

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 9, 2007**

The meeting was called to order at 7:04 p.m.

I. PRESENT

Mr. David Asmus
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg
Ms. Victoria Sherman
Chairman Maurice L. Hirsch, Jr.

ABSENT

Mr. David Banks

Mayor John Nations
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Schenberg

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Bruce Geiger, Ward II; Councilmember-Elect Lee Erickson, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Sherman read the “Opening Comments” for the Public Hearing.

- A. **P.Z. 11-2007 J&T Holdings (612 Cepi)**: A request for a change of zoning from an “M3” Planned Industrial District to a “PC” Planned Commercial District for an approximately 0.38 acre tract of land located at 612 Cepi Drive south of the intersection of Chesterfield Airport Road and Cepi Drive.

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- The Petitioner is requesting the following three uses:
 - (e) Associated work and storage areas required by a business, firm or service to carry on business operations.
 - (x) Medical and dental offices.
 - (z) Offices or office buildings.
- The site has an existing building on it. The rezoning would allow the requested permitted uses. The existing zoning does not allow “Medical and dental offices” or “Offices or office buildings”.
- The Land Use Plan designates the site as “Service Business Park”, which allows for low-density and mid-density office, as well as low-intensity industrial, warehousing, and distributing. The requested uses are consistent with the Land Use Plan.
- Departmental Issues:
 - Parking: The Petitioner will be asked to maintain either shared parking or cross access agreements with the two buildings on the site.
 - Open Space: The Petitioner has not yet indicated what the open space is for the site. Staff will include this in its issues letter to the Petitioner.

Commissioner Broemmer asked when Public Hearing signs are removed from posted sites. Ms. Annissa McCaskill-Clay, Assistant Director of Planning, replied that the Public Hearing signs are kept up during the entire process – through Public Hearing, Planning & Zoning Committee, and City Council. This procedure gives the citizens notice that the property is the subject of a zoning request. Once the petition has gone through City Council, the signs are removed.

PETITIONER’S PRESENTATION:

1. Mr. Alan Agathen, 130 S. Bemiston, Clayton, MO stated the following:
 - Mr. Hawley owns the property at 612-614 Cepi Drive, which is about 8/10 of an acre.
 - The site has two existing buildings. The building nearest the street was constructed about 1984-1985. The building at the back of the site was constructed about 18 months ago and is used by Mr. Hawley for offices.
 - Approximately six months ago, J&T Holdings signed a contract to sell the front part of the property, including the front building, to a podiatrist for

medical offices. The contract is contingent upon satisfaction of all the Chesterfield zoning requirements.

- The current zoning does not permit medical offices.
- There is currently a re-subdivision petition before the City, which would divide the property in half. Each parcel would be approximately 4/10 of an acre.
- No changes would be done to the physical layout of the property – no changes in the configuration of the landscaping, buildings, or parking.
- There is a cross-parking easement agreement between the two parties.
- As part of the re-subdivision, a few modifications are required, which included the installation of a second hydrant and a second sewage runoff. These modifications are currently underway.

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

- **Regarding rezoning of the site:** The rezoning would be for only the front parcel of the site; the remaining parcel would keep the current “M3” zoning.
- **Regarding parking:** With the cross-parking easement, there is sufficient parking for “medical use”.
- **Regarding provisions for accessing the buildings from the parking lots:** Mr. Tom Hawley, owner of the 612-614 Cepi Drive property, stated that there is a patio in between the two buildings. The patio attaches, mid-section, to the two parking lots, which leads to a rear entrance to 612 Cepi. The property itself is small, so the shared parking does not present a distance problem for visitors to the buildings.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Parking – cross access agreement or shared parking agreement
2. Open space
3. Discrepancy on the rezoning of the site. The legal description and plan show the entire parcel under the rezoning request vs. just the front parcel.

Commissioner Sherman read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING MINUTES

Commissioner Perantoni made a motion to approve the minutes of the March 26, 2007 Planning Commission Meeting. The motion was seconded by Commissioner Schenberg and passed by a voice vote of 8 to 0.

