PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 26, 2018

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner Wendy Geckeler	Commissioner Allison Harris
Commissioner Laura Lueking	Commissioner John Marino
Commissioner Mary Monachella	Commissioner Debbie Midgley
Commissioner James Rosenauer	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Ms. Jessica Henry, Senior Planner
Ms. Cassandra Harashe, Project Planner
Mr. Mike Knight, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Barbara McGuinness, Ward I; Councilmember Guy Tilman, Ward II; and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

A. P.Z. 02-2018 Summit-Topgolf (Topgolf USA Chesterfield LLC): An ordinance repealing City of Chesterfield Ordinance 2932 to establish a new "PC" Planned Commercial District for a 22.22 acre tract of land located north of North Outer 40 Road and east of Boone's Crossing. (17T510063, 17T520105, 17T520116)

STAFF PRESENTATION:
Project Planner Mike Knight gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Knight then provided the following information about the subject site:

Existing Conditions
The subject site is on the eastern edge of the Chesterfield Valley and is comprised of three lots, Lots A, B, and C. The Topgolf development is currently under construction on Lot B.

Site History
In January, 2017, City Council approved Ordinance 2932 which consolidated two Planned Commercial districts (Hardees Iceplex and the Valley Gates subdivision) into one new Planned Commercial district.

Comprehensive Land Use Plan
The Comprehensive Land Use Plan designates the subject site as *Mixed Commercial*.

Requests
The Petitioner has four requests, three of which relate to Lot C only, while the fourth request pertains to the entire development.

Request 1
Addition of the *Automobile Dealership* use for Lot C

It was noted that there are four active auto dealerships along the I-64 corridor – Jim Butler Kia, Lou Fusz Ford, St. Louis Motor Cars, and Tesla, all of which are zoned Planned Commercial District and within 2 miles of the subject site.

Request 2
Added restrictions on the *Automobile Dealership* use

- **Hours of operation from 7:00 AM – 9:00 PM – 7 days a week; and**
- **Automobile sales limited to inside the building**

Restrictions on hours of operation within the current ordinance include:

- 6 AM – 12 AM for *Grocery, Community/Regional Retail Sales,* and *Tackle and Bait Shop* uses.
- Extended hours for Thanksgiving and Black Friday with an approved Special Activities Permit

Only Tesla has restrictions on hours of operation for its *automobile dealership* use for the four active auto dealerships of 6 AM–11 PM with similar language for the Thanksgiving holidays. Many developments throughout the Valley have restrictions on retail hours.

None of the current auto dealerships in the Valley have limitations on inside sales.

Request 3
An increase in maximum building height from 60 ft. to 75 ft. on Lot C only

Staff reviewed all the governing ordinances for current building height limitations along the I-64 corridor, and found a typical height restriction of 45 feet. The following sites have governing ordinances allowing heights above 45 feet:

- Blue Valley – 65 ft. / 75 ft. depending on the parcel
- Chesterfield Valley Athletic Complex – Office not to exceed 6 levels
- Long Road Crossing – Not to exceed 5 stories for *Hotel* use
- Summit Topgolf – Building not to exceed 60 ft.

Mr. Knight also noted that a 75-foot building height on Lot C would comply with the Sky Exposure Plane because of the site's 75-foot setback.

Request 4
An increase in the total building floor area within the development from 150,000 square feet to not to exceed 200,000 square feet. *This request pertains to the entire development.*

Mr. Knight provided the following information:

- Topgolf is under construction for a 66,300 square foot building on Lot B.
- Currently under review for Lot A is a Site Development Section Plan to construct an 83,332 sq. ft. hotel. If approved, this would provide Lot C with 368 square feet for development under the current 150,000 square foot restriction. If the request is approved to allow for 200,000 square feet of development, then Lot C would be allowed 50,368 square feet of development.
- The Preliminary Plan shows a 5,800 square-foot building on Lot C.

Items for Consideration

- Appropriateness of additional use for Lot C
- Increase in height for Lot C
- Increase in square footage for the entire development

Additional resident correspondence was received after meeting packets went out. This correspondence will be provided to the Commission in their next meeting packets for this petition.

Discussion

In response to Chair Hansen, Ms. Jessica Henry, Senior Planner reminded the Commission that when the rezoning petition originally came in for this site, the Preliminary Plan showed it as one lot for the Topgolf development. After the petition had moved through the development process, the Petitioner realized they wanted to create two additional side lots. Since the site was now going from a single lot to a multi-lot development, the Petitioner was required to identify a total square footage – which is the origin of the 150,000 square feet of total building floor area. She explained that if the allowable square footage is not increased, Lot C would be undevelopable at 368 square feet.

