

V.A.

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 28, 2008**

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

I. PRESENT

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

ABSENT

Mr. Fred Broemmer

Mayor John Nations
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Susan Mueller, Principal Engineer
Ms. Aimee Nassif, Senior Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Grissom

III. PLEDGE OF ALLEGIANCE – All

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

Chair Hirsch then recognized Amy Nolan, who is the nominee for the Planning Commission. It was noted that Ms. Nolan's nomination will be voted on at the February 4th City Council meeting.

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

Commissioner Schenberg made a motion to approve the minutes of the January 14, 2008 Planning Commission Meeting. The motion was seconded by Commissioner Watson and **passed by a voice vote of 6 to 0 with 1 abstention** from Commissioner Grissom, who was not in attendance at the January 14th meeting.

VI. PUBLIC COMMENT

RE: **P.Z. 48-2007 Clocktower Plaza**

Petitioner:

1. Mr. John Schifano, 102 Chesterfield Commons East Road, Chesterfield, MO stated the following:
 - The proposed center is approximately 2800 square feet and would be limited to two spaces at the north end of the Plaza. It was noted that the center would not be in the very last northern space, but would occupy the two spaces next to the last space. They are asking the Commission to allow up to 18% of the development for the proposed recreational use.

Mr. Schifano indicated that locating the proposed recreational facility in the northern 120 feet of the development would be acceptable.

RE: **P.Z. 49-2007 Chesterfield Blue Valley, LLC**

Petitioner:

1. Mr. Dean Wolfe, 7711 Bonhomme, Ste. 901, Clayton, MO stated the following:
 - With respect to the location of the three taller buildings, it was noted that the Attachment A includes restrictions on their location, limiting them away from both Olive Boulevard and I-64. If the buildings are moved, they would be moved further into the heart of the site.
 - Speaker noted that City Council discussed, at length, the issue of access management off of Blue Valley Boulevard. Council passed a separate motion referencing the language in the City's Access Management Ordinance and requiring Staff to enforce it at the appropriate time.
 - Speaker also noted that a motion made at City Council regarding limitation of curb cuts failed to pass.
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VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Commons Four (Outparcel B)**: Amended Site Development Section Plan, Landscape Plan, and Architectural Elevations for a 1.029 acre tract of land located in a "PI" Planned Industrial District south of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Landscape Plan, and Architectural Elevations. The motion was seconded by Commissioner Grissom.

Commissioner Banks expressed concern about the limited amount of time the Site Plan Committee spent on reviewing the proposed drive-thru window. He noted that information was not presented with respect to how many cars are expected to queue up in the drive. He has concerns that the queue will back into the adjoining property.

Ms. Aimee Nassif, Senior Planner, stated that Staff from the Planning and Development Services Division had reviewed the Site Plan with respect to internal circulation, as well as a number of other items. Staff found no outstanding issues with the site design layout. At the time of review, there did not appear to be a problem with a large amount of stacking. Ms. Nassif also pointed out that no access points are being added or changed at this time.

Commissioner Banks asked if Staff had been provided with any figures as to the expected use of the drive-thru. Ms. Nassif replied that she could not speak specifically to the intensity of the drive-thru or whether any study had been done on it; but she pointed out that the Engineering Staff also reviewed the site and did not feel there were any evident internal circulation problems.

Commissioner Banks pointed out that the existing access was designed around a non-drive-thru location and the proposed plan reflects a drive-thru in close proximity to it.

Commissioner Perantoni stated that the proposed drive-thru is similar to other drive-thrus in the area where the window is on the side – such as Applebee's. She felt that there is an understanding in all of the outlots that motorists can circulate through the adjacent property to access the drive-thru.

Chair Hirsch asked whether Staff assumes a specific level of intensity when reviewing proposed drive-thrus when no information is available on the prospective tenant. Ms. Nassif replied that Staff refers to established standards with respect to how many feet should be allowed for drive-thru access. Such standards were reviewed on the subject drive-thru.

Commissioner Banks questioned how a judgment can be made without knowing the estimated number of vehicles that would be using the drive-thru.

City Attorney Rob Heggie stated that Staff reviews the number of spaces that would be provided for in a development, along with reviewing the standards in the Access Management Ordinance. With such a review, it is estimated what the expected volume for a drive-thru may be. Staff generally does not have information on the use for drive-thrus, but will estimate a relatively high standard of use to cover any possible high usage during peak times of the day. He noted that there is a margin of error in such calculations but the Access Management Ordinance was based on providing this type of coverage, and Staff reviews it very carefully when doing their analysis.

