



**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
JULY 8, 2019**

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

**I. ROLL CALL**

**PRESENT**

**ABSENT**

Commissioner Allison Harris  
Commissioner John Marino  
Commissioner Debbie Midgley  
Commissioner James Rosenauer  
Commissioner Gene Schenberg  
Commissioner Guy Tilman  
Commissioner Steven Wuennenberg  
Chair Merrell Hansen

Mayor Bob Nation  
Councilmember Mary Ann Mastorakos, Council Liaison  
Mr. Michael Lindgren, representing City Attorney Christopher Graville  
Mr. Justin Wyse, Director of Planning & Development Services  
Mr. Mike Knight, Planner  
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Mary Ann Mastorakos, Council Liaison; Councilmember Mary Monachella, Ward I; and Councilmember Dan Hurt, Ward III.

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

**IV. PUBLIC HEARINGS – Commissioner Schenberg read the “Opening Comments” for the Public Hearing.**

- A. P.Z. 04-2019 13559 Olive Blvd (McDonald’s):** A request for a zoning map amendment from a “C8” Planned Commercial District to a “PC” Planned Commercial District for a .86 tract of land located north of Olive Blvd., west of its intersection with North Woods Mill Rd. (16Q241471)

**STAFF PRESENTATION:**

Planner Mike Knight gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Knight then provided the following information about the subject site:

## Request

The primary purpose of the request is to allow for both interior and exterior renovations of the existing McDonald's building, along with the construction of a double drive-thru lane. The use for the site will remain "Fast Food Restaurant" with updates to the Preliminary Development Plan.

## Site History

In 1983, St. Louis County rezoned the vacant land from a "C6" zoning district to a "C8" zoning district. In 1990, development requirements were altered with respect to a larger allowable total floor area, a decrease in building setbacks from the property lines, and expanded permitted hours of operation. In 2011, two small areas within the subject site were rezoned to "PC" Planned Commercial for the sole use of telecommunication facilities.

## Comprehensive Plan Policies

The following Comprehensive Plan Policies are applicable to the subject petition:

- Policy 3.1.1 Quality of Design - Developments should emphasize architectural design, pedestrian circulation, landscaping, open space, innovative parking solutions and landscape buffering between any adjacent residential uses.
- Policy 3.1.2 Buffering of Neighborhoods - Development should substantially buffer the neighboring residential uses in all directions by employing good site design, addressing vehicular access, building materials selection, tree preservation, and expanded setbacks.
- Policy 7.2.4 Encourage Sidewalks - Sidewalks should be required of all new developments and encouraged along existing roads in the City of Chesterfield, allowing creative placement to protect the natural environment.
- Policy 7.2.6 Cross-Access Circulation - Internal vehicular and pedestrian connections between commercial developments should be encouraged.

## Requested Changes to the Ordinance

The following table outlines the current development criteria compared to the Applicant's requests. Items in **bold** indicate a change from the existing requirements.

<b>Structure Setbacks</b>		
	<b>Current</b>	<b>Requested</b>
North	75'	<b>65'</b>
South	20'	<b>18'</b>
East	75'	<b>60'</b>
West	50'	50'
<b>Parking Setbacks</b>		
	<b>Current</b>	<b>Requested</b>
North	25'	25'
South	10'	10'
East	5'	5'
West	75'	<b>17'</b>
<b>Hours of Operation</b>		
	<b>Current</b>	<b>Requested</b>
Hours	6:30 AM to 10:00 PM	<b>24 hours</b>
Days	Seven days a week	Seven days a week

Mr. Knight noted that the requested structure setbacks are adjusted to accommodate the double drive-thru ordering station. Parking has been added to the western edge of the site requiring a reduced parking setback from 75' to 17'.

Mr. Knight mentioned that although the current parking setbacks are set in the governing ordinance at 75', the current Unified Development Code defines parking setbacks differently. The County code only attributed the setbacks to individual stalls where the current code includes any drive aisles. That being said, when updated with no changes to the site, the minimum parking setback would be 25' from the west. Also, the location of the trash enclosure is being proposed at 25' from the northern property line.

Mr. Knight pointed out that any modifications to the Planned Commercial District's standards require 2/3 affirmative vote by Planning Commission for approval; this is applicable to the requested 17' parking setback from the western property line (*requirement is 25'*), and the requested 18' structure setback from the southern property line (*requirement is 35'*).

### **Landscape**

The current ordinance requires landscaped earth berms along the north and west property lines varying in height from 4-6 feet and 20-50 feet in width.

The applicant's request addresses landscaping by requiring landscape buffers:

- 25' from the north
- 17' from the west
- 10' from the south
- 5' from the east

An updated Landscape Plan will be required within the subsequent Amended Site Development Plan submittal.

