

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 23, 2009**

The meeting was called to order at 7:01 p.m.

I. ROLL CALL

PRESENT

ABSENT

Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

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

- A. **P.Z. 17-2007 City of Chesterfield (Industrial and Commercial Districts and Uses)**: An ordinance repealing Section 1003.140 "PC" Planned Commercial District and Section 1003.150 "PI" Planned Industrial District of the City of Chesterfield Zoning Ordinance and creating new sections "PC" Planned Commercial District and Section 1003.150 "PI" Planned Industrial District. Additionally, the ordinance creates Section 1003.141 "NB" Neighborhood Business District, Section 1003.142 "UC" Urban Core District, and Section 1003.151 "LI" Light Industrial District within the City of Chesterfield.

STAFF PRESENTATION:

Project Planner Justin Wyse gave a PowerPoint presentation and stated that all State and local Public Hearing notification requirements were completed.

At the June 12, 2007 Planning and Zoning Committee meeting, Staff was directed to work with the Ordinance Review Committee:

- To review the conflicting development standards within the Planned Commercial and Planned Industrial Districts; and
- To review the uses with the Commercial and Industrial District to make the terms more specific.

Based on this review, the Ordinance Review Committee recommends the following five primary changes:

1. Updated development standards in the PC and PI Districts;
2. Updated list of commercial and industrial uses within the zoning ordinance;
3. Creation of a Light Industrial (LI) District;
4. Creation of a Neighborhood Business (NB) District;
5. Creation of an Urban Core (UC) District;

In reviewing the PC and PI District Development Standards, there are two primary issues which stand out:

1. The PI District contains fewer and less restrictive standards than the PC District. Because of the fairly substantial overlap between some of the uses that are available, it provides Developers an incentive to seek PI classification as opposed to PC.
2. The PC District has various standards that are inconsistent, and sometimes confusing, which are based on the location and the use within the development.

The following table reflects some of the inconsistencies between the current standards of the Planned Commercial designations, as well as the Planned Industrial standards:

CURRENT STANDARDS

Development Standard	PC - Office	PC – Office Valley	PC - Retail	PI
Max. Building Height	70 ft.	None	2 stories	None
Max. Lot Coverage	F.A.R. of 0.55	None	Footprint shall not exceed 25% of site	None
Min. Lot Area	1 acre or more if adjacent to residential	None	1 acre or more if adjacent to residential	None
Parking	4.0 / 1,000 s.f.	Adhere to Zoning Ordinance	5.0 / 1,000 s.f.	Adhere to Zoning Ordinance
Open Space	45%	30%	40% (45% if adjacent to residential)	None
Setbacks	50 ft. from ROW, building setback = or > building height	25 ft. if adjacent to NU, PS, or R	50 ft. from ROW and 25 ft. if adjacent to NU, PS, or R	25 ft. if adjacent to NU, PS, or R

After reviewing the standards that currently exist, the Ordinance Review Committee recommends two primary changes:

1. The addition of Performance Standards into the Planned Industrial District; and
2. Create one set of Performance Standards for the Planned Commercial District

The following table outlines the above recommendations:

PROPOSED STANDARDS

Development Standard	PC District	PI District
Max. Building Height	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance
F.A.R.	0.55	0.55
Min. Lot Area	None	None
Parking Standard	Per Section 1003.165	Per Section 1003.165
Open Space	35%	35%
Setbacks	35 ft from R or P/S on Land Use Map; others identified in governing ordinance	35 ft. from R or P/S on Land Use Map; others identified in governing ordinance

The Committee also reviewed the Commercial and Industrial Uses that are currently provided in the Planned Commercial and Planned Industrial Districts. Currently, the PC District identifies **58** uses; and the PI District identifies **81** uses.

In reviewing these uses, the Committee identified the very general uses and proposes replacing them with more specific uses. This results in a proposal of **112** uses (+5 uses in the Valley) in the PC District; and **120** uses in the PI District.

Following is an example comparing the Current Use to the Proposed Use:

Example #1: Hotel / Motel

Current Use	Proposed Uses
Hotel and motel	Hotel and motel Hotel and motel, extended stay

Example #2: Grocery Store

Current Use	Proposed Uses
Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises	Grocery – community Grocery – neighborhood Grocery – supercenter

A list of definitions has been provided for each use to provide clarity for the City, developers and citizens so there is a better understanding of what to expect during the rezoning process.

