

V.A.

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 24, 2007**

The meeting was called to order at 7:02 p.m.

I. PRESENT

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

ABSENT

Mr. David Banks
Mr. Fred Broemmer

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Susan Mueller, Principal Engineer
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Mara Perry, Senior Planner
Mr. Justin Wyse, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Connie Fults, Council Liaison; and Councilmember Mike Casey, Ward III.

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

Commissioner Schenberg made a motion to approve the minutes of the September 10, 2007 Planning Commission Meeting. The motion was seconded by Commissioner Watson and passed by a voice vote of 5 to 0 with 2 abstentions from Commissioners Asmus and Perantoni, who were not at the September 10th meeting.

VI. PUBLIC COMMENT

RE: P.Z. 27-2007 1701 Wilson (Chris Barry)

Petitioner:

1. Mr. Chris Barry, 1701 Wilson Road, Chesterfield, MO was available for questions.
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RE: P.Z. 32-2007 MPD Investments, LLC (17481 and 17485 North Outer 40 Road)

Petitioner:

1. Mr. Mike Doster, representing the Petitioner, 17640 Myrtlewood, Chesterfield, MO addressed the Commission regarding the requested uses for the subject petition. He stated that the Petitioner has selected a list of uses that is compatible with what already has been approved in the immediate neighborhood, including Lynch Hummer, the remainder of the Larry Enterprises site, and the Motor Sports facility. After discussion with the Commission, modifications were made to the following uses as noted below: **(changes shown in bold)**

- f. Mail order sale warehouses **excluding on-site sales;**
- k. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith **(excluding facilities that generate hazardous, environmental waste, liquid, solid or gaseous)**
- m. 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; (Mr. Doster stated that “trucks” would be of a light nature such as a pick-up truck, SUV, or a hybrid-type vehicle. “Trailers” would be in the nature of trailers that might be towed by automobiles or small trucks.)
- n. ~~Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;~~

The Petitioner requested that the following uses be primary uses with a limit to the number allowed – such as one of each use or two uses of the three. It was also requested that these three uses be ancillary uses without limitation:

- p. Vehicle repair facilities;
- q. Vehicle service centers;
- r. Vehicle washing facilities;

Mr. Doster then addressed the Commission regarding open space and stated the following:

- They are requesting 31% open space.
- When the original Larry Enterprises zoning came through, the Planning Commission directed the Petitioner to meet with the Valley Master Plan Study Committee. The meeting resulted in a negotiation between the Committee and Larry Enterprises as to what would be appropriate along this stretch of Highway 40 on the north side.
- At that time, the Committee addressed uses and performance standards, including setbacks and green space. The zoning ordinance for Larry Enterprises is a result of that Committee.
- They feel that the Valley Master Plan Study Committee has endorsed such development in this area.
- Part of the Petitioner's integrated development is the seven acres of the Larry Enterprises development, as originally proposed, and which is subject to 31% open space.
- The subject site has been narrowed by storm water drainage in the front and levee improvements in the back so they feel the 31% open space is appropriate.

Commissioner Perantoni asked how many access points there are into the existing Hummer property. Mr. George Stock, Stock & Associates, stated that there is only one access point into the existing Hummer property.

Commissioner Perantoni expressed concern about three access points for two sites.

2. Mr. George Stock, Stock & Associates, 251 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The Jim Lynch site currently has one driveway servicing Jim Lynch.
- Of the total 14 acres, seven are the Jim Lynch property, which includes a future expansion; and seven are the MPD property, which has two additional driveways.
- Jim Lynch has rights of access to the other driveway – there are cross access rights on the property and vice-versa – MPD has the right of access across Jim Lynch.
- The properties will all be linked together, including the subject petition, which is the undeveloped tract and the U.S. Turf building.
- There is already cross access existing that was put in place when the plats were recorded on the former U.S. Turf property. The former U.S. Turf building, and the undeveloped lot, are west of Jim Lynch.
- There will be a total of four driveways counting the Jim Lynch property. The driveways are spaced in such a manner so as to meet the City's access management guidelines.
- The site is on an outer road – there are no opposing movements from the south, it's only accessed from the north. There are also improvements

being made to the road. There is the addition of a continuous left-turn lane across the front of these sites.

Commissioner Geckeler expressed concern about the Comprehensive Plan calling for 50% open space vs. the requested 31% open space. Mr. Doster stated that the 50% is a guideline and he believes the standard was set when Larry Enterprises was approved – that standard was approved by the Chesterfield Valley Master Plan Study Committee. He further stated that if a 50% open space requirement is imposed on the subject developer, the City would be imposing a requirement on the developer that was not imposed on the adjoining developments. The requested 31% open space would be consistent with the neighborhood.

Councilmember Fults expressed her concern about the condition of the road and asked what the road improvements would be for this road. Mr. Stock stated there would be an additional eleven-foot lane to provide a center left-hand turn lane. The road would also be resurfaced incrementally on a project-by-project basis.

RE: P.Z. 41-2007 Chesterfield Blue Valley, LLC (18394 Chesterfield Airport Road)

Petitioner:

1. Mr. George Stock, Stock & Associates, 251 Chesterfield Business Parkway, Chesterfield, MO responded to questions from the Commission stating the following:
 - **Regarding cross access:** The development calls for the relocation of Olive Street where it intersects Chesterfield Airport Road. From that point, there is a proposed entrance 800 feet to the west, which would align with the Airport's new drive. This road would extend north, centered within the development, running parallel to I-64. Approximately mid-way through the site, they have proposed a public road going west, which would adjoin the western property line. It is consistent in its location to where the east-west public road was proposed and is in the ordinance for the Blue Valley I development to the west. The Fire Marshall requires a second means of ingress and egress, which would occur to the west. There could also be an emergency fire access provided along Olive Street Road at the west property line.
 - **Regarding how the road relates to the location of the drainage ditch:** Chesterfield Business Parkway is an example of how this would work. Chesterfield Business Parkway is a two-lane road constructed to City standards. It is 26 feet of pavement with 7-foot asphalt shoulders. The drainage channel runs immediately adjacent. This is the same principal and concept as what is being proposed for the subject site.

2. Mr. John King, Lathrop and Gale, referred to the following requested uses and stated the following:
- g. Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications. They would like the opportunity to have antennas located in some of the buildings that will be in the proposed development. They believe that some of the cellular companies will want to put up antennas in the development vs. putting up towers.
 - l. Fishing tackle and bait shops. Open storage and display are prohibited. The Petitioner is requesting that these uses be ancillary uses.
 - y. Research facilities, professional and scientific laboratories (excluding facilities that generate hazardous, environmental waste, liquid, solid or gaseous). They are agreeable to modifying the use as shown in bold.
 - aa. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, boats, as well as associated repairs and necessary outdoor storage of said vehicles. They would like to keep something similar to what is in the Blue Valley I Ordinance.
 - cc. Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, ~~fishing tackle and bait shops~~, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises. They are agreeable to modifying the use as shown in bold.

Ancillary Use:

- a. Apartment dwelling units in buildings primarily designated for occupancy by one (1) or more of the permitted commercial uses, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment. Mr. King will review whether this use can be eliminated.

Mr. King then referred to the requested 30% open space vs. 50% open space stating the following:

- They are trying to create a spectacular entrance into the City of Chesterfield at this location. They feel this can be accomplished with amenities, building materials and landscaping, including heavily landscaped boulevards.
- Blue Valley I has 40% open space.

Commissioner Perantoni expressed concern about the six-story buildings being proposed for this site. Mr. King stated that they do not intend to create a valley on Highway 40 with the construction of such buildings. They feel that with proper placement and properly constructed, the buildings will help create the type of entrance wanted by the City.

Regarding the open space, Ms. McCaskill-Clay, Assistant Director of Planning, stated that the site is in a sub-area that requires 50% open space vs. the 30% being requested by the Petitioner. The Comprehensive Plan includes mitigating language with respect to re-evaluating the open space issue once infrastructure improvements have been made. A landscape buffer would be required against the "NU" property but nothing against the already PC-zoned Blue Valley property to the west.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. River Crossings Development:** A Partially Amended Site Development Concept Plan and Amended Conceptual Landscape Plan for 15.8 acre tracts of land zoned "PC" Planned Commercial District, located north of Chesterfield Airport Road and west of Boone's Crossing.

Commissioner Schenberg, representing the Site Plan Committee, made a motion to approve the Partially Amended Site Development Concept Plan and Amended Conceptual Landscape Plan. The motion was seconded by Commissioner Grissom and **passed by a voice vote of 7 to 0.**

- B. Lamborghini of St. Louis (River Crossings Development Lots 7 and 8):** An Amended Site Development Section Plan, Amended Landscape Plan, Amended Lighting Plan and Architectural Elevations for a 5.4 acre tract of land zoned "PC" Planned Commercial District, located north of Chesterfield Airport Road and west of Boone's Crossing.

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

VIII. OLD BUSINESS

- A. **P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.):** A request for a change of zoning from “M-3” Planned Industrial District to “PI” Planned Industrial District for a 23-acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Long Road and Chesterfield Airport Road. (17V510016)

Chair Hirsch reported that the Petitioner has requested a further hold on the petition.

Commissioner Grissom made a motion to hold P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.) until the next scheduled Planning Commission meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

- B. **P.Z. 27-2007 1701 Wilson (Chris Barry):** A request for a change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District for a 3.0 acre tract of land located on the west side of Wilson Road, directly north of Wilson Bluffs.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the subject petition is for straight zoning requiring that the property be developed strictly from the provisions provided in the City’s Zoning Ordinance – therefore, there is no Attachment A.

The site to be rezoned consists of exactly three acres. Since the property is being rezoned to E-One Acre, any lot split of the site would require that the Petitioner meet the one-acre requirement. Because a land use dedication is required along Wilson Road, the Petitioner will not be able to divide the site into more than two lots and still meet the E-One Acre zoning requirements.

City Attorney Heggie indicated his satisfaction with the response from the Petitioner regarding the issue with the easement.

Commissioner Schenberg made a motion to approve P.Z. 27-2007 1701 Wilson (Chris Barry). The motion was seconded by Commissioner Geckeler.

Upon roll call, the vote was as follows:

**Aye: Commissioner Watson, Commissioner Asmus,
Commissioner Geckeler, Commissioner Grissom,
Commissioner Perantoni, Commissioner Schenberg,
Chairman Hirsch**

Nay: None

The motion passed by a vote of 7 to 0.

- C. P.Z. 32-2007 MPD Investments, LLC (17481 and 17485 North Outer 40 Road):** A request for a change of zoning from “C-8” Planned Commercial District to “PI” Planned Industrial District for an 8.3 acre tract of land located north of North Outer 40 west of Boone’s Crossing (17U520148 & 17U520159).

Ms. Mara Perry, Senior Planner, stated that the Staff Report addresses issues raised at the Issues Meeting in regards to the comparison of uses in the adjacent “PI” Planned Industrial District. During this evening’s Public Comments portion of the meeting, the Petitioner agreed to modifications to several of the uses.

Ms. Perry further stated that discussions were held with respect to traffic along the subject location. A memo from the City is included with the Staff Report regarding traffic. In addition, comments received from MoDOT have been integrated into the Attachment A, which require a turn lane along North Outer 40 Road.

With respect to open space, Ms. Perry stated the Comprehensive Plan has a guideline for 50% open space for this sub-area. However, there are areas of the Valley where a 30% open space requirement is allowed once the area is able to get off of its septic system and on to a typical sewer system. This requirement is not specifically outlined for the subject sub-area, but it is consistent with what the City has allowed for other developments throughout the Valley. The other developments in the area average out to approximately 40% open space; the developments on either side of the subject site are at 31% and 30% open space.

Ms. Perry referred to Item M. of the Attachment A which addresses “Stormwater”. She explained that the language in Item M.3. is currently being revised to make it consistent with previously agreed-upon improvements regarding stormwater on the site. If the Commission chooses to vote on the petition tonight, Staff asks that the approval be conditioned upon revised wording for Section M.3. of the Attachment A.

Commissioner Perantoni indicated her preference for voting on the petition after all the revisions to Attachment A have been made.

Chair Hirsch summarized the revisions to the uses as noted below (**changes shown in bold**):

- f. Mail order sale warehouses **excluding on-site sales**;
- k. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith (**excluding facilities that generate hazardous, environmental waste, liquid, solid or gaseous**)
- m. 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;
- n. ~~Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;~~

The Petitioner requested that the following uses be primary uses with a limit to the number allowed – such as one of each use or two uses of the three. It was also requested that these three uses be ancillary uses without limitation.

- p. Vehicle repair facilities;
- q. Vehicle service centers;
- r. Vehicle washing facilities;

The final revision to the Attachment A would be to Section M.3. with respect to “Stormwater” requirements.

Commissioner Watson thought the Petitioner had indicated there would be a modification to Use m. with respect to the size of the trailers. Chair Hirsch said this would have to be clarified if the Commission chose to vote on the petition this evening.

