PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
February 23, 1998

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

PRESENT
Mr. Dave Dalton
Mr. Michael Casey
Mr. Charles Eifler
Mr. Robert Grant
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Mr. Allen Yaffe
Mr. Rick Bly, Chairman
Mr. Douglas R. Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa J. Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Patricia Detch, Planner II
Ms. Angela McCormick, Planner I
Ms. Sharon Rhodes, Administrative Secretary

ABSENT
Mr. Fred Broemmer

INVOCATION: Commissioner Michael Casey

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS: None

APPROVAL OF MINUTES:

A motion to approve the minutes of February 9, 1998, was made by Commissioner Casey, seconded by Commissioner Grant, and approved by a vote of 8 to 0.

PUBLIC COMMENTS:

1. Mr. Marvin Gibbs, Chairman and CEO of Lion's Choice, 12015 Manchester Road, Des Peres, MO 63131, spoke in favor of P.Z. 2-98. He noted the following:

   - he views Lion's Choice as an upscale fast food restaurant. Although the lot is small, (8/10 of an acre), they have smaller restaurants in O'Fallon and Ballwin which are successful.

- the issue was brought up regarding cutting off the Taco Bell access, (as John Yaakub stated) which would give them more flexibility and allow them to make changes to meet approval.

2. Mr. Doug Shatto, of Crawford Bunte Brammeier, 1830 Craig Park Court, St. Louis, MO 63149, spoke regarding P.Z. 2-98:

   - he prepared the traffic study for Lion's Choice. The change in access would not impact the traffic study that was performed. If cross access was cut off, the only result would be additional traffic that would come up and make a right turn at Chesterfield Parkway and a right turn into Lion's Choice site, which would not have impact on their findings. Conclusions from the previous report, which were based on the original site plan, would still be valid.

   - he questioned the need for removing the cross access, which would impact Taco Bell because 40% of the traffic travels to and from Chesterfield Parkway via that cross access (or 2 cars per minutes would be going through Lion's Choice parking lot to and from Taco Bell during the lunch period).

   - he did not consider there to be a problem in terms of inter-mingling traffic with pedestrians, and compared this to Hilltown Shopping Center with Blockbuster Video pedestrians who walk across drive aisle.

COMMENTS/DISCUSSION

- Commissioner Dave Dalton questioned the comparison of one car per 30 seconds, and Mr. Shatto responded that reference was to the existing Taco Bell and that is the amount of traffic that is currently using the rear access onto Chesterfield Parkway. They agreed it would be more congested with two restaurants. Commissioner Dalton stated he did a study that showed that although one lane would allow adequate capacity, ideally you might have two outbound lanes for that volume of traffic for a commercial curb cut.

- Councilmember Mary Brown asked if access was closed off, would it be more of a detriment to Taco Bell than Lions' Choice.

- Mr. Shatto believed Lion's Choice would not be heavily impacted, but Taco Bell's access would be restricted. He stated that 2 traffic studies were done for Taco Bell when the original zoning was made, but he was not involved.

- Commissioner Dalton questioned Exhibits showing traffic exiting Taco Bell and Lion's Choice.

- Mr. Shatto explained that Exhibit 1 shows existing traffic from Taco Bell at the present, Exhibit 2 represents projected Lion's Choice traffic, and Exhibit 3 is the total of both.

3. Mr. John Yaakub, 8000 Maryland, Clayton, MO 63105, expressed appreciation to City staff for working with them on plan. He feels that whether or not the cross access to Taco Bell is closed, the request is to get actual use for the lot and zoning approved. He stated that they could make the site work for Lion's Choice.

4. Ms. Jade Bute, 1510 Walpole Drive, Chesterfield, MO 63017, stated she feels inappropriate development on Chesterfield Parkway would create a traffic problem with Taco Bell and Lion's Choice having shared access at a congested intersection. She believes this space could be better used for some type of office building.

COMMENTS/DISCUSSION

Commissioner Dalton questioned if restaurants fall within the Urban Core Study.