VI. PUBLIC COMMENT

RE: P.Z. 16-2006 Conway Point Office Building (Nelson McBride Development)

Petitioner:

1. Mr. Randy Johnston, 14323 South Outer 40 Drive, Chesterfield, MO stated the following:
 - The site is currently zoned “R3” Single-Family Residential and they are requesting a “PC” Planned Commercial District zoning, which is consistent with the City’s Land Use Plan.
 - They are working with Staff to resolve outstanding issues before the Site Plan stage.
 - They are working on a parallel tract with MoDOT and St. Louis County to purchase an additional 50 feet of the right-of-way. If the additional property is purchased, it will resolve all the outstanding site issues. If the additional property is not attained, a variance will be needed for the site.

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

- **Regarding how visitors would be educated to alternative acceptable routes to the site:** Speaker noted that the tenant is a long-time Chesterfield tenant and is moving across Highway 40 to the subject site. This tenant does not feel there will be a problem with vehicular navigation issues to the site. With respect to the concerns raised, the Petitioner is advancing suggestions made by a MoDOT official, who felt the problem could be corrected by changing the geometry of two islands and one signalized intersection.
- **Regarding the percentage of regular visitors vs. new visitors to the site with respect to finding a safe route to the property:** Currently, the majority of the vehicular traffic is generated by employees with not a lot of clients visiting the buildings. He noted that it is difficult to estimate how this may change over the next ten years.
- **Regarding whether the legal description for the rezoning makes provisions for the potential land purchase:** Speaker indicated that it does not – they would have to amend the Site Plan and legal description at that time. They are hoping to attain the additional property from MoDOT, which would correct all the issues.

2. Mr. Jeremy Brummond, Attorney for the Petitioner, 500 North Broadway, Ste. 2000, St. Louis, MO stated the following:
 - They are focused on the rezoning at this time.
 - The Petitioner is very dedicated to working with the City to make a workable project that completely complies with the Attachment A and the City's zoning ordinances.
3. Mr. Robert McBride, representing Nelson-McBride Development Company, 2135 Schuetz Road, St. Louis, MO stated the following:
 - The property directly west to the subject site is still zoned "Residential", which raises the issue of buffering. That property is currently on the market and Speaker feels it will be developed commercially. He has a letter from the owner of this property stating that they do not feel the buffer is necessary because the property will eventually be commercial.
 - The subject site comes directly off Highway 40 into the City. They want to beautify the site; they want to construct a building that will be attractive and a gateway to the City.
 - The tenants of the proposed building are also investors in the building. Two of the three tenants are long-time Chesterfield tenants. They are aware of the left-hand turn issue and it is not a problem to them.
 - Speaker noted that until the property is rezoned, they can not go forward with trying to attain the additional property from MoDOT.

Commissioner O'Connor referred to the Petitioner's written response to the Staff's issues letter. She noted that the Petitioner has requested that the Planning Commission reduce the required open space of this site to align with the open space requirements for sites in the Chesterfield Valley area along Interstate 64. Commissioner O'Connor stated that she does not view this site in a similar way as the properties in the Valley because the subject site abuts residential properties along Conway, i.e. the retirement center and the condos. Mr. McBride responded that commercial sites are between the subject site and any other residential site.

Commissioner Geckeler pointed out that there are 51 trees on the subject property and noted that the plans show all of the trees being removed. Mr. McBride stated that their arborist has indicated that none of the trees are worth keeping. They plan to re-plant new trees, in a similar amount, which will be substantially better trees than what is now there.

Commissioner Geckeler stated that the Planning Commission is bound by the fact that the site abuts residential zoning. Mr. McBride said it was his understanding that buffering requirements can be amended by City Council.

