PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
March 8, 2004

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

I. PRESENT **ABSENT**

Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. B. G. Wardlaw
Chairman Victoria Sherman
City Attorney Doug Beach
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Senior Planner
Mr. Kyle Dubbert, Project Planner
Mr. Michael Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Chairman Sherman

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations; Councilmember Jane Durrell (Ward I); Councilmember Mike Casey (Ward III); Councilmember Connie Fults (Ward IV), and Council Liaison Mary Brown (Ward IV).

IV. PUBLIC HEARINGS: None

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the February 23, 2004 Meeting Minutes, as amended. The motion was seconded by Commissioner Perantoni **and passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT -

1. Mr. Jason Combs, 1910 Pine, St. Louis, MO, speaking in favor of **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing)** and **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing)**;

    - Speaker stated that he was present to answer questions.

2. Mr. Ron Nelson, 1551 Wall Street, St. Charles, MO, speaking in favor of **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing)** and **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing)**;

    - Speaker stated that he was present to answer questions.

3. Ms. Kerry Feld, 10 South Brentwood, Clayton, MO 63105, speaking in favor of **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing)** and **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing)**;

    - Speaker stated that she was present to answer questions concerning the agreement for ownership and usage of the detention pond.

4. Mr. Mick Weber, M. W. Weber Architects, 173 Long Road, Chesterfield, MO 63005, architect and speaking in favor of **P.Z. 42-1999 Tower Center;**

    - Speaker stated that he was present to answer questions.

5. Mr. Mike Seidel, 1267 Somersetfield, Chesterfield, MO 63005, speaking in favor of **P.Z. 42-1999 Tower Center**;

    - Speaker stated that he was present to answer questions.

6. Mr. Terry Dawdy, Dawdy and Associates, 927 Victoria Avenue, Glendale, MO 63122, architect and speaking in favor of **Congregation Kol Am**;

    - Speaker stated that he was present to answer questions concerning the project;
    - Site is 2.7 acres;
    - Proposed site is on the southwest corner of Chesterfield Parkway and Swingley Ridge Road;

- 22,000 square foot temple will be constructed on the site;
- More landscaping will be added to the current landscaping;
- Some parking will be provided on-site and will share parking with the Herman Stemme building in the rear;
- There will be a 2-story classroom area of the building;
- Speaker stated that all rooftop mechanical will be screened and not visible from the street;
- There will be one (1) monument sign;
- There will be a 5-foot sidewalk along Chesterfield Parkway.

7. Rabbi Holly Cohn, 14455 Clayton Road, Ballwin, MO 63011, Rabbi of Congregation Kol Am and speaking in favor of **Congregation Kol Am**;

    - Speaker stated that the facility would be used all week, during days and evenings.

8. Mr. Jeffrey Solomon, Chairman of the Kol Am Congregation Building Committee, 1882 Seven Pines Drive, St. Louis, MO, speaking in favor of **Congregation Kol Am**;

    - Speaker stated that he was present to answer questions.

9. Ms. Carol Solomon, Acting President of Congregation Kol Am, speaking in favor of **Congregation Kol Am**;

    - Speaker stated that she was present to answer questions.

10. Mr. Steven Rush, 12221 Big Bend, St. Louis, MO, engineer and speaking in favor of **Congregation Kol Am**;

    - Speaker stated that he was present to answer questions.

11. Mr. Doug Littlefield, 361 Palomino Hill Court, Chesterfield, MO, President and Trustee of the Estates at Baxter Pointe Homeowners Association and Subdivision, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;

    - Speaker presented a letter that he had sent to the City, dated February 27, 2004;
    - Speaker stated that this site is not good for a Commercial Service Procedure (CSP);
    - Speaker stated that too many parking spaces are being requested.

12. Ms. Jane Hopson, 5 Appaloosa Court, Chesterfield, MO, speaking in opposition to **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;

    - Speaker stated that the site does not meet the legal qualifications for a Commercial Service Procedure (CSP);
    - Speaker stated that the home on this site is better suited for residential;
    - Speaker stated that the dental practice would adversely affect the characteristic of the surrounding neighborhood;
    - Speaker stated that she does not want Wild Horse Creek Road to become like Olive Boulevard with many CSP's.

13. Mr. Joe Demko, 5840 Oakland Avenue, St. Louis, MO, attorney for and speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;

    - Speaker stated that the language for a CSP does not require that the home is not suitable for residential use but that the residence itself may no longer be totally appropriate for residential use;
    - Speaker stated that this residence may be better utilized as an orthodontic practice and be a better benefit to the community;
    - Speaker stated that, with a 2-3 day use, the traffic is almost identical to a residence;
    - Speaker stated that Wild Horse Creek Road is included in the CSP language, along with Olive Boulevard;
    - Speaker presented a petition with over 200 signatures in favor of this CSP;
    - Speaker stated that the petitioner is willing to decrease the number of parking spaces and increase the landscaping buffer.

14. Mr. Robert Acree, Acree Design, Inc., 2101 Locust, St. Louis, MO, architect and speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;

    - Speaker presented a hand-out to the Commission showing the proposed revised parking (12 total parking spaces) and the proposed landscaping buffer layout;
    - Speaker presented a traffic analysis for the clinic.

15. Ms. Kate Wilson, 17266 Jeffreys Crossing Lane, Chesterfield, MO, speaking in favor of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**;

    - Speaker stated that she is in favor of this petition because she likes that this type of service stays in the community.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **Chesterfield Commons 6 Record Plat:** A Record Plat for a 19.422 acre tract of land zoned "C-8" Planned Commercial District located south of U.S. Highway 40-61, north of Chesterfield Airport Road, west of Boone's Crossing, east of Long Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Chesterfield Commons 6**. The motion was seconded by Commissioner Layton **and passes by a voice vote of 9 to 0.**

B. **Plaza at Boones Crossing:** Amended Site Development Plan for three U.S. Mail drop boxes, a FedEx drop box, a UPS drop box and an ATM facility as part of the Plaza at Boones Crossing/Chesterfield Commons Village development, zoned "C-8" Planned Commercial District located North of Chesterfield Airport Road and east of Boones Crossing.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Plan for **Plaza at Boone's Crossing**. The motion was seconded by Commissioner Hirsch **and passes by a voice vote of 9 to 0.**

C. **Chesterfield Commons North**: Amended Site Development Plan for three U.S. Mail drop boxes, a FedEx drop box, a UPS drop box and an ATM facility as part of the Plaza at Boones Crossing/Chesterfield Commons Village development, zoned "C-8" Planned Commercial District located North of Chesterfield Airport Road and east of Boones Crossing.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Plan for **Chesterfield Commons North**. The motion was seconded by Commissioner Banks **and passes by a voice vote of 9 to 0.**

D. **Delmar Gardens:** As required per governing Ordinance 1806, submitted for review by the city of Chesterfield Planning Department is a light plan for the Delmar Gardens Development.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Light Plan for **Delmar Gardens**. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 9 to 0.**

F. **Congregation Kol Am**: Site Development Section Plan, Architectural Elevations and Landscape Plan for religious institution in a "C-8" Planned Commercial District located at the intersection of Chesterfield Parkway East and Swingley Ridge Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Congregation Kol Am**. The motion was seconded by Commissioner Banks **and passes by a voice vote of 9 to 0.**

Commissioner Macaluso made a motion to suspend the three (3) minute rule and allow the petitioners for **Westfield Shoppingtown Chesterfield** to speak longer then three (3) minutes at the end of 'Old Business.' The motion was seconded by Commissioner Hirsch **and passes by a voice vote of 9 to 0.**

VIII. OLD BUSINESS –

A. **P.Z. 42-1999 Tower Center:** On October 2, 2000 a 2.296 acre tract of land located on Long Road, 1,000 feet south of Chesterfield Airport Road was rezoned from M-3 to P.C. The petitioner failed to comply with the time limits specified in Ordinance 1677 for submittal of the site development plan. As such, approval for the preliminary plan/site development concept plan has expired and a new public hearing is required for said preliminary plan.

Project Planner Kyle Dubbert gave an overview of **P.Z. 42-1999 Tower Center**. Mr. Dubbert stated differences in this plan and the previous plan are that the square footage of the building is approximately 2,000 square feet less then previously and the structure will be L-shaped and not box-shaped.

Commissioner Macaluso made a motion to approve **P.Z. 42-1999 Tower Center**. The motion was seconded by Commissioner Perantoni.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Hirsch, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion passes by a vote of 9 to 0.

B. **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing):** A request for a rezoning from "NU" Non-Urban District to "R-3" 10,000 square foot Residence District for 7.8 acre tract of land located on the north side of Olive Boulevard, east of Spyglass Summit Drive. (Locator Numbers 16R33-0453, 16R32-0232, 16R32-0195, 16R32-0130, 16R32-0938, 16R31-0837).

and

C. **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing):** a request for a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District for a 7.8 acre tract of land located on the north side of Olive Boulevard, east of Spyglass Summit Drive. (Locator Numbers 16R33-0453, 16R32-0232, 16R32-0195, 16R32-0130, 16R32-0938, 16R31-0837).

Project Planner Christine Smith Ross gave an overview of **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing)** and **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing)** and asked the Commission if they had additional issues to be reviewed and addressed.

Ms. Smith Ross stated that the final Landscape Plan has not yet been proposed but a buffer will be required along Olive Boulevard. Ms. Smith Ross stated that the buffer would probably be between 25 feet to 40 feet.

Commissioner Hirsch stated that he would like to see a transparent overlay with the development and the Tree Stand Delineation.

Commissioner Macaluso stated that she would like to see Attorney Stephen Kling's agreement between the two (2) parties, the traffic study, and the agreement for the fountain and the replacement between the two (2) parties. Commissioner Macaluso stated that these would be part of Attachment A.

Commissioner Perantoni stated that the entry way is 201 feet from Stablestone Drive but expressed concern with the future condition of Knollwood Drive and the proximity to the new curb cut.

Chairman Sherman stated that **P.Z. 32-2003 Greater Missouri Builders (Chesterfield Crossing)** and **P.Z. 33-2003 Greater Missouri Builders (Chesterfield Crossing)** would be held until all issues are reviewed and addressed.

D. **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**: a request for a Commercial Service Procedure within an "NU" Non-Urban District for 1.194 acre tract of land located north of Wild Horse Creek Road, east of Appaloosa Way, and west of Wildhorse Elementary (Locator Number: 18T 51 0075).

Project Planner Michael Hurlbert gave an overview of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**. Mr. Hurlbert stated that the permitted use for this building is 'medical use' and a public hearing would need to be held to amend the ordinance to allow other uses.

City Attorney Doug Beach stated that in the future the ordinance would need to be amended if the hours of operation and number of days allowed would be changed.

Chairman Sherman made a motion to approve **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)** with the following conditions: 1. No parking in the front of the building; 2. Maximum number of parking spaces would be ten (10); 3. Landscaping would be along the drive; and 4. Rear parking lot setback would be 165 feet from the rear property line. The motion was seconded by Commissioner Perantoni.

Commissioner Wardlaw stated that he is not convinced that the subject site is no longer viable for residential use and therefore cannot support the motion.

Commissioner Hirsch stated that he does not believe that the criteria have been met and he cannot support the motion.

Commissioner Layton stated there is another house close to this that is not listed by a real estate company yet but has a potential buyer and one waiting in case the financing falls through.

Commissioner Perantoni stated that the subject house had been on the market for the fall and the price progressively went down until purchased by the petitioner. Commissioner Perantoni questioned whether the subject house would sell for the asking price due to the location.

Commissioner Macaluso stated that the subject house is located near an elementary school, detention pond, the Jewish Community Center, day care center, and commercial being built at the corner of Baxter Road and Wild Horse Creek Road. Commissioner Macaluso stated that this petition meets the guidelines of the Commercial Service Procedure (CSP) and it is not the role of the Commission to decide if this should be residential or a CSP.

Commissioner Perantoni stated that she is an activist to save buildings and she likes a variety of buildings and that this CSP use may be the best way to guarantee that this building will be saved.

Commissioner Macaluso stated that Attachment A does require the petitioner to rezone this site residential.
Commissioner Broemmer stated that he is not convinced that the subject house could not be used as a residence and cannot support the motion.

Upon a roll call the vote was as follows: Commissioner Broemmer, no; Commissioner Hirsch, no; Commissioner Layton, no; Commissioner Macaluso, yes; Commissioner O'Connor, no; Commissioner Perantoni, yes; Commissioner Wardlaw, no; Commissioner Banks, yes; Chairman Sherman, yes.

The motion to approve fails by a vote of 4 to 5.

E. **Westfield Shoppingtown Chesterfield**: Amended Final Development Section Plan Phase III, Architectural Elevations and Landscape Plan for a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Mr. Jim Agliata, Vice President of Development for Westfield Corporation, 500 Northwest Plaza, St. Louis, MO, Mr. Keith Ray, Westfield Corporation, 11601 Wilshire Boulevard, Los Angeles, CA, and Mr. Jason Combs, 1910 Pine, St. Louis, MO, stated the following:

- The old J.C. Penney store will house AMC movie theatres;
- Westfield Corporation wants to have a 'lifestyle' wing which is 3-stories with a food court on the lower level, the second level would have restaurants and lifestyle-type tenants in courtyard-like settings, and the theatres would be located on the top level;
- Elevations on the outside of the building would have character and different scale elements;
- There will be a drop-off zone by the front of the project;
- There will be access from the parking area to go either to the theatres or shopping;
- Petitioners will return with a sign package.

Commissioner Banks expressed concern with the parking lot by Penney's and possibly realigning part of the parking lot parallel to the main building or possibly an access road from the peripheral road to the other peripheral road.

Mr. Agliata stated that it is better to have mall parking lots the current way so that the pedestrian walks down the aisle towards the entryway.

Mr. Ray stated that directional signs would be placed around the parking lot.

Commissioner Macaluso expressed concern with traffic backing up on Clarkson Road.
Mr. Ray stated that, if necessary, there could be a dedicated left turn lane added to the through lane into the shopping center.

Mr. Ray stated that the old movie theatre in the back will be torn down and grass planted.

Mr. Agliata stated that they would be working with Staff because there will be exterior signage for the theatre since there is not an exterior entrance to the theatre. Mr. Agliata stated that there would not be a marquee for the theatre advertising which movies were playing.

Commissioner Wardlaw expressed concern with the traffic in this area, especially during the holiday season.

Mayor Nations stated that he has been having discussions with Westfield Shoppingtown, Drury Corporation and Sachs Properties regarding safe pedestrian opportunities in this area.

Commissioner Broemmer made a motion to approve the Amended Final Development Section Plan Phase III, Architectural Elevations and Landscape Plan for **Westfield Shoppingtown Chesterfield** with the exception of the parking lot layout and pedestrian circulation which will have approval later. The motion was seconded by Commissioner Layton. (The Sign Package will be submitted later for approval.)

Commissioner Macaluso made an amendment to the motion that the proposed site adhere to the City's new lighting standards and light plan. The amendment to the motion was accepted by Commissioner Broemmer and Commissioner Layton.

The amended motion **passes by a voice vote of 9 to 0.**

IX. NEW BUSINESS –

X. COMMITTEE REPORTS:

A. Committee of the Whole
B. Ordinance Review Committee

Committee Chairman Layton stated that there will be a Public Hearing on March 22, 2004 to establish new criteria for the Commercial Service Procedure (CSP) and also rename the procedure to Residential Service Area (RSA).

C. Architectural Review Committee
D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee

Chairman Sherman stated that the proposed policy for meeting on developments had been changed in Work Session. The proposal now reads:

- *The Director of Planning **or his/her designee** shall attend these meetings with the Planning Commission member.*

- *The results of all meetings on developments held by the individual of the Planning Commission shall be reported to the full Commission at the next regularly scheduled Work Session of the Planning Commission by the Planning Commission member.*

Chairman Sherman made a motion to accept this new policy as stated above. The motion was seconded by Commissioner Banks.

General discussion followed concerning what is the definition of 'meeting' and the need for such a policy.

Upon a roll call the vote was as follows: Commissioner Hirsch, yes; Commissioner Layton, yes Commissioner Macaluso, no; Commissioner O'Connor, no; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Commissioner Broemmer, yes; Chairman Sherman, yes.

The motion passes by a vote of 7 to 2.

G. Landmarks Preservation Commission

Commissioner Layton left the meeting at 8:55 p.m. and returned at 8:58 p.m.

Chairman Sherman stated that a change was made to **P.Z. 36-2003 City of Chesterfield (Off-Street Parking for Display Homes)** by Planning and Zoning Committee requiring two (2) parking spaces instead of four (4).

Councilmember Mary Brown gave an overview to the Commission concerning changes that were made on the **Shenandoah Ordinance Amendment** by the Planning and Zoning Committee which included one (1) less residence, minimize the grade of the driveways and one (1) curb cut to be shared for two (2) of the new homes and one (1) curb cut to be shared for a new home and the existing home.

The meeting unanimously adjourned at 9:07 p.m.

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B. G. Wardlaw, Secretary