

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
MARCH 10, 2008**

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

**I.      PRESENT**

**ABSENT**

Mr. David Banks  
Mr. Fred Broemmer  
Ms. Wendy Geckeler  
Mr. G. Elliot Grissom  
Ms. Amy Nolan  
Ms. Lu Perantoni  
Mr. Gene Schenberg  
Mr. Michael Watson  
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations  
Councilmember Connie Fults, Council Liaison  
City Attorney Rob Heggie  
Mr. Michael Herring, City Administrator  
Ms. Annissa McCaskill-Clay, Assistant Director of Planning  
Ms. Susan Mueller, Principal Engineer  
Ms. Mara Perry, Senior Planner  
Mr. Charles Campo, Project Planner  
Mr. Shawn Seymour, Project Planner  
Mr. Justin Wyse, Project Planner  
Ms. Jennifer Yackley, Project Planner  
Ms. Mary Ann Madden, Planning Assistant

**II.      INVOCATION: Commissioner Broemmer**

**III.     PLEDGE OF ALLEGIANCE – All**

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; Councilmember Bruce Geiger, Ward II, Councilmember Mike Casey, Ward III; and City Administrator Mike Herring.

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

- A. P.Z. 02-2008 Stallone Pointe (Conway Pointe LLC):** A request for a change of zoning from an “R3” Residential District (10,000 sq. ft.) and an existing “PC” Planned Commercial District to a new “PC” Planned Commercial District for a .68 acre tract of land located west of Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085).

**STAFF PRESENTATION:**

Project Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- The Petition includes the following proposed uses:
  - (nn) Service facilities, studios, or work areas for dressmakers and tailors. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
  - (rr) Stores, shops, markets, service facilities, open to the general public on the premises.
- The site was posted and all State and City requirements were met.
- The City’s Land Use Plan has designated the subject property as “Urban Core”.
- Land uses for the Urban Core include a mixture of high-density residential, retail, and office uses containing the highest density development in Chesterfield.
- Following are items currently under review with the Department of Planning & Public Works:
  - Setbacks from a Residential Zoning District
  - Adherence to the Tree Manual

**PETITIONER’S PRESENTATION:**

1. Mr. John King, Attorney representing the Petitioners, 7701 Forsyth Avenue, Clayton, MO stated the following:
  - Phillip & Candy Stallone are the Petitioners and the fee simple owners of the subject tract of land.
  - The tract of land is located between Highway 40 and Conway Road being on the north side of Highway 40 and the south side of Conway.
  - Approximately two years ago, the Petitioners were before the Commission requesting that .42 acres of the subject tract be zoned Planned Commercial. At that time, it was planned that the existing house on the site would be remodeled to accommodate the Stallone’s formal wear business.
  - The Stallone’s have recently purchased .26 acres and have added it to their .42 acres.
  - They would like to develop the .68 acres by tearing down all the existing buildings on the site and constructing a new building of 4530 square feet.

- It is intended that the building would accommodate up to three different users with Stallone's Formal Wear using 1500 square feet. The remaining 3000 square feet would be leased to either two users of 1500 square feet each or one user of 3000 square feet. No users have been identified at this time
- There is one existing curb cut on the site, which is in the same location of the driveway to the home located to the west.
  - The open space on the site will be 50%.
  - The requested operating hours for the site are from 9:00 a.m. to 8:00 p.m. seven days/week.
  - The site includes 23 parking spaces. Landscaping will be provided in accordance with the City's ordinances.

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

- **Regarding the definition of "market" and the concern that a grocery or convenience store would open on the site:** It is not felt that a grocery or convenience store would be interested in the subject site considering there is only 3000 square feet available for such a store. It is assumed that the site would attract specialty shops similar to Stallone's – "a destination point".
- **Regarding the lack of a left-hand turn from the Parkway onto Conway Road.** The Petitioners are not concerned about the lack of a left-hand turn since the store is a specialty use. It is felt that clients will get to the site "one way or the other".
- **Regarding the power lines indicated on the Landscape Plan:** This issue will be addressed by the Petitioner and Staff.

2. Mr. Brandon Harp, 11402 Gravois Road, Ste. 100, St. Louis, MO was available to address any engineering questions from the Commission.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:**

1. Ms. Victoria Sherman, 1895 Schoettler Valley Drive, Chesterfield, MO distributed hand-outs to the Commission and then stated the following:
  - She is concerned about development in this area along Conway Road with respect to traffic and pedestrian safety. The particular concern is at the intersection of Conway Road and the Outer Road where one exits on the exit ramp.
  - The map hand-out shows a median on Chesterfield Parkway, which prevents motorists from making left-hand turns onto Conway Road while traveling north.
  - Speaker noted that if a motorist is traveling north on the Parkway with the intent of visiting the Stallone site, they would not be able to make a left-

hand-turn onto Conway. She felt this would force motorists to turn around on private property in order to make a right-hand turn onto Conway. However, the proper route would be to stay on the public roads, which would make motorists travel more than a half-mile from the intersection of Conway Road to get to the site. Speaker does not feel motorists will stay on the public roads but will make illegal left-hand turns or cut through private property.

- Speaker feels that the City, along with the County and the State, needs to take a serious look at the subject intersection.
- Speaker referred to the second hand-out, which is a portion of the meeting summary from the January 14, 2008 Planning Commission meeting. The hand-out includes comments made by Mr. Bob McBride, Conway Point Office Building owner, regarding the no left-hand turn issue.

**REBUTTAL:** None

**ISSUES:**

1. Residential setbacks
2. Adherence to the Tree Manual
3. Clarification of the term “markets” as noted in Use (rr) - *Stores, shops, markets, service facilities, open to the general public on the premises.*
4. The residential property between the Stallone Pointe and Conway Point sites.
5. Evergreens with respect to the Landscape Plan
6. Address hours of operation within the Attachment A.
7. Identify the location of the proposed curb cut and show how it lines up with the developments to the north across Conway Road.
8. Address access to the site

**B. P.Z. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler):** A request for a change of zoning from “NU” Non Urban District to “AG” Agriculture District for a 10.4 acre tract of land located north of North Outer 40 Road approximately 6,600 feet east of the intersection with Boone’s Crossing. (part of 17T620041)

**and**

**C. P.Z. 04-2008 Chesterfield Valley Nursery (Walter E. Graeler):** A request for a “CUP” Conditional Use Permit in a proposed “AG” Agriculture District for a 10.4 acre tract of land located north of North Outer 40 Road approximately 6,600 feet east of the intersection with Boones Crossing. (part of 17T620041)

**STAFF PRESENTATION:**

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The proposed Conditional Use being requested is for:
  - (j) Salesrooms for commercial gardens, plant nurseries, and greenhouses.
- The proposed Accessory Use is for:
  - (a) Detached single-family dwelling
- The site was posted per State statute requirements, as well as the City of Chesterfield requirements.
- The subject site is part of a larger tract, which will remain zoned Non-Urban.
- The nursery is an existing business with existing buildings on the site.
- Chesterfield Valley Nursery was established on this site prior to the incorporation of the City of Chesterfield.
- In order to make any significant changes to the site or add additional uses, the site must be rezoned out of the "NU" Non-Urban zoning designation. The Petitioner is requesting "AG" Agriculture District to conform with the existing nursery on the site.
- The subject site is located in the Office Park land use designation, which includes low-density and mid-density office, along with limited retail uses

**PETITIONER'S PRESENTATION:**

1. Mr. Jim Hall, Principal, Hall & Halsey Associates, Inc., 424 South Clay Avenue, St. Louis, MO stated the following:

- He is representing the Petitioner, Mr. Walter Graeler of Chesterfield Valley Nursery.
- The plant nursery has been in operation since 1982 prior to the incorporation of the City of Chesterfield. Much of the operation has developed since that time and is permitted under the Non-Urban District.
- The opportunity to provide a sales facility, in conjunction with the nursery, is only possible as a Conditional Use Permit in the resulting Agriculture District.
- The subject 10.4 acre tract is located to the north of the North Outer 40 Road. The site is comprised of approximately 400 feet on the western boundary and approximately 900 feet at the terminus of North Outer 40 Road on the eastern boundary.
- The site is currently occupied by a single family home and the Chesterfield Valley Nursery.
- Since its operation began over 26 years ago, the site has been developed with a number of facilities in support of the nursery, such as polyhouses, greenhouse facilities, growing areas for plants, display areas, outdoor growing areas, material storage bins, an office building, an equipment storage building, and gravel drives and parking.

- Speaker presented a slide show showing the existing buildings and various growing/display areas on the site.
- The proposed renovation of the site is very minimal and will include the following:
  - The existing equipment storage facility will be enclosed and enlarged to a 3000 square foot sales facility.
  - A new enclosed equipment storage and maintenance facility will be built approximating 3200 square feet.
  - Paved access to the site, along with paved parking, will be provided. The paved road will be 26' wide and will connect to two new paved parking lots.
- The Petitioner is requesting that the existing uses be retained as part of the Conditional Use Permit.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:** None

**ISSUES - Rezoning:** None

**ISSUES – Conditional Use Permit:** None

Ms. Perry noted that the Conditional Use Permit would be on hold until the rezoning has gone through the complete process with City Council. At this time, Staff is still receiving comments from the various agencies.