RE: P.Z. 03-2007 Chesterfield Retail Center

Petitioner:

1. Mr. Tim Short, 4671 Highway 2, Wentzville, MO stated that he was available for questions.

Commissioner Perantoni referred to the traffic circulation on the site and expressed concern about having drive-thru lanes for the following uses:

- d. Dry cleaning drop-off and pick-up stations.
- e. Financial institutions
- h. Restaurants, fast food

Mr. Short stated that the owner does not object to removing drive-thru lanes for the above uses but would like to maintain the uses. Mr. Short further stated that they are agreeable to not having any drive-thru facilities for any of the permitted uses.

Commissioner Geckeler asked the Petitioner to consider using evergreen trees as buffering along Chesterfield Airport Road.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Arthur Bierbrauer House (16630 Chesterfield Airport Road)**
Amended Site Development Plan: An Amended Site Development Plan and request for freestanding business sign for a 0.21 acre parcel zoned "PC" Planned Commercial District, with Landmark and Preservation Area (LPA) located on the south side of Chesterfield Airport Road and east of Baxter Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and freestanding business sign. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0.**

- B. **Edward Schmidt House (16626 Chesterfield Airport Road)**
Amended Site Development Plan: An Amended Site Development Plan for a 0.22 acre parcel zoned "PC" Planned Commercial District, with Landmark and Preservation Area (LPA) located on the south side of Chesterfield Airport Road and east of Baxter Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 8 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 16-2006 Conway Point Office Building (Nelson McBride Development)**: A request for a change of zoning from an “R-3” Residence District to a “PC” Planned Commercial District for a 1.1 acre tract of land located at 15310 Conway Road, at the southwest corner of Chesterfield Parkway and Conway Road.

Project Planner Jennifer Yackley stated that Staff recommends the change of zoning with the Attachment A as written. The Petitioner is asking the Planning Commission to consider two modifications:

- Open Space Reduction: Attachment A requires 45% open space; the Petitioner is requesting 37% open space. Staff recommends against the open space reduction.
- Parking Reduction: Attachment A requires 4 spaces/1,000 sq. ft. of floor area; the Petitioner is requesting either 3.3 spaces/1,000 sq. ft. of floor area, or 4 spaces/1,000 sq. ft. of rentable/usable space as defined by BOMA codes. Staff recommends against the parking reduction.

The Preliminary Plan does not meet the following requirements:

- Thirty-foot landscape buffer for commercial next to residential. The Petitioner has indicated they are willing to work with Staff on this issue during the Site Plan stage.
- Parking space setback based on the height of the building.
- Fifteen-foot landscaped setback for vehicular areas.

Chair Hirsch stated that the Planning Commission is considering the zoning request only at this time – not the Preliminary Plan.

Chair Hirsch asked if there were any motions to grant a reduction in the open space requirement. No motion was made.

Chair Hirsch asked if there were any motions to grant a reduction in the parking space calculations. No motion was made.

Commissioner Sherman made a motion to approve P.Z. 16-2006 Conway Point Office Building (Nelson McBride Development) with the following amendment to Section I.J.2 of the Attachment A with respect to sidewalks:

Provide a ~~four (4)~~ **five (5)** foot wide sidewalk along Conway Road.

The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

Aye: Commissioner Sherman, Commissioner Asmus,
Commissioner Broemmer, Commissioner Geckeler,
Commissioner O'Connor, Commissioner Perantoni,
Commissioner Schenberg, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

- B. P.Z. 03-2007 Chesterfield Retail Center:** A request for a change of zoning from an "M3" Planned Industrial District to a "PC" Planned Commercial District for an approximately 2.045 acres of land located at 17670 and 17680 Chesterfield Airport Road east of the intersection of Chesterfield Airport Road and Chesterfield Industrial Boulevard.

Project Planner Jennifer Yackley stated that Staff recommends the change in zoning and recommends the following typographical correction to Section I.B.1.a. of the Attachment A regarding open space:

A minimum of ~~forty-five percent (45%)~~ **forty percent (40%)** open space is required for this development.

