

IV

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 11, 1991**

=====

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

PRESENT

Chairman Barbara McGuinness
Ms. Mary Brown
Mr. Jamie Cannon
Ms. Mary Domahidy
Mr. Dave Dalton
Mr. William Kirchoff
Ms. Pat O'Brien
Mr. Walter Scruggs
Mr. Doug Beach, City Attorney
Councilmember Betty Hathaway, Ward I
Mayor Jack Leonard
Mr. Jerry Duepner, Director of Planning/Economic Development
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Les Golub

INVOCATION: Jerry Duepner, Director of Planning/Economic Development

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Councilmember Betty Hathaway read the opening comments.

- A. P.Z. 6-91 City of Chesterfield Planning Commission; a proposal to amend Sections 1003.107 "NU" Non-Urban District, 1003.111 "R-1" One-Acre Residence District, 1003.112 "R-1A" 22,000 square foot Residence District, 1003.113 "R-2" 15,000 square foot Residence District, 1003.115 "R-3" 10,000 square foot Residence District, and 1003.117 "R-4" 7,500 square foot Residence District of the Zoning Ordinance of the City of Chesterfield relative to Mortuaries as Conditional Uses.

Director Duepner presented the petition noting the following:

- This amendment is relative to allowing mortuaries as a Conditional Use in afore mentioned districts.
- In 1990, the Ordinance Review Committee of the Planning Commission took up the issue of allowing Mortuaries as a Conditional Use Permit in certain districts. It was the intent of the Committee's review to consider this use, but at the same time to ensure that the residential character of the City was maintained. It was proposed that by site review and regulation of uses, any such uses would be compatible with the City's Comprehensive Plan. The Committee was of the opinion that a mortuary could serve as a transitional use from commercial to residential areas on state roadways. Issues of concern to the Committee were the character of a mortuary use, and belief that it was of a lower intensity use than other types of uses permitted in "C-2" or "C-3" Commercial Districts. The Committee was also of the opinion that a mortuary was somewhat of an institutional use, and could be designed with a residential appearance. To ensure the compatibility and transitional character of this type of use, the Ordinance Review Committee recommended that:
 - 1) a minimum of 200 foot of frontage on state roadways be required;
 - 2) the site be a minimum of five (5) acres;
 - 3) the site be contiguous to commercial development;
 - 4) buffering and setbacks for each individual proposal be reviewed on a site by site basis; and
 - 5) signs be limited to a height of six (6) feet.
- The Ordinance Review Committee reported to the Planning Commission, who held a public hearing on September 24, 1990.
- Subsequent to the Public Hearing, the Planning Commission recommended approval of the amendment to allow Mortuaries as a Conditional Use in certain Districts. It was the Commission's opinion that a mortuary was a lower intensity use than other permitted uses in a "C-2" and "C-3" District. (A mortuary is a permitted use in those Districts.) The Commission reduced the minimum lot size from five (5) acres, which was the recommendation of the Ordinance Review Committee, to three (3) acres. The Commission concurred with the requirement for 200 feet of frontage, and also for the location relative to existing commercial.

- On November 19, 1990, the City Council adopted Ordinance No. 521, the amending of the Zoning Ordinance to allow Mortuaries as a Conditional Use. The stated intent of that Ordinance, as indicated in the Ordinance Preamble, was to allow mortuaries as a Conditional Use due to:
 - 1) their lower intensity in nature;
 - 2) appropriateness on larger parcels, particularly to accommodate for buffering;
 - 3) appropriateness when a lot was contiguous to existing commercial development; and
 - 4) the mortuary would serve as a transitional use from the existing commercial development to residential areas.
- The amendment established a minimum lot size requirement of three (3) acres, and also a minimum frontage of 200 feet.
- The Department notes this history of the amendment of the Ordinance and, particularly, the reference to the contiguousness to existing commercial development and the location on state roadways.
- In review of the Ordinance, it was observed that particular items were not addressed in the Ordinance as intended. However, as indicated in Ordinance No. 521, the Preamble of that Ordinance indicates that appropriate location is adjacent to commercial development.
- We are presenting this petition to include in the actual text of the Ordinance, the intent which had always been stated from the very beginning from the Ordinance Review Committee's review and recommendation of this matter, to the Planning Commission's recommendation, and to the final action by the City Council.
- This amendment would be included in each particular district which this use would be permitted, under the Conditional Land Uses and Development Permits, an indication of the requirements relative to adjacently to commercial development, and on a state roadway.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION -

1. Mr. Robert Boland, 12935 North Forty Drive, St. Louis, MO 63141, representing Buchholz Mortuary.

Mr. Boland cited opposition to the proposal relative to the change for adjacency to commercial development. In re-examining the Ordinance relative to its objective, is in agreement with the intent to create transitional uses. However, the proposed amendment would make a mortuary the only use requiring adjacency to commercial, while still performing the same transitional function of other conditional uses. Mr. Boland noted, in abstract, that the City has control over conditional uses. The City is able to assess conditions relative to allowing use at a particular location. Utilizing the requirement for frontage, he noted a pending petition before the City, recently filed by Buchholz Mortuary. He used this proposal and site to evaluate the proposed modification, but not present as a proposed "CUP" this evening. Mr. Boland noted that Buchholz Mortuaries was instrumental in the early phases of the review of the CUP amendment, and attended numerous meetings. The specific site referred to, at that time, was the site at Olive and River Valley, of approximately seven (7) acres. That site has the characteristics for transition, and noted that there were a collection of transitional uses in the area. The proposal that has been submitted would merely expand on those transitions which exist in the area, and further isolate the parcel on the corner which remains zoned "R-2" Residence District. Mr. Boland noted that he thinks the mortuary application an appropriate use, but that it does not fall in the proposed requirement relative to adjacency to commercial. In his opinion, he is not certain there is a need to add the condition, in view of the control afforded to the City by the Conditional Use Permit process.

Chairman McGuinness inquired if the change would not preclude the location of a mortuary on the corner property.

Mr. Boland responded that it depends upon how one considers adjacent and contiguous to commercial.

Commissioner Kirchoff noted that, in his opinion, across the street would satisfy adjacency.

City Attorney Beach responded to Mr. Boland's reference to the modification. It was Mr. Beach's opinion that the current amendment is clarifying the intent of the Ordinance that currently exists. He did not consider it necessary to have a hearing, but felt that it was important to allow people an opportunity to know what was being done and to address the Commission.

2. Mr. Jerry Ebest, Dierberg Markets, 1422 Elbridge Payne Road, Chesterfield, MO 63017, as an individual.

REBUTTAL

Director Duepner stated that comments upon specific sites were not appropriate at this time, this petition is merely to seek clarification of Ordinance #521.

SHOW OF HANDS

FOR: 1

AGAINST: 2

- B. P.Z. 7-91 City of Chesterfield Planning Commission; a proposal to amend Section 1003.165 Off-Street Parking and Loading Requirements of the Zoning Ordinance of the City of Chesterfield relative to Handicapped Parking.

Director Duepner presented the request, noting the following:

- The requirements for provision of handicapped parking spaces were originally placed in the Building Code of St. Louis County.
- A subsequent revision of the Building Code deleted the Handicapped Parking Requirements, and subsequently in the early part of 1988, St. Louis County amended their Zoning Ordinance to include the Handicapped Parking Requirements in the Off-Street Parking Section of the Ordinance.
- The City of Chesterfield utilized the St. Louis County Zoning Ordinance as a model for its Zoning Ordinance. Therefore, at the time of adoption, there were no specific Handicapped Parking Requirements.
- We are recommending amending of the Zoning Ordinance to include requirements for minimum dimensions of parking spaces, as well as for the minimum number of accessible spaces for the handicapped. These requirements are based on developed, national standards, and would be similar to those currently being utilized by other jurisdictions relative to the size of the space and the number of spaces required.
- The number of spaces required for handicapped accessibility are based on the total number of parking spaces required within a development. In the case of any development where less than ten (10) spaces are required, there is no handicap space required. It is not until there are at least eleven (11) spaces that at least one (1) of those spaces has to be handicapped accessible.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION - None

REBUTTAL - Waived

SHOW OF HANDS - Waived

APPROVAL OF THE MINUTES

The Minutes were approved from February 25, 1991.

COMMITTEE REPORTS

- A. Ordinance Review Committee - No report.
- B. Architectural Review Committee - No report.
- C. Site Plan/Landscape Committee

Chairman Kirchoff stated the Department will be providing information relating to materials acquired from other municipalities. Pending review of this material, and the acquisition of additional information, a meeting may be scheduled next month.

- D. Comprehensive Plan Committee - Mary Domahidy

Chairman Domahidy stated the Chesterfield Valley Study Committee met last week and is in the process of sending out requests for proposals to five (5) firms who had submitted their qualifications. That Committee anticipates the selection process to be completed by the end of June.

Commissioner Scruggs stated that the City expects to award the contract by the end of June.

Chairman Domahidy stated the Public Hearing on the Comprehensive Plan Update will be Thursday, March 14, 1991.

E. Procedures Committee

Chairman Scruggs stated the Committee met earlier to discuss the Comprehensive Plan Committee suggestion that the Procedures Committee discuss feedback to the Planning Commission relative to the Planning Commission recommendations that had been amended by the Planning and Economic Development Committee of the City Council. The Procedures Committee was of the opinion that Councilmember Hathaway would promptly advise the Commission of any significant changes, involving primarily philosophy. He further stated that the Commission is provided with a quarterly report which summarizes actions taken by the Planning Commission, as well as the action taken by the Planning and Economic Development Committee and the City Council.

Chairman McGuinness stated the Commission would have a quarterly meeting to regroup and discuss direction of Planning Commission. She further stated that the Director of Public Works will give a presentation to the Commission in the near future.

OLD BUSINESS

- A. P.Z. 4 & 5-91 Miceli Realty Company; a request for a change of zoning from "NU" Non-Urban District to "R-1A" 22,000 square foot Residence District with a Planned Environment Unit Procedure in the "R-1A" Residence District; west side of Schoettler Road, north of Clayton Road.

Director Duepner summarized the report to the Commission, indicating the petitioner's request for revision of several of the recommended conditions, as approved by the Planning Commission at its meeting of February 25, 1991.

Condition 1 - Permitted Uses

The Department recommended revising this Condition to allow for a minimum lot size of 16,000 square feet, in lieu of the 16,800 square feet recommended by the Planning Commission.

A motion to approve the Department's recommendation was made by Commissioner Cannon and was seconded by Commissioner Domahidy. The motion passed by a voice vote of 7 to 1, with Commissioner Kirchoff voting no.

Condition 4.e. - Site Development Plan and Design Criteria (Access and Roadway Improvements, Including Sidewalks)

Director Duepner presented the petitioner's request and the Department's recommendation that Condition 4.e. be revised to allow for a minimum width street pavement in the entrance of twenty-six (26) feet, and that no parking be allowed on either side of the street to the second intersection.

A motion to approve the Department's recommendation was made by Commissioner Scruggs and was seconded by Commissioner Kirchoff. The motion passed by a voice vote of 8 to 0.

Director Duepner stated the Department's recommendation that the Condition remain unchanged regarding sidewalks.

There was no motion to approve the petitioner's requested change in the Condition regarding sidewalks. Therefore, the Condition remains unchanged.

Condition 4.m. - Emergency Access

Director Duepner presented the Department's recommendation of amending Condition 4.m. to read: Provide street stubs to adjacent property as directed by the Department of Public Works and the Department of Planning/Economic Development. Stub street to Straub Road shall not be connected, "but if required for emergency access, shall be provided with barricade and berm, as approved by the City of Chesterfield and the Five District to discourage any public access to Straub Road."

A motion to approve the Department's recommendation was made by Commissioner Scruggs and was seconded by Commissioner Domahidy.

COMMENTS/DISCUSSION BY COMMISSION

- There would be a berm on either side of a barricade to discourage bypassing of barricade.
- Recognizing that future subdivision of adjacent property is likely to occur, a stub street would be built to a point, the extent of which will be determined at a later date.
- Funds would be placed in an escrow account to cover costs related to any future extension of roadways.

- In order to extend the road to the west, Straub would be vacated.

The motion passed by a voice vote of 8 to 0.

Condition 4.o.- Landscape Requirements

Director Duepner stated the Department's recommendation to approve the petitioner's requested change in this Condition to delete the recommended requirement for additional landscaping along the southern lines of the development and adjacent to Straub Road.

A motion to approve the Department's recommendation was made by Commissioner Scruggs and was seconded by Commissioner Dalton.

COMMENTS/DISCUSSION BY COMMISSION

- A desire for some type of plantings to discourage cut-through pedestrian traffic to the school.

The motion was amended by Commissioner Scruggs to change the wording of the last sentence of the Condition to read: Additional landscaping may be required along the southern line of the development and adjacent to Straub Road, as approved by the Planning Commission on the landscape plan. The amendment was seconded by Commissioner Brown. The motion, as amended, passed by a voice vote of 8 to 0.

A vote on the original motion to approve the Department's recommendation, as amended, passed by a voice vote of 8 to 0.

NEW BUSINESS

- A. P.Z. 9-89 Sullivan-Hayes Company; a request for extension of time for submittal of "C-8" Planned Commercial District Site Development Plan; north side of Olive Boulevard, between East and West Drives.

Commissioner Scruggs left the meeting at this time.

Director Duepner presented the request and the Department's recommendation to grant the extension of time to March 18, 1992.

A motion to approve the extension of time was made by Commissioner Kirchoff and was seconded by Commissioner Cannon. The motion passed by a voice vote of 7 to 0.

Commissioner Scruggs returned to the meeting at this time.

- B. Preliminary report of the Department of Planning/Economic Development concerning the Update of the Comprehensive Plan of the City of Chesterfield, and the Zoning and Subdivision Ordinances of the City of Chesterfield.

It was noted that the Public Hearing on the Update of the Comprehensive Plan is scheduled for March 14, 1991.

Director Duepner stated that Comprehensive Plan Committee recommended that no revision of the Conceptual Land Use Map portion of the Plan be considered. However, he believes it important to bring to the Commission's attention, and it would be brought out at the Public Hearing on the 14th, the fact that the City Council has approved commercial zoning in response to P.Z. 22-90 Sverdrup Investments, Inc. That rezoning extends commercial zoning in an area which the Plan originally recommended as single-family attached residential. Director Duepner requested that review of the Land Use Map be considered by the Committee.

In accordance with State Statutes, Chapter 89, Mr. Duepner presented a preliminary report on the Zoning Ordinance and Subdivision Ordinance of the City of Chesterfield.

This item was received and filed by the Commission.

- C. P.Z. 14-90 Storage Masters; a request for amendment of "M-3" Planned Industrial District Ordinance; south side of Chesterfield Airport Road and north side of Old Olive Boulevard.

Director Duepner presented the request to amend the "M-3" District Ordinance to allow illumination of the advertising sign, and the Department's recommendation to deny.

A motion to deny the petitioner's request was made by Commissioner Brown and was seconded by Commissioner Cannon. The motion passed by a voice vote of 8 to 0.

- D. P.C. 20-88 Thomas C. Walker; a request for amendment of "C-8" and "FPC-8" Planned Commercial District Ordinance; north side of North Outer 40, east of Long Road.

Director Duepner presented the request and the Department's recommended changes to Condition 5.n. of Ordinance No. 239 of the City of Chesterfield.

Commissioner Kirchoff made a motion to hold the petitioner's request. The motion was seconded by Commissioner O'Brien.

COMMENTS/DISCUSSION BY COMMISSION

- A desire to have the site cleaned-up.
- The height of berm would have to be higher than the stored material.
- Concern over incremental additions of storage capacity on the site.
- A Landscape Bond may be required.
- Consideration of a wall for screening purposes, in lieu of proposed dirt berm.

The motion to hold was approved by a voice vote of 8 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. Chesterfield Valley Nursery; "NU" Non-Urban District Freestanding Business Sign; north side of North Outer Forty Drive, east of Boones Crossing.

Director Duepner presented the request and the Department's recommendation of approval.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Domahidy and passed by a voice vote of 8 to 0.

- B. P.C. 87-86 Leo Eisenberg Company (Lord of Life Lutheran Church);
Freestanding Information Sign; southeast quadrant of the intersection of
Baxter Road and Clarkson Road.

Director Duepner presented the request and the Department's recommendation of
approval.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to
approve the Department's recommendation. The motion was seconded by
Commissioner Brown and passed by a voice vote of 8 to 0.

- C. P.C. 19-75 Derrill J. Heiland (Baxter Office Center); "C-8" Planned
Commercial District Business Sign; east side of Baxter Road, south of Clayton
Road.

Director Duepner presented the request and the Department's recommendation of
approval.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to
approve the Department's recommendation. The motion was seconded by
Commissioner Brown and passed by a voice vote of 8 to 0.

- D. Spirit Airpark (OPTEC); "M-3" Planned Industrial District Architectural
Elevations; north side of Edison Avenue, east of Spirit of St. Louis Boulevard.

Director Duepner presented the request and the Department's recommendation of
approval.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to
approve the Department's recommendation. The motion was seconded by
Commissioner Cannon and passed by a voice vote of 7 to 1, with Chairman
McGuinness voting no.

- E. D.L. 2-49 Spirit of St. Louis Airport (A.B.M. Office Supply, Inc.); "M-3"
Planned Industrial District Architectural Elevations; east side of Spirit of St.
Louis Boulevard, south of Chesterfield Airport Road.

Director Duepner presented the request and the Department's recommendation of
approval.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Brown and passed by a voice vote of 7 to 1, with Chairman McGuinness voting no.

The meeting adjourned at 9:05 P.M.

William Kirchoff, Secretary

(MIN-11)