Commissioner Rosenauer questioned whether there is a City standard for square footage per acre. Ms. Henry replied that there is no such standard – but the Planned Commercial District allows a maximum floor area ratio (F.A.R.) of 0.55. However, developments rarely achieve a 0.55 F.A.R. because parking, landscaping, open space,

and height requirements impact the F.A.R. If the subject site is allowed 200,000 square feet of total building area, the F.A.R. would be 0.21.

Commissioner Geckeler questioned why the hotel for Lot A is part of the discussion for this petition when the hotel's Site Development Section Plan is still under review. Ms. Henry explained that the hotel is an approved use within the development and the submitted Site Development Section Plan will be reviewed by the Architectural Review Board, Planning Commission, and possibly City Council. Without taking into consideration the hotel that is under review, it would appear that there is ample space within the development and would not give a clear picture of why the Petitioner is requesting additional square footage.

Commissioner Geckeler asked for additional information on the three parcels within Blue Valley. Mr. Knight explained that within the governing ordinance there are two height limitations – (1) four stories or 65 feet, whichever is less; and (2) six stories or 75 feet, whichever is less. These height limitations are designated to three parcels but those parcels are not specifically identified. The ordinance includes setback language requiring a 150-foot setback from I-64 for a six-story parcel; or 200 feet from Olive Street for a six-story parcel.

When reviewing heights for the development, Commissioner Lueking reminded the Commission that the ordinance for this site was approved only a year ago when a major discussion took place regarding the height of the poles for Topgolf. She pointed out that the site is near residences on the adjacent bluff, which gives her concern about increasing the height to 75 feet for Lot C.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that originally Topgolf had the entire property under contract (Lots A, B, and C) but late in the process, Topgolf determined that acquiring the entire site was not feasible, so Lots A and C resulted from the re-negotiated contract. At that time, it was not known what uses would be forthcoming for these two lots. Since the commencement of the Topgolf development, a lot of interest has been generated for Lots A and C, and there is now a Site Development Section Plan under review for a hotel use on Lot A.

Mr. Doster stated that the requested use for Lot C is very unique, and explained that the only use within the City's code which fits such a use is *automobile dealership*. But there are a lot of things that a traditional dealership does that will not be done by the user, Carvana.

Mr. Doster also addressed the square footage issue noting that the hotel is an approved use, so the hotel needs to be anticipated, along with any use on Lot C. Topgolf is approximately 66,300 sq. ft.; the hotel development approximately 83,300 sq. ft.; and the Carvana development is at 5,800 sq. ft. – for a total of 155,432 sq. ft. They are asking for an increase in the overall allowable square footage to 200,000 square feet. If approved, this would constitute an F.A.R. of 0.21 compared to the maximum permitted of 0.55.

2. Ms. Arwa Lulu, Development Associate for Carvana, 1930 W. Rio Salado Parkway, Tempe, AZ.

Ms. Lulu provided information about Carvana and how purchasing a car through Carvana is different than the traditional auto dealership. A customer would select a car through Carvana's website and once purchased, would have two options for receiving it. The car could be delivered or picked up by utilizing the vending machine option. Carvana currently has seven vending machines throughout the nation, and is proposing one for the subject Lot C. She noted that the building footprint for a Carvana dealership is significantly smaller than a traditional auto dealership. There are never any for-sale vehicles on a Carvana store property. All cars stored in the tower are already purchased and are awaiting customer pick-up. The Carvana site does not utilize any attention-getting devices or gimmicks to lead customers to their store; but they do have their Carvana tower which helps customers recognize their store.

A Carvana vending machine fulfillment center is being proposed for Lot C and Ms. Lulu provided a photograph of an existing center.

Discussion

Responding to questions from the Commission, Ms. Lulu provided the following information:

- The proposed tower holds 28 cars and is generally full.
- Carvana sites have, on average, 45-50 parking spaces. The spaces are utilized by customers, employees, and vehicle deliveries. After the vehicles are dropped off on the parking lot, they are loaded into the tower.
- They are proposing an 8-tier vending machine facility at an approximate height of 71-75 feet, which is the Carvana standard. There are two towers in Texas that are less than 71 feet but most of their towers are 70 feet or higher.
- The glass in the tower is not completely tinted.
- The nearest Carvana tower to Chesterfield is in Nashville, TN.
- The towers are internally illuminated and are lit 24/7. There is no lighting on top of the tower.
- The Carvana tower in San Antonio, TX is the closest in appearance to the facility being proposed for Chesterfield.

