

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 11, 2016**

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

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Ms. Merrell Hansen
Ms. Allison Harris
Ms. Amy Nolan
Mr. Guy Tilman
Mr. Steven Wuennenberg
Chair Stanley Proctor

ABSENT

Ms. Laura Lueking
Ms. Debbie Midgley

Councilmember Connie Fults, Council Liaison
Interim City Attorney Harry O'Rourke
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Jonathan Raiche, Senior Planner
Mr. Justin Wyse, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Councilmember Connie Fults, Council Liaison; and Councilmember Bridget Nations, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – Commissioner Wuennenberg read the “Opening Comments” for the Public Hearings.

- A. P.Z. 12-2015 Warwick on White Road (1050 and 1060 White Rd.): A request for a zoning map amendment from an “NU” Non-Urban District to an “R-2” Residence District for a 8.31 acre tract of land located southeast of the intersection of White Road and Greentrails Drive (18R620266 and 18R340902).**

STAFF PRESENTATION:

Project Planner Jessica Henry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Henry then provided the following information about the subject site:

Site Information

The subject site is surrounded by residential subdivisions and the Chesterfield Day School. The petition includes two parcels – 1050 and 1060 White Road – both of which contain a single-family residence. There is a third parcel on the subject site accessed from White Road (1048 White Road), but it is not included in this petition.

The surrounding residential subdivisions have lots ranging in size from 10,000 to 15,000 square feet. The size variance is due to the fact that some of the developments utilized the PEU density procedure which was available at the time of their zoning and allowed a reduced lot size. The current request is for an “R2” Residence District zoning which requires a non-negotiable minimum lot size of 15,000 square feet.

“R-2” Residence District Regulations

If the requested zoning is approved, the subject site would have to adhere to all the development criteria of the “R2” Residence District, which include uses, setbacks, structure heights, lot area requirements, etc.

The uses permitted by right in an “R-2” Residence District include:

- Single family detached dwellings
- Churches and other places of worship
- Golf courses
- Libraries, public or private
- Parks
- Wildlife reservation, forest and conservation project
- Primary school
- Kindergarten, nursery school
- Public facilities

While all the above uses are permitted, the Petitioner has indicated their intent is to build a single-family residential development at the required minimum lot size of 15,000 square feet. Based on requirements of the Unified Development Code, Staff has estimated that 10-12 single family homes could be constructed on the site.

Comprehensive Land Use Plan

The City’s Comprehensive Land Use Plan designates the subject site as *Residential Single-Family*. Staff has determined that the requested zoning is consistent with the Comprehensive Plan and the minimum lot size of 15,000 square feet is consistent with the surrounding residential developments.

Alta Survey

Since the request is for a conventional zoning, there is no required Preliminary Plan or Attachment A but the Petitioner has provided an Alta Survey, which shows all existing improvements on the site along with the access path to the parcel at 1048 White Road. The Petitioner will be required to maintain access to this parcel so as not to create a landlocked parcel, which is prohibited by the Unified Development Code.

Items under Review

At the present time, Staff is awaiting a few outstanding Agency Comments.

PETITIONER'S PRESENTATION:

Mr. George Stock, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that Fischer and Frichtel desires to develop the site as 10 single-family, detached homes under the "R2" zoning criteria with no lot less than 15,000 square feet and with a sales price starting from the upper \$700,000s. Access to the development will be via White Road.

The site has a challenging topography in that it is not flat and has quite a bit of topographical relief. There are plans for two storm water management basins; one each in the southwest and southeast corners. At the present time, they are in the preliminary stages of developing the Site Development Plan which will be submitted to the City once zoning has been approved.

Discussion

Ms. Aimee Nassif, Planning and Development Services Director corrected one of the points made and stated that because the zoning request is for a straight district, per City Code, the Site Development Plan is not reviewed by the Planning Commission. Per City Code, the Site Development Plan will be reviewed and approved administratively by City Staff. Residents can follow the status of this project through the Active Projects database found on the City's website. Staff is also available to provide any updates and share any new plans submitted on this project.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Dr. Timothy Jennings, 14323 Wainridge, Chesterfield, MO.