### **Preliminary Development Plan**

Updates to the Preliminary Development Plan include:

- A double drive-thru structure;
- New location of the trash enclosure; and
- Addition of parking to the western side of the site.

### **Items under Review**

#### **1. Traffic**

Staff is reviewing the current and proposed conditions in relation to internal and external vehicular and pedestrian site circulation; parking standards; and potential for future cross-access with the commercial site to the east if it were to re-develop.

#### **2. Sound System**

The current governing ordinance states that the *outdoor sound system shall be limited to one speaker, which shall be a model D-30 main station or equivalent system in which outdoor speaker volume cannot be adjusted.* Ordinance language is being considered that meets the intent of the ordinance with updated language consistent with current ordinances.

## Discussion

During discussion, the following items were reviewed and information provided, as necessary.

### Deliveries and Trash Removal

Staff confirmed that the Attachment A specifies hours of 7:00 a.m. to 10:00 p.m. for trash removal and loading, and that the Applicant is not requesting any change to these hours. Commissioner Tilman asked that the hours of operation for deliveries be restricted also.

### Sound

Several Commissioners expressed concern about sound from the speakers in the drive-thru lanes being heard by the adjacent residential complex. Chair Hansen asked that information be provided quantifying the noise level from the speakers.

### Cross Access

Commissioner Schenberg suggested that a pedestrian cross access be provided between the adjacent shopping center and the subject McDonald's property.

### Hours of Operation

Mr. Knight outlined the hours of operations for neighboring establishments, as specified in their governing ordinances, noting that the restaurants may actually operate within a more restrictive timeframe than what they are permitted:

- Four Seasons Plaza: Fast food and fast casual – 6:00 a.m. to 10:00 p.m.
- Starbucks – No restrictions
- Kim Cheese – No restrictions
- 711 – No restrictions under the C2 shopping district; it was confirmed that 711 operates 24/7

### Parking

Commissioner Harris expressed concern about parking spaces being eliminated from the site noting that currently cars are queued out on Olive Blvd. during the peak lunch period. She also noted that there a lot of senior citizens who visit this location who utilize parking for indoor dining.

### Double Drive-thru/Stacking

The double drive-thru will allow four more cars to be stacked in the lanes than what can be currently stacked, and meets the City's stacking requirements.

### PETITIONER'S PRESENTATION:

Mr. Bob Polk, Licensed Professional Engineer, Principal with Farnsworth Group, 20 Allen Avenue, St. Louis, MO – representing McDonald's.

Mr. Polk stated that McDonald's is requesting a rezoning from C8 to PC and explained that they are completing a multi-year campaign to modernize their restaurants across the country. He provided renderings of the proposed building, which utilizes modern, contemporary architecture in earth tone colors.

Mr. Polk outlined the three primary reasons behind the renovation program and changes to the site:

1. Need to renovate the interior and exterior of the facility considering its 30-year existence and the old prototype architecture with red mansard roof.
2. Need to bring the restaurant into compliance with ADA regulations. They intend to rebuild the handicap parking spaces as they do not currently meet ADA slope requirements; a direct accessible path will also be provided into the east side of the building.
3. Need to provide a second order station, which provides “a tremendous increase in efficiencies to the operations of McDonald’s” with less waiting time for the customer, and allows for an overall reduction in the length of the stacking queue.

### **Structure Setbacks**

The requested changes in structure setbacks on the north and east sides are due primarily to the location of the new order stations.

### **Parking Setbacks**

The only change is to the western parking setback where three parallel parking spaces are to be added, which will offset the spaces lost due to the addition of the second order station. Mr. Polk pointed out that the land use to the west is a swimming pool so they believe it is reasonable to locate the three parking spaces on the west side of the property.

### **Parking**

Mr. Polk stated that the current regulations require 40 parking spaces and the existing parking count is 31. He added that with the new design, they are able to provide 29 spaces. He then provided the following information from a parking study conducted March 5, 2019 showing the number of cars parked on site during the breakfast, lunch, and dinner hours. Based on this study, along with data that shows McDonald’s sales are generally 75-80% drive-thru, they feel 29 parking spaces are adequate for the site.

<b>Period</b>	<b>Maximum</b>	<b>Average</b>
7 am – 9 am	12 (8:15 am)	9
11 am – 1 pm	24 (12:15 pm)	16
5 pm – 6 pm	9 (5:00 pm)	7

### **Public Sidewalk**

Mr. Polk stated that requirements to provide a new public sidewalk to mimic the street profile would create a hardship at this location. To do so would require a total reconstruction of both entrances to get the necessary cross slope.

### **Cross Access**

With the internal, counter-clockwise circulation of the site, Mr. Polk felt that very few McDonald's customers would utilize a cross access to the east to visit the adjacent shopping center. He also noted that the current location of the shopping center building would prohibit any physical connection at this time.