Chair Hirsch asked the Commission whether they preferred to vote on the petition at this time or whether they preferred to hold it until the Attachment A has been amended.

Commissioner Asmus preferred holding the petition until all the revisions are in place.

Commissioner Perantoni made a motion to hold P.Z. 32-2007 MPD Investments, LLC (17481 and 17485 North Outer 40 Road) until the next Planning Commission meeting. The motion was seconded by Commissioner Asmus.

Upon roll call, the vote was as follows:

**Aye: Commissioner Asmus, Commissioner Grissom,
Commissioner Perantoni, Commissioner Schenberg,
Commissioner Watson**

Nay: Commissioner Geckeler, Chairman Hirsch

The motion passed by a vote of 5 to 2.

- D. **P.Z. 41-2007 Chesterfield Blue Valley, LLC (18394 Chesterfield Airport Road)**: A request for a change of zoning from “NU” Non-Urban District to “PC” Planned Commercial District for a 75.063 acre tract of land located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, distributed hand-outs showing the similarities and differences between Blue Valley I (Agricola Associates) and Chesterfield Blue Valley.

The following permitted uses are the shared uses between what was approved for Blue Valley I and what is being requested via P.Z. 41-2007 Chesterfield Blue Valley:

- Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
- Barber shops and beauty parlors.
- Bookstores
- Child care centers, nursery schools, and day nurseries.
- Colleges and universities.
- Dry cleaning drop-off and pick-up stations
- Fishing tackle and bait shops. Open storage and display are prohibited.
- Financial institutions.
- Hotels and motels.
- Medical and dental offices
- Offices or office buildings.
- Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, tennis courts, and gymnasiums, and indoor theaters.
- Restaurants, fast food.
- Restaurants, sit down.

- Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, boats, as well as associated repairs and necessary outdoor storage of said vehicles.
- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

Following are the shared ancillary uses - noting that some of the items listed in "Permitted Uses" may be moved to ancillary:

- Associated work and storage areas required by a business, firm, or service to carry on business operations.
- Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
- Cafeterias for employees and guests only.

The following permitted uses are not in Blue Valley I:

- Animal hospitals, veterinary clinics, and kennels.
- Arenas and stadiums.
- Broadcasting studios for radio and television.
- Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - (ii) Placed underground; or
 - (iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
- Mortuaries.
- Police, fire, and postal stations.
- Research facilities, professional and scientific laboratories.
- Permitted signs (See Section 1003.168 "Sign Regulations").
- Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.

- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
- Vehicle service centers for automobiles.
- Vehicle washing facilities for automobiles.
- Zoological gardens.

Following is a table showing the differences between the proposed petition P.Z. 41-2007 and the original Blue Valley P.Z. 28-2004.

P.Z. 41-2007 Chesterfield Blue Valley	P.Z. 28-2004 Blue Valley (Agricola Associates, LLC) Ordinance 2236
75.063 acres	55.8 acres
Maximum 830,000 square feet.	Maximum of 437,550 square feet
No limitations as found in Ordinance 2236	Language providing restrictions on: <ul style="list-style-type: none"> ▪ Number of buildings ▪ Permissible % of outdoor sales ▪ Only 30% of lots permitted to drive-thrus.
Maximum of six (6) stories or ninety-five (95) feet, whichever is less.	Maximum height of two stories or forty-five feet, whichever is less.
Proposed minimum open space of 30%*	Minimum open space is 40%*
Language is in the Attachment A for a similar schedule, however, Staff is reviewing whether this is necessary.	Roadway Improvements are spelled out in an exhibit.

*Regarding open space, Ms. McCaskill-Clay stated that Staff's Issue Report references back to the guidelines for sub-area 2, which states that long-range plans are to be re-evaluated upon completion of infrastructure development. Infrastructure is currently being placed in this portion of the Valley, which is one reason why the original Blue Valley was permitted a reduction in open space to 40%.

Ms. McCaskill-Clay stated that Staff is meeting with the Petitioner later in the week to review the Attachment A.

ISSUES:

1. Maximum height (6-stories or 95 feet)
2. Permissible percentage of outdoor sales
3. 30% of lots permitted as drive-thrus
4. Open space
5. Comments from Monarch Levee District
6. Review the ancillary use of “apartment dwelling”
7. Review assembly-type of uses that would affect circulation – such as “arenas and stadiums”, “indoor theaters”, “colleges and universities”, etc.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

There will be an upcoming meeting of the Ordinance Review Committee.

XI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Gene Schenberg, Secretary