Mayor Nations acknowledged the Petitioner, Mr. Walter Graeler, noting that Mr. Graeler's business and residence have been situated in the Valley for a long time surviving the 1993 flood. Mr. Graeler volunteers his time and serves on the Levee District Board.

- D. P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC):** A request for an ordinance amendment to amend the permitted uses for the 52.819 acre parcel of land, zoned "PI" Planned Industrial District, located south of Olive Street Road, east of Wardenburg. (17W420057, 17W420035, 17W230010, 17W230021).  
Additional permitted use: Warehousing, storage, or wholesaling of manufactured commodities, ~~live animals, explosives, or flammable gases and liquids.~~

**STAFF PRESENTATION:**

Project Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated the following:

- All State and local Public Hearing notification requirements were met.
- Located to the west of the site is Spirit Valley Business Park II, which is zoned Planned Industrial.
- The City's Comprehensive Plan designates the area as "low-intensity industrial" and is denoted by Sub-area 1 of the Comprehensive Plan.

Commissioner Broemmer questioned why the use needed to be requested as he thought this use (*warehousing, storage, or wholesaling of manufactured commodities*) was allowed in the "PI" District. It was explained that the requested use is allowed in the "PI" District, but was not an included use in the subject Attachment A when the site was rezoned.

Commissioner Geckeler asked if the site would be allowed outdoor storage. Chair Hirsch replied that outdoor storage is already a part of the existing Attachment A for this site. It was noted that the outdoor storage is limited to certain areas for Spirit Valley Business Park Phase II but not for Phase I.

**PETITIONER'S PRESENTATION:**

1. Mr. Bill Remis, Doster, Guin representing Spirit Valley Business Park, LLC, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
  - The Petitioner is asking for the additional use of *Warehousing, storage, or wholesaling of manufactured commodities*.
  - They are trying to make the list of uses consistent with the uses for Spirit Valley Business Park II, which is adjacent to the subject site. The requested use has been approved for Spirit Valley II.
  - Speaker referred to his letter dated March 7, 2008 regarding hours of operation. He noted that the Attachment A has restricted hours of operation for retail sales, which they do not feel are appropriate for the project as they are not consistent with the hours of operation for Spirit Valley II and do not fit with the uses for the project.

Chair Hirsch asked if the Petitioner has any objection to crafting language analogous to the language in Spirit Valley II with respect to screening outdoor storage. Mr. Remis indicated his agreement to such language.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:** None

## **ISSUES:**

Since P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC) is on the Agenda for a possible vote, Staff was directed to gather information relative to the language in Spirit Valley II regarding (1) screening of outdoor storage; and (2) hours of operation. Mr. Wyse stated that Spirit Valley II does not have any restrictions on hours of operation.

Councilmember Fults stated that the Planning & Public Works Committee has asked Staff to include “hours of operation” as part of the Attachment A for all projects coming forward. Planning Commission has the option of noting that hours of operation are “unrestricted” – but the Committee does want hours of operation mentioned for all projects coming forward.

Commissioner Watson read the Closing Comments for the Public Hearings.

## **V. APPROVAL OF MEETING MINUTES**

Commissioner Broemmer made a motion to approve the minutes of the **February 11, 2008 Planning Commission Meeting**. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 8 to 0 with 1 abstention** from Commissioner Perantoni who was absent from the last meeting.

## **VI. PUBLIC COMMENT**

### **A. P.Z. 44-2007 Woods Mill Park Apartments (542 Kingscross Lane)**

#### **Petitioner:**

1. Mr. Bill Remis, Doster, Guin, 17107 Chesterfield Airport Road, Chesterfield, MO passed on speaking.
2. Mr. Mike Doster, Doster, Guin, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
  - The reason the Petitioner has filed this petition is to clear up the zoning record. The property, as it exists, is zoned in part “Non-Urban” and in part “R-3” and has an overlay of a PEU, which was passed by St. Louis County in 1968. The PEU allows for the multi-family use.
  - It is apparent from the record down through the years that when transfer of ownership was occurring, requests were made of the Zoning Authority for a zoning comfort letter because the acquiring party was not certain that the existing use was permitted under the zoning structure as passed in the late sixties.

- They have endeavored, with Staff's input, to find a zoning district that matches the existing use. They are not looking for any changes or any greater rights.
- It is felt that when comparing the existing zoning ordinance and PEU to the proposed Attachment A, there are more regulations with the Attachment A than with the existing zoning.
- They have responded, in writing, to Allan Sheppard and the Trustees of Judson Manor regarding their concerns noting that the Petitioners are not seeking any changes.

