

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 12, 2018**

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

I. ROLL CALL

PRESENT

Commissioner Wendy Geckeler
Commissioner Allison Harris
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Mary Monachella
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Laura Lueking
Commissioner James Rosenauer

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Jay Godsy, representing City Attorney Christopher Graville
Ms. Jessica Henry, Senior Planner
Ms. Cecilia Dvorak, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; 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. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment:** A request to amend Ordinance 2169 to amend the development conditions to remove the restriction on the number of restaurants in a “C-8” Planned Commercial District, for a 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road.

STAFF PRESENTATION:

Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Site History

The Clarkson Square subdivision is divided into three different sections (A-C) and the governing ordinance provides different uses by section. Section A is the only area which is applicable to this request.

The subject site was zoned “C-8” Planned Commercial by St. Louis County prior to the City’s incorporation. There have been three amendments since the original ordinance, only one of which is applicable to Section A. This amendment removed the previously-approved theatre use. The square footage of the theatre was then incorporated into the commercial/retail use bringing the total permitted square footage to 109,033 square feet.

Land Use Plan

The Comprehensive Plan designates the subject site as *Urban Core*, which is the highest density of mixed-use development in Chesterfield, and where a variety of amenities should be provided for its residents. Additional policies of the Comprehensive Plan identify Clarkson Road and Baxter Road as an appropriate location for retail, and state that the Urban Core should accommodate a wide mix of uses encouraging integration both vertically and horizontally.

Request

The request is to remove the restriction on the number of restaurants permitted within Section A of the Clarkson Square subdivision. There are no other requests being made to the Attachment A or any other development conditions.

The table below outlines the restrictions related to restaurants for neighboring subdivisions. It was pointed out that Chesterfield Crossing, the adjacent subdivision to the north, currently has no restrictions.

Subdivision	Limitation
Clarkson Square (<i>subject site</i>)	Limited to 3 restaurants.
Chesterfield Crossing	No restrictions.
Chesterfield Retail	Limited to specialty establishments where a limited variety of food and beverages, such as baked goods or coffee, may be prepared and consumed on site.
Chesterfield Oaks	Limited to 7,000 square feet (12%).
Drew Station	No freestanding fast-food restaurants.
Dierbergs the Market Place	No drive-thru or stand-alone restaurants.

Ms. Dvorak reported that Staff has received all agency comments and has no outstanding issues, therefore the Commission has the opportunity to vote on this item later in the meeting, if so desired.

Discussion

Responding to questions from the Commission, Ms. Dvorak confirmed that if the restriction was removed, it would allow any number of restaurants to move into the current building spaces. For any restaurant requests, Staff would review the parking to

determine its adequacy for a restaurant use. It was also noted that there would not be any changes to the footprints of the existing buildings.

PETITIONER'S PRESENTATION:

1. **Mr. Mike Doster**, Land Use Attorney on the development team for Capital Land, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster stated that the request was triggered by the vacation of the license bureau office and they now have the opportunity to lease the space to a Jimmy John's restaurant. The space is less than a 1,000 square feet, which they feel is suitable for this take-out type of restaurant.

2. **Mr. Ken Capps**, Capitol Land Company, 11850 Studt Avenue, St. Louis, MO.

Mr. Capps stated that Capital Land Company leases 24 shopping centers throughout the St. Louis metropolitan area, which have seen a change in the type of tenants over the last few decades. They now lease almost exclusively to service stores, office-type retail, and restaurants. As an example, the Four Seasons shopping center has seen a lot of change over the past years as they have struggled to keep the occupancy rate up. The turning point for the center was when the City allowed a new St. Louis Bread Company and drive-thru. This gave an impetus to attract more restaurants within the center, which has brought in more customers, and helped retain and bring in new office-type tenants. As of today, the center has a new vitality and is experiencing the highest occupancy rate in 29 years.

The Clarkson Square center currently has three restaurants, two of which are owned by Capitol Land (Hunan Express and Imo's Pizza); the third, McDonald's restaurant, is under separate ownership. In order to keep the center fully occupied, the Petitioner is requesting the flexibility to bring in full-service restaurants.

3. **Mr. Pat Cunningham**, 11850 Studt Avenue, St. Louis, MO was available for questions.

Mr. Doster then addressed the Commission regarding the center's parking situation. He explained that when parking is being calculated for the "in-line center", it does not include McDonald's, the service station, or the office building at the corner of Baxter and Clarkson.

The City's Unified Development Code (UDC) addresses parking by the center's size, which is 109,033 square feet. Depending upon the percentage of square footage of restaurant space within the 109,033 square feet, parking requirements would be as follows:

- Restaurant space at 10% - parking would be 4.5 spaces/1000 gross floor area
- Restaurant space at 20% - parking would be 4.75 spaces/1000 gross floor area
- Restaurant space at 30% - parking would be 5.0 spaces/1000 gross floor area

The current number of parking spaces within the "in-line center" totals 702. If Jimmy John's is added to the center, the restaurant use would only be at 3%. Mr. Doster pointed out that even at 30%, there would be more than enough parking space to satisfy the UDC requirements.

Discussion

Commissioner Marino noted that some Jimmy John's restaurants have designated parking spaces for their customers, and asked if designated parking would be requested for the Clarkson Square center. Mr. Capps replied that there would not be designated parking.

Chair Hansen commented that during particular times, the McDonald's restaurant can cause traffic congestion at that end of the center. Mr. Doster noted that when the license bureau was situated within the center, it too had busy times. But he feels that a Jimmy John's would not affect parking and traffic much differently than the license bureau. This type of restaurant is typically take-out so the number of parking spaces required is not substantial.

Noting that the site has extra parking space, Councilmember Hurt asked if there are any future plans for an ordinance amendment to allow an outparcel restaurant within the parking lot. Mr. Capps replied that Capitol Land does not have any plans for a new building.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Midgley made a motion to approve the Meeting Summary of the February 12, 2018 Planning Commission Meeting. The motion was seconded by Commissioner Harris and **passed by a voice vote of 7 to 0.**

VI. PUBLIC COMMENT

1. Mr. Matt Surdyke, 17501 N. Outer 40 Road, Chesterfield, MO stated he was available for questions regarding **P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd).**
2. Mr. Dennis Ganahl, Trustee of Clarkson Wood Subdivision, 15979 Woodlet Way Court, Chesterfield, MO speaking in opposition to **P.Z. 22-2017 Clarkson Center (2264 Clarkson Road).**

As trustee of Clarkson Woods subdivision, Mr. Ganahl read a statement opposing the rezoning of the Clarkson Center site from Residential to Commercial. He stated that he has received an overwhelming negative response from the residents of Clarkson Woods concerning the requested rezoning and noted the following concerns:

- Additional traffic

- Safety issues from the additional traffic with respect to pedestrians and children in the area
- The rezoning will change the character and architectural integrity of their neighborhood

Chair Hansen advised Mr. Ganahl that this petition is not on this evening's agenda so no action will be taken at this time. A date has not yet been set for bringing this petition forward, but Mr. Ganahl was invited to return to future meetings of both the Planning Commission and City Council to express his concerns. Mr. Ganahl then indicated that he would be forwarding his comments to the Planning Commission.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

- A. P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd):** A request for an amendment to an existing "C8" Planned Commercial District for a 3.0 acre tract of land located north of North Outer 40 Rd west of its intersection with Boone's Crossing (17U510051).

STAFF REPORT

Project Planner Cecilia Dvorak stated that the public hearing for this petition was held on April 24, 2017. The applicant then responded to the issues discussed and a second meeting was held on October 9, 2017. At that time, the Commission continued to express concern regarding the type and amount of display proposed. During that meeting, a motion to approve failed by a vote of 4-3. A subsequent motion to reconsider was approved by a vote of 7-0.

The applicant has requested that the current restriction on the number of display vehicles be removed and that specific areas be identified where display would be permitted. There are two areas the applicant is requesting for display – (1) the triangular area west of the building, and (2) the concrete strip which wraps around the building.

Additionally there is a request to expand the outdoor storage area 55 feet to the north, which would be paved and the existing chain link fencing replaced with wood slat fencing.

At the last meeting, the Commission requested further information regarding the type of construction for the display area which had been described as a "natural mounded display". Since then, the petitioner has decided to provide a grass paver solution which would maintain the look of grass, be dust free, and remain permeable. This would be for the triangular display area west of the building.

The Commission had also requested images of various numbers of vehicles displayed on the paved area surrounding the building to illustrate the variety of vehicle sizes. The applicant has provided example images of 9, 13, and 21 vehicles displayed around the building.

In previous meetings, there was discussion regarding the storage area being visible from the levee trail, however, there are no open issues on this item given that no plantings can be provided because of the levee. It was also noted that the applicant will be providing a wood fence in lieu of the chain link fencing.

The requested changes would permit the user of the site to display and store equipment only in the areas shown on the preliminary plan. If the property owner wished to change those areas in the future, they would be required to amend the preliminary plan, which would thus require an ordinance amendment.

All agency comments have been received and Staff has completed its review of the petition.

PETITIONER'S COMMENTS

Mr. Surdyke stated that the primary reason for the request stems from the various sizes of vehicles to be displayed and indicated that he was available for any questions.

Discussion

Commissioner Wuennenberg noted his agreement with having outdoor display on the paved area wrapping around the building but is opposed to having vehicles displayed in the triangular area west of the building. Commissioner Midgley also voiced concern about displaying in the triangular area feeling it would look clustered and crowded.

Chair Hansen asked for further clarification of the triangular display area. Mr. Surdyke explained that a permeable paver system would be utilized, which would give the impression of natural grass. The integrity of the surface is solid preventing ruts and damage to the ground. When nothing is displayed, it will have the appearance of a well-maintained lot. They are proposing to display 2-5 four-wheel vehicles in this area, which offers more visibility to motorists along the highway than the vehicles displayed against the building.

Mr. Surdyke further stated that vehicles would only be displayed during hours of operation and would be placed in storage after closing.

Commissioner Marino noted that the Commission's concern relates to the number of vehicles to be displayed, and questioned how many are currently on display. Mr. Surdyke replied that on an average day 15-20 vehicles are on display, which he acknowledged is not in compliance with the current ordinance of a maximum of 6 display vehicles. In response to Councilmember Hurt's question as to why the site is not in compliance, Mr. Surdyke explained that it is difficult to be in compliance and have his inventory be visible.

Chair Hansen then indicated her preference of not having any display vehicles in the triangular area near the highway. Commissioner Marino noted that the two display areas are next to each other and stated that he did not have any concerns with vehicles being displayed in both areas.

During discussion regarding restricting the number of display vehicles, it was noted that this can be difficult to enforce inasmuch as someone would have to monitor the site and count how much is being displayed.

Because of the various sizes of the vehicle, Mr. Surdyke stated that the request is to remove the restriction on how much inventory can be displayed, which would allow him the ability to determine how much would be set up in the approved areas. He also explained that at the time when the restriction of six vehicles was approved, the product was smaller which allowed more to be displayed inside the building. Since then, the product has grown in size so the building cannot accommodate nearly as many vehicles, which necessitates outdoor display areas otherwise customers would have to be taken to an off-site warehouse to see the product.

At this time, Chair Hansen called for a motion on the petition. With respect to process, Senior Planner Jessica Henry explained that a motion could be made with subsequent amendments to the motion, if so desired.

Councilmember Wuennenberg made a motion to approve P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd) allowing: (1) outdoor display of unlimited vehicles along the paved strip wrapped around the building; and (2) allowing outdoor storage of vehicles behind the building within a sight-proof fenced area on the east side of the site. The motion was seconded by Commissioner Midgley.

For clarification, Chair Hurt asked if the intention is to have all four wheels of displayed vehicles placed on the paved area. Commissioner Wuennenberg confirmed that this is the intent.

In response to Commissioner Midgley, it was clarified that the above motion does not include a display area in the triangular area west of the building.

Upon roll call, the vote was as follows:

**Aye: Commissioner Midgley, Commissioner Monachella,
Commissioner Wuennenberg, Commissioner Geckeler,
Commissioner Harris, Commissioner Marino,
Chair Hansen**

Nay: None

The motion passed by a vote of 7 to 0.

Discussion followed on whether a vote could be taken regarding the triangular display area west of the building. Ms. Henry explained that the motion approved the petition allowing display along the building and storage behind the building, but does not allow display in the triangular area as no amendments were made to the motion. The petition moves forward to the Planning and Public Works Committee unless a motion to reconsider is passed by the Planning Commission.

After considerable discussion, it was the consensus of the Commission that the triangular area should be specifically called out and voted on separately. It was noted that the process would require a 'motion to reconsider'.

Commissioner Marino made a motion to reconsider P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd). The motion was seconded by

Commissioner Harris and **passed** by a vote of 5 to 2 with Commissioners Midgley and Wuennenberg voting “no”.

Commissioner Wuennenberg made a motion to approve **P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd)** allowing: (1) outdoor display of unlimited vehicles along the paved strip wrapped around the building; and (2) allowing outdoor storage of vehicles behind the building within a sight-proof fenced area on the east side of the site. The motion was seconded by Commissioner Midgley.

Commissioner Harris made a motion to amend the motion to allow outdoor display of up to three vehicles in the triangular area west of the building and east of the concrete drive. The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner Harris,
Commissioner Marino, Commissioner Monachella

Nay: Commissioner Midgley, Commissioner Wuennenberg,
Chair Hansen

The motion **failed** by a vote of 4 to 3.

Commissioner Harris made a motion to amend the motion to allow outdoor display of up to two vehicles in the triangular area west of the building and east of the concrete drive. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

Aye: Commissioner Harris, Commissioner Marino,
Commissioner Monachella, Commissioner Geckeler,
Chair Hansen

Nay: Commissioner Midgley, Commissioner Wuennenberg,

The motion **passed** by a vote of 5 to 2.

Upon roll call, the vote on the original motion to approve **P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd)**, as amended, was as follows:

Aye: Commissioner Marino, Commissioner Monachella,
Commissioner Geckeler, Commissioner Harris,
Chair Hansen

Nay: Commissioner Midgley, Commissioner Wuennenberg,

The motion **passed** by a vote of 5 to 2.

Mr. Surdyke was informed that the above motion has not yet been approved by City Council and is not open for use at this time. Councilmember Hurt also advised him to bring the site into compliance until the petition is brought forward to City Council.

- B. P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 4 and 10):** An ordinance amending Articles 4 and 10 of the Unified Development Code to revise regulations pertaining to architectural specialty lighting and various definitions.

Senior Planner Jessica Henry stated that this petition was last discussed at the February 12th Ordinance Review Committee after the Public Hearing of November 27, 2017. All the suggestions offered by the Commission have been incorporated into the draft ordinance amending Articles 4 and 10 of the Unified Development Code and the petition is now ready for vote.

Commissioner Wuennenberg made a motion to approve P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 4 and 10), as submitted. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

Aye: Commissioner Wuennenberg, Commissioner Geckeler, Commissioner Harris, Commissioner Marino, Commissioner Midgley, Commissioner Monachella, Chair Hansen

Nay: None

The motion passed by a vote of 7 to 0.

- C. P.Z. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment:** A request to amend Ordinance 2169 to amend the development conditions to remove the restriction on the number of restaurants in a "C-8" Planned Commercial District, for a 34.8 acre tract of land located north of Baxter Road and on the west side of Clarkson Road.

Project Planner Cecilia Dvorak stated that the Public Hearing was held earlier this evening which included discussions pertaining to parking and site circulation, but there are no open issues allowing the Planning Commission to vote if so desired.

Commissioner Wuennenberg made a motion to approve P.Z. 01-2018 Clarkson Square (1709 Clarkson Rd) Ordinance Amendment, as submitted. The motion was seconded by Commissioner Harris.

Chair Hurt pointed out that the petitioner confirmed earlier that he is not planning on any future outlots within the center. Chair Hurt explained that there had been problems in the past with this center in connection with the McDonald's traffic flow, which was finally corrected with the installation of a median in connection with a request for a menu board.

He noted his concern that the addition of an outlot could cause additional traffic concerns.

Upon roll call, the vote to approve was as follows:

**Aye: Commissioner Geckeler, Commissioner Harris,
Commissioner Marino, Commissioner Midgley,
Commissioner Monachella, Commissioner Wuennenberg,
Chair Hansen**

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

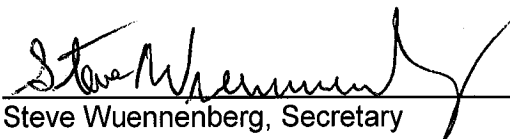
A. Chesterfield Village/Chesterfield Mall Report

Chair Hansen reported that in the earlier Work Session the Commission had a presentation by Ms. Henry regarding Chesterfield Village and Chesterfield Mall. She then acknowledged appreciation for the Department of Planning and Development Services's work on this report.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:24 p.m.


Steve Wuennenberg, Secretary