

V.A.

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 8, 2009**

The meeting was called to order at 7:00 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.

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Annissa McCaskill-Clay, Lead Senior Planner
Ms. Mara Perry, Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; Councilmember Randy Logan, Ward III; 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. 07-2009 Stallone Pointe (Conway Pointe LLC):** A request for a text amendment to City of Chesterfield Ordinance 2500 to revise the required improvements to Conway Road in a “PC” Planned Commercial District for a .68 acre tract of land located west of Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085).

STAFF PRESENTATION:

Project Planner Shawn Seymour gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

- The requested amendment is to revise the following language in the Attachment A pertaining to the Conway Road improvements:
Improve Conway Rd. along the entire frontage of the site to complete the full width improvements required for a 40 ft wide right of way and a 27 ft wide pavement, including 6 inch vertical curb, required tapers, and storm drainage facilities, as directed by the City of Chesterfield’s Department of Planning and Public Works. ~~Roadway improvements will be required to complete pavement widening extending to the west and east of the site where Conway Rd. is already constructed at full width.~~
- The land uses in this “PC” Planned Commercial District are as follows:
 - (nn) Service facilities, studios, or work areas for dressmakers and tailors. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
 - (rr) Stores, shops, markets, service facilities, open to the general public on the premises.
- Public Hearing notifications were done per State statutes and City of Chesterfield requirements.
- The site is located in the Urban Core District of the Comprehensive Plan. Land uses for the Urban Core include a mixture of high-density residential, retail, and office uses containing the highest density development in Chesterfield.
- The Department has no outstanding issues.

Commissioner Perantoni asked for clarification on the setbacks and sidewalks for the site.

Regarding the setbacks, Mr. Seymour stated that the site was originally zoned in 2005 with the intention of using an existing residential dwelling for the Petitioner’s business. Through a review of St. Louis County building codes, it was determined that the existing structure could not be used for the business. The

Petitioner then acquired the adjacent property to the east with the intention of demolishing both residential structures and constructing a single structure for their business. There were no setback issues with the first rezoning request; there were setback issues with the second rezoning request.

Regarding the sidewalks, Mr. Seymour stated that there will be a sidewalk running from east to west along the full frontage.

PETITIONER'S PRESENTATION:

1. Mr. Jeff Wagener, representing the Petitioner, 607 Sappington Barracks Road, St. Louis, MO stated the following:
 - The Petitioner requested a rezoning several years ago to allow for a Stallone's Formal Wear facility. The Ordinance was passed.
 - This past year, the Stallones submitted a second petition requesting a rezoning for the same tract, along with an additional .2 acres. Ordinance 2500 was approved in November 2008 allowing the same uses as those allowed in the previous ordinance.
 - An additional sentence was included in the ordinance, which requires the Petitioner to build road improvements beyond their property line. The Petitioner is asking that the ordinance be amended to remove this particular language.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES: None

- B. **P.Z. 08-2009 Larry Enterprises/Jim Lynch Hummer, Part of Lot B (Adventure Properties L.L.C.):** A request for a "CUP" Conditional Use Permit in a "FPNU" Flood Plain Non-Urban District for a 4.895 acre tract of land located north of North Outer 40 Road west of the intersection with Boones Crossing. (part of 16U310025)

STAFF PRESENTATION:

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

- The requested use of an "*Outdoor Rifle and Archery Range*" is allowed as a conditional use in the Flood Plain District.
- The Public Hearing was posted according to State statutes and City of Chesterfield requirements.

- The subject site is located in the Agricultural/Flood Plain/Conservation land use designation in the City's Comprehensive Plan.
- Items currently under review:
 1. Performance Standards related to the use, which could include safety issues. These Standards would also relate to the physical structure or elements, along with any additional items above and beyond the underlying zoning that the Planning Commission may desire.
 2. Hours of Operation
 3. Parking
 4. Signage Requirements
 5. Lighting Requirements

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
 - Through the process, the Petitioner will address the five items identified by Staff.
 1. The Performance Standards will be addressed when the safety considerations are addressed.
 2. The Hours of Operation are yet to be determined but the range will not operate at night.
 3. Parking on the site is adequate for a retail use.
 4. Signage is yet to be determined.
 5. There will be no lighting since the range will not be operating at night.
 - The proposed use would be operated in conjunction with a new use that would be introduced into the existing Hummer dealership facility. Because of the current economic situation, alternative uses for the property have been explored by the owner – one of which is the operation of an outdoor outfitting store. Such a store would include the sale of outdoor apparel, camping gear, guns, rifles, shotguns, handguns, and ammunition. This is already a permitted use for the subject site.
 - In order to have competitive advantage and to give the customers an opportunity to use the rifles and shotguns they may be purchasing, they are proposing the operation of a shooting range north of the current Hummer facility.
 - Approximately 80% of the showroom space of the Hummer facility would be converted to retail space.
 - They are aware that safety will be the primary issue to be addressed by the City. As a result, the Petitioner has requested the National Rifle Association (NRA) to provide a Range Technical Team to assist with range planning, range use and procedural evaluations, range safety and design evaluations. This request is still pending. Any recommendations from the Range Technical Team can be made available to Staff. In

addition, arrangements can be made to have the Team meet with Staff to explain how the procedure works.