3. Mr. Doug Bruns, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO

Mr. Bruns stated he was available to answer any site-related questions.

Discussion

Commissioner Wuennenberg inquired as to whether the site is appropriately parked. Ms. Henry stated that since this is at the Preliminary Plan stage, parking has not yet been reviewed. Parking is reviewed at the Site Plan stage at which time the applicant would need to meet the City's parking code requirements or request a modification. Mr. Knight added that City codes requires 3 spaces/1000 sq. ft. of ground floor area for an *automobile dealership* use – for the proposed 5,800 proposed Carvana building, approximately 18-22 spaces would be required.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. **Mr. Bill Mueller**, 2102 Terrimill, Chesterfield, MO.

Mr. Mueller noted his concerns as follows:

- Unsightly appearance of the proposed tower
- Seven-story height of the tower
- Tower would be lit 24/7
- The tower is "a vertical used-car lot housed in a building without architectural value or any compatibility to surrounding businesses".

Mr. Mueller also noted his displeasure with the appearance of the Topgolf development now under construction.

2. **Mr. Mark Kumming**, 16821 Chesterfield Bluffs Circle, Chesterfield, MO.

Mr. Kumming noted his concerns as follows:

- He does not like the view of the Topgolf development from his home on the bluffs and the addition of Carvana's "seven-story vehicle vending machine would be adding insult to injury".
- The project would negatively impact his property value.

He suggested that Carvana move its facility a little further west where there are other established dealerships.

3. **Mr. Dennis McGrath**, 318 Berry Bush Court, Wildwood MO.

Mr. McGrath stated that that he is an officer of the Asbury Automotive Group and General Manager of Mercedes-Benz of Chesterfield. He noted that auto dealers in the St. Louis and Missouri area are held to a higher standard of operating hours than what is being proposed for Carvana. Mercedes-Benz of Chesterfield is opened from 7:00 AM–8:00 PM Monday & Wednesday; 7:00 AM–6:00 PM Tuesday & Thursday; 7:00 AM–7:00 PM Friday; and 7:00 AM–6:00 PM Saturday.

The Auto Dealers Association limits a closing time of 9:00 p.m. to three nights/week, and Mr. McGrath feels that the Carvana dealership should be held to the same standards for operating hours. Mr. McGrath also pointed out that, in most municipalities, a new car franchise must be produced in order to sell pre-owned vehicles. By allowing Carvana to sell only used cars "opens up Pandora's box" to other used-car dealerships wanting to operate in Chesterfield. He also noted that taxes from used cars sold in Chesterfield would not go to Chesterfield.

4. **Mr. Ben Lewin**, 9 Bently Circle Court, Chesterfield, MO.

Mr. Lewin stated that there is a lot of turnover with car dealerships in St. Louis, and he hopes that if Carvana is allowed to build its tower, they are required to put up money in advance to cover the expense of tearing down the tower in the event it goes out of business.

SPEAKERS – NEUTRAL: None

Discussion

Regarding the Floor Area Ratio, Commissioner Lueking noted that the site is below the maximum 0.55 F.A.R. because Topgolf's building is small with the yard taking up most of the acreage, which doesn't count as square footage on the building.

Commissioner Lueking repeated her concerns about allowing an auto dealership use so close to residences. She pointed out that the ordinance had been approved just last year without this use being included. Staff clarified that the auto dealership use is allowed within the PC District, but the Petitioner had not requested this use in their original petition.

It was also confirmed that the proposed use would not include service of vehicles.

Ms. Lulu clarified that while the site may have 45-50 parking spaces, cars will not be occupying all the spaces at any given time – there may be 8-9 cars on the lot while working out the logistics to get them into the tower.

Regarding the draft Lighting Ordinance, it was explained that this site would be subject to the new regulations because the ordinance addresses interior lighting applications that are visible from the exterior. The draft ordinance will be before City Council for first reading at its April meeting.

