

V.A.

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 11, 2008**

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

I. PRESENT

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

ABSENT

Ms. Lu Perantoni

City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Susan Mueller, Principal Engineer
Ms. Mara Perry, Senior Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION:

Chair Hirsch gave tonight's invocation asking for a moment of silence to reflect upon the recent events in Kirkwood - giving honor and tribute to the victims.

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch welcomed new Planning Commissioner Amy Nolan to the dais and acknowledged the attendance of City Administrator Mike Herring.

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

Commissioner Schenberg made a motion to approve the minutes of the January 28, 2008 Planning Commission Meeting. The motion was seconded by Commissioner Watson and **passed by a voice vote of 7 to 0 with 1 abstention** from Commissioner Broemmer who was not in attendance at the January 28th meeting.

VI. PUBLIC COMMENT

A. **P.Z. 30-2007 Spirit Energy, LLC (13506 Olive)**

Petitioner:

1. Mr. Jay Chambers, Site Oil, 50 South Bemiston, Clayton, MO stated the following:
 - They are requesting a change of zoning from “C-2” to “PC” and proposing a retail use for the site.
 - The site is approximately 1/3 of an acre in size, making it a difficult site to develop.
 - In the past year, they have made the following changes:
 - Reduced the overall size of the building, which allowed a reduction in indoor seating. Because of these reductions, they now meet the parking requirements.
 - Reduced the outdoor seating.
 - Made the traffic one-way instead of two-way, per the City’s request.
 - For the past six months, they have been working with MoDOT trying to get the entrances on Highway 141 up to MoDOT’s standards.
 - They are requesting a 16.74% open space. This percentage was requested, and approved, last year although the Petitioner did not follow through with the rezoning at that time.
 - The site is difficult to develop because of its small size and its location on a busy intersection. Speaker noted, however, that the site had a viable business on it for over 30 years. They are not aware of any adverse incidents during this time.
 - There are existing businesses on all four corners with ingress and egress exactly like the ingress and egress being requested for the subject site.
 - They have moved the entrances on both streets as far as possible on the property utilizing easements with adjoining property.
 - The site is a valuable piece of property and they are doing everything possible to develop a retail use on it. They have removed the old gas station and are trying to make some substantial site improvements to the property.
 - They do not feel that the proposed development for the site will be a hazard to any of the traffic. They have done traffic studies on the site, which were presented to the Commission a year ago.

- The other businesses on all four corners face the same issues as the subject site.
 - Because of the visibility of the site, it is attractive for retail use
2. Mr. Steve Korenblat, Bryan, Cave, LLP, One Metropolitan Square, St. Louis, MO stated the following:
- They are working with Site Oil to try and get the subject petition approved.
 - The Petitioner does not want any implication, by virtue of going forward with the petition, that they would be able to meet all of the predications as set forth in Attachment A, in particular:
 - There is not room on the site for the required 10-foot landscape buffer;
 - There is not room for the “45-foot edge of street to edge of drive requirement”. They have re-worked the Site Plan considerably and cannot provide more than 22 feet for this requirement.
 - Because of the compact size of the site, it does not allow for further reduction against the Tree Manual standards.
 - The parking setback requiring ten feet from the right-of-way is extremely difficult, if not impossible, to meet.
 - The five-foot sidewalk is something new and had not come up previously.
 - They will be seeking relief from some of the requirements and hope that the Commission will see the viability of the proposed rezoning and not saddle them with impairments which make it impossible to go forward.

Chair Hirsch asked Mr. Korenblat to identify the specific items in Attachment A that the Petitioner feels cannot be accommodated on the site because of its size.

Mr. Korenblat referred to the Staff Report which indicates the Petitioner is requesting a reduction of open space to **15%**; he stated that the Petitioner is requesting a reduction to **16.74%**. He then referred to the following requirements in the Attachment A, which the Petitioner does not feel can be met for the subject site:

Page 2 – Section B.2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Ten (10) feet from the right-of-way of Olive Boulevard on the northern boundary of the “PC” District.
- b. Ten (10) feet from the right-of-way of Woodsmill Road on the eastern boundary of the “PC” District.