Light Industrial District

City Council had asked for a review as to whether some light industrial uses could be allowed in Planned Commercial Districts that are located in the Valley. The Ordinance Review Committee is recommending the following six “light industrial” uses to be included in PC Districts that are located in the Valley:

1. Education facility – vocational school, outdoor training
2. Laboratory – professional, scientific
3. Mail order sale warehouse
4. Manufacturing, fabrication, assembly, processing, or packaging
5. Self storage facility
6. Warehouse, general

A straight zoning district is being proposed to help foster the Light Industrial (LI) District. The purpose of this district would be to allow for a straight zoning process where **no preliminary plan** is required. With this process, the Developer **cannot negotiate** the standards or uses. It was noted that the development

criteria is **much** more restrictive than that of the Planned Industrial District. Some of the restrictions in the Light Industrial District include:

- Drive-thru windows **prohibited**
- Outdoor storage must be **fully screened** and shown on the Site Plan
- All principal uses shall be conducted **within a fully enclosed building**

The Light Industrial District identifies 25 Permitted, 4 Accessory, and 3 Conditional Uses.

The following chart compares the Development Standards of the Planned Industrial District to the Light Industrial District.

Development Standard	PI District	LI District
Max Building Height	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance	35 ft.
F.A.R.	0.55	0.40
Min. Lot Area	None	45,000 s.f.
Parking Standard	Per Section 1003.165	Per Section 1003.165
Open Space	35%	35%
Setbacks	35 ft. from R or P/S on Land Use Map; others identified in governing ordinance	Front, side, & rear: 30 ft and 50 ft. from R or P/S on Land Use Map

Neighborhood Business (NB) District

The purpose of the Neighborhood Business District allows development through a **straight zoning** process with **no preliminary plan** required. The Developer **cannot negotiate** standards or uses, and the development criteria are **much** more restrictive than that of the Planned Commercial District. Some of the restrictions in the proposed Neighborhood Business District include:

- Outdoor storage **prohibited**
- Drive-thru windows **prohibited**
- Maximum gross floor area of **4,000 s.f.** per each business establishment

The Neighborhood Business District identifies 39 Permitted, 4 Accessory, and 3 Conditional Uses.

The following chart compares the Development Standards of the Planned Commercial District to the Neighborhood Business District:

Development Standard	PC District	NB District
Max Building Height	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance	30 ft.
F.A.R.	0.55	0.35
Min. Lot Area	None	15,000 s.f.
Parking Standard	Per Section 1003.165	Per Section 1003.165
Open Space	35%	40%
Setbacks	35 ft. from R or P/S on Land Use Map; others identified in governing ordinance	Front, side, & rear: 30 ft and 35 ft. from R or P/S on Land Use Map

Urban Core (UC) District

In reviewing the Planned Commercial District and the Planned Industrial District for consistency with the Comprehensive Plan, it was noted that the Planned Commercial District may not be providing an adequate tool to develop in accordance with the vision of the Comprehensive Plan. Therefore, the Urban Core District is being proposed.

The Urban Core District is a planned district that utilizes the same process and procedure as the current Planned Commercial and Planned Industrial Districts. The Comprehensive Plan notes that the Urban Core should contain the **highest density** of mixed-use development in Chesterfield.

Current Issues with the Planned Commercial Districts:

1. *No mechanism for mixed use throughout the Urban Core* - To address this issue, the Urban Core District:
 - Allows for **all uses in the Planned Commercial District**, except adult uses;
 - Allows for the inclusion of residential uses **in combination** with commercial;
 - Does **not** permit residential only development
2. *Planned Commercial development standards are not flexible enough and requires Developers to seek modifications to the standards* – The following chart addresses this issue by showing how the development standards for the UC District have been modified compared to the PC District:

Development Standards	PC District	UC District
Max Building Height	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance	Section 1003.161, "Air Navigation Space Regulations" or per governing ordinance
F.A.R.	0.55	Per governing ordinance
Min. Lot Area	None	None
Parking Standard	Per Section 1003.165	Per governing ordinance
Open Space	35%	30%
Setbacks	35 ft. from R or P/S on Land Use Map; others identified in governing ordinance	35 ft. from boundary of UC District

Open Issues for which Staff is requesting clarification:

1. Light Industrial District: Five Light Industrial Districts, which were included in the Planned Commercial District, were inadvertently taken out of the LI District. Staff is recommending that the following uses be put back in the LI District:
 - Education facility - vocational school, outdoor training
 - Laboratory - professional, scientific
 - Manufacturing, fabrication, assembly, processing, or packing
 - Self storage facility
 - Warehouse, general (included in LI)
2. Neighborhood Business District: Staff needs clarification on the "Minimum Lot Size". At the last Ordinance Review Committee Meeting, discussion was held about the minimum lot size ranging from 15,000 to 22, 000 square feet.
3. Urban Core District: Staff needs clarification on the open space requirement. The open space requirement of 30% has been added into the Urban Core District to address some of the concerns raised at the last Ordinance Review Committee Meeting where it was stated the open space would be "per the governing ordinance".

Chair Hirsch commended Mr. Wyse on his presentation and thanked Staff for their work on this project. City Attorney Heggie also complimented the Staff and the Ordinance Review Committee for their "excellent work on what is a very complicated project".

DISCUSSION

Commissioner Geckeler asked whether the Clarkson-Wilson Centre would qualify as a Neighborhood Business District. Ms. Aimee Nassif, Planning & Development Services Director, stated that the Clarkson-Wilson Centre would

not fit under the NB District because it is too large. It does not meet the open space requirements and the St. Louis County office building may exceed the maximum gross floor area of 4,000 sq. ft.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

All Districts:

1. Clarify “floor to area ratio”. Does this include second stories and walk-out basements?
2. Insure that there are no conflicts with existing ordinances and definitions.
3. Regarding “*Required Materials*” for phased developments in PC, PI, and UC Districts, can information be shown on a plan, or shown schematically, instead of just on a table? Ms. Nassif replied that not all information can be included in a plan because the information may only be conceptual and unable to be depicted graphically.
4. Deliveries – Address the times that deliveries can be made relative to operating hours.

Planned Commercial District:

1. Re-word items B. C. and D. under “*Section 3: General Requirements*”.
2. Review use 7.A.(65) “*Local public utility facility – over 60 feet in height*”. Clarify in the definition that this is not to be considered a telecommunication structure.

Neighborhood Business District:

1. Review “hours of operation of 6:00 a.m. to 11:00 p.m.” on “lots less than one acre with a common property line with a residential district”. Review the hours of operation in terms of code enforcement - does a 6:00 a.m. opening mean the doors are open that early to customers; can a delivery truck arrive at 5:30 a.m.?

Urban Core District:

1. Re-word items B. C. and D. under “*Section 3: General Requirements*”.
2. Is there a minimum size requirement? Mr. Wyse replied that at this time there is no minimum size requirement. The intent is to allow the smaller property owners to seek a mix of use. Ms. Nassif clarified that the PC&R District was called out for approximately 100 acres of land owned by one developer. The Urban Core is an area of over several hundred acres owned by many different property owners. The Comprehensive Plan calls for the Urban Core District to be the highest density with the highest mix of uses – not necessarily a mix of residential and commercial. To accommodate this vision, the Urban Core District is being proposed.

Definitions:

1. Animal Slaughtering Facility – Should this use be eliminated in the PI District? Is the definition restrictive enough? Concern about odor issue.
2. Cemetery – Add “**urn garden**”.
3. Dry Cleaning Plant – Review the last part of the definition.
4. Hospice – Re-define as “Residential and care facility for the terminally ill of a **physician**, hospital or nursing home and operated in conjunction therewith.”
5. Race Track – Define the kinds of animals in order to exclude dog race tracks.
6. Rendering Facility – Concern about odor issue.
7. Specified Sexual Activity – Correct spelling error within the definition.

Straight Zoning:

Councilmember Hurt asked whether the straight zoning process for the LI and NB Districts would eliminate the Public Hearing process. It was noted that the Public Hearing process would still be required but there would not be a negotiated Attachment A under straight zoning.

Councilmember Hurt expressed concern about straight zoning for the NB District because of residents’ concerns about businesses near residential areas. Ms. Nassif stated that the chapter of the Comprehensive Plan relative to the Highway 141 area is currently being updated. MoDOT’s plans for the 141 extension show it running through several existing residential parcels. These parcels will have to be re-designated to something other than “residential”. It is felt that they should not be designated “commercial” because of their proximity to residential neighborhoods. The proposed Neighborhood Business District would only be allowed in those areas on the Land Use Plan that are designated as “neighborhood business areas”. There are only two areas that would be affected and are in connection with the Highway 141 improvement areas near Woods Mill Road and Ladue Road.