### **In Opposition:**

1. Mr. Allan Sheppard, speaking on behalf of the Trustees of Judson Manor subdivision, 826 Judson Manor, Chesterfield, MO stated the following:
  - He is in agreement with the comments made by Mr. Doster and hopes the site remains as is.
  - He noted that a 60-foot border is shown on the map for P.Z. 44-2007 Woods Mill Park Apartments (542 Kingscross Lane), which he feels gives the Petitioner the right to put things on the property in Judson Manor subdivision between two of the subdivision's houses. He noted that the map shows that the northern-most point comes right up to the Judson Manor circle at the south end of their subdivision.
  - He thanked the Chesterfield Staff for the work done on clarifying many of the questions the Trustees had with respect to the rezoning. He noted that the Attachment A makes it easier to be specific about legal details that will, and will not, be allowed.
  - They are against there being streets, buildings of any kind, parking lots, or machinery being placed north of the intersection of the 500-year flood plain line and Ivy Chapel land.
  - He noted that a creek goes through the property near the north end of the Petitioner's property. He feels this would allow the Petitioner to do anything on the north side of the creek. He feels this should be the northern-most point of where the Petitioner can put something in.
  - There is a 10-foot wide easement for the Fee Fee trunk sewer going east and west off the property. He plans to view the property to see the sewer line going down toward the creek below to see how it is used. He has concern about anything being put on the property north of the sewer line.
  - The map also shows a 500-year flood plain line. Off to the east of it, there is a 100-foot one going through it. The 100-foot one ends and begins on the north and south parts. He does not understand why they merge as one.

At this point, Mr. Sheppard's allotted speaking time expired.

Commissioner Grissom thanked Mr. Sheppard for his comments and asked what he is specifically asking the Commission to do, or not do. Mr. Sheppard replied that he believes that instead of having the 60-foot border on the north side, it

should be on the other side of the creek so that the Petitioner cannot come next to the Judson Manor subdivision and put something in or change things.

Chair Hirsch informed Mr. Sheppard that nothing can be done to materially change the existing site without first coming before the Planning Commission.

**B. P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC)**

**Petitioner:**

1. Mr. Randy Johnston, 14323 South Outer 40 Drive, Ste 604 South, Chesterfield, MO stated the following:
  - They are down to a single variance request of 35% open space.
  - The right-of-way application has been submitted to St. Louis County.
  - Speaker noted the open space percentages of the adjacent properties as follows:
    - One larger office building of similar use to the south across the interstate – 19% open space
    - One office building to the south on Highway 40 and Chesterfield Parkway – 12% open space
    - B. Donovan's Restaurant to the north – 7% open space
  - The subject site currently has 35% open space and they have 47% property that would be under their control as far as landscaping and maintenance.

Chair Hirsch asked for clarification of the Speaker's statement regarding control of property for landscaping and maintenance. He noted that he is not aware of any property that the Petitioner has control over other than the subject site – there is not a vacated right-of-way or permanent easement in order to landscape the St. Louis County property. It was noted that Mr. Bob McBride would respond to this question in his presentation.

Commissioner Perantoni asked if there is a change of hours for the project. Mr. Johnston replied that there is no change in hours of operation. The Petitioner has been approached by a financial institution that wants to be included as a permitted use. There would be an ordinance amendment to include a commercial bank as a use.

2. Mr. Bob McBride, Nelson McBride Development, 2135 Schuetz Road, St. Louis, MO stated the following:
  - The vacation of the property has been submitted to St. Louis County. County has given them a Letter of Intent to vacate the property. The process involves two hearings before the County Council. At this point, the Petitioner does not have control of the property but they do have a Letter of Intent from the County.

- Regarding concerns expressed by Ms. Sherman relative to the left-hand turn lane, it is their intention to continue working with MoDOT and St. Louis County to get a left-turn lane. They have shown that the road is wide enough to take out the curb and put in a left-hand lane.
- The stacking issue coming off the highway is a problem. Jim Bodart from MoDOT has suggested that the sweeping turn be taken out and brought up to a stop sign, which would allow the stacking for Conway Road. Once the project is underway, it is their intention to petition to get this suggested work done. MoDOT has indicated their agreement in wanting to see it done but they will not fund it. The Petitioner will probably petition the businesses along Conway Road to try and resolve the problem.
- Speaker noted that MoDOT is in favor of the road improvements but MoDOT loses control of Chesterfield Parkway just before Conway Road – so St. Louis County would also have to be involved.
- The tenants going into the subject building have no concerns. Most of them live west and plan on using Clarkson Road.

Commissioner Banks asked for clarification of the term “vacate” as used by Mr. McBride – he asked if the Petitioner is seeking ownership of the property or just right of use. Mr. McBride replied that the County has agreed to vacate the property to the Petitioner. County will give up its right of ownership to the property and give it to the Petitioner, which will become a part of the subject site. Once the property is vacated by the County, it assumes the “PC” zoning of the rest of the lot.

