteria used in the Staff Report to demonstrate compatibility between the proposed zoning and the adjacent properties appears to be primarily based on minimum lot size and required setbacks. However, the HOA believes this is

misleading as attached villas share a common wall and have no space between the units, and are, in essence, one building. Using this criteria, Conway on the Grove has seven buildings compared to the proposed development of seven buildings. Ms. Hale then provided the following information:

	Conway on the Grove	Subject Site
Largest lot size	17,768 sq. ft. <i>(single, detached home)</i>	11,971 sq. ft.
Minimum Lot Size	7,163 sq. ft. <i>(only 1 lot at the minimum size – the other lots range in size from 7,167 - 16,377 sq. ft.)</i>	7,500 sq. ft.
Distance between structures	12 – 25 ft.	12 ft.

When looking at the building footprints for all of the attached villas, the combined lot size for the smallest is 14,541 sq. ft. The four largest lots in Conway on the Grove are larger than the four largest lots on the subject site by 13,101 sq. ft. The next 3 lots in Conway on the Grove are slightly smaller than the remaining 3 lots on the subject site by 740 sq. ft.

Ms. Hale also pointed out that while her comments have focused on the Staff Report, other residents have written individual letters raising their own personal concerns. In summary, they do not believe that an R-4 zoning is comparable or compatible with an R-3 PEU development, and they would encourage an R-3 zoning for the site, which would allow for increased lot sizes and more green space.

2. Mr. Robert Tegman, 6 Bonhomme Grove Ct., Chesterfield, MO – Professional Engineer.

Mr. Tegman noted his concerns with the subject petition as follows:

- The development will adversely affect his property value.
- Traffic in this area is already hazardous due to road curves, bicyclists, and emergency vehicles. The proposed Still House Creek Road extension and the addition of seven more homes will increase the hazardous conditions.
- Fire safety concerns because of the homes' close proximity to one another – 12 feet between structures which he believes will require sprinkler systems.
- The narrowness of the street will not allow a fire truck to make a turn.

3. Ms. Laura Lueking, 15021 Conway Rd., Chesterfield, MO – Trustee of Conway Glen

Ms. Lueking noted that, over the years, the residents have opposed a number of offices along Conway Road, which are now attractive, attached homes all the way down to Delmar Gardens. In 2001, the R-3 zoning was determined to be the appropriate zoning for properties on the south side of Conway Road.

Accordingly, she believes that the subject site should be zoned R-3, which requires a minimum lot size of 10,000 sq. ft. for single family homes, and 16 feet between structures compared to the R-4 zoning requirements of a 7,500 sq. ft. minimum lot size and 12 feet between structures. The R-3 zoning would allow a maximum of 6 detached dwelling units on the site *(attached housing is no longer allowed under the R-3 zoning)*.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Monarch Center, Partial Amended Sign Package**: A request for a Partial Amended Sign Package for Lot A (Edison Express) of Monarch Center.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending denial of the Partial Amended Sign Package for **Monarch Center**. The motion was seconded by **Commissioner Tilman**.

Chair Hansen reported that there had been a fair amount of discussion regarding this request during the earlier Site Plan Committee meeting.

The motion to deny **passed** by a voice vote of 7 to 0.

VIII. UNFINISHED BUSINESS

- A. **P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes)**: A request for a zoning map amendment from an "NU" Non-Urban District to the "PC" Planned Commercial District for a 3.1 acre tract of land located on the north side of Olive Street Road west of its intersection with Premium Way (17W530101).

Planner Andrew Stanislav stated that the Public Hearing for this petition was held on November 14, 2018 at which time three residents spoke in opposition and six issues were raised. Since then, the Applicant has responded to the issues, as outlined in Staff's Report. The issues raised during the Public Hearing are noted below:

1. Consistency with the Land Use plan and existing nearby development
2. Appropriateness of uses proposed
3. Hours of operation, signage, lighting, and western property setback
4. Stormwater and drainage
5. Building form/architecture in relation to existing residential uses
6. Outdoor storage and parking of commercial vehicles/equipment overnight

The Preliminary Plan has been updated since the Public Hearing, as noted below:

- Parking access has been modified to address Staff comments – there is no longer access to the parking lot with the proposed Blue Valley Avenue extension, but rather off of the north and south proposed right-of-way on the property.
- A cross access easement has been added to the property to the north.
- An interim drainage area has been added to the northeast of the property.
- A number of setbacks have been revised off of the proposed right-of-way areas.