### **Tree Stand Delineation**

They will work with Staff to save as many trees as possible, or replace them, to meet requirements.

### **Exterior Seating**

Mr. Polk confirmed that the site will not have any exterior seating.

### **Speaker Locations**

Mr. Polk pointed out that the current speaker faces due north; the two new order station speakers will face northeast so this will be an improvement to the noise concerns with respect to the adjacent residences. He added that they have not any noise issues with the new speaker systems from adjoining residential owners in other locations.

### **Parapet Height**

The parapet height increases about 1½ feet from the existing height, which helps further screen the rooftop equipment.

## **Discussion**

### **Sidewalks**

Commissioner Wuennenberg asked for further information on why it would be difficult to have sidewalks installed along Olive Boulevard. Mr. Polk explained that in order to mimic the profile of Olive, the sidewalks would have to be down near the curb line necessitating a flat slope through the entrances. The existing entrances have slopes greater than 2%, and a sidewalk passing through those entrances would have to be less than 2% cross slope necessitating the complete reconstruction of both concrete approaches.

Justin Wyse, Director of Planning & Development Services, acknowledged that installing sidewalks would take work, but prefers that the work be completed by the property owner while redeveloping the site rather than shifting the burden onto the public sector.

While she would like to see sidewalks installed, Commissioner Midgley expressed safety concerns about pedestrians coming from the east encountering traffic turning into the site.

### **Cross Access**

Commissioner Schenberg clarified his earlier suggestion regarding cross access to the east noting that he was referring to pedestrian access rather than vehicular access. He noted that a pedestrian access would allow the patrons/employees of the shopping center to more easily access McDonald's. Mr. Polk stated that pedestrian access would be reviewed.

Mr. Polk added that a solution to future potential cross access vehicular connectivity to the property to the east would involve obtaining easements now for any future connection between the two developments.

### **Location of Trash Container**

Mr. Polk stated that the trash container has been moved in order to add three new parking spaces to the site to maintain the existing count. Commissioner Midgley expressed concern that with a 24/7 operation, the trash container will be accessed by staff at night creating more noise impacting the residential areas. Commissioner Schenberg suggested moving the trash container next to the telecommunications station, which would place it closer to the pool and further away from the residences.

### **Parking**

Commissioner Marino asked whether the three new parking spots to the west will be used for indoor diner parking or for customers waiting for orders. Mr. Polk stated that it is possible they could be assigned for mobile pick-ups.

### **SPEAKERS IN FAVOR: None**

### **SPEAKERS IN OPPOSITION:**

Ms. JoAnn Smith, 13546 Coliseum Drive, Chesterfield, MO – representing Woodsmill Pointe Condominiums, Section I.

Ms. Smith outlined the Condo Association's concerns, as follows:

- **Hours of operation:** They object to a 24/7 operation. She noted that the Petitioner outlined three reasons for the requested zoning change – none of which necessitates 24-hour service. They are not aware of any other establishment on Olive Blvd. that operates 24/7, and they do not want this site to set such a precedent.
- **Location of trash container:** The trash container is proposed to move 10 feet closer to their development; and at its current location, they already hear the lid slamming down from staff accessing it.
- **Traffic:** Currently, vehicles have to line up on Olive Blvd. while waiting to turn into McDonald's. Because of the difficulty in making a left-hand turn out of McDonald's, customers turn right on to Olive and then right onto Coliseum Drive, which is a private street maintained by the residents.
- **Speaker noise**
- **Construction hours and parking of construction vehicles**

Ms. Smith also had the following questions:

- Will the current fence remain and be maintained, or be replaced with something to better address noise and light concerns?
- Will there be additional new signage, and will it be lit?
- What are the lighting requirements for the site?

### **Discussion**

Commissioner Harris asked if the neighborhood association had considered closing the private road. Ms. Smith stated that consideration had been given to closing it, but it was determined that this would not be a viable option. Commissioner Harris suggested making the street a right-turn out only, which would prevent traffic from McDonald's using it as a means to turn left back onto Olive.

**SPEAKERS – NEUTRAL:**

Mr. Bill Burns, Board member of HOA, 13493 Coliseum Drive, Chesterfield, MO

Mr. Burns stated that their primary concerns are lights and sound, and they would like to see steps taken to mitigate them. He noted that there is an existing six-foot high wooden fence on the site, which is not a good sound barrier. If a taller, soundproof fence were installed, it would eliminate a lot of potential problems for the condominium residents.

**REBUTTAL:**

Mr. Polk felt that most of the concerns raised could be adequately addressed, and stated that they will provide more information about the speaker systems to resolve that concern.

He didn't feel they could resolve the traffic issue of customers turning onto Coliseum Drive.