- The NRA has a book and CD on range safety, which can also be made available to Staff.

2. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, St. Louis, MO.

A PowerPoint presentation was given showing the Preliminary Plan and the location of the shooting range within the Plan. Mr. Stock stated the following:

- The Proposed Lynch Shooting Range will be built in three phases:
 - Phase 1 – Construction of 7 stations with 8 parking spaces
 - Phase 2 – Construction of 5 additional stations and additional parking spaces for a total of 12 stations.
 - Phase 3 – Construction of additional long range berm, 12 additional stations, and parking spaces for a total of 24 stations.
- The proposed shooting booths would have concrete slabs and walls on two sides.
- The Chesterfield Police Department operates its shooting range on the north side of the levee. As a comparison to the proposed shooting range, it was noted that the existing range does not have individual shooting shelters vs. shooting booths at the proposed range.
- One of the issues relative to the design of the range pertains to lead. There are EPA rules and guidelines that would be integrated into the design of the plan regarding the drainage system of stormwater for encatchment of lead from bullets that go into the berm.

Commissioner Watson asked if the Chesterfield shooting range is open to the public. Ms. Aimee Nassif, Planning & Development Services Director, stated that it is for private use only.

Mr. Stock and Mr. Doster responded to questions from the Commission, Mayor and City Attorney by giving further information as follows:

- Parking lot and shooting stations: The parking lot is gravel; the shooting stations have concrete slabs.
- Staffing of the facility: One of the guidelines of the NRA is that there be a Range Master on duty at all times when the shooting range is open. The Range Master would be qualified and trained to monitor the activities. The Range Master would be uniformed and identified as such.
- Access over the Levee Trail and plans to alleviate any dangers to persons on the Levee Trail from cars or pedestrians carrying guns while crossing over the Levee Trail: The access to the range will be controlled by the retail operation, where people will have to go to gain access to the shooting range. Whether they get to the range by foot or by car, it should be noted that such traffic will be monitored. People can't just pull into the parking lot and go back to the range. The Petitioner is open to discussions

on this issue. One possibility would be to have customers register at the retail operation and then shuttled in a Hummer to the range. If this is done, less parking would be required.

City Attorney Heggie added that the City's Director of Public Works has worked diligently on vehicle access issues in regards to where people can cross the levee safely.

- Noise on the bluff from the range: This will be addressed at a later time but it was noted that the range will not be operating at night.
- Retail Operation & Shooting Range: The retail operation will be open to the public – it will not be a private club. It is possible that the shooting range could be open to persons who do not utilize the retail operation. These persons would still have to register at the retail operation before they could use the range.

Chair Hirsch suggested that the Conditional Use Permit include provisions that involve the Police Department – such as requiring a Range Master. It was noted that appropriate parts of the NRA guidelines could become part of the Conditional Use Permit.

- Minimum Age for the Shooting Range: This has not yet been determined.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Ms. Lori Jacob, President & CEO of Junior Achievement speaking on behalf of the Board of Directors and Staff of Junior Achievement, 17339 North Outer 40 Road, Chesterfield MO stated the following:
 - The Junior Achievement property is adjacent to the subject site and serves 20,000 children each year with up to 300 children at a time. They provide summer camps for students and utilize the parking lots for educational programs.
 - They have three major concerns:
 1. Safety of the children, volunteers, and teachers – It was noted that the Junior Achievement site is just a few hundred feet away from the shooting range
 2. Perceived Safety – It was noted that Junior Achievement is constructed at the northwest corner of Boone's Crossing and Highway 40. They built in this location because Chesterfield is a great location for families and they felt it would be a great location for Junior Achievement.
 3. Noise – They have concern that the children would hear the noise from the shooting range as they board and exit the buses. They are not sure whether the noise would interfere with classes being conducted within the facility. It was further noted that some of the students have lost siblings through gunfire.