Mr. Stanislav advised that all agency comments have been received, and that Staff has no outstanding issues. A draft Attachment A has been provided and the petition is now ready for vote, if the Commission so desires.

Discussion

During discussion, the following items were reviewed and additional information provided, as necessary.

Neighboring Residential

In response to the issue pertaining to 'Neighboring Residential', the Applicant's formal response notes *that the 5 foot setback along the west property line, in conjunction with the adjacent 55 foot wide Enbridge Pipeline Property, provides a 60 foot buffer between the proposed development and the existing residential use to the west.*

The Commission indicated its dissatisfaction with this response and noted that the Petitioner cannot bypass the City's setback requirements. Mr. Stock explained that Marathon Pipeline has 55 feet and while it may be "inappropriate as a buffer", it is land owned by the pipeline company that will not be developed.

Marathon Gas Line

Since this is a petroleum gas line, Commissioner Tilman questioned whether an EPA review is required. Mr. Wyse explained that the pipeline is not maintained by the City and the City would not assume that obligation or the legal risk of encumbering a property. The City has not reached out to the owners of the pipeline regarding an EPA review.

Outdoor Storage of Equipment

The Applicant's formal response has stated that *no outdoor storage of materials and no overnight parking of commercial vehicles will be permitted within this development.* Mr. Stanislav added that these provisions have been added to the draft Attachment A.

Building Location

Commissioner Monachella inquired as to whether the proposed building was always situated in the same location, or questioned whether any thought was given to locating the building in such a way so that the two existing houses could view each other. Mr. Stanislav replied that the proposals received by the City show the building in approximately the same location, mainly in anticipation of a Blue Valley Avenue extension towards the rear of the property and the north/south right-of-way to align with Spirit Valley Drive East.

Permitted Uses

Chair Hansen pointed out that the Applicant has identified a specific use for the property, but the Permitted Uses in the Attachment A lists 23 uses. She questioned whether the Applicant was willing to modify the list of uses. It was explained that the Applicant's formal response was that the 23 requested uses are consistent with the "Mixed Use (Retail/Office/Warehouse)"; the permitted uses of Chesterfield Blue Valley; and the ordinances to the south, which have between 40 and 104 permitted uses.

Commissioner Schenberg stated that he does not see any practical transition from the hotels, retail, and restaurants to the proposed industrial-type business. He believes that some of the other uses listed in the Attachment A would be more appropriate for the site.

PETITIONER'S RESPONSE

In response to questions from the Commission, Mr. George Stock provided additional information on the following topics.

Marathon Pipeline

Stock & Associates received an email earlier today from Jonathan Cardwell, Manager-Operations, Field Services, Advanced Right-of-Way Specialist with Marathon Pipeline (MPL). The email states that *Marathon Pipeline does not have objections to the drawings provided. In order to move forward, MPL would need to amend the current drainage easement with the City of Chesterfield.*

Mr. Stock stated that Marathon owns a 55-foot wide strip of land but they do not have any rights or easement on the subject site.

Subject Site/Proposal

Mr. Stock provide the following information about the subject site and the Petitioner's proposal:

- The subject site is 228' wide.
- Access needs to be provided to the site and must comply with the City's minimum standards for right-of-way width. This access must align with Spirit Valley Drive East.
- A road has been placed along the eastern property line contiguous with one of the Rombach homes in order to allow future access to the public street for this property.
- The home on the east is immediately adjacent to the Blue Valley development, which is zoned Planned Commercial. The Petitioner is also requesting Planned Commercial zoning with the same height restrictions as Blue Valley.
- It is recognized that the Comprehensive Plan intends this area to be Planned Commercial and that long-term residential is inconsistent with the Comp Plan.
- The proposed 5-foot setback is not uncommon for a setback within the Chesterfield Valley within the Planned Commercial-zoned properties.
- They must also adhere to the master drainage plan within the constraints of the property.