Commissioner Schenberg made a motion to approve P.Z. 03-2007 Chesterfield Retail Center with the following amendments to the Attachment A:

Section I.B.1.a.

A minimum of ~~forty-five percent (45%)~~ **forty percent (40%)** open space is required for this development.

Section I.A.

2. The above uses in the "PC" District shall be restricted as follows:

- a. Drive-thru facilities for any of the above permitted uses shall be prohibited.**

The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

Aye: Commissioner Asmus, Commissioner Broemmer,
Commissioner Geckeler, Commissioner O'Connor,
Commissioner Perantoni, Commissioner Schenberg,
Commissioner Sherman, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

A. Proposed Amendments to the By-Laws of the Planning Commission

Commissioner Sherman made a motion to hold the Proposed Amendments to the By-Laws and to refer them to the Committee of the Whole for review. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0.**

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

David Banks, Secretary

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SPEAKERS IN FAVOR: None

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Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and freestanding business sign. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0.**

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Project Planner Jennifer Yackley stated that Staff recommends the change of zoning with the Attachment A as written. The Petitioner is asking the Planning Commission to consider two modifications:

- Open Space Reduction: Attachment A requires 45% open space; the Petitioner is requesting 37% open space. Staff recommends against the open space reduction.
- Parking Reduction: Attachment A requires 4 spaces/1,000 sq. ft. of floor area; the Petitioner is requesting either 3.3 spaces/1,000 sq. ft. of floor area, or 4 spaces/1,000 sq. ft. of rentable/usable space as defined by BOMA codes. Staff recommends against the parking reduction.

The Preliminary Plan does not meet the following requirements:

- Thirty-foot landscape buffer for commercial next to residential. The Petitioner has indicated they are willing to work with Staff on this issue during the Site Plan stage.
- Parking space setback based on the height of the building.
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Chair Hirsch stated that the Planning Commission is considering the zoning request only at this time – not the Preliminary Plan.

Chair Hirsch asked if there were any motions to grant a reduction in the open space requirement. No motion was made.

Chair Hirsch asked if there were any motions to grant a reduction in the parking space calculations. No motion was made.

Commissioner Sherman made a motion to approve P.Z. 16-2006 Conway Point Office Building (Nelson McBride Development) with the following amendment to Section I.J.2 of the Attachment A with respect to sidewalks:

Provide a ~~four (4)~~ **five (5)** foot wide sidewalk along Conway Road.

The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

Aye: Commissioner Sherman, Commissioner Asmus,
Commissioner Broemmer, Commissioner Geckeler,
Commissioner O'Connor, Commissioner Perantoni,
Commissioner Schenberg, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

- B. P.Z. 03-2007 Chesterfield Retail Center:** A request for a change of zoning from an "M3" Planned Industrial District to a "PC" Planned Commercial District for an approximately 2.045 acres of land located at 17670 and 17680 Chesterfield Airport Road east of the intersection of Chesterfield Airport Road and Chesterfield Industrial Boulevard.

Project Planner Jennifer Yackley stated that Staff recommends the change in zoning and recommends the following typographical correction to Section I.B.1.a. of the Attachment A regarding open space:

A minimum of ~~forty-five percent (45%)~~ **forty percent (40%)** open space is required for this development.

Commissioner Schenberg made a motion to approve P.Z. 03-2007 Chesterfield Retail Center with the following amendments to the Attachment A:

Section I.B.1.a.

A minimum of ~~forty-five percent (45%)~~ **forty percent (40%)** open space is required for this development.

Section I.A.

2. The above uses in the "PC" District shall be restricted as follows:

- a. Drive-thru facilities for any of the above permitted uses shall be prohibited.**

The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

Aye: Commissioner Asmus, Commissioner Broemmer,
Commissioner Geckeler, Commissioner O'Connor,
Commissioner Perantoni, Commissioner Schenberg,
Commissioner Sherman, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

A. Proposed Amendments to the By-Laws of the Planning Commission

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X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

David Banks, Secretary