2. Mr. Mark Hillis, member of the Board of Directors of Junior Achievement and Legal Counsel to Junior Achievement, 17339 North Outer 40 Road, Chesterfield, MO stated the following:

- The proposed activity prompts Junior Achievement's opposition because it is "inconsistent with the tone and image of the neighborhood – particularly south of the levee".
- The Junior Achievement building is close to the subject site and the loading and unloading of the buses is to the north of the building, which is even closer to the proposed location of the range.
- They feel the City has already "expressed somewhat of an attitude and approach to this type of activity in the sense that there is an ordinance with respect to disturbing the peace, which expresses the approach and context that the City has promulgated." Quoting in part from the ordinance:

"... A person commits the offense of peace disturbance if they cause alarm to another person or persons by a loud noise that is audible beyond the property lines of the residence...It's an offense if the behavior of those present at such events is such that a reasonable person would be alarmed or fearful for the safety of either person or property."

- The sound level from the type of pistol and/or rifle that would be discharged ranges from 125-160 decibels.
- Another City ordinance makes it unlawful "for any person to fire or discharge a firearm within 150 yards or 450 feet within range of any person, dwelling, church, school, or other building." From the scale of the presented Preliminary Plan, it appears that the Junior Achievement building is well within 450 feet of the firing line of the proposed range in the southeast quadrant of the subject acreage.
- Junior Achievement has drawn a lot of recognition from a local, state and national standpoint on the accomplishments of the 20,000 students who utilize the facility every year.
- They vigorously oppose the consideration and granting of this request.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Doster stated that the issues of safety and noise need to be further investigated by both the Petitioner and Staff. They will provide the Commission with any information they can obtain on these issues, including the results of the on-site work that will be done by the NRA Team.

ISSUES:

1. Safety
2. Noise factor with respect to the bluff and the levee
3. Traffic over the trail and access – whether it be pedestrian or vehicular
4. Loop trails – whether there are any future plans by the City or Great Rivers Greenway
5. Parking – whether the parking is on the site or is used with a shuttle
6. Minimum age allowed on the site
7. Comments from the NRA Tech Team prior to the Issues Meeting
8. Review of the NRA guidelines and Tech Team report to determine which parts of the guidelines should be referred to, or incorporated in, the C.U.P.
9. Bow hunting – how would the safety of bow hunters be addressed?
10. Obtain comments from the Missouri Department of Conservation with respect to how the noise generated from the shooting range would affect wildlife in the area.
11. Review City Code with respect to the distance between the shooting range and the Junior Achievement building.

- C. P.Z. 09-2009 City of Chesterfield (Comprehensive Plan Amendment):** A proposal to update selected sections of the City of Chesterfield Comprehensive Plan.

STAFF PRESENTATION:

Ms. Aimee Nassif, Planning & Development Services Director, stated that the proposed updated sections of the Comprehensive Plan were worked on by the Comprehensive Committee and several Chesterfield citizens.

Chair Hirsch then acknowledged the presence of Ms. Victoria Sherman as one of the participatory citizens and former Chair of the Planning Commission.

Ms. Nassif then outlined the five basic areas of the Comprehensive Plan that involve proposed updates:

1. Plan Policies Element
2. Land Use Element
3. Conceptual Land Use Plan
4. Transportation Element
5. Chesterfield Valley Policies for Development

Plan Policies Element

- Urban Core: Updated language to more accurately reflect this area as the City Center, with high density, mixed use development and a mix of services to citizens.
- Transportation: Updated language to reflect new transportation model used by the City.

- Wild Horse Creek Road Sub Area: Policies relocated from the back of the document to the section with all other policies. Language with specific design requirements has been removed because it is included, verbatim, in the Zoning Ordinance. (No language has been changed.)

Land Use Element

- Language added to more accurately reflect the Hwy 141 Expansion

Conceptual Land Use Plan

- Sub-Areas located in the Chesterfield Valley: The four sub-areas are no longer necessary because the infrastructure is now in place in these areas. It was noted that these sub-areas had conflicting requirements with the Zoning Ordinance. These sub-areas have been removed.
- Urban Core Boundaries: The Comprehensive Plan Committee thoroughly reviewed the urban core boundaries and determined that the Braefield multi-family development would be more appropriately designated as multi-family.
- Area for the 141 Corridor: The City has received more graphics and maps from the Missouri Department of Transportation, which outline in more detail the parcels that will be involved in the Highway 141 Expansion Corridor. The areas have been extended further south from the intersection of Ladue. The Comprehensive Plan has been updated to include language which states that as the 141 area and the parcels become more specifically identified, the Comp Plan will be revisited to see if this area needs to be adjusted.

Transportation Element

- Updated language to remove reference to outdated transportation model no longer used.
- Includes updated information related to Pathway on the Parkway, Great Rivers Greenway District, various maps, and transportation data.
- Updated status of improvement projects.
- Reviewed to ensure consistency with State and regional agencies such as MoDOT, East West Gateway, St Louis Dept. of Highways and Traffic.
- Updated various maps such as State and County Roadway Maps, transit system routes, and future road improvements that have been completed.

