

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 25, 2019**

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

I. ROLL CALL

PRESENT

Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Mary Monachella
Commissioner James Rosenauer
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Allison Harris
Commissioner Gene Schenberg

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning & Development Services
Mr. Mike Knight, Planner
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Michael Moore, Ward III; and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

- A. 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).

STAFF PRESENTATION:

Planner Andrew Stanislav provided the following information about the subject site:

Comprehensive Plan

The Comprehensive Plan designates the subject site as *Residential-Single Family*, along with the land to the west, north, and east of the site. The properties to the south, fronting the highway corridor, are designated *Office*.

The Comprehensive Land Use Plan Policies applicable to this proposal include the following:

- 2.1 Quality Residential Development
- 2.1.4 Compatible In-Fill Residential Construction
- 2.1.5 Providing Buffering for Existing Residential Development
- 2.1.6 Reinforcement of Existing Residential Development Patterns

These plan policies will be met through the incorporation of required landscape buffers around the perimeter of the property, the minimum lot size and density established through the “R4” District regulations, compatible uses consistent with the Comprehensive Land Use Plan, and other site design features that will be reviewed through the later platting phase.

The following District Regulations & Unified Development Code Standards apply to the subject proposal:

“R-4” District

Building Setbacks:

- Front – 20 feet
- Side – 6 feet
- Rear – 15 feet

Maximum Height: 3 Stories

Unified Development Code

Landscape Buffers Required:

- 20 feet along abutting residential property
- 30 feet along Conway Rd and to the south

Minimum Tree Preservation: 30%

As outlined in the application, the intent is to build 7 single-family, detached dwelling units on the property.

Property Survey

The property survey shows the site to be approximately 2.14 acres in size with one existing single-family dwelling on the property built in 1961.

Tree Stand Delineation

The Tree Stand Delineation, received after meeting packets were distributed, shows the amount, size, species, and conditions of existing trees on the property. The TSD will be included with the next meeting packet.

Mr. Stanislav pointed out that the rezoning request to a straight/conventional zoning district is to determine if the development criteria established by the proposed zoning district is appropriate for the subject site as established in the UDC. As with planned districts, there is no Attachment A and no preliminary plan is required.

Discussion

During discussion, the following items were discussed and clarified:

Comparison of the R-4 regulations to the property adjacent to the site zoned R-3 with a PEU

	R-3 with a PEU (<i>adjacent site</i>)	R-4 District
Minimum Lot Size	7,163 sq. ft.	7,500 sq. ft.
Average Lot Size	9,249 sq. ft. (<i>approx. 2.21 acres</i>)	
Total Development Area	3.6 acres	2.14 acres
Density	3.6 units/acre	3.3 units/acre (<i>7 proposed units</i>)
Building Height	45 feet	45 feet
Sidewalks	Sidewalk along Conway Rd	Sidewalk will be required
Buffering	40 feet along Conway Rd 15 feet to the south 15 feet to the east 15 feet to the west	30 feet along Conway Rd 30 feet to the south 20 feet to the east 20 feet to the west
Setbacks	Front – 20 feet Side – 6 feet Rear – 15 feet	Front – 20 feet Side – 6 feet Rear – 15 feet
Dwelling Type	Single-Family, Attached	Single-Family, Detached

“NU” Non-Urban Zoning

The subject site is currently zoned “NU” Non-Urban, which was established by St. Louis County as a placeholder district to allow for future rezonings to match development patterns. Under the NU zoning, only one home is permitted on the subject lot. It was noted that the NU zoning is no longer an available zoning option.

Conway on the Grove

The adjacent Conway on the Grove subdivision, zoned R-3 with a PEU, consists of 13 lots on approximately 4.37 acres.

PETITIONER’S PRESENTATION:

Jason Hagan, General Contractor for Novaris Design & Construction, 10850 Galt Industrial Drive, St. Louis, MO.

Mr. Hagan stated that the proposed homes for the subject site would include 3-3.5 bedrooms, 2-3.5 bathrooms, up to 3400 square feet, and 2-3 car garages, with a starting price point in the \$700,000s. Novaris is a custom home builder, which allows the homeowner to customize the exteriors using mainly brick facades.

They intend to keep as many of the mature trees along the perimeter of the lot as possible. There will only be one entrance to the site, which will align with Stillhouse Creek Road across the street.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. **Susan Hale**, President of Conway on the Grove Homeowners Association, 2 Bonhomme Grove Court, Chesterfield, MO.

Ms. Hale stated that Conway on the Grove opposes the proposed rezoning for the following reasons:

- They believe it will have a negative impact on their living conditions, environment, and home values.
- Based on the minimum lot size and building setbacks under the R-4 zoning, they are concerned that the siting and the number of homes proposed will seriously impact the level of privacy that they have experienced for the past 15 years.
- If the rezoning is approved, they have concerns about the level of landscaping and buffering required between the proposed development and their existing property. Nearly half of the homes in their subdivision will be impacted by a reduction in the amount of green space on the adjacent property, as well as the number and size of existing trees retained and new trees planted.
- Their homes will be directly impacted by the siting of homes, and the placement of a detention pond on the proposed development.

2. **Susan Ferguson**, 22 Bonhomme Grove Court, Chesterfield, MO.

Ms. Ferguson asked for information on the following:

- Clarification on what “mostly brick facades” mean, as stated earlier by the General Contractor.
- Whether there are other developments in Chesterfield constructed by the General Contractor.

Ms. Ferguson expressed concern about the following:

- Density of the proposed development, noting that the site will be going from 1 home to 7 homes.
- There is a lot of wildlife in the area that will be affected by new development.
- A detention pond is proposed in the area near the existing retaining wall, which is “holding her house up”.

Ms. Ferguson questioned why the Planners are advocating for the most dense development when they are supposed to be representing the homeowners.

Discussion

The Commission explained that the City’s staff does not advocate for a particular zoning. The zoning is requested by the Petitioner and staff reviews the request for compliance against the guidelines of the City’s Comprehensive Plan and applicable ordinances. After a Public Hearing before the Planning Commission, a recommendation is made to the City Council who ultimately votes on the petition.

It was also pointed out that density is defined by units/acre and that the proposed development is less dense at 3.3 units/acre than Conway on the Grove at 3.6 units/acre.

Ms. Ferguson was assured that her concerns regarding the existing retaining wall will be carefully reviewed.

3. **Gregory Depp**, 15121 Still House Creek Road, Chesterfield, MO.

Mr. Depp stated that he is a member of the Shenandoah Homeowners Association, but since the HOA has not taken a formal position, he is not speaking on their behalf. He has the following concerns regarding:

- Traffic – what kind of traffic will the proposed development introduce to the area?
- Construction – how long will the construction period be?
- Limited traffic sight lines coming out at the Shenandoah intersection – how will this be addressed?

He agrees with the previous speaker's question about getting more information about the homebuilder and their finances. He also stated that the Shenandoah subdivision consists of 500 single-family, detached homes and 57 acres of common ground, and asked how this compares to the proposed development.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Hagan explained that the exterior of the homes will utilize either brick or stone on the facades, along with Hardie board siding. The homes will fit in with the area using high-end materials and starting in the mid-\$700,000s. They do not have any developments in the Chesterfield area and since they are a custom homebuilder, they generally focus on large, individual homes in Kirkwood and Webster Groves rather than multi-home developments. Other than a two-home development, this will be their first multi-home development, but he noted that the process is the same.

ISSUES:

1. Exterior building materials
2. Proposed lot sizes and density
3. Landscaping, buffering, and preservation of mature and existing trees
4. Concerns related to the retaining wall and the proposed area of the detention pond
5. Other developments/homes constructed by the developer
6. Traffic-related issues and sight-distance concerns at the intersection

Councilmember Hurt pointed out that the property east of the subject site could be developed in the future and suggested that staff and the developer review the possibility of stubbing the street to the eastern property so that in the event it expands, there will only be one entrance onto Conway Road.

- B. P.Z. 03-2019 Chesterfield Crossing (Chesterfield Crossing Partners, LLC):** A request to amend Ordinance 1502 and repeal Ordinances 358 and 359 to establish new permitted uses and revise the development criteria for 6.9 acres of land within an existing "C-8" Planned Commercial District located at the northwest corner of the intersection of Clarkson Road and Lea Oak Drive (19S411286, 19S411275).

STAFF PRESENTATION:

Planner Andrew Stanislav provided the following information about the subject site:

Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject site as *Urban Core*, along with the surrounding land along the Clarkson Road Corridor. There is also *Single-family Residential* zoning to the north and west. *Urban Core* is identified as including a mixture of high-density residential, retail, and office use containing the highest density development in the City.

Request

The request is to add the additional permitted use of *veterinary clinic* to the list of permitted uses. Currently there are 17 existing permitted uses from the “C2” Shopping District regulations, plus a *Financial Institution w/drive-through*.

While vet clinics generally allow boarding services and outdoor areas, the Petitioner has stated that this use will not include those services, and the Attachment A will preclude them. It was noted that the Dierbergs Marketplace at Clarkson and Baxter currently has *veterinary clinic* as a permitted use with similar conditions restricting outdoor use and overnight boarding

Preliminary Plan

As no physical changes to the site are proposed, the most recently-approved and recorded 2010 Site Development Plan will serve as the Preliminary Plan for this request. As part of this request, Staff is reviewing the existing development conditions in the Attachment A to update obsolete references. References to the City's former Zoning Ordinance and other obsolete agencies will be updated to reflect current conditions, and open space will be added to reflect the existing conditions of the property.

PETITIONER'S PRESENTATION:

1. **Mike Doster**, Attorney on the Land Use Team for the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that the only request is to add the use of *veterinary clinic* to the permitted uses for Chesterfield Crossing. This will allow Banfield Pet Hospital to operate in the vacant space next to Trader Joe's. There are no plans to alter the footprint of the center. The subject space of 9,317 sq. ft. has been vacant for approximately 10 years, and represents almost 15% of the leasable square footage of the center.

Banfield provides full-service veterinarian care, full diagnostic capabilities, a surgery suite, pharmacy, and retail pet supplies. There will not be any overnight stays, boarding, or outdoor amenities, and they are agreeable to restrictions that would reduce the use in that respect.

2. **Christopher Roth**, Real Estate Manager-Midwest Region, Banfield Pet Hospital, 2175 NW Irving Street, Portland, OR

Mr. Roth stated that Banfield is a general practice veterinary clinic specializing in preventative care, small procedures, nutrition, and diet services. Major procedures are done through partnerships with local vets. The site will not have any overnight boarding or outside facilities.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Midgley read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the March 11, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 7 to 0.

VI. PUBLIC COMMENT

A. **Mobil on the Run at Clayton and Baxter (Brite Worx) Sign Package**

1. **Garrett Newhouse**, Ziglin Sign Company, 540 Vossbrink, Washington, MO – speaking on behalf of the Petitioner.

Mr. Newhouse reviewed the proposed sign package:

- **North and South Elevations** – They propose 2 signs on each elevation totaling 75.75 sq. ft. to keep it in line with the standard branding of the Brite Worx Car Wash, and being under the square footage allowed for 1 sign.
- **Canopy Sign** – They propose a *car wash entrance* sign at the top of the canopy directing patrons to the car wash. Below the entrance sign would be 3 *lane signs* for a cashier lane and members lanes.
- **Monument Signs with Electronic Message Centers** – They propose 2 monument signs with *electronic message centers (EMC)*. The monument signs would be reduced 40% in brightness; would have a 15-minute hold time to rotate 2 messages; would have no animations; and would only be 32 sq. ft. instead of the allowed 42 sq. ft.
- **Monument Signs without Electronic Message Centers** – If EMC signs are not approved, they propose two 42 sq. ft. monument signs.

2. Dean Berger, 457 Baxton Way, Chesterfield, MO – speaking from a Neutral viewpoint.

Mr. Berger stated that his home faces the western boundary of the subject car wash. After a review of the sign package, he does not have any issue with the proposed two smaller signs on the building vs. one larger sign. He noted that the developer has included a plan showing the sight lines from different residential lots, which indicates that those homeowners will not see the signage on the buildings.

Mr. Berger then expressed concern about the lighting of the monument signs as he believes that the signs and their lighting will be seen from the residents' homes. He also asked for clarification as to the hours of when the monument signs would be lit noting that conflicting information has been provided – either from dusk to 10 pm, or from dusk to dawn. He pointed out that the lights associated with the car wash are to be turned off at 8:30 pm and questioned why the monument signs would be lit for a longer period of time.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Mobil on the Run at Clayton and Baxter (Brite Worx) Sign Package:** A request for a Sign Package for a 1.72 acre tract of land zoned "PC" Planned Commercial District located on the western corner of the intersection of Clayton Rd. and Baxter Rd.

Discussion ensued regarding the standards used for Electronic Message Centers (EMC) with respect to brightness. Mr. Newhouse explained that the EMC signs come at a 10,000 nit brightness and they are proposing to reduce the brightness level to 6,000 nits. It was noted that the City is in the process of establishing standards for Electronic Message Centers and since those standards have not yet been established, the EMCs will not be recommended for approval at this time.