Mr. Mike Geisel, Director of Planning & Public Works stated that the Planning & Public Works Committee wanted to address the issue of neighborhood business opportunities. The criteria to qualify for the straight zoning should be so restrictive that it would be more than what would normally be able to be negotiated through a Planned District. What a developer may be able to gain in the time-savings and ease of process should be more than offset by the restrictive conditions, the limited application, and the size limitations of this type of zoning.

Because of the number of issues raised, Commissioner Banks recommended that the Neighborhood Business, the Urban Core, and the Light Industrial Districts be referred back to the Ordinance Review Committee. It was the consensus of the Commission to refer these three Districts back to the Ordinance Review Committee. It was further clarified by City Attorney Heggie that after review by the Ordinance Review Committee, the Committee’s recommendations on the three Districts would be brought before the Commission for an Issues Meeting without the need for a second public hearing.

- B. P.Z. 01-2009 West County YMCA (Young Men's Christian Association of Greater St. Louis):** A request for an amendment to City of Chesterfield Ordinance 1496 to modify the building and parking setbacks of a 9.00 acre parcel located on the south side of Burkhardt Place and west of the Chesterfield Parkway and Burkhardt Place intersection. (18T340146 and 18T340157)

STAFF PRESENTATION:

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

- The Public Hearing notification was posted according to State statute and City requirements.
- The subject site is located in the Urban Core and the Residential Multi-Family Land Use designations of the Comprehensive Plan.
- There is an existing agreement requiring a dedication of additional right-of-way to the City to help facilitate the construction of the park road.
- The request is to have a zero setback due to the location of future parking.

Chair Hirsch noted that the YMCA is presenting this petition at the City's request.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - The petition is being requested due to the road dedication and property exchange agreement that was entered into by the City, a Sachs subsidiary, the YMCA, and the Library District in July 2008.
 - The obligations of the Sachs subsidiary and the YMCA are not effective until two contingencies are satisfied. One contingency has already been satisfied. The second contingency is the reduction in the setback.
 - With the City's action in reducing the setback, the remaining contingency in the agreement will be satisfied and the agreement becomes fully effective as to all parties.
 - At the time the Agreement was entered into, there was a conceptual plan for the location of the parking structure. At this time, the Y is not in a position to construct the parking structure but ultimately, it will be built.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES: None

Commissioner Watson read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the February 9, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Nolan and passed by a voice vote of 8 to 0 with 1 abstention from Chair Hirsch.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Towne Centre, Lots 4 & 5:** Parking Reduction for a 9.07 and a 1.99 acre tract of land, zoned "PC" Planned Commercial District located on the west side of Long Road, south of Edison Road.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Parking Reduction for Towne Centre, Lots 4 & 5. The motion was seconded by Commissioner Proctor and passed by a voice vote of 7 to 2 with Commissioners Banks and Perantoni voting "no".

VIII. OLD BUSINESS

- A. P.Z. 23-2008 Boyde Estates (JDL Homes, Inc.):** A request for a change of zoning from "NU" Non-Urban District to "R2" Residential District for a 1.01 acre tract of land located 1/10 mile southwest of the intersection of Schoettler Road and Highcroft Drive (19S631132).

Ms. Mara Perry, Senior Planner stated the Public Hearing for this petition was held on February 9, 2009. At that time, issues were identified and addressed. Staff has no outstanding issues on this straight zoning request.

Commissioner Watson made a motion to approve P.Z. 23-2008 Boyde Estates (JDL Homes, Inc.). The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

**Aye: Commissioner Grissom, Commissioner Nolan,
Commissioner Perantoni, Commissioner Proctor,
Commissioner Puyear, Commissioner Watson,
Commissioner Banks, Commissioner Geckeler,
Chairman Hirsch**

Nay: None

The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Comprehensive Land Use Plan Committee

Next meeting is scheduled for Feb 25th, 4:00 p.m.

XI. NEXT MEETING DATE – Thursday, March 5th, 7:00 p.m.

Due to the short agenda for the March 5th meeting, it was the consensus of the Commission to not have a Site Plan Committee or Work Session prior to the 7:00 p.m. Planning Commission Meeting.

XI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Michael Watson, Secretary