Page 2 – Section D. Landscape and Tree Requirements

1. The developer shall adhere to the Tree Manual of the City of Chesterfield Code.
2. The width of the landscape buffer along both Olive Boulevard and Woodsmill Road shall be ten (10) feet.

Page 4 – Section I. Public/Private Road Improvements, including Pedestrian Circulation

3. Provide a five (5) foot sidewalk, conforming to ADA standards, along the Olive Boulevard and the State Route 141 (Woodsmill Road) frontage of the site. The sidewalk may be located within State right-of-way, if permitted by the Missouri Department of Transportation, or within a six (6) foot wide sidewalk, maintenance and utility easement.

Mr. Korenblat stated that the Petitioner is open to a discussion regarding the five-foot sidewalk requirement; but the other items are impossible under the current Site Plan as revised.

Commissioner Broemmer stated that the above requirements could perhaps be met with a somewhat smaller project. Mr. Korenblat replied that the Petitioner's position is that the project cannot be made any smaller and still have a project on the site.

B. P.Z. 38-2007 Edison Crossing (162 Long Road)

Petitioner:

1. Mr. Mike Doster, Doster, Guin, attorney for the Petitioner, requested that the Commission vote favorably on the subject petition and move it forward to City Council. He noted that the Petitioner has some timing constraints under the contract, which they need to meet. He then referred to his letter, dated February 11, 2008, which was distributed to the Commission during the preceding Work Session. Mr. Doster stated the following:
 - The letter refers to language, which originates with St. Louis County, requiring the granting of right-of-way along Long Road.
 - The right-of-way that is being acquired is in connection with the Kehrs Mill project – a project that existed long before the Petitioner filed a petition for rezoning.
 - In April, 2007, St. Louis County initiated the condemnation process by submitting to the current owner of the subject property an offer, which is what any condemning authority is required to do under the Law.

- Speaker feels this condemnation process makes this situation different from the usual situation where a project is coming through where some right-of-way may be required in the future. In such cases, the Developer is asked to dedicate it.
- The right-of-way in question is already the subject of condemnation and Speaker feels the County is being opportunistic in this situation. The County does not have to pay for the property now that there is a rezoning petition pending. County can ask the City of Chesterfield to impose a condition to take it away from the current owner. This has a reverberating effect with respect to the contractual relationship between Buyer and Seller because the Buyer could end up paying for property that it doesn't get.
- The Petitioner is asking the Commission to consider the following alternatives:
 - Delete the language as requested in Mr. Doster's letter of 2/11/08; or
 - Pass the subject petition on to Council, with a favorable recommendation, with a cautionary message to Council to consider this request.
- The Petitioner is agreeable to amending use "r" as follows:
 Sales, rental, and leasing of new and used vehicles, including automobiles ~~trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.~~

C. P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.):

Petitioner:

1. Mr. Mike Doster, Doster, Guin, attorney for the Petitioner, responding to the following issues raised by the Commission during the preceding Work Session stated the following:
 - Hours of Operation: Downtown Chesterfield is a unique development – it will be the only PC&R development in the City. This is the only place in the City that will have a downtown development of true mixed-use - residential and commercial. There have been some discussions regarding hours of operations in the Sachs team meetings. Experts in the field - the Urban Land Institute, Richard Ward of Zimmer Real Estate Services, and Chip Crawford of HOK – have indicated that “hours of operation” is not found as a typical restriction in a downtown development of this nature. They would like to see this restriction left out. Speaker felt that “hours of operation” is more appropriately discussed when a Site Plan is submitted.
 - Basis for the Parking Reduction: There was much discussion between Staff and the Sachs development team regarding the parking reduction. Richard Ward did some research on the subject and submitted his report for Staff's consideration. His report cited Urban Land Institute sources,

which indicate the appropriate percentages. Staff did not accept the information at face value and did its own research of downtown developments. The Petitioner feels that the proposed parking reductions are appropriate for downtown developments of this nature and are consistent with the kind of development that will be seen across the country.