Commissioner Brown believed a more upscale restaurant might be appropriate, but the lot size would be too small for this type of restaurant.

NEW BUSINESS:

A. **P.Z. 2-98 Red Lion Beef Corp., dba (Lion's Choice)**; an amendment to an existing "C-8" Planned Commercial District established by City of Chesterfield Ordinance Number 1148 [P.Z. 36-95 Leo B. Pelligreen Jr. and Marilyn A. Henske (Sooner Investment Group)] and a change in zoning designation from "C-8" Planned Commercial District to "PC" Planned Commercial District; south side of Olive Boulevard, approximately two hundred (200) feet west of Chesterfield Parkway North, and on the west side of Chesterfield Parkway North, approximately one hundred and eighty (180) feet south of Olive Boulevard.

Planner II Pat Detch summarized the report stating that it is a request for a fast food restaurant. The current governing ordinance for the site includes both the Taco Bell site as well as the proposed site for Lion's Choice. The ordinance requires a Public Hearing to establish use on Tracts B and C. The "C-8" District is being phased out per the revisions to the Zoning Ordinance adopted in November, 1997, which results in the request to rezone the site from "C-8" Planned Commercial District to "PC" Planned Commercial District. Issues to be voted on are:

- Tracts B and C (Lion's Choice), whether a fast food restaurant is appropriate.

- Vote is also on rezoning of this site from "C-8" to "PC".

Lion's Choice has petitioned to locate on this site. Staff recommends approval with revisions to Attachment A to eliminate the access between Tract A and Tracts B and C, between Taco Bell and Lion's Choice site.

COMMENTS/DISCUSSION

Commissioner Dalton questioned how many restaurants were going to be on Sites A, B and C when the original site was approved.

- Planner II Pat Detch stated that was never determined.

Commissioner Layton asked if a change in zoning requires 6 votes.

City Attorney Beach stated it is not a change in zoning but an amendment for the use, which does not require 6 votes. Mr. Beach stated the second vote will be for a change in zoning.

Commissioner Casey questioned the Department's recommendation for no cross access and asked the City Attorney if Taco Bell had been consulted on cross access.

City Attorney Beach stated we do not get into issues of contractural relations which is an issue for the owner.

A motion to approve the request in accordance with Staff's recommendation, which is for this use but without cross access, was made by Commissioner Dalton and seconded by Commissioner Casey.

Upon a roll call the vote was as follows: Commissioner Casey, no; Commissioner Dalton, no; Commissioner Eifler, no; Commissioner Grant, no; Commissioner Layton, no: Commissioner McCarthy, no; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion fails by a vote of 8 to 0.

City Attorney, Doug Beach – stated the motion to change the zoning designation from "C-8" to "PC" with the original conditions as set out in the original ordinance would be appropriate.

A motion to change the zoning designation from "C-8" to "PC" with the original conditions as set out in the original ordinance was made by Commissioner Casey and seconded by Commissioner Grant.

Upon a roll call the vote was as follows: Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Bly, yes.

The motion passes by a vote of 8 to 0.

Commissioner Dalton left the meeting at this time.

NEW BUSINESS:

B. **P.Z. 8-98 Fisher-Frichtel, c/o John P. King (Whitestone Farm)**; "NU" Non-Urban District to "R-2" 15,000 square foot Residence District; west side of White Road, 2,000 feet south of Olive Boulevard.
(Planning Department requests this item be held pending White Road Traffic Study.)

And

C. **P.Z. 9-98 Fisher-Frichtel, c/o John P. King (Whitestone Farm)**; a Planned Environment Unit (PEU) procedure in the "R-2" 15,000 square foot Residence District; west side of White Road, 2,000 feet south of Olive Boulevard.
(Planning Department requests this item be held pending White Road Traffic Study.)

Planner II Pat Detch referenced the issues contained in the meeting packet and inquired if additional issues should be added. The Department recommends this item be held until a traffic study is completed.