Dr. Jennings noted that his backyard abuts the subject site and stated his concerns as follows:

- There is already a tremendous amount of water runoff that affects his property and he is concerned about additional water runoff, as well as mud runoff. He stated that he had a retaining wall built nine years ago at a cost of \$72,000.
- He noted that when his subdivision, Conway Ridge, was built over 20 years ago, the construction caused siltation in the nearby lake. He has concerns that any new development will cause similar siltation issues in the lake.
- He has concerns about privacy as his back yard includes a swimming pool, which has the possibility of being seen from the new development.

2. Mr. Paul Tesser, 14319 Wainridge Drive, Chesterfield, MO.

Mr. Tesser noted his concerns as follows:

- He has had water issues with his property for the past 16 years and has had to replace his retaining wall. Because of the nature of the topography, the water will continue to drain towards his property and cause flooding. Even though there are drains in place, they only work when the water is diverted to them but to date, this problem has not been solved. He has concerns that if the subject site is developed and existing shrubbery removed, water will continue to flood his property.
- He also has concerns about privacy.

SPEAKERS – NEUTRAL:

1. Mr. Rick Gaus, 14202 Cobble Hill Court, Chesterfield, MO.

Mr. Gaus asked for clarification about the size of the driveway from White Road entering the site. Mr. Stock replied that the driveway pavement will be 26-feet wide.

2. Mr. Jim Anderson, 14307 Wainridge, Chesterfield, MO stated his concerns are the same as those already raised and would, therefore, pass on speaking.

STAFF'S RESPONSE:

Ms. Nassif pointed out that if the zoning is approved, a 20-foot landscape buffer is required around the perimeter of the development which would help with any privacy concerns. She noted that the developer would be encouraged to include evergreen trees in the buffer area to afford year-round screening.

Ms. Nassif also stated that the City has construction requirements in place which include the use of silt control fencing, erosion control measures, lake protection bonds, and Storm Water Pollution Prevention reports that are required each week and after a rain event. The storm water drainage plans have not yet been submitted but the developer will be required to address any drainage issues.

Ms. Nassif then explained that a second meeting will be held before the Planning Commission in order to vote on the petition. From there, the petition will be forwarded to the Planning & Public Works Committee and then onto City Council. When the site plan stage begins, it will be administratively reviewed. If Power of Review is called by the Mayor or a Councilmember of the subject Ward, the Site Development Plan would then be reviewed by the Planning & Public Works Committee and then by the full Council.

PETITIONER'S RESPONSE:

Mr. Stock stated that they very sensitive to the storm water issues and are open to talking to both Dr. Jennings and Mr. Tesser to understand their specific concerns. They are acutely aware of the topographic and drainage issues and will be designing a system that does not cause an adverse impact.

Mr. Stock also stated that he has mailed letters to the Trustees of Conway Ridge, Greentrails West, and Lake on White Road subdivisions introducing himself and offering to meet with them regarding the proposed project and to address any concerns.

Councilmember Fults asked Mr. Stock to provide the residents with information about the required standards of the “R2” zoning. Mr. Stock stated that with respect to storm water, the developer is obligated to mimic the pre-developed hydrology. But since there is an existing drainage problem, they need to understand the problem. They will be treating the storm water through Best Management Practices (BMPs). The storm water will first go to a rain garden, which will infiltrate, evaporate, and remove suspended solids and pollutants. From the rain garden, the water will go to the dry detention basins resulting in a run-off that is reduced from the current run-off.

Mr. Stock added that there are three sets of standards with respect to storm water: (1) Missouri Department of Natural Resources (MDNR); (2) Metropolitan St. Louis Sewer District; and (3) City of Chesterfield. MDNR addresses storm water pollution and prevention and requires that a plan be in place; MSD insures that they meet the MDNR and EPA requirements; and the City of Chesterfield reviews the developer’s drawings to insure there is adequate storm water pollution prevention.

Discussion

Commissioner Geckeler stated that there are three monarch trees on the site which she would like the petitioner to review to determine if they can be preserved – Tree #100, Tree #33 and Tree #35. She also pointed out that there is a grove of walnut trees on the northeast border and asked that they be considered for preservation. Mr. Stock stated that they will review the designated trees.

ISSUES:

Chair Proctor summarized the issues raised:

1. Drainage – Storm water drains to be installed to meet the standards of MDNR, MSD, and the City to insure there is no excess drainage from the site.
2. Privacy
3. Tree Preservation

Ms. Nassif informed the audience that this petition will come back before the Planning Commission for a vote on January 25th.

- B. P.Z. 13-2015 Chesterfield Valley Square (Burgundy Arrow LLC):** A request for a zoning map amendment from a “PI” Planned Industrial District to a “PC” Planned Commercial District for a 6.07 acre tract of land located on the south side of Chesterfield Airport Road west of Public Works Drive (17U230320).

STAFF PRESENTATION:

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

Site Information

The site is surrounded by a number of commercial and industrial developments. The subject site is host to existing businesses, which include Bar Louie and Oishi. In 2001, the site was rezoned from an “M-3” Planned Industrial District to a “PI” Planned Industrial District via City of Chesterfield Ordinance 1745. In 2004, Ordinance 1745 was repealed and replaced by Ordinance 2059 to reduce setback requirements and to amend the building specific and overall site square footage requirements. The site development plan was also approved in 2004 and the development subsequently constructed in 2006.

Preliminary Plan

Because the subject site is fully developed, the applicant has provided their current site development plan for the required Preliminary Plan. This plan reflects the current physical characteristics of the site including building form, access, parking, and circulation. The applicant is aware that because such a detailed Preliminary Plan has been submitted, they are committed to this development pattern.

Comprehensive Land Use Plan

The City’s Comprehensive Land Use Plan designates the subject site as *Mixed Use Retail/Office/Warehouse*. The existing and proposed uses are consistent with the land use and comprehensive plan.

Requested Uses

The Applicant is requesting the following 63 uses of the over 100 uses available in the “PC” Planned Commercial District. The uses listed in **bold** are ones the applicant is specifically requesting but currently not available to them. These uses are consistent with other uses in the area.

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|---------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------|
| 1. Administrative offices for educational or religious institutions | 19. Office – medical | 36. Retail sales establishment-regional |
| 2. Community Center | 20. Automobile dealership | 37. Tackle and bait shop |
| 3. Library | 21. Automotive retail supply | 38. Animal grooming service |
| 4. Postal stations | 22. Bakery | 39. Barber or beauty shop |
| 5. Public building facilities owned or leased by the City of Chesterfield | 23. Bar | 40. Broadcasting studio |
| 6. Public safety facility | 24. Brewhub | 41. Check cashing facility |
| 7. Art gallery | 25. Coffee shop | 42. Commercial service facility |
| 8. Art studio | 26. Coffee shop, drive-thru | 43. Day care center |
| 9. Auditorium | 27. Grocery-community | 44. Drug store and pharmacy |
| 10. Banquet facility | 28. Grocery-neighborhood | 45. Dry cleaning establishment |
| 11. Club | 29. Grocery-supercenter | 46. Film drop-off and pick up stations |
| 12. Gymnasium | 30. Newspaper stand | 47. Film processing plant |
| 13. Museum | 31. Restaurant-sit down | 48. Financial Institution, no drive-thru |
| 14. Reading room | 32. Restaurant-fast food | 49. Kennel, boarding |
| 15. Recreation facility | 33. Restaurant-take out | |
| 16. Union halls and hiring halls | 34. Retail sales establishment-community | |
| 17. Office – dental | 35. Retail sales establishment-neighborhood | |
| 18. Office – general | | |

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|-------------------------------------------------|-------------------------------------------|---------------------------------------------|
| 50. Laundromat | 55. Veterinary clinic | 61. Public facilities over 60 ft. in height |
| 51. Oil change facility | 56. College/university | 62. Telecommunications structure |
| 52. Professional and technical service facility | 57. Kindergarten or nursery school | 63. Telecommunications tower or facility |
| 53. Research laboratory & facility | 58. Specialized private school | |
| 54. Tattoo parlor/body piercing studio | 59. Vocational school | |
| | 60. Device for energy generation | |