Ms. Sue Mueller, Principal Engineer in the Development Services group, stated that stacking in drive-thrus does depend on the use and popularity of the facility. Staff did review the possibility of the stacking exceeding the space provided for in the proposed drive-thru. Staff felt that the space is reasonable. The site does provide a number of additional spaces in the internal areas (off of the main thoroughfare) where vehicles could queue up during any peak periods.

The motion to approve passed by a voice vote of 6 to 1 with Commissioner Banks voting “no”.

- B. Chesterfield Commons Six (Outparcel Four):** Site Development Section Plan, Landscape Plan, Architectural Elevations, and Lighting Plan for a 1.346 acre tract of land located in a "C-8" Planned Commercial District north of Chesterfield Airport Road and west of Boones Crossing.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan, Architectural Elevations, and Lighting Plan. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.**

- C. Delmar Gardens 14901 N. Outer Forty (Delmar Gardens Villas):** An Amended Site Development Plan and Amended Architectural Elevations for Delmar Gardens Villas; located on an 11.17 acre parcel at 14901 N. Outer Forty Drive, east of the intersection of Highway 40/Interstate 64 and Chesterfield Parkway East.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and Amended Architectural Elevations. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

- D. **Delmar Gardens 14855 N. Outer Forty (Delmar Gardens of Chesterfield)**: An Amended Site Development Plan and Amended Architectural Elevation for Delmar Gardens of Chesterfield; located on an 11.17 acre parcel at 14855 N. Outer Forty Drive, east of the intersection of Highway 40/Interstate 64 and Chesterfield Parkway East.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and Amended Architectural Elevations. The motion was seconded by Commissioner Perantoni and **passed** by a voice vote of 7 to 0.

- E. **Wings Corporate Estates**: A Record Plat for a 39.5 acre lot of land zoned "PI" Planned Industrial District, located along Eatherton Road approximately 400 ft. north of Wardenburg Road.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Geckeler and **passed** by a voice vote of 7 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 48-2007 Clocktower Plaza**: A request for amendment to City of Chesterfield Ordinance 2247 for the addition of the following use:

~~Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf practices driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~

Said request also includes establishment of hours of operation from 5:00 a.m. until 9:30 p.m. for said use. (17T240243)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that the Petitioner is agreeable to having the Attachment A set parameters for the location of the proposed fitness center by having it located towards the northern end of the development. She further stated that there is still the open issue of the hours of operation.

Chair Hirsch clarified that if the change in hours is approved, the change would pertain to the proposed use only – it would not affect established times for deliveries, trash pick-up, or any other uses in the development.

Commissioner Geckeler made a motion to allow the proposed use (r) “Recreational facilities, indoor facilities and gymnasiums” in the Attachment A for P.Z. 48-2007 Clocktower Plaza. The motion was seconded by Commissioner Perantoni.

Upon advice from City Attorney Heggie, Commissioner Geckeler withdrew the above motion.

Commissioner Geckeler then made a motion to approve P.Z. 48-2007 Clocktower Plaza with its proposed Attachment A. The motion was seconded by Commissioner Grissom.

Commissioner Geckeler then made a motion to amend the above motion by amending Section I.A.2. of the Attachment A as follows:

- b. Hours of operation for restaurants, and retail sales, and recreational uses shall be as follows:
7:00 a.m. to 9:30 p.m. seven days/week.**
- ~~c. The hours of operation for use “r” shall be limited to 5:00 a.m. until 9:30 p.m.~~**

As seconder of the main motion, Commissioner Grissom did not accept the proposed amendment to the motion.

Commissioner Banks then seconded the amendment to the motion.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Geckeler,
Commissioner Perantoni,**

**Nay: Commissioner Grissom, Commissioner Schenberg,
Commissioner Watson, Chairman Hirsch**

The motion to amend the motion failed by a vote of 3 to 4.

Commissioner Schenberg then made a motion to amend the motion to approve by amending Section I.A.2. of the Attachment A as follows:

- d. Use “r” shall be limited to a maximum of 18% of the development and shall be located exclusively within 180 feet of the northern property line.**

The motion to amend was seconded by Commissioner Watson.

Upon roll call, the vote was as follows:

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

Nay: None

The motion to amend passed by a vote of 7 to 0.

Upon roll call, the vote on the motion to approve P.Z. 48-2007 Clocktower Plaza, as amended, was as follows.

Aye: Commissioner Perantoni, Commissioner Schenberg,
Commissioner Watson, Commissioner Grissom,
Chairman Hirsch

Nay: Commissioner Banks, Commissioner Geckeler

The amended motion passed by a vote of 5 to 2.