Commissioner Tilman asked if the proposed plan had been shared with Dean Wolfe. Mr. Stock said that he has not shared the plan, but has spoken to Mr. Wolfe about the matter noting that Mr. Wolfe wants to ensure that the vision, objectives, and goals of the City are being met with this project, specifically, the extension of Blue Valley Avenue west, as well as drainage west. Mr. Stock stated that he would email a copy of the plan to Mr. Wolfe.

Interim Drainage Channel

The interim drainage channel has been in place since 2008. The Blue Valley development was not able to drain its water to the west because of the inability to obtain easements from property owners to the west, so interim solutions had to be put in place, which has been working very effectively. Long-term, as property is developed to the west, the drainage channel will be constructed incrementally.

Permitted Uses

The Applicant is requesting 23 permitted uses compared to 104 permitted uses at Blue Valley; 57 at Spirit Valley Business Park, and 40 at Dean Wolfe's other piece of property. The requested uses are consistent with the surrounding permitted uses.

Outdoor Storage

The Petitioner has agreed to no outdoor equipment storage on site.

Rombach Family

Councilmember Mastorakos noted that the Rombach family has been a fixture in Chesterfield for decades, is highly-respected, and an asset to the community. She expressed concern that their stability and contribution to the community has been “dismissed”, and feels that there has to be more consideration for these residents and their history in the area.

Sewer Drainage Business

Mr. Stock stated that no sewer operation will be taking place inside the building. The building will be used as an administrative component where a receptionist will dispatch off-site technicians for service calls. Any equipment stored within the building will be used off-site; there will not be any discharge on-site. All storm water run-off will have to meet MSD requirements.

Ms. Connie Grimes, 129 North Outer Road, Union Missouri - owner of the subject drain cleaning company.

Ms. Grimes explained their business treats everything from the edge of the building out to the main line sewers. They also do the cured-in-place pipe linings. Their company services clients such as Ameren UE, General Motors, CBRE, and other large companies. None of the waste disposal is stored on the property; it is sent to either MSD or a reprocessing company. There will not be any outdoor storage of equipment, nor will the trucks be cleaned at the subject site. Ms. Grimes then clarified that there may be rare instances where an overnight emergency occurs and a truck would be stored overnight with the waste still inside, but then removed from site the next morning.

While the business is a 24/7 operation, a person is not on site 24/7.

Licensing

The company is licensed through St. Louis County Department of Health, MoDOT, and various municipalities.

Building Size

Commissioner Schenberg inquired as to whether the business could successfully operate in a smaller building. Ms. Grimes replied that the proposed size of the building anticipates growth and would house the company’s large equipment in a central location.

Commissioner Wuennenberg asked if the building height would be near the requested maximum height of 65 feet. It was noted that while the building has not yet been designed, it would probably be at a height of around 42 feet; however, there are other requested uses where a 65-foot height may be needed, such as a hotel.

Mr. Wyse then pointed out that five affirmative votes are necessary to approve this petition, and only seven Commissioners were present. Mr. Stock acknowledged this and stated they would be willing to postpone the vote for one month to allow time for Staff and the Petitioner to work on the issues raised. The Commission then listed the following items that they would like reviewed:

- Different building height restrictions for different uses

- 5-foot setback and landscaping along the side of the building

Commissioner Schenberg noted his concern with having a drain cleaning business on the proposed site considering its proximity to hotels, restaurants, and retail. Commissioner Marino stated that he shares this concern and added that since other businesses have expressed opposition to the use, he would like to see another attempt at cooperation among the interested parties. Chair Hansen also had concerns about the use and the possibility of trucks with waste still intact stored overnight.

Commissioner Wuennenberg pointed out that because such equipment and buildings are quite expensive, he feels that the site will be properly maintained in order to protect the owner's investment.