- Master Concept Plans for Landscape, Lighting & Signage: This will be addressed during the Site Plan phase by the Petitioner.
- Placement of Buildings, Architectural Appearance, & Visibility of Street Parking from the Parkway: At this point, there are no plans or Architectural Elevations before the Commission. These issues will be addressed at the time a Site Development Plan or a Site Development Concept Plan/Section Plan is presented to the Commission. At that time, the Commission will have the opportunity to review how buildings are placed; how they are articulated; how they will look in terms of materials and design; and where parking is placed. The emphasis will not be placed on surface parking. Structured parking and streetscape parking are the norm for this type of development. They do not feel it would be appropriate for parking to be seen from the Parkway.

2. Mr. Chip Crawford, HOK, was not in attendance when his name was called for "Public Comment".

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. Chesterfield Commons Four (ASDCP): An Amended Site Development Concept Plan, and a partially Amended Conceptual Landscape Plan for a 21.64 acre tract of land zoned "PI" Planned Industrial District, located south of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan, and the partially Amended Conceptual Landscape Plan. The motion was seconded by Commissioner Banks and passed by a voice vote of 8 to 0.

- B. Chesterfield Commons Four (Record Plat): A Record Plat for a 21.64 acre tract of land zoned "PI" Planned Industrial District located south of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Schenberg and passed by a voice vote of 8 to 0.

- C. **Spirit Valley Business Park:** A Record Plat for a 52.82 acre parcel zoned "PI" Planned Industrial District located south of Olive Street Road and east of Wardenburg, approximately 4,200 feet west of the intersection of Olive Street Road and Chesterfield Airport Road (18652, 18630, 18650, and 18660 Olive Street Road).

Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 8 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 30-2007 Spirit Energy, LLC (13506 Olive):** A request for a change of zoning from a "C2" Commercial District to a "PC" Planned Commercial District for a .31 acre tract of land located at 13506 Olive Blvd. at the southwest corner of Olive Blvd. and Woods Mill Road.

Ms. Jennifer Yackley, Project Planner, responded to a question raised during the preceding Work Session regarding usage of the site. She stated that if the Petitioner were to develop the site under the current "C2" Conditional Use Permit, the only use permitted would be a 24-hour filling station. Under the "C2" zoning, the Petitioner would have to adhere to the Tree Manual. Under their Conditional Use Permit, there are no green space or open space requirements. The landscaping would all be dictated by the Tree Manual.

Ms. Yackley noted that one variance was granted to the Petitioner regarding the current Tree Manual standards. The Tree Manual requires a 30-foot landscape buffer along collector and arterial roadways – for this site the requirement would pertain to both Highway 141 and Olive. The Tree Manual also requires a 15-foot landscaped setback for vehicular areas – so if parking is adjacent to roads, they must be set back and landscaped 15 feet. The Petitioner requested a variance to 0. In reviewing the Site, Staff felt a 10-foot landscape buffer along both Olive and Woods Mill is adequate for the site, and would still allow development of the site. Since the site is only 1/3 of an acre, a 30-foot landscape buffer on two sides of the property would make the property un-developable.

Chair Hirsch stated that the Developer feels a 10-foot buffer is not physically possible for the site. Chair Hirsch asked if the Site Plan could be built with 10-foot landscape buffers on the two sides. Ms. Yackley replied that the proposed Site Plan could not be built without changes being made to it; but it is her belief that the site could be developed.

Regarding outdoor seating and pedestrian safety, Ms. Susan Mueller, Principal Engineer, stated that the Attachment A for this request meets all the

development requirements for the rezoning. However, access management issues do exist with the current Site Plan. At the time of a Site Development Plan submission, access management, pedestrian protection concerns and roadside clearance issues would be addressed.

Ms. Yackley stated that the only open issue for the project is the Petitioner's request for a reduction in open space to 16.74%.

Commissioner Watson made a motion to approve P.Z. 30-2007 Spirit Energy, LLC (13506 Olive). The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

**Aye: Commissioner Geckeler, Commissioner Grissom,
Commissioner Schenberg**

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

The motion failed by a vote of 3 to 5.

Because the petition was denied, a vote was not taken on the request for a reduction in open space.

B. P.Z. 38-2007 Edison Crossing (162 Long Road): A request for a change of zoning from a "NU" Non-Urban District to a "PC" Planned Commercial district for an approximately 11.4 acre parcel of land located at 162 Long Road, at the intersection of Long Road and Edison Avenue.