Commissioner Banks suggested that the Petitioner wait until County has had its two hearings on the vacation process before moving forward with the City. Mr. McBride stated that they have been working on the project for 1-1/2 years and would like to move along in the rezoning process while they are waiting for County’s vacation. He added that they would need the property titled in their name before construction could begin.

Mayor Nations clarified that City Council would not act on the final amendment given the time frame and the frequency with which the County Council meets. The County Council would act before the City Council would finally act.

It was noted that the 35% open space being requested includes the acquired land from the County.

Commissioner Geckeler expressed her concern on voting on the petition at this time when land is to be acquired in the future that would affect the project. She noted that there are other outstanding issues that need to be resolved. Mr. McBride said it is his understanding, from Staff, that the only outstanding issue is the variance to the open space – all other requirements have been met.

To clarify, Chair Hirsch stated that there are the first two pages of the Attachment A as proposed by the Petitioner vs. the first two pages as written by Staff. He noted that these are not outstanding issues but what is being requested by the Petitioner vs. what is being recommended by Staff.

3. Mr. Mark Nelson, Nelson McBride Development, 2135 Schuetz Road, St. Louis, MO was not available when called.

**Neutral:**

1. Ms. Victoria Sherman, 1895 Schoettler Valley Drive, Chesterfield, MO stated the following:

- She has concerns about the subject intersection and while not having seen the proposed Attachment A, asked that the following items be reviewed:
  - She is very interested in having the City provide good pedestrian access for its residents. She noted that “Pathways on the Parkway” falls apart when it hits Highway 40/I-64 near the subject project. She hopes that the Attachment A shows the project will accommodate a pedestrian access at this point. She feels that, eventually, the County and City will have to work on a pedestrian bridge or an attachment extension to the bridge going over Highway 40. She hopes that money will be put in escrow for such a future project. City Attorney Heggie noted that pages 4 and 5 of the Attachment A address this issue.
  - Regarding the no left-hand turn, she questioned whether motorists will abide by this restriction. She noted that to access the site legally is a very long, involved route. She would like to see the City figure out a way for people traveling north on Chesterfield Parkway to make a legal and safe turn to access the businesses along Conway Road.

Commissioner Banks agreed with Ms. Sherman’s comments regarding the left-turn issue. He pointed out that there is another vacant parcel in this area that will most probably be a business and he feels that the City will have to address this issue. He felt that the upcoming Attachment A’s for petitions in this area may have to provide for a later contribution for a resolution to the problem.

Commissioner Schenberg noted that the Petitioner has indicated that they are working with multiple agencies to try to create a stop sign at the top of the exit ramp, along with a left-turn lane. If the Petitioner is successful in these endeavors, he asked Ms. Sherman if this would satisfy her concerns. Ms. Sherman indicated that they probably would but added that she did not think these issues were just the Petitioner’s problem – she feels it is a broader problem which the City, County, and MoDOT officials need to address for the public’s safety.

**C. P.Z. 03-2008 & P.Z. 04-2008 Chesterfield Valley Nursery (Walter E. Graeler)**

**Petitioner:**

1. Mr. Jim Graeler, Chesterfield Valley Nursery, 16809 N. Outer 40 Road, Chesterfield, MO thanked Mayor Nations for his great respect for his father. He then thanked the Commission for their consideration of the subject petition and stated he was available for any questions.

Commissioner Banks asked if the Petitioner had considered moving the entire farm into the "AG" zoning district. Mr. Graeler replied that they are not interested in moving the rest of the farm into the "AG" district.

**VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS**

- A. **MPD Investments (Sign Package):** Sign Package for an 8.3 acre tract of land zoned "PI" Planned Industrial District located north of North Outer Forty Road and west of Boone's Crossing.

**Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Sign Package for MPD Investments. The motion was seconded by Commissioner Grissom and passed by a voice vote of 9 to 0.**

- B. **Pfizer (Building JJ Expansion):** A Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a 200.51 acre lot of land zoned "C8" and "FPC8" Planned Commercial District located at the northeast corner of 700 Chesterfield Parkway West

**Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for Pfizer (Building JJ Expansion). The motion was seconded by Commissioner Schenberg and passed by a voice vote of 9 to 0.**

## VIII. OLD BUSINESS

- A. **P.Z. 44-2007 & P.Z. 44A-2007 Woods Mill Park Apartments (542 Kingscross Lane)**: A request for a change of zoning from “NU” Non-Urban District, “FPNU” Flood Plain Non-Urban District, “R-3” Residential District and, “FPR-3” Flood Plain Residential District with a PEU to “R-6A” Residential District for a 16.7 acre tract of land located at the corner of Woodsmill Rd. and Kingscross Ln. (17Q330042)

Project Planner Charles Campo stated that the Public Hearing for this project was held on October 22, 2007. All the issues identified at the Public Hearing have been addressed by the Petitioner and Staff. The Commission has been provided with an amendment to the Attachment A regarding setbacks for the site.