A motion to hold this for thirty (30) days, until a traffic study is performed on White Road was made by Commissioner Grant, seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

D. **P.Z. 10-98 General Van and Storage Company Incorporated** "M-3" Planned Industrial District to "P-I" Planned Industrial; north side of Chesterfield Airport Road, 1,600 feet west of the intersection of Chesterfield Parkway South.

A motion to hold this item until March 9, 1998 was made by Commissioner Grant, and seconded by Commissioner Casey.

COMMENTS/DISCUSSION:

Commissioner Brown questioned the original ordinance that permitted only a storage company, and inquired as to why they have to put in sidewalks and an extra lane on Chesterfield Airport Road to change the use.

Assistant Director of Planning Laura Griggs-McElhanon stated anytime there is a Public Hearing request, comments from other agencies are required. This original ordinance is very dated and required right-of-way dedication and road work at that time, but since then the County Road Plan has changed. The City consistently added these changes in situations where County Highway asked for road improvements.

Councilmember Brown asked if it had anything to do with new designation ("M-3" to "PI").

Assistant Director of Planning Laura Griggs-McElhanon said the new conditions are not because of the new designation.

The motion **passes by a voice vote of 7 to 0.**

E. **P.Z. 4-98 Chesterfield Village, Inc.**; "NU" Non-Urban District to "PC" Planned Commercial District; south side of Chesterfield Airport Road, 300 feet east of the intersection of Chesterfield Parkway South.
(This item will need a motion to be held pending notification from applicant to proceed.)

A motion to hold P.Z4-98 pending notification from the applicant to proceed, was made by Commissioner Yaffee, seconded by Commissioner Grant, **and passes by a voice vote of 7 to 0.**

SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **P.C. 86-80 Murphy Company Mechanical Contractors and Engineers (Spirit 40 Park)**; "M-3" Planned Industrial District Site Development Plan, Landscape Plan and Architectural Elevations for Lot 1; north side of Chesterfield Airport Road, west of Goddard.

Commissioner Yaffee, on behalf of the Site Plan Committee, made a motion to approve the Site Plan, the Landscape Plan and the Architectural Elevations. The motion was seconded by Commissioner Grant and passes by a voice vote of 7 to 0.

B. **P.C. 1-88 Arthur DeShetler (Yia Yia's Eurobistro)**; "C-8" Planned Commercial District Site Development Plan, Landscape Plan and Architectural Elevations; north side of Olive Street Road, at Swingley Ridge Drive.

Commissioner Yaffee, on behalf of the Site Plan Committee, made a motion to approve the Site Plan, the Landscape Plan and the Architectural Elevations. The motion was seconded by Commissioner Grant and passes by a voice vote of 7 to 0.

C. **P.C. 165, 167, 170 and 172-71 Sachs Properties/Chesterfield Village and P.Z. 21-96 Hayden Homes, Inc./Chesterfield Village**; Planned Environment Unit (PEU) Procedure in the "R-5" and "R-8" Residence Districts Site Development Plan, Landscape Plan and Architectural Elevations; east side of Baxter Road, south of August Hill Road.

Commissioner Yaffee, on behalf of the Site Plan Committee, made a motion to approve the Site Plan, subject to the development meeting the setback requirements along Baxter Road; the Landscape Plan and the Architectural Elevations, with the exception of the buildings backing up to and bordering Baxter Road. The motion was seconded by

Commissioner Grant and passes by a voice vote of 7 to 0.

IX. COMMITTEE REPORTS:

A. Ordinance Review Committee - No report

B. Architectural Review Committee - No report

C. Site Plan/Landscape Committee – The Committee will be scheduling a meeting in the near future.

D. Comprehensive Plan Committee – No report

E. Procedures and Planning Committee – No report

A motion to adjourn was made by Commissioner Casey, seconded by Commissioner Eifler, **and passes by a voice vote of 7 to 0.**

The meeting adjourned at 7:50 p.m.

Michael J. Casey, Secretary

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