Mr. Newhouse then provided the following information about the proposed Sign Package:

- **North and South Elevations** – They feel that having two smaller signs, totaling 75.75 sq. ft. on each elevation, is a better design than the one larger 121 sq. ft. sign allowed.
- **Canopy Signs** – They are requesting one sign at the top of the canopy stating **Car Wash Entrance** to help funnel traffic to the car wash as opposed to the vacuum area. The canopy would also include signage below the **Car Wash Entrance** sign designating 3 different traffic lanes – 1 cash only and 2 members lanes.

It was also clarified that there is no signage directing traffic to the vacuums, which are available to the public at no charge.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for Mobil on the Run at Clayton and Baxter (Brite Worx), as follows:

- North and South Elevations: One sign each per wall, 5% total size
- East Elevation: One sign as proposed
- Canopy: Three signs for lane delineations
- Monument Signs: As proposed without Electronic Message Center
- Directional Signs: Two signs as proposed

The motion was seconded by Commissioner Tilman.

Amendment #1 – Canopy Sign

Commissioner Tilman made a motion to amend the motion to approve the Canopy sign, as proposed. It was clarified that the canopy would include a *Car Wash Entrance* sign at the top of the canopy, with 3 lane delineation signs below. The motion was seconded by Commissioner Midgley and **passed** by a voice vote of 7 to 0.

Amendment #2 – North and South Elevations

Commissioner Rosenauer made a motion to amend the motion to approve the two signs for the North and South Elevations, as proposed. It was clarified that the two signs would have a square foot limitation of 75.75 sq. ft., which is 60% less than what is authorized by the ordinance. **The motion died due to the lack of a second.**

Amendment #3 – Monument Signs

It was noted that if the Electronic Message Centers were not approved, the Applicant is requesting that the monument signs be approved for the allowed square footage of 42 sq. ft. Mr. Newhouse also clarified that the monument sign would be six feet tall and would have a full stone background. The sign would be placed on the stone and would be 42 sq. ft.

Commissioner Marino made a motion to amend the motion that the two monument signs be permitted to be within the sign parameters permitted by the Unified Development Code. The motion was seconded by Commissioner Tilman.

During discussion, it was clarified that standards regulating Electronic Message Centers are being worked on at this time. Knowing that, Commissioner Tilman asked the Applicant if this information has any impact on how they want to proceed with the monument signs. Mr. Mark Jordan of Wallis Companies replied that their preference is to install EMCs at this time with one static message of the Brite Worx logo; but if they aren't permitted to install the EMCs, the preference is to install the larger, 42 sq. ft. monument signs. These signs could be modified at a later date if EMCs are allowed in the future.

The above motion **passed** by a voice vote of 5 to 2 with Commissioners Rosenauer and Wuennenberg voting "no".

Mr. Wyse then summarized the motion and amendments, as follows:

To approve the Sign Package for Brite Worx, as noted below:

- Wall signage on the north and south elevations to be limited to one sign per façade with a maximum sign area of 5% per facade;
- Wall signage on the eastern façade, as proposed;
- Canopy signage, as proposed;
- Monument signs without electronic message centers with size to be as allowed under the Unified Development Code; and
- Directional signage, as proposed;

Discussion

Councilmember Hurt asked for clarification with respect to the hours lighting is permitted on the site, and whether signage lighting is permitted different hours. Planner Mike Knight responded that the hours for signage lighting was considered separately from site lighting based on the Applicant's sign package submittal, which is requesting that signage be lit from dusk to 10 pm. He also confirmed that the ordinance states that *non-security lighting shall not be on 30 minutes prior to opening or past closing*; it was noted that closing is at 8:00 pm. The Applicant confirmed that all proposed signage is lit, except for the two directional signs.

Discussion followed as to whether the sign lighting should be allowed to be on until 10 pm or turned off at 8:30 pm. City Attorney Chris Graville advised that if the Commission wants to change the hours for any of the sign lighting, an amendment would be necessary.

Chair Hansen reminded the Commission that Mr. Berger, a resident of the adjacent neighborhood, indicated that the building signage would not be seen from his neighborhood based on the sight lines submitted by the Applicant. Mr. Jordan of Wallis Companies pointed out that while sight lines were not provided for the monument signs, he did not believe the lighting from the monument sign along Baxter Road will be seen by the residents based on the elevation and six-foot fence along the property line. He also pointed out that the other businesses at this intersection have lights on past 10 pm, but proposed that they would turn off the monument lighting at closing if it is not adequately screened from the residents.