Ms. Jennifer Yackley, Project Planner, stated that Staff received Mr. Doster's February 11th letter at 12:00 p.m. today. Consequently, Staff has not had adequate time to do any research to provide a recommendation to the Commission. She noted that it is Planning Commission Policy that any items to be handed out to the Commission are to be submitted to Staff on the Friday prior to the meeting. It is not customary for Staff to adjust, amend, edit, or remove Agency comments from the Attachment A during a rezoning process. Staff solicits Agency comments from St. Louis County, MoDOT, MSD, and the Airport. Those comments are included in the Attachment A without edit. Staff asks that the Agency comment from St. Louis County regarding right-of-way remain in the Attachment A.

It was also pointed out that use “r” is being proposed to be amended as follows:

Sales, rental, and leasing of new and used vehicles, including automobiles. ~~trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.~~

Commissioner Broemmer made a motion to hold P.Z. 38-2007 Edison Crossing (162 Long Road) until the next meeting in order to give the Department the opportunity to review the request submitted in Mr. Doster’s February 11th letter. The motion died due to the lack of a second.

Commissioner Banks made a motion to approve P.Z. 38-2007 Edison Crossing (162 Long Road) with the amendment to use “r”, as stated above, along with the comment to City Council that the Commission did not have adequate time to consider the proposed change as outlined in Mr. Doster’s February 11th letter. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0.

C. P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.):

A request for a change of zoning from “R-8” PEU Residence District with a Planned Environmental Unit Procedure, “R-5” Residence District, “FPR-5” Residence District, “R-6A” PEU Residence District with a Planned Environmental Unit Procedure, “C-8” Planned Commercial District, “NU” Non-Urban District and “M-3” Planned Industrial District to “PC & R” Planned Commercial & Residential District for a 98.10 acre tract of land located at the southwest corner of the intersection of U.S. Highway 40/I-64 and Chesterfield Parkway West.

Ms. Mara Perry, Senior Planner, stated that the subject petition was before the Commission for an Issues Meeting on January 9, 2008, at which time there were a number of outstanding issues. All such issues have been addressed in the Attachment A as written.

Regarding questions concerning where the numbers for the parking were generated, Ms. Perry stated that Staff received a memorandum from the Petitioner regarding parking and how that reduction could possibly be generated. Staff did its own research, in addition to the research received from the Petitioner. One of the key items involved was The Urban Land Institute's Shared Parking report, which includes data base information from the Institute of Transportation Engineers and was updated in 2005. Staff also did research on studies concerning shared parking in downtown-type settings, which showed the available excess parking. Such excess parking could possibly have been reduced to add additional buildings or placed in a structured shared parking agreement. The Petitioner provided Staff with a range of numbers for the parking reduction. Staff worked with that range and put the numbers into the Attachment A based on Staff's research.

Regarding "hours of operation", Staff does not have enough research at this time to determine what would be the best hours of operation to include in the Attachment A.

Commissioner Broemmer referred to old downtown-type areas and noted that one of the things found in this type of area is a smoke house where people gather to smoke and play cards. He asked if this type of establishment could be considered for the downtown development and asked that it be viewed as an issue to be addressed. Ms. Perry replied that such an establishment would fall under use 9 of "Retail Commercial Uses" which states:

"Stores, shops, markets, service facilities, in which goods or services of any kind . . . are being offered . . . "

Chair Hirsch stated that there are other governing ordinances, which would need to be reviewed dealing with where smoking is allowed in the City.

Commissioner Broemmer made a motion to approve P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.). The motion was seconded by Commissioner Geckeler.

Commissioner Banks made a motion to amend the motion by amending Section IV.B. regarding "General Criteria for Site Development Plan/Site Development Section Plan Submittal Requirements" of the Attachment A as follows:

20. Provide proposed hours of operation and deliveries.

The amendment to the motion was accepted by both Commissioners Broemmer and Geckeler.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Ordinance Review Committee

The Ordinance Review Committee is still working on the Residential Ordinance and will have one more meeting on it before it is brought to the Commission for a Public Hearing.

XI. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Gene Schenberg, Secretary