Commissioner Broemmer made a motion to approve **P.Z. 44-2007 & P.Z. 44A-2007 Woods Mill Park Apartments (542 Kingscross Lane)** with the following amendment to Section I.C. regarding “Setbacks”:

3. At such time as significant improvements/changes are made to the existing development on the property governed by this ordinance setback requirements shall be as outlined in the City Code.

The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler, Commissioner Grissom, Commissioner Nolan, Commissioner Perantoni, Commissioner Schenberg, Commissioner Watson, Commissioner Banks, Commissioner Broemmer, Chairman Hirsch

Nay: None

The motion passed by a vote of 9 to 0.

- B. **P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC)**: A request for an ordinance amendment to amend the legal description, permitted uses, and development criteria for the 1.063 acre parcel of land, zoned “PC” Planned Commercial District, located at 15310 Conway Road, at the southeast corner of the intersection of Chesterfield Parkway and Conway Road.

Chair Hirsch pointed out that a separate motion would be necessary to provide the requested variance to the open space and it would require six “aye” votes for passage. The main motion to pass the petition requires five “aye” votes.

As requested in the preceding Work Session, Project Planner Jennifer Yackley outlined the amendments to Ordinance 2361 being requested by the Petitioner:

1. **Amend the legal description to include the right-of-way area to the east (the right-of-way area from Chesterfield Parkway) that will be vacated by St. Louis County and acquired by the Petitioner.**

Ms. Yackley stated that Staff has a copy of the Letter of Intent from St. Louis County indicating that the County intends to vacate this portion of the right-of-way to the Petitioner. The Petitioner would then own this piece of property. The Petitioner is asking that the legal description for this Planned Commercial District incorporate the soon-to-be-acquired right-of-way area.

If the legal description is amended, Chair Hirsch asked if a second Public Hearing would be needed for this project. Ms. Yackley replied that the subject legal description was in the Petitioner’s original request and included in the Public Hearing notification. City Attorney Heggie stated that the Petitioner does not actually own the right-of-way property, nor does he have it under contract at this time, which are two requirements the City has in order to rezone property. Chair Hirsch asked whether the additional land was included in the original advertised Public Hearing notices. Ms. Yackley replied that it was.

Ms. Yackley noted that a lengthy process is involved when vacating land – permission must be obtained from all the utility companies that have any easements in the area. The Petitioner has been working diligently on the process and has done all the necessary work in order to present the petition at this time.

2. **Add “Financial Institution” as a permitted use.**

Ms. Yackley stated that there will be two uses on the site – “Office and Office Building” and “Financial Institution”.

3. **Structure setback amendments :**

- ~~Ninety-five (95)~~ **Fifty (50)** feet from the right of way of Conway Road
- ~~Sixty (60) feet from the western property line bearing N 04° 31’39”W~~ **Twenty-five (25) feet from the western property line bearing N 04°31’39”W. In addition to the minimum twenty-five**

**(25) feet, any structure whose height exceeds thirty (30) feet and adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be setback an additional one (1) foot for every two (2) feet in height above thirty (30) feet.**

Ms. Yackley stated that the above amendment, in essence, would require a 50-foot setback from the western property line.

- ~~Twenty (20)~~ **Fifty (50)** feet from the eastern property line.

Chair Hirsch asked why the Petitioner is asking for a larger setback from the eastern property line. Ms. Yackley replied that she thinks the Petitioner is basing it upon the proposed building footprint, which is 50 feet from the eastern property line.

Mayor Nations stated that the Petitioner plans on getting the vacated right-of-way off the street. The building would still be placed in the same place thereby making a pledge to the Commission that even if the vacated right-of-way is obtained, the building will remain in the same place. The Petitioner then indicated his agreement with this statement.

Ms. Yackley pointed out that the following amendment is being requested by Staff to correct a measurement error made by Staff.

- ~~Ninety-five (95)~~ **Eighty-six (86) feet** from the right-of-way of Conway Road.
  - i. **The eighty-six (86) foot structure setback from Conway Road shall be exclusive of canopies.**  
Ms. Yackley stated that Staff has been asked to make exceptions for the canopies. If it was measured with the canopies, as is normally the case, the setback would be 75 feet.
  - ii. **Building canopies on the northern façade of the building shall be seventy-six (76) feet from the right-of-way of Conway Road.**

#### **4. Open Space Requirement**

Staff requests action on the Petitioner's request for a reduction in the open space requirement to 35% vs. the required 45%. A separate two-thirds vote (6) of the Planning Commission would be required for approval.