B. P.Z. 49-2007 Chesterfield Blue Valley, LLC: A request for consolidation of two "PC" Planned Commercial Districts located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road. Total area proposed to be consolidated: 130.9 acres. (17W540078, 16W230053 part of, 17W520025, 17W530123, 16W210022 part of, 16W210033 part of, 16W230042 part of)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that the request is to consolidate two Planned Commercial Districts into one Attachment A. The two Districts are Blue Valley I, which was approved in 2006; and Blue Valley II, which was approved by City Council on January 23, 2008. The total area being proposed to be developed is slightly over one million square feet.

During the preceding Work Session, questions were raised regarding changes made by City Council at its last meeting. Ms. McCaskill-Clay stated that the approved language does not specifically limit curb cuts; but relates more to access management.

The following changes were made by City Council to the Attachment A (**changes shown in bold**):

Section I. regarding "Access Management":

5. **Access to internal streets shall conform to the City of Chesterfield's Access Management standards, Ordinance #2103.**

6. **Provide cross-access easements or other appropriate legal instruments or agreements guaranteeing permanent access between proposed adjacent lots and abutting developments as approved by the Department of Planning and Public Works. The City of Chesterfield desires to encourage the smooth flow of vehicular traffic and minimize points of conflict by controlling and minimizing the number and location of direct access onto streets within the development.**

Chair Hirsch referred to the following statement in the January 22nd letter from John P. King of Lathrop & Gage, attorney for the Petitioner:

The three (3) tallest buildings will be a minimum of one hundred fifty (150) feet from the paved portion of I-64 and a minimum of three hundred (300) feet from the right-of-way of Olive Street Road on the southern boundary of the "PC" Planned Commercial District.

It was noted that the Attachment A includes the reference to the 300-foot restriction, but not the 150-foot restriction. Chair Hirsch recommended that Section C.1. of the Attachment A be amended as follows (**changes shown in bold**):

- g. **Structures which are six-stories in height shall be no closer than 150 feet from the paved portion of I-64.**

For clarification purposes, Ms. McCaskill-Clay suggested changes to Section A.3.b. of the Attachment A, regarding restriction to the uses, as follows (**changes shown in bold**):

A maximum of seven (7) ~~lots in the proposed development may have drive-ups/drive-thru~~ **or drive-up facilities shall be permitted for this development** with a maximum of two ~~said such~~ **such** uses per building.

The following correction to Section J.3. of the Attachment A was also noted **(change shown in bold)**:

Completion of the required road improvements is required as soon as it is reasonably possible in the opinion of the City of Chesterfield considering the conditions of this ~~the~~ **site** and the impact of the development in the Zoning District.

Chair Hirsch then summarized the recommended changes to the Attachment A as follows **(changes shown in bold)**:

- Section A.3.b. regarding “Drive-thrus”: (page 3)
A maximum of seven (7) ~~lots in the proposed development may have drive-ups/drive-thru~~ **or drive-up facilities shall be permitted for this development** with a maximum of two said **such** uses per building.
- Section C.1. regarding “Setbacks”: (page 4)
 - g. **Structures which are six-stories in height shall be no closer than 150 feet from the paved portion of I-64.**
- Section I. regarding “Access Management”: (page 7)
 5. **Access to internal streets shall conform to the City of Chesterfield’s Access Management standards, Ordinance #2103.**
 6. **Provide cross-access easements or other appropriate legal instruments or agreements guaranteeing permanent access between proposed adjacent lots and abutting developments as approved by the Department of Planning and Public Works. The City of Chesterfield desires to encourage the smooth flow of vehicular traffic and minimize points of conflict by controlling and minimizing the number and location of direct access onto streets within the development.**
- Section J.3. regarding “Road Improvements”: (page 8)
Completion of the required road improvements is required as soon as it is reasonably possible in the opinion of the City of Chesterfield considering the conditions of this ~~the~~ **site** and the impact of the development in the Zoning District.

Commissioner Schenberg made a motion to approve P.Z. 49-2007 Chesterfield Blue Valley, LLC with the above amendments/corrections to the Attachment A. The motion was seconded by Commissioner Banks.

Commissioner Banks referred to “Exhibit X” of the Attachment A and asked for clarification on how much developed square footage is allowed in relationship to required road improvements. It was noted that until the last three improvements are made, the Developer is limited to 350,040 square feet (80% of the total build-out).

Upon roll call, the vote to approve P.Z. 49-2007 Chesterfield Blue Valley, LLC, as amended, was as follows:

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

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

Mayor Nations recognized Scout Ed Theobald, who is working towards attaining his Community Badge. He noted that after earning two more badges, Scout Theobald will attain the rank of Eagle Scout. The Commission members applauded the hard work of Scout Theobald.

X. COMMITTEE REPORTS

The Ordinance Review Committee will meet on **January 30th at 3:00 p.m.** to review the Residential Districts.

XI. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Gene Schenberg, Secretary