Amendment #4 – Signage Lighting

Commissioner Tilman made a motion to amend the motion that if the monument signs are visible from the property line shared with adjacent residential properties, monument sign lighting will be turned off 30 minutes after closing (8:30 pm). The motion was seconded by Commissioner Marino and **passed** by a voice vote of 6 to 1 with Commissioner Wuennenberg voting "no".

The motion to approve the Sign Package, as amended, **passed** by a voice vote of 6 to 1 with Commissioner Rosenauer voting "no".

VIII. UNFINISHED BUSINESS

- A. **P.Z. 01-2019 Chesterfield Outlets (TSG Chesterfield Lifestyle, LLC):** An ordinance amending City of Chesterfield Ordinance 2682 for a 48.125 acre tract of land located north of North Outer 40 Road and east of Boone's Crossing. (17T420027)

Planner Mike Knight stated that there are two purposes to the request:

1. To allow an increase in the permitted maximum building height to 60 ft. to be restricted solely to the proposed pavilion and indoor theater; and
2. To improve access at the western portion of the subject site. This will be accomplished through eliminating the existing access point and the installation of a new, full access point aligning with the entrance on the other side of North Outer 40.

The sole change to the Attachment A of the current governing ordinance is shown in **bold** below:

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area
 - a. Total building floor area shall not exceed 500,000 square feet.
2. Height
 - a. The maximum height of the building, exclusive of rooftop mechanical equipment and screening, shall not exceed 45 feet; however, architectural features, including but not limited to towers, that do not add any usable floor area may be a maximum of 60 feet in height.
 - b. **Notwithstanding the limitation set forth in subsection B.2.a., the maximum height of the pavilion and the indoor theatre to be constructed on the property, including rooftop mechanical equipment, architectural features and screening, shall not exceed 60 feet.**

Mr. Knight noted that no issues were raised by the Planning Commission at the Public Hearing; but there had been considerable discussion regarding connectivity and pedestrian circulation in the area. Staff will continue to emphasize pedestrian circulation and connectivity internally within the site, externally between the neighboring sites, and connection with the levee trail.

Mr. Knight stated that all agency comments have been received and pointed out that similar to the Top Golf and Residence Inn developments, the Monarch Fire District continues to bring attention to the need for a second access point to North Outer 40 before they will be supportive of increasing development along North Outer 40.

Discussion

During discussion, the following items were reviewed and clarified, as necessary:

Access to the Outer Road

Commissioner Rosenauer inquired as to whether the City is able to do anything about access to the outer road off of Highway 64. Mr. Wyse replied that it is part of the City's long-range plan that the connection will be completed.

Entrance

The existing main entrance into the development will be removed and a new, full access will be constructed to align with the entrance on the other side of North Outer 40. The other existing access points of the site will remain.

Signalization

Commissioner Tilman questioned whether the traffic study recommended signalization at the intersection with the bank. Mr. Knight explained that the Traffic Impact Study, prepared by the Lochmueller Group, looked at the overall development and how the new uses fit in making sure it had adequate capacity vs. demand. It was noted that the full access did perform better from a safety perspective, and that it is also being used to direct traffic straight-thru to the indoor theater. The traffic study did review the new uses to ensure that they did not outweigh the demand vs. the capacity of those roadways.

Stacking

Councilmember Hurt expressed concern about the potential of vehicles starting to stack and back up onto the highway as vehicles access the indoor theater. Mr. Knight replied that the traffic study did review stacking issues, but no recommendation was made for a double left-hand turn lane.

Site Plan

Commissioner Tilman acknowledged that the traffic concerns have been reviewed through the traffic study, but in the event issues arise, it is hoped they can be addressed. Mr. Wyse stated that the Commission will have the opportunity to review the Site Plan showing details of the entrance improvements, along with improvements across the entire site.

Commissioner Tilman also noted that Section I.K.2. of the Attachment A states: *...Access to this development from North Outer 40 Road shall as directed by the St. Louis County Department of Transportation and per the approved traffic study.* He believes that this statement allows County to get involved to help resolve any issues.

Commissioner Marino made a motion to approve P.Z. 01-2019 Chesterfield Outlets (TSG Chesterfield Lifestyle, LLC). The motion was seconded by Commissioner Tilman.

Upon roll call, the vote was as follows:

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

Nay: None

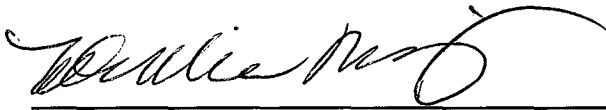
The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:53 p.m.

A handwritten signature in black ink, appearing to read "Debbie Midgley", is written over a horizontal line.

Debbie Midgley, Secretary