Items for Consideration

1. Open Space Requirement – Currently the “PC” District requires 35% open space but that was not a requirement at the time of the existing ordinance. As a result, the site was developed with 33% open space. Because the site does not meet the open space requirement, the applicant will need to request a modification to this standard. Such modification requires a separate vote of the Planning Commission with two-thirds of the Commission voting in favor of the modification in order to approve the request.
2. Use Restrictions – Staff has identified two requested uses which would be consistent with surrounding developments if specific restrictions of **indoor use only** are put in place for the following:
 - a. Automobile Dealership
 - b. Kennel, boarding
3. Hours of Operation – Consideration needs to be given as to whether hours of operation for this development should be restricted. Staff did an analysis of the surrounding developments and found that the directly-adjacent developments do not have restrictions on their hours of operation other than for deliveries and trash pick-up. Staff will recommend that the hours of operation be restricted for deliveries and trash pick-up on the subject site as well.

Discussion

Commissioner Wuennenberg asked if the modification for open space could be tied to the existing building footprint so if a building was torn down and rebuilt, the site would then have to conform to the existing requirement of 35% open space. Ms. Nassif replied that this would be possible, but noted that any change to the size of the footprint would require the petitioner to submit a new Preliminary Plan for review by the Planning Commission. She also pointed out that all the immediately-surrounding developments have 30-31% open space vs. the 33% open space on the subject site.

With respect to the surrounding developments not having restricted hours of operation, Councilmember Fults stated that all the restrictions on hours of operation have been on commercial developments and the subject development is surrounded by restaurants, St. Louis Family Church, the Public Works facility, and the movie theater, which do not fall under the commercial hours of operation. The surrounding developments are not the commercial part of the Valley where restricted hours have been put in place. Ms. Nassif clarified that the surrounding developments reviewed by Staff were Chesterfield Commons Seven, Chesterfield Commons Four, and River Crossings which are zoned Planned Commercial and which have stated in their ordinances, that hours of operation are to be unrestricted. Ms. Nassif also confirmed that yes, limitations on hours of operation in developments have historically only pertained to commercial/retail

establishments; not restaurants or churches. For consistency sake, Councilmember Fults suggested the Commission consider restricted hours of operation for retail uses, excluding restaurants.

PETITIONER’S PRESENTATION:

Mr. Randy Lipton, 7211 Delmar Blvd., St. Louis, MO.

Mr. Lipton stated that they are asking for a rezoning from the “PI” Planned Industrial District to the “PC” Planned Commercial District to more accurately reflect the development that was built in 2006 and to expand the uses to be consistent with the other retail uses in Chesterfield Valley.

Ms. Nassif advised Mr. Lipton that Staff would be working with him regarding restricted hours of operation for the retail uses on the site.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the December 14, 2015 Planning Commission Meeting. The motion was seconded by Commissioner Harris and **passed by a voice vote of 7 to 0.**

VI. PUBLIC COMMENT

Mr. George Stock, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated he was available for any questions pertaining to the record plats for both Bur Oaks and Schoettler Grove.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Bur Oaks, Record Plat:** A Subdivision Plat for a 21.88 acre tract of land zoned “E-1/2AC” Estate District with a “WH” Wild Horse Creek Road Overlay District designation located on the north side of Wild Horse Creek Road and west of its intersection of Long Road and east of its intersection with Savonne Court.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Bur Oaks. The motion was seconded by Commissioner Harris and **passed by a voice vote of 7 to 0.**

- B. Schoettler Grove, Record Plat:** A Subdivision Plat for a 17.0 acre tract of land zoned "PUD" Planned Unit Development District located northwest of the intersection of Clayton Road and Schoettler Road.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Record Plat for Schoettler Grove. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 7 to 0.**

- C. Wings Corporate Estates, Lot 14:** Amended Architectural Elevations for a 1.61 acre tract of land zoned "PI" Planned Industrial District located on the east side of Eatherton Road, south of Wings Corporate Drive.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Amended Architectural Elevations for Wings Corporate Estates, Lot 14. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.**

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:56 p.m.

Steve Wuennenberg, Secretary