REBUTTAL:

Mr. Doster clarified that Topgolf does not own either Lot A or Lot C. He also explained that he lives atop the bluffs and stated that he cannot see much of anything from his home, even in the winter. What lies between his home and the subject site is a railroad track, Bonhomme Creek, the levee, Edison Road, the THF development, Chesterfield Airport Road, the development north of Chesterfield Airport Road, and Highway 40. It is his feeling that the subject site does not intrude on his subdivision as they are 2500 feet away from the site.

Commissioner Geckeler responded by noting that all the items mentioned by Mr. Doster are "horizontal – not 70 feet in the air". Commissioner Lueking also responded to Mr. Doster by stating that poles are quite different than a tower that is lit 24/7.

Commissioner Wuennenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the March 12, 2018 Planning Commission Meeting. The motion was seconded by Commissioner Monachella and **passed by a voice vote of 5 to 0.** *(Commissioner Lueking abstained.)*

VI. PUBLIC COMMENT

P.Z. 13-2017 St. Louis Family Church Campus (St. Louis Family Church)

Petitioners:

1. Pastor Jeff Perry, St. Louis Family Church, 17458 Chesterfield Airport Road, Chesterfield, MO.

Pastor Perry stated that St. Louis Family Church has been in Chesterfield since just prior to the 1993 flood, and this year they are expecting close to 10,000 people for Easter weekend services.

He explained that the Church has taken steps to purchase the acreage that adjoins the site, currently owned by the Kirchoffs, to address the Church's continuous growth. He then thanked the Commission for their consideration of the Church's petition.

Councilmember Hurt thanked Pastor Perry for his citizenship in the Valley and acknowledged the Church's positive influence in the area.

2. Mr. Mike Doster, member of the development team for St. Louis Family Church, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that they are requesting two changes:

- An increase in height from 50 ft. to 80 ft. for the Worship Center only where theatrical performances are held. The 80-foot height would allow for the construction of a loft area to better accommodate scenery changes.
- Elimination, or an increase, of the 400,000 square foot limitation for the 35-acre site.

3. Mr. Brandon Harp, Principal at Civil Engineering Design Consultants, 10820 Sunset Office Drive, St. Louis, MO.

Mr. Harp confirmed that the 80-foot height request is for the theater fly loft only, which will be located in the Worship Center. The 50-foot height is acceptable for the remainder of the campus.

The 400,000 square foot limitation only accounts for what is being planned on the campus as of today, but does not take into consideration what may be required in the future.

Discussion

Commissioner Wuennenberg asked Mr. Harp what amount of square footage would be acceptable. Mr. Harp replied that 600,000 square feet would be acceptable noting that a 0.55 F.A.R. would allow 845,000 square feet.

Councilmember Hurt asked for more information regarding the request for an 80-foot height limitation. Ms. Henry explained that when Staff drafted the Attachment A, the 50-foot limitation from the previous ordinance was carried over; however, the site's section profile does show a maximum height of 80 feet. After the meeting packet went out, the

Petitioner notified Staff that they are requesting 80 feet for the theater portion of the proposed Worship Center.

Councilmember Hurt noted that the requested 80-foot height is close to the residences on the bluff and expressed concern that this could set a height precedent in the area.

Mr. Harp clarified that the 80-foot request is only for a fly loft above the stage – not the entire building; he noted that the minimum height for a fly loft is about 70 feet to handle the backdrop screens, in addition to the building structure of the roof and any parapets above that. There would also be a transition of the roof systems between the 50-foot and 80-foot heights. There is not a need to have any lights at the 80-foot height unless safety lighting is required by the FAA. He also suggested that they could provide examples to City Council of how the structure would look.

Chair Hansen asked that the Petitioner also provide distances from the adjacent neighborhoods.

P.Z. 22-2017 Clarkson Centre (2264 Clarkson Road)

Speakers in Opposition:

1. Ms. Debbie Rowan, 16030 Meadow Oak Drive, Chesterfield, MO.

Ms. Rowan stated that she is in total opposition to the rezoning of 2264 Clarkson Road and does not want this at the entrance to her subdivision.

2. Mr. Peter White, 16062 Hunters Way Drive, Chesterfield, MO.

Mr. White noted his concerns as follows:

- The residents do not know what the Petitioner wants to build on the site as they have not seen any finalized plans.
- The building's elevation on the lot is quite a bit higher than the parking lot of Clarkson Wilson Centre.
- They do not have any information about the lighting, landscaping, storm water runoff, or the types of businesses proposed for the site.

Mr. White asked that the Commission require definite designs and explanations of what the Petitioner is proposing for the site.

