

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 12, 2015**

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

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Ms. Merrell Hansen
Ms. Laura Lueking
Ms. Debbie Midgley
Ms. Amy Nolan
Mr. Steven Wuennenberg
Acting Chair Stanley Proctor

ABSENT

Ms. Fay Heidtbrink
Mr. Michael Watson

Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. John Boyer, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Acting Chair Proctor acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; and Councilmember Connie Fults, Ward IV.

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

- A. P.Z. 17-2014 Steve W. Wallace (H. V. Real Estate Corp):** A request for an amendment to Ordinance 1328 to modify development conditions and add uses for a 2.93 acre tract of land, more or less, zoned “C-8” Planned Commercial located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461, and 17U140472).

STAFF PRESENTATION:

Senior Planner John Boyer gave a PowerPoint presentation showing photographs of the site and surrounding area noting that the site currently includes a McDonald’s restaurant, BP service station, and building that formerly housed an oil change facility.

The Comprehensive Land Use Plan indicates that the subject property is within the *Mixed Use (Retail/Office/Warehouse)* district, which recommends retail, low density office and limited office/warehouse facilities.

The following uses are currently permitted on the site:

- Convenience Store/Restaurant-fast food with drive-thru window
- Filling Station with canopy
- Oil Change Facility

Governing Ordinance 1328 includes the following conditions:

- Convenience store/Restaurant-fast food not to exceed 6,000 sq. ft. and 60 seats.
- Canopy structure not to exceed 5,600 sq. ft. and 6 pumps.
- Oil Change Facility is limited to 3 bays and not to exceed 2,100 sq. ft.
- Site is limited to 2 buildings (*not including the canopy*).

The Applicant is requesting 33 additional uses for the site:

- Administrative office for educational or religious facility;
- Animal grooming service;
- Art gallery;
- Art studio;
- Automotive retail supply;
- Bakery;
- Barber or beauty shop;
- Brewpub;
- Coffee shop;
- Coffee shop, drive-thru;
- Commercial service facility;
- Community center;
- Day care center;
- Drug store and pharmacy;
- Drug store and pharmacy, drive-thru;
- Dry cleaning establishment, drive thru;
- Financial institution;
- Financial institution, drive thru;
- Kennel, boarding;
- Office, dental;
- Office, general;
- Office, medical;
- Professional and technical service facility;
- Restaurant, fast food;
- Restaurant, sit down;
- Restaurant, take out;
- Retail sales establishment, community;
- Retail sales establishment, neighborhood;
- Vehicle repair and service facility;
- Veterinary clinic.

The Applicant is also requesting amendments to the Development Criteria as noted below:

- Remove the 2,100 sq. ft. size limitation for an oil change facility as the Applicant would like the option of expanding the structure for a possible future use. *The Applicant is not requesting a change to the 3 bay limitation.*
- Amend the parking setback along the south property line from 10 feet to 3 feet to allow for a drive aisle.

The Preliminary Plan shows three existing access points to the site, which will not be changed. Mr. Boyer pointed out that the existing ordinance does not include a minimum open space requirement so reducing the setback along the south property line will not require any open space amendments.

Items under Review

- Intensity of proposed new land uses
- Amended Development Criteria
- Preliminary Plan
- Awaiting Agency Comments

DISCUSSION

During discussion the following items were discussed and clarified as necessary:

Parking Setback of Adjacent Property to the South:

Commissioner Wuennenberg asked for information regarding the setback of the adjacent property to the south. Mr. Doster confirmed that the setback is 3 feet, which matches the Petitioner's request for a reduced setback of 3 feet along the south property line.

Opening of Ordinance

In response to Commissioner's Lueking inquiry, Staff confirmed that since the ordinance is being opened for amendments, it must now comply with current requirements and is subject to new conditions that the Commission may deem necessary.

Parking

Commissioner Geckeler asked if the site would gain any parking capability with the requested amendments. Ms. Aimee Nassif, Planning & Development Services Director explained that the Preliminary Plan is not required to list parking stalls because a use has not yet been identified for the site and parking varies according to the use. However, any new use will be required to meet all parking requirements.

It was noted that approximately 12 parking spaces are currently on Lot 2.

1997 Proposal

Councilmember Hurt asked for information regarding the density of the site when it was first proposed in 1997. Mr. Boyer replied that the original request included uses in the current ordinance, along with all "C-1" uses. As it moved through the process, the list of uses was reduced to its current list of three uses and there were also square footage reductions.

PETITIONER'S PRESENTATION – The following individuals were present representing the Petitioner:

1. Mr. Mike Doster, DosterUllom, 16090 Swingley Road, Chesterfield, MO
2. Mr. Dan Stegmann, Principal for H. V. Real Estate Corp., 16100 Swingley Ridge, Chesterfield, MO.
3. Mr. Brandon Harp, Civil Engineer, 11402 Gravois, St. Louis, MO

Mr. Doster confirmed that the 1997 proposal was more intense in its original submission but was subsequently reduced in density. The use that had been identified at that time is the current use approved for the site. He explained that when the users were identified for the property, the use list was narrowed to include only those uses, which created the current situation of having to request additional uses. The former user, Jiffy

Lube, has vacated the property and now the owners are having difficulty marketing the site because of the limited permitted uses.

Mr. Doster stated they are open to any concerns the Commission may have regarding some of the uses being requested and are willing to work with Staff to eliminate any overlap uses; but they are hoping to have a fairly broad range of uses, which fit within the Comprehensive Plan and are compatible with the neighborhood in order to better market the property.

Mr. Doster referenced the request to remove the size limitation for the oil change facility and pointed out that current ordinances do not include limitations to square footage since development is tied to the parking standards.

Mr. Doster also explained that the proposed drive aisle would allow for better circulation of the site; currently there is a common easement used by the development to the north and the subject site. The proposed drive lane would be for the sole use of Lot 2.

Mr. Doster stated that the site includes two lots that are completely developed and the development to the north does not want any changes to their conditions so the requested changes would pertain to Lot 2 only.

DISCUSSION

Uses/Parking

Commissioner Geckeler asked if the Applicants are confident they can comply with the parking requirements for all the requested uses. Mr. Doster replied that they will be able to meet the parking requirements but the use will affect the size of the building as different uses have different parking requirements.

Councilmember Hurt asked if the *oil/lube facility use* could be eliminated as a permitted use because this type of use impacts traffic on a corner that is already highly-trafficked. Mr. Doster replied that they would like to retain this use as they have a possible user who is interested in utilizing the existing building, as is.

Commissioner Lueking inquired as to what would happen if the square footage limitation is removed and another oil/lube facility user wants to expand the building to include retail – such as tire sales. Mr. Doster responded that retail expansion would not be possible for an oil/lube facility because the bays would still be needed and cars would still need to come through the building.

Mr. Stegmann stated that if a retail use comes in for the site, the building will need the proposed drive aisle as cars will no longer be driving through the building as when Jiffy Lube was operating there. They are trying to expand their options for the site by requesting additional uses; the largest building that would be possible on the site is 4,000 sq. ft.

Councilmember Hurt stated that because this is an intense area, he has concern about how the different uses may affect the traffic pattern. Acting Chair Proctor suggested that the Applicant work with Staff to determine if some of the uses could be eliminated. Mr. Stegmann agreed and noted that most of the requested uses are less intense than the current use.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

In addition to Staff issues, Mr. Boyer outlined the following issues raised by the Commission:

1. