

## MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services  
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, June 21, 2018



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, June 21, 2018 in Council Chambers.

In attendance were: **Chair Michelle Ohley** (Ward IV), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Tom DeCampi (Ward IV); Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Jessica Henry, Senior Planner; Cassie Harashe, Project Planner; Andrew Stanislav, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:47 p.m.

### I. APPROVAL OF MEETING SUMMARY

#### A. Approval of the June 7, 2018 Committee Meeting Summary

Councilmember Flachsbart made a motion to approve the Meeting Summary of June 7, 2018. The motion was seconded by Councilmember Mastorakos and passed by a voice vote of 3-0 with Councilmember Hurt abstaining.

### II. UNFINISHED BUSINESS

### III. NEW BUSINESS

#### A. Architectural Review Board Nominee Interview

Chair Ohley introduced Craig Swartz. In response to questions from the Committee, Mr. Swartz stated that he has lived in Chesterfield for approximately two years. He further stated that he is currently working as a part-time consultant and sets his own hours; therefore, he does not foresee a problem attending meetings.

The Committee was impressed Mr. Swartz's qualifications and thanked him for volunteering his services.

**Councilmember Hurt made a motion to forward the Architectural Review Board nomination of Craig Swartz to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4-0.****

**Councilmember Hurt made a motion to suspend the rules and consider **New Business Item D** next. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.****

- D. FSP 54-2018 ExteNet Systems, Inc. (17359 Chesterfield Airport Road):** A request for a new Facilities Siting Permit to install a new wireless telecommunications facility within the right-of-way located adjacent to 17359 Chesterfield Airport Road. (Ward 4)

### **STAFF REPORT**

Jessica Henry, Senior Planner, presented the request to install a new Facilities Siting Permit (FSP) within the right-of-way located adjacent to the Culver's restaurant at 17359 Chesterfield Airport Road. This is a standard wooden utility pole that was purchased from and installed by Ameren. The right-of-way is under St. Louis County's control and the County has issued a Special Use Permit authorizing installation of the Facility. Per standard process, this request must come through this Committee. The proposed installation is compliant with the requirements of Article 6 of the Unified Development Code (UDC) and State law.

In response to Councilmember Hurt's question, Ms. Henry stated the utility pole is 32.5 feet tall which is under the standard height of 34 feet and is also under the allowed height of 35 feet per Article 6 of the UDC.

**Councilmember Hurt made a motion to forward **FSP 54-2018 ExteNet Systems, Inc. (17359 Chesterfield Airport Road)** to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.****

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on FSP 54-2018 ExteNet Systems, Inc. (17359 Chesterfield Airport Road).]**

- B. P.Z. 22-2017 Clarkson Center (2264 Clarkson Road):** A request for a zoning map amendment from an "R2" Residence District (15,000 square foot minimum) and "C-8" Planned Commercial to a "PC" Planned Commercial District for 0.9 acres located on the southern corner of the intersection of Clarkson Road and Clarkson Woods Drive. (20T610716). (Ward 4)

Chair Ohley stated that after conferring with the City Attorney, she had decided to allow the public to comment on the petition as she felt it was important for the Committee to hear from interested parties. Councilmember Flachsbart stated that he would be leaving the meeting early and pointed out that no matter what the outcome tonight is, this petition would move forward to City Council where there would be ample time for everyone to speak and review the details of the project.

### **STAFF REPORT**

Cassie Harashe, Project Planner, presented the project request for a zoning map amendment from an "R2" Residential District and "C-8" Planned Commercial to a "PC" Planned Commercial

District for 0.9 acre tract of land located on the southern corner of the intersection of Clarkson Road and Clarkson Woods Drive.

A public hearing was held on February 12, 2018 at which time five issues were raised regarding: (1) the number of requested uses; (2) tree preservation; (3) size of the parking lot and traffic concerns; (4) noise; and (5) the architecture of the proposed building. At the June 11, 2018 Planning Commission meeting, the size of the building and hours of operation were discussed. The Applicant was amenable to limiting the hours of operation to 7 a.m. to 7 p.m. Monday through Saturday with no hours on Sunday. With regard to the size of the building, the Commission did not reduce the maximum square footage of the building allowing the development constraints of the Unified Development Code (UDC) to dictate the amount of square footage that the applicant could have. The Commission recommended approval of the request by a vote of 8-0 with the above mentioned amendment to the hours of operation.

### **DISCUSSION**

Councilmember Mastorakos asked for clarification on the number of square feet that the Planning Commission approved for the proposed building. Ms. Harashe stated there is a maximum of 12,000 square feet in Attachment A. The building footprint on the preliminary development plan is between 7,200 and 7,500 square feet and any additional square footage would be in a basement area.

In response to Chair Ohley's question, Ms. Harashe confirmed that 67% of the site is zoned residential and 33% is zoned commercial with the commercial abutting the back of existing commercial.

### **PUBLIC COMMENT**

The following individuals then spoke in opposition to P.Z. 22-2017 Clarkson Center (2264 Clarkson Road):

1. **Mr. David Fliasher**, 15911 Heather Glen Drive, Chesterfield MO

Mr. Fliasher stated that aside from the noise and traffic, his main concern is the general aesthetics of the neighborhood as you enter the subdivision. It is very offsetting to have a commercial development with a parking lot for 30+ cars at the front entrance. He attended the Planning Commission meeting and wondered why there was no conversation on a buffer zone between the commercial development and residents. He understands that the City is looking to increase its tax base by allowing a commercial development.

Mr. Fliasher also cited the following concerns:

1. Why has there not been a formal poll taken of all the residents to find out what they think of this development?
2. How will this development affect property values?
3. What effect will this development have on traffic flow? Speaker felt a formal study needed to be conducted on what the proposed traffic will be and not one based on the current traffic flow.

### **Discussion**

Regarding Mr. Fliasher's comment concerning the City looking to increase its tax base, Mayor Nation responded that it is the City's business to provide services and it takes revenue to provide those services. He stated that globally the City is concerned about revenues for any

project. He also pointed out that Chesterfield does not receive any property tax from commercial properties or residential. Unless it is retail, the proposed use would not generate a lot of revenue.

Mr. Fliasher stated that he believes the Planning Commission has a general bias toward development versus non-development. He noted that residents spoke and expressed a desire to leave the site as a green space. He felt there should have been more conversation as to whether the property can it be left as a buffer zone rather than be developed. He is of the general perception that green space was not considered as an acceptable option.

Chair Ohley asked Mr. Fliasher if he had spoken to the trustees regarding conducting a poll to find out what the residents want. Mr. Fliasher stated that he did speak to one trustee. He was told 50 letters were sent in but the developer said that husbands and wives both sent in letters so in reality, it would only be 25 letters and not 50. Chair Ohley stated that a few of the trustees were in attendance tonight and she encouraged Mr. Fliasher to initiate that conversation.

Mr. Fliasher asked whether the vote could be held until a poll was conducted. Chair Ohley stated that this Committee does not make any determinations. The Committee can only make a recommendation for or against this petition, and regardless of the outcome tonight, it will move forward to Council. At the City Council level, there will be two separate readings on two separate meeting dates. The first reading will be on July 16 which should allow enough time to conduct a poll.

In response to Mr. Fliasher's question as to whether public opinion could sway the Council's vote, Chair Ohley stated that she personally reads every letter that is attached to a petition, and she took an oath to uphold the constitution and the law, which is what governs her decisions.

To answer Mr. Fliasher's question as to why the property can't remain open space, Councilmember Flachsbart explained that a property owner could choose to donate land to be used as a park or to keep it as open space. But if a property owner wants the City to consider a rezoning, the owner has every right to do so. The Council then has to decide whether to approve the rezoning, change it, or deny the request based on reasonable, tangible issues. The subject site is a very small tract of land that already has a portion of it zoned commercial and is at the entrance to a subdivision, so there are a number of issues associated with it.

2. **Lester Dennis**, 2143 Woodlet Park Drive, Chesterfield, MO

Mr. Dennis stated he has lived in Chesterfield for 34 years. He does not see any real advantage to the residents to having this property zoned commercial. The turning radius is already very tight and the turn-around in the parking area would make it even tighter. He urged the Committee to turn down the petition.

3. **Paul Bostick**, 2139 Heather Glen Court, Chesterfield, MO

Mr. Bostick has been in Chesterfield for 20 years. They moved into the Clarkson Woods subdivision because of the neighborhood and what they perceived as a great community to live in. He and his wife are strongly opposed to the development of a commercial building. They feel it is a question of what is right for their subdivision. He also expressed concern that the parking would be unsightly facing the street.

4. **Dennis Genahl**, 15979 Woodlet Way Court, Chesterfield, MO

Mr. Genahl stated he and his wife have lived in the subdivision since 2004. He understands that green space might not be possible. A pool was originally planned for this area but the subdivision decided against the idea.

Mr. Genahl complained about due process and due diligence of the Planning Commission. He feels they made decisions based on erroneous information regarding the percentages of the property zoned residential and commercial, which in fact, are 70/30. He suggested that the site could be divided into two 1/3 acre lots on which homes could be built without a need to rezone.

Mr. Genahl recently spoke to a professional developer who stated that the process should have begun with a traffic study. When asked for traffic studies, the City denied having any for this area. Mr. Genahl also felt that Dr. Pernikoff misrepresented MoDOT's position on this matter. He noted that MoDOT's letter states they have no problem with Clarkson Road, which has nothing to do with Clarkson Woods Drive which feeds into Clarkson Road. Residents complain now about having to wait through three lights in order to make a left turn on to Clarkson Road from Clarkson Woods Drive. He also stated that a trustee looked at a commercial building that has 5,500 square feet and 31 parking spaces with 19 to 21 employees and where some days they have to park offsite. He questioned where the overflow parking would be for this site. He believes that the size of the building should be based on traffic flow.

Mr. Genahl stated they would conduct a poll before the next Council meeting to determine what the residents want.

5. **Cindy Barmeier**, 16049 Hunters Way Drive, Chesterfield, MO

Ms. Barmeier has been a resident of Chesterfield for 30 years and purchased her home in Clarkson Woods in 2010. They chose a home in that subdivision because of the way the community looked, the style of houses, etc. They liked the aesthetics of the community. She was aware of the open space at the entrance, but that did not bother her. Her biggest issue is the parking. The parking lot is almost 10 feet away from Clarkson Woods Drive. She asked if the parking could be relocated to the back of the building so it is not visible from the entrance to the subdivision.

If the vet increases his business and adds a doggy daycare, it will considerably increase the traffic flow. Many residents in Clarkson Woods South use Clarkson Woods Drive to come in, cut through on Federal Way and cut over. So it is not just affecting traffic coming into Clarkson Woods Subdivision but also the many residents coming in from Clarkson Woods South. If this project is approved, a traffic study is needed.

Lastly, Ms. Barmeier was concerned about signage at the subdivision entrance questioning as to what is proposed and what will be allowed.

6. **Sarah Hoffman**, 15925 Heather Glen Drive, Chesterfield, MO

Ms. Hoffman was born and raised in Chesterfield. She moved back to the area in 2013 and bought a home in Clarkson Woods. Her biggest concern is how this project will affect property values. She would not have purchased a home in Clarkson Woods if the proposed business was located at the entrance. She is not aware of any other neighborhoods that have a commercial development at their entrance. She didn't even realize that this is something that

could have happened. She asked if any studies had been done regarding the effect of putting a commercial property at the very entrance of a neighborhood. She is also worried about the traffic and the location of the parking lot. She cannot see how this benefits anyone living in this neighborhood.

#### **DISCUSSION**

Councilmember Flachsbart noted that the first thing you see when driving in and out on Clarkson Woods Drive is a very peaceful, pretty area. He noted his surprise that the Planning Commission allowed a decrease in the setbacks. He suggested (1) increasing the parking setbacks to mirror the structure setbacks, which would allow for more green space between the development and subdivision entrance and (2) limiting the building size to 7,500 square feet.

**Councilmember Flachsbart made a motion to increase the parking setbacks and amend Attachment A, C-Setbacks to read as follows:**

- a. 50 feet from the right-of-way of Clarkson Woods Drive**
- d. 50 feet from the right-of-way of Clarkson Road**
- e. 50 feet from the line labeled S 86° 08' 26" E**

The motion was seconded by Councilmember Hurt.

#### **Discussion after the Motion**

Councilmember Hurt stated his main concern is related to zoning and not the technical aspect.

Mayor Nation asked if the increase in parking setbacks were specified in the Unified Development Code (UDC). Justin Wyse, Director of Planning & Development Services, stated there is not an explicit parking or building setback but the UDC does require a 30 foot landscape buffer along Clarkson and Clarkson Woods Drive, which was specifically modified in the Planning Commission's approval. The section that their motion amended is not explicitly defined in the UDC. However, there is a minimum requirement for a 30 foot landscape buffer along those two roadways, which has the same impact of a 30 foot parking and building setback.

**The above motion passed 4-0.**

**Councilmember Flachsbart made motion to amend Attachment A, B-Floor Area, Height, Building and Parking Structure Requirements, 1.a. to read as follows:**

- 1.a. Total building floor area shall not exceed 7,500 square feet.**

The motion was seconded by Chair Ohley and **passed by a vote of 3-1** with Councilmember Mastorakos voting nay.

**Councilmember Flachsbart then made a motion to forward P.Z. 22-2017 Clarkson Center (2264 Clarkson Road), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt.

#### **Discussion after the Motion**

Councilmember Hurt stated that his main concern is the zoning issue. It is not the structure nor the Petitioner. The Council has been faced with this type of zoning situation throughout the history of Chesterfield. For example, along Olive Street Road where several residential homes

are surrounded by commercial, a special commercial service procedure was developed to allow an owner to operate a business in a housing structure. The City Code allows for certain operations within residential zoning such as a child care center, school or a church. This protects the zoning and still allows different kinds of uses that may or may not fit in those particular areas. In this case, this particular parcel is completely surrounded by residential except for a small area to the south and had concerns about the proposals impact on the character of the community. He pointed out that zoning stays with the property no matter what happens to the Petitioner.

Councilmember Mastorakos stated that the commercial strip adjacent to this lot is due to St. Louis County's intervention many years ago. This is so contrary to what the City allows in the Comprehensive Plan, homes should not be adjacent to commercial. There should be a buffer between the homes and commercial use. She agrees with Councilmember Hurt that this should have stayed residential. To permit this to go forward is against the City's Code.

Chair Ohley stated that she is a resident of Clarkson Woods and has tried to stay unbiased and allow the process to take place. She agrees with Councilmembers Hurt and Mastorakos in that "St. Louis County did us no favors". She feels that the Committee needs to be cognizant of the fact that the surrounding area is mostly residential and not commercial.

The above motion to approve **failed** by a vote of 1-3 (Councilmembers Ohley, Hurt and Mastorakos voting nay).

**Note: One Bill, as recommended by the Planning Commission, will be needed for the July 16, 2018 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on P.Z. 22-2017 Clarkson Center (2264 Clarkson Road).]**

- C. P.Z. 04-2018 West County Acres, Nardin Drive (R-2, PC to R-4):** A request for a zoning map amendment from an "R-2" Residence District and "PC" Planned Commercial District to an "R-4" Residence District for a 20.7 acre tract of land located north and east of Swingley Ridge Road east of its intersection with Chesterfield Ridge Center Dr. (18S510164, 18S510142, 18S510131, 18S510119, 18S510098, 18S510229, 18S510021, 18S230158, 18S510010, 18S150043, 18S510087, 18S510108, 18S510120, 18S510153, 18S510175). (Ward 2)

### **STAFF REPORT**

Jessica Henry, Senior Planner, presented the project request for a zoning map amendment from an "R-2" Residence District and "PC" Planned Commercial District to an "R-4" Residence District for a 20.7 acre tract of land located north and east of Swingley Ridge Road and east of its intersection with Chesterfield Ridge Center Drive. The Applicant intends to develop the subject site into a single-family home development.

A public hearing was held on April 23, 2018 at which time the Planning Commission discussed the compatibility of the request with the existing two residences along Nardin Drive. Following the public hearing, the Applicant amended their request to maintain the "R-2" Residence District zoning on the two future lots that will be located adjacent to the existing residences while the remaining acres would be rezoned "R-4". Landscape buffers were also discussed and the

Applicant provided an exhibit depicting the required 20' landscape buffer between the proposed new development and existing residences. Additionally, there was discussion regarding the feasibility of constructing a pedestrian trail. However, due to the site's difficult topography, the Applicant did not believe that such a trail would be possible to incorporate. The Commission recommended approval of the request on June 11 by a vote of 8-0.

Ms. Henry noted that there have been ongoing discussions regarding the trail.

*(Councilmember Flachsbart left the meeting at 6:45 p.m.)*

### **DISCUSSION**

In response to Councilmember Mastorakos' question, Ms. Henry clarified that the two lots that will remain "R-2" are the two northernmost lots which will abut the existing residences. She stated that the existing homes are "R-2". The remainder of the lots will be rezoned to "R-4", which requires smaller lot sizes and smaller setbacks.

Councilmember Mastorakos inquired about the existing tree canopy. Ms. Henry stated that the Applicant will be required to reserve 30% overall tree canopy on the site. However, given the topography and the location of the creeks, it is their stated intent to preserve more than that. If the zoning is approved and this moves into the development review phase, the City will receive a tree preservation plan.

Councilmember Hurt stated that he would encourage the Applicant to develop a walkable community. There are several other developments in Chesterfield where pathways meander throughout the homes. Some trails may dead end at the creek but this will allow people to walk in wooded areas without crossing over someone else's property. He believes small pathways are beneficial to any development. Kate Stock, Stock & Associates, stated that the Applicant is amenable to incorporating such a pathway. Councilmember Hurt and Ms. Stock will discuss this possibility further.

In response to Councilmember Mastorakos' question, Ms. Stock confirmed that there will be a 20 foot wide landscape buffer between the two existing homes and the new development.

**Councilmember Hurt made a motion to forward P.Z. 04-2018 West County Acres, Nardin Drive (R-2, PC to R-4) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 3-0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the July 16, 2018 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on P.Z. 04-2018 West County Acres, Nardin Drive (R-2, PC to R-4).]**

**IV. OTHER** – None.

**V. ADJOURNMENT**

The meeting adjourned at 6:54 p.m.