Commissioner Geckeler then thanked the residents for their attendance and comments.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

A. P.Z. 13-2017 St. Louis Family Church Campus (St. Louis Family Church): A request for a zoning map amendment from a "PC" Planned Commercial District, "PI" Planned Industrial District, and "C-8" Planned Commercial District to a new "PC" Planned Commercial District for 35.3 acres located on the southern side of Chesterfield Airport Road 675 feet east of its intersection with Long Road and north of Edison Avenue 575 feet east of its intersection with Long Road. (17U140102, 17U140405, 17U140131, 17U230353, 17U230232, 17U120364).

Project Planner Cassie Harashe stated that the Public Hearing for this project was held on November 13, 2017 and then provided the following information regarding the petition:

Preliminary Plan
The Preliminary Plan depicts eventual plans for a new building and parking in both the northwest and central portions of the development. Athletic fields are also shown in the southwest portion of the site.

Outstanding Issues
Access Points along Chesterfield Airport Road
At the public hearing, access points from Chesterfield Airport Road were discussed. Originally, the Preliminary Plan showed four proposed entrance locations along Chesterfield Airport Road. The Petitioner and City Staff met with St. Louis County Department of Transportation to discuss access points. As a result of those meetings, St. Louis County is allowing two full access points along Chesterfield Airport Road, along with a truck ingress/egress only, which is to be gated and not for public use.

Requested Uses
The Petitioner's original request included 10 uses. Concerns were expressed over *vocational school* as a use; however, the Petitioner has retained *vocational school* and has added *college/university* bringing the total requested uses to 11. Ms. Harashe pointed out that the definition of a *vocational school* states that the use is strictly an indoor use for a *non-religious or charitable* organization, and therefore would only be applicable if the site, or portions of the site, were redeveloped by a commercial entity. This use has been included in the draft Attachment A. If the Planning Commission would like to remove this use, it could be done through a motion.

Maximum Building Height and Maximum Square Footage
The draft Attachment A provides for a maximum building height of 50 ft.; however, the Petitioner has reached out and stated that they would like to request a maximum height of 80 ft. for the Worship Center only. Additionally, the Petitioner is requesting to remove the 400,000 square footage maximum and being limited to a 0.55 FAR. Should the Planning Commission want to make changes to the draft Attachment A, they may do so through a separate motion.

Discussion
Commissioner Wuennenberg noted his concern about the requested 80-foot height maximum for the Worship Center considering its proximity to residential. He requested

that the Petitioner provide more information to the Commission prior to a vote being taken and suggested that the petition be held until the next meeting.

Chair Hansen questioned the need for the *vocational school* use. Mr. Doster stated that *vocational school* use will be withdrawn. He added that they have no objection to postponing the vote to the next meeting so that the information requested can be provided to the Commission.

Commissioner Rosenauer also requested that the Petitioner specify the maximum square footage desired. Mr. Doster confirmed that the development team is comfortable with 600,000 sq. ft.

Commissioner Wuennenberg asked if newer technology could be utilized to bring down the height of the sky loft. Pastor Perry replied that their projection and vision for the future is to have a bigger, higher ceiling to accommodate a sky loft as this has been a wish list of their Staff and volunteers for years. He also stated that he was not prepared to negotiate the height at this time as more research is needed to determine if a lower height is feasible.

Chair Rosenauer asked if there are any other structures in the Valley that are at the 80-foot height. It was noted that there are none at this time, but Blue Valley allows structures up to 75 feet.

Ms. Henry stated that Staff has listened to the concerns expressed and will work with the Petitioner. It is anticipated that at the next meeting a section profile will be made available that reflects the 80-foot portion of the building. In addition, it is hoped that examples of how the building will look from the exterior will be provided.

Commissioner Monachella asked if consideration had been given to constructing the building on an angle so it goes down into the ground lessening the appearance of the 80-foot height. It was explained that this is not possible because of the water table.

Mr. Harp stated that he will meet with the architect again to make sure the entire 80 feet is necessary for the sky loft and will present his findings to the Commission.

Commissioner Wuennenberg made a motion to postpone the vote on P.Z. 13-2017 St. Louis Family Church Campus (St. Louis Family Church) until the April 9, 2018 Planning Commission meeting. The motion was seconded by Commissioner Lueking and **passed by a voice vote of 6 to 0**.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:46 p.m.

Steve Wuennenberg, Secretary