The proposed Attachment A from Staff was then compared to the requests being made by the Petitioner:

| <b>Staff's Proposed Attachment A</b>                                                                                                                    | <b>Petitioner's Requests</b>                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Permitted Uses – add:</b><br>c. Financial Institution                                                                                                | <b>Permitted Uses – add:</b><br>c. Financial Institution                                                                                                |
| <b>Open Space:</b><br>45% open space                                                                                                                    | <b>Open Space:</b><br>35% open space                                                                                                                    |
| <b>Structure Setbacks:</b><br>86-foot structure setback from Conway<br>60 feet from the western property line<br>20 feet from the eastern property line | <b>Structure Setbacks:</b><br>50-foot structure setback from Conway<br>50 feet from the western property line<br>50 feet from the eastern property line |

Chair Hirsch asked for Staff's position on the requested setbacks. Ms. Yackley replied that Staff recommends the corrected 86-foot structure setback from Conway Road. Staff proposed the 20-foot setback from the eastern property line to give the Petitioner the ability to move the building towards the Parkway in order to be able to meet the 60-foot setback on the western side.

Commissioner Banks asked whether the requested variance to the open space to 35% includes the right-of-way purchase. Ms. Yackley replied that it does. She added that, according to the Petitioner, if the right-of-way property is removed, the open space would be 27%.

Mayor Nations asked for clarification as to where the structure setback from Conway Road was measured – the center of the road, the curb, or the property line? Ms. Yackley replied that the setback was measured from the property line.

Commissioner Perantoni asked if the language in the proposed Attachment A relative to hours of operation is a standard statement for a PC District. Ms. Yackley replied that the hours of operation language was included at the direction of the Planning & Public Works Committee. Chair Hirsch stated that "hours of operation" are to be included in all Attachment A's – even if the hours are noted as "unrestricted".

Commissioner Perantoni expressed concern about leaving the hours of operation as "unrestricted" for the subject petition. Ms. Yackley stated that Staff included "unrestricted" but the Commission has the option of restricting the hours.

Commissioner Schenberg noted that the Petitioner had pointed out that the open space of the adjoining properties is less than the required amount for the subject site. He asked Ms. Yackley if she would comment on the open space for the adjacent properties. Ms. Yackley stated that the adjacent properties are zoned "C8", which was St. Louis County's zoning for a "Planned Commercial" designation. These sites were developed prior to any open space requirements from the City resulting in less than 45% open space. She stated that the adjacent sites range in the 15-20% open space noting that they are zoned differently and

were zoned under different rules. Chair Hirsch pointed out that as new petitions come in, the City is asking Petitioners to conform to the most current performance standards.

**Commissioner Banks made a motion to approve P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC) with the Attachment A as proposed by Staff.** The motion was seconded by Chair Hirsch.

Chair Hirsch called for discussion on the motion or any amendments to the motion.

Commissioner Banks asked the City Attorney if there is any appropriate language that could be included in the Attachment A relative to the issue of the left-turn lanes. He stated he was heartened by Mr. McBride's earlier comments that there was some indication from the County and State that they may agree to a left-turn lane if private funds are available.

City Attorney Heggie stated that there is not any appropriate language that could be added to this particular Attachment A to resolve the problem. He noted that this is an issue that has been at the forefront with the City for some time and the City will continue reviewing the issue. He thanked Ms. Sherman for her earlier comments feeling that they will spur the City on to help try to resolve the situation.

Ms. Yackley added that the Attachment A includes a provision for a traffic study as directed by the City. The Principal Engineer has indicated that because of the concern of the intersection, the City would be seeking a traffic study during the Site Plan review. This study would give the City the opportunity to review the feasibility of a left-turn lane; whether or not stacking is possible; and what changes would need to be made to make the intersection safer.

Commissioner Banks asked whether the Attachment A, along with future Attachment A's for petitions in this area, could include language requiring a future contribution to any fund that is established for the road improvements. Ms. Yackley stated that the Petitioner is required to pay into the St. Louis County Traffic Generation Assessment for this area. Since the Parkway is under the control of St. Louis County, she felt that any improvements made to the Parkway could become a part of the TGA monies.

City Attorney Heggie stated that it would be problematic for the City to require the Petitioner to contribute to a fund that has not yet been established not knowing what the amount would be; what improvements the fund would govern; or whether it was in conflict with the County's TGA.

Ms. Susan Mueller, Principal Engineer, stated that financing is not the only issue about which the City is concerned. A traffic study is of utmost importance in this

case because the City is concerned about the safety of putting in a left-turn lane. There is not a left-turn lane there now because it is considered an unsafe movement given the existing geometrics of the area. A traffic study would help determine the safest recommendations for both vehicular and pedestrian traffic for the entire region.

Chair Hirsch noted that there was a motion on the floor and called for any amendments to the motion.