Commissioner Schenberg made a motion to postpone additional discussion of P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes) until the May 29, 2019 Planning Commission meeting to allow Staff and the Applicants time to address the concerns raised. The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Rosenauer, Commissioner Schenberg, Commissioner Tilman, Commissioner Wuennenberg, Commissioner Marino, Commissioner Monachella, Chair Hansen

Nay: None

The motion **passed** by a vote of 7 to 0.

- B. P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging):** A zoning map amendment request from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road. (18S331381).

Ms. Jessica Henry, Assistant City Planner, stated that the Petitioner is seeking to define development criteria for the site that would allow two development paths: (1) two conjoined hotels; or (2) a similar configuration as to what currently exists on the site – one hotel and one sit-down restaurant. This flexibility would allow the site to be used as it currently exists in the event the new hotel project was not built.

A Public Hearing was held on this request on January 14, 2019 at which time five issues were raised. The meeting packet includes the Petitioner's response to each of the issues.

Ms. Henry pointed out that the previously-proposed stand-alone parking garage on Chesterfield Parkway is now proposed to be underground, thus removing the Applicant's

request for a modified parking setback. All setbacks original to the site are will be maintained.

Currently, the site does not have an open space requirement but the UDC has a 35% minimum open space requirement. The proposal shows an increase in the existing open space from 23.4% to 26%, which is reflected in the Attachment A. This modification will require a separate motion and 2/3 affirmative vote for passage.

The Petitioner is requesting an F.A.R. of 0.86 in order to accommodate both hotel buildings vs. the maximum F.A.R. requirement of 0.55. The 0.86 F.A.R. is reflected in the Attachment A and requires a separate motion and 2/3 affirmative vote for passage.

All issues raised at the Public Hearing have been addressed and the petition is now ready for action from the Planning Commission.

Discussion

Commissioner Schenberg asked if having the garage underground affects either ingress/egress or curb cuts relative to the residential area directly behind it. Ms. Henry replied that the preliminary plan shows that the two existing curb cuts are being kept in place, and that the throat depth is being increased in the access off of Chesterfield Parkway, which is an improvement over existing conditions.

Commissioner Tilman made a motion to reduce the open space requirement from 35% to 26%. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

**Aye: Commissioner Schenberg, Commissioner Tilman,
Commissioner Wuennenberg, Commissioner Marino,
Commissioner Monachella, Commissioner Rosenauer,
Chair Hansen**

Nay: None

The motion passed by a vote of 7 to 0.

Commissioner Tilman made a motion to increase the maximum Floor Area Ratio from 0.55 to 0.86. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

**Aye: Commissioner Marino, Commissioner Monachella,
Commissioner Rosenauer, Commissioner Schenberg,
Commissioner Tilman, Commissioner Wuennenberg,
Chair Hansen**

Nay: None

The motion passed by a vote of 7 to 0.

Commissioner Tilman made a motion to approve P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging), as amended. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

Aye: Commissioner Monachella, Commissioner Rosenauer, Commissioner Schenberg, Commissioner Tilman, Commissioner Wuennenberg, Commissioner Marino, Chair Hansen

Nay: None

The motion passed by a vote of 7 to 0.

- C. P.Z. 02-2019 Highland on Conway (14880 Conway Road): A request for a zoning map amendment from the "NU" Non-Urban District to the "R-4" Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road (18R120324).

Planner Andrew Stanislav stated that the Public Hearing for this petition was held on March 25, 2019, at which time three residents spoke in opposition, and six issues were raised. The Applicant has since responded to the issues, as noted in the Staff Report included in the meeting packets. The issues included the following:

1. Exterior building materials
2. Existing retaining wall west of the subject property
3. Landscaping, buffering, and tree preservation requirements
4. Traffic and the potential intersection
5. Potential of a stub street to connect to the undeveloped single-family home to the east
6. Lot Sizes and Development Density in relation to the adjacent development to the west

All agency comments have been received, Staff has no outstanding issues, and the petition has met all filing requirements and procedures. The petition is ready for vote if the Commission so desires.

Discussion

During discussion, the following information was provided.

Emergency Vehicles

There has not been any comment from the Monarch Fire District on the specifics of the design and whether there are concerns about emergency vehicles having ample room to turn in the cul-de-sac area. It was noted that a Site Plan is not a requirement for the zoning phase of the project, but it was provided for informational purposes. The site will need the Fire District's approval relative to access, but this review will be at the site plan stage.

Mr. Jason Hagan, petitioner for the proposed development, indicated that if the Fire District requires a larger road or turning radius, they would work it out with their engineer and City Staff noting that the smallest lot size in the development is 8,100 sq. ft.

Lot Size

The R-4 District, requested for the proposed development of detached homes, has a minimum lot size requirement of 7,500 sq. ft. Conway on the Grove has 13 lots with the minimum lot size at 7,163 sq. ft., and the largest lot size being 17,768 sq. ft. for an attached home development.

Zoning

The subject site cannot be zoned similarly to Conway on the Grove (R-3 with a PEU) as the PEU is no longer active, and the site does not meet the minimum lot size for a PUD. To allow single-family, attached housing on the site would require an R-5 zoning with a minimum lot size of 6,000 sq. ft.

Potential Stub Street

Staff is still in the process of talking to the Applicant and getting more information on this matter. This is a Preliminary Plat issue; before the right-of-way is dedicated, this issue will have to be fully vetted out. Information provided from the adjacent property owner indicates that the property is under a legal trust preventing development, so a stub street is not practical because it would not serve anything.

Communication with Adjacent Residents

Mr. Jason Hagan, petitioner for the proposed development, stated that they had sent letters and packets to 45 area residents showing what is being proposed for the site. When Ms. Hale, President of Conway on the Grove Homeowners Association, contacted him for a meeting, it was right after the letters had been sent out and he explained to her that he didn't have any new information to share at that time, but that she was welcome to call him back with any additional questions.

Mr. Hagan did meet with the property owner to the east to determine if they could purchase the property, which is when it was learned that the property is under a trust.

Commissioner Wuennenberg made a motion to approve P.Z. 02-2019 Highland on Conway (14880 Conway Road). The motion was seconded by Commissioner Rosenauer.

Upon roll call, the vote was as follows:

**Aye: Commissioner Wuennenberg, Commissioner Marino,
Commissioner Monachella, Commissioner Rosenauer,
Commissioner Schenberg**

Nay: Commissioner Tilman, Chair Hansen

The motion passed by a vote of 5 to 2.

- D. **P.Z. 05-2019 Chesterfield Ridge Center (Parcels VII and VIII):** A request for an ordinance amendment to the existing signage allocation in a “C-8” Planned Commercial District for parcels totaling 39.2 acres located along Chesterfield Parkway W north of Olive Blvd. (18S521119, 18S540138, 18S540149, and 18S540150)

Ms. Jessica Henry, Assistant City Planner, reported that the Public Hearing was held earlier this evening with no issues raised. The petition is ready for vote if the Commission so desires.

Commissioner Tilman made a motion to approve P.Z. 05-2019 Chesterfield Ridge Center (Parcels VII and VIII). The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Wuennenberg, Commissioner Marino,
Commissioner Monachella, Commissioner Rosenauer,
Commissioner Schenberg, Commissioner Tilman,
Chair Hansen

Nay: None

The motion passed by a vote of 7 to 0.

- E. **P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown):** A request for a zoning map amendment from the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for a 153-acre tract of land located on the north side of North Outer 40 Road. (16U110023 and 16V320067)

Commissioner Wuennenberg made a motion to approve P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown). The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Marino, Commissioner Monachella,
Commissioner Rosenauer, Commissioner Schenberg,
Commissioner Tilman, Commissioner Wuennenberg,
Chair Hansen

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

The Commission acknowledged Ms. Henry’s resignation and expressed their appreciation wishing her the best of luck in her new endeavors.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:10 p.m.



Debbie Midgley, Secretary