Chesterfield Valley Policies for Development

- Removal of sub-areas and conflicting development standards
- Updated general access and circulation plan section
- Updated section pertaining to improvements such as stormwater drainage, water, sanitary sewer

After completion of the Unified Development Code, a full, in-depth review of the Comprehensive Plan will begin. Questions, issues, and concerns that arose during committee meetings that were not within the scope of current changes, have been recorded for future meetings.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: 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 **May 27, 2009 Planning Commission Meeting**. The motion was seconded by Commissioner Puyear and **passed by a voice vote of 9 to 0**.

VI. PUBLIC COMMENT

A. P.Z. 06-2009 Villages of Kendall Bluff, Villages B & C (Partial) (Fischer & Frichtel, Inc.):

Petitioner:

Mr. Chris DeGuentz, Fischer & Frichtel, 695 Trade Center Blvd., Chesterfield, MO stated that at the Public Hearing they presented a proposed revision to the permitted uses for Kendall Bluff to allow for 15 detached single-family uses within two small areas. Concern was raised regarding language in the Attachment A pertaining to "Permitted Uses". It was felt that once a particular type of unit was started in a specific area, then the other remaining use should be "sunsetting". Working with Staff and the City Attorney, this language has been revised in the Attachment A.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Precision Plaza:** A Record Plat for a 14.28 acre tract of land zoned "PI" Planned Industrial District located on the northeast corner of the intersection of Wings Corporate Drive and Eatherton Road.

Commissioner Watson, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Precision Plaza. The motion was seconded by **Commissioner Banks** and **passed by a voice vote of 9 to 0**.

VIII. OLD BUSINESS

- A. **P.Z. 06-2009 Villages of Kendall Bluff, Villages B & C (Partial) (Fischer & Frichtel, Inc.):** A request for an Ordinance Amendment to City of Chesterfield Ordinance 2133 to modify the permitted uses within a "R1A" Residence District with a Planned Environmental Unit (PEU) Procedure for part of a 63.8 acre tract of land located on the north side of Olive Boulevard, east of Cordovian Commons Parkway and west of Old Riverwoods. (17R5300582, 17R5300593, 17R5300607, 17R5300616, 17R5300625, 17R5300634, 17R5300643, 17R5300652, 16R210333, 16R210342, 16R210351, 17R530681, 17R5300692, 17R4400184, 17R4400195, 17R4400205, 17R4400214, 17R4400241, 17R4400250, 17R4400283, 17R4400294, 17R4400342, 17R4400351, 17R4400360, 17R4400371, 17R4400382, and 17R4400393)

Ms. Mara Perry, Senior Planner, stated that the Public Hearing was held on May 27, 2009 with eleven speakers. The Planning Commission had one outstanding issue regarding the language in Section I.A. of the Attachment A regarding "Permitted Uses". Staff worked with the Petitioner and the City Attorney to revise the language in this section.

In addition, Section I.A.1.c of the Attachment A will be amended as follows (changes shown in **bold**):

Single Family attached or detached residential units for Lots 64, 65, 66, 67, 68 and 69 as recorded in Plat Book 355 Pages 14-17 of the St. Louis County Recorder of Deeds. Upon the commencement of construction of either an attached or detached residential use within the above stated lots then all remaining lots stated above **must** have the same use.

Commissioner Puyear made a motion to approve P.Z. 06-2009 Villages of Kendall Bluff, Villages B & C (Partial) (Fischer & Frichtel, Inc.), with the amendment to Section I.A.1.c of the Attachment A as noted above. The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

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

Nay: Commissioner Grissom

The motion passed by a vote of 8 to 1.

- B. P.Z. 07-2009 Stallone Pointe (Conway Pointe LLC):** A request for a text amendment to City of Chesterfield Ordinance 2500 to revise the required improvements to Conway Road in a "PC" Planned Commercial District for a .68 acre tract of land located west of Conway Rd. and Chesterfield Parkway intersection (18S220050 and 18S310085).

Project Planner Shawn Seymour stated that the Public Hearing was held earlier this evening with no speakers and no issues.

Commissioner Banks made a motion to approve P.Z. 07-2009 Stallone Pointe (Conway Pointe LLC). The motion was seconded by Commissioner Watson.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS

A. Report from the Nominating Committee and Election of Officers

On behalf of the Nominating Committee, Commissioner Grissom nominated the following individuals for the following offices for 2009-2010:

Chair:	Maurice L. Hirsch, Jr.
Vice-Chair:	G. Elliot Grissom
Secretary:	Michael Watson

Chair Hirsch asked for any other nominations from the Commission.

Commissioner Banks then made a motion to approve the slate as submitted. The motion was seconded by Commissioner Watson and passed by a voice vote of 9 to 0.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Michael Watson, Secretary