**Commissioner Perantoni then made a motion to amend the motion by amending the Attachment A to restrict the hours of operation from 7:00 a.m. to 7:00 p.m.** The motion to amend the motion was seconded by Commissioner Geckeler.

Commissioner Banks observed that across the street from the subject site are a restaurant and hotel that have hours much later than 7:00 p.m.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Geckeler, Commissioner Perantoni**

**Nay: Commissioner Banks, Commissioner Broemmer,  
Commissioner Grissom, Commissioner Nolan,  
Commissioner Schenberg, Commissioner Watson,  
Chairman Hirsch**

**The motion failed by a vote of 2 to 7.**

Chair Hirsch then called for the vote on the original motion to approve P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC) with the Attachment A as proposed by Staff.

Ms. Yackley asked for clarification as to whether the motion includes amending the legal description, which would include the right-of-way area. She noted that the legal description is not a part of the Attachment A.

**Commissioner Banks amended his motion to include the legal description.** As seconder of the original motion, Chair Hirsch accepted the amended motion.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Grissom, Commissioner Nolan,  
Commissioner Schenberg, Commissioner Banks,  
Chairman Hirsch

**Nay:** Commissioner Perantoni, Commissioner Watson,  
Commissioner Broemmer, Commissioner Geckeler,

The motion passed by a vote of 5 to 4.

Chair Hirsch asked for a motion pertaining to the Petitioner's request for a variance to the open space.

Commissioner Schenberg made a motion to amend the Attachment A by reducing the open space requirement from 45% to 35%. The motion was seconded by Chair Hirsch.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Schenberg

**Nay:** Commissioner Broemmer, Commissioner Geckeler,  
Commissioner Grissom, Commissioner Nolan,  
Commissioner Perantoni, Commissioner Watson,  
Commissioner Banks, Chairman Hirsch

The motion failed by a vote of 1 to 8.

- C. P.Z. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler): A request for a change of zoning from "NU" Non Urban District to "AG" Agriculture District for a 10.4 acre tract of land located north of North Outer 40 Road approximately 6,600 feet east of the intersection with Boone's Crossing. (part of 17T620041)

Commissioner Broemmer made a motion to approve P.Z. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler). The motion was seconded by Commissioner Grissom.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Nolan, Commissioner Perantoni,  
Commissioner Schenberg, Commissioner Watson,  
Commissioner Banks, Commissioner Broemmer,  
Commissioner Geckeler, Commissioner Grissom,  
Chairman Hirsch

**Nay:** None

The motion passed by a vote of 9 to 0.

- D. P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC):** A request for an ordinance amendment to amend the permitted uses for the 52.819 acre parcel of land, zoned "PI" Planned Industrial District, located south of Olive Street Road, east of Wardenburg. (17W420057, 17W420035, 17W230010, 17W230021).  
Additional permitted use: Warehousing, storage, or wholesaling of manufactured commodities, ~~live animals, explosives, or flammable gases and liquids.~~

Project Planner Justin Wyse stated that the request to add the permitted use of *Warehousing, storage, or wholesaling of manufactured commodities* is included in the second phase of Spirit Valley Business Park. The addition would make the uses between the two developments identical.

During the earlier Public Hearing, two issues were raised:

1. Hours of operation; and
2. Screening of outdoor storage

Regarding "hours of operation", Spirit Valley Business Park Phase II has no restrictions listed in its Attachment A.

Regarding "screening from Olive Street Road", the language included in Spirit Valley Business Park Phase II states:

*Screening of exterior storage of materials and/or equipment along Olive Street Road shall be required as directed by the City of Chesterfield.*

**Commissioner Broemmer made a motion to approve P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC) with the following amendments to the Attachment A:**

**Section I.A.3. "Hours of Operation"**

- a. ~~Retail sales to the public are prohibited between the hours of 2:00 A.M. and 5:00 A.M.~~ Hours of operation are unrestricted.

**Section I.E. "Landscape and Tree Requirements"**

4. Screening of exterior storage of materials and/or equipment along Olive Street Road shall be required as directed by the City of Chesterfield.

The motion was seconded by Commissioner Watson.

Commissioner Schenberg asked if there was a specific reason why the requested use was omitted from the Ordinance. Mr. Wyse replied that the use was not requested by the Petitioner.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Perantoni, Commissioner Schenberg,  
Commissioner Watson, Commissioner Banks,  
Commissioner Broemmer, Commissioner Geckeler,  
Commissioner Grissom, Commissioner Nolan,  
Chairman Hirsch**

**Nay: None**

**The motion passed by a vote of 9 to 0.**

**IX. NEW BUSINESS - None**

**X. COMMITTEE REPORTS -None**

**XI. ADJOURNMENT**

The meeting adjourned at 8:54 p.m.

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Gene Schenberg, Secretary