Chair Hansen asked if there are any plans regarding the existing fence. Mr. Polk replied that nothing specific has been discussed with Staff. Mr. Wyse added that Staff has noted the issues and will work with the Petitioner to address them.

**ISSUES:**

Issues	Type	Description
1	Sound	Confirm, speakers are only for double-drive thru
		Adress impact of sound 24 hours
		Condition of fence, Addition of sound wall/ or fence to specifically mitigate noise
2	Access/Cross-Access	Pedestrian Connectivity, requirement of sidewalk
		Vehicular Connectivity, identify cross-access and secure easement with ASDP
		Throat depth into the site
3	Parking	The site is under parked according to UDC, parking should not decrease
4	Trash location	Identify how the impact of the trash location will not impact residents to the north
5	24 hours	Identify if both indoor and drive-thru will be open 24 hours
		With 24 hour operation, will there be more lighting impact
		Hours of Operation for trash should match loading of what currently exists

Commissioner Harris referred to Panera's site and noted that there were issues raised regarding speakers at that time. Mr. Wyse stated that this information will be made available to the Commission.

Commissioner Tilman asked that Staff review the possibility of have vehicular cross access to the east in order to remove one of the curb cuts along Olive Blvd.

Commissioner Schenberg then read the Closing Comments for the Public Hearing.



## V. APPROVAL OF MEETING SUMMARY

**Commissioner Wuennenberg made a motion to approve the Meeting Summary of the June 24, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 8 to 0.**

## VI. PUBLIC COMMENT

**Mr. Matt Gagnepain, General Manager of Metro Lighting, 929 Hanley Industrial Ct., Brentwood, MO – representing the Petitioner for MPD Investments, Lot 1 (Metro Lighting) Lighting Package.**

Mr. Gagnepain explained that with the new cap design, there will be very little light spill. Their goal is to have a professional design and color scheme; they are not looking for contrasting colors, but rather soft, subtle lighting to make a nice presentation for their location along the highway.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Equilon Shell (Circle K) 2<sup>nd</sup> Amended Architectural Elevations:** Amended Architectural Elevations for a 0.77 acre tract of land zoned “C-8” Planned Commercial District located on the east corner of the intersection of Olive Boulevard and Chesterfield Parkway (18S520624).

**Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the 2<sup>nd</sup> Amended Architectural Elevations for Equilon Shell (Circle K). The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 8 to 0.**

- B. **New Spirit Energy Convenience Store (Circle K) 5<sup>th</sup> Amended Architectural Elevations:** Amended Architectural Elevations for a 0.84 acre tract of land zoned “PC” Planned Commercial District located on the southeast side of the intersection of Clayton Road and Wildwood Parkway (21R420714).

**Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the 5<sup>th</sup> Amended Architectural Elevations for New Spirit Energy Convenience Store (Circle K). The motion was seconded by Commissioner Midgley and **passed** by a voice vote of 8 to 0.**

- C. **MPD Investments, Lot 1 (Metro Lighting) Lighting Package:** Architectural Specialty Lighting Package for a 4.02 acre tract of land zoned “PI” Planned Industrial District located on the north side of North Outer 40 Road west of Boone’s Crossing (17U520148).

**Commissioner Schenberg made a motion to approve the lighting package for MPD Investments, Lot 1 (Metro Lighting) with the condition that the light be capped and shielded in such a way to prevent any uplighting beyond the building. The motion was seconded by Commissioner Tilman.**

**Commissioner Wuennenberg made a motion to amend the motion to limit the lighting colors to two colors instead of three colors. The motion was seconded by Chair Hansen.**

#### **Discussion on the Amended Motion**

Commissioner Marino disagreed with the amendment stating that he is comfortable with the applicant's proposal of using three colors, and trusts that the applicant will provide lighting that is tasteful. He also stated that he does not think the Commission should start regulating colors based on personal preferences.

The vote on the amendment **failed by a vote of 2 to 6.** (*Chair Hansen and Commissioner Wuennenberg voted "yes".*)

**The vote on the original motion to approve, with conditions, passed by a vote of 8 to 0.**

#### **VIII. UNFINISHED BUSINESS - None**

#### **IX. NEW BUSINESS**

##### **A. Site Plan Committee Membership**

**Chair Hansen made a motion that all members of the Planning Commission serve as members of the Site Plan Committee with the Vice-Chair and Secretary of the Planning Commission serving as rotating chairs of the Site Plan Committee. The motion was seconded by Commissioner Tilman.**

#### **Discussion**

It was clarified that by having all nine members of the Commission serve on the Site Plan Committee, a quorum of five would be required.

**The motion passed by a voice vote of 8 to 0.**

#### **X. COMMITTEE REPORTS - None**

#### **XI. ADJOURNMENT**

The meeting adjourned at 8:15 p.m.

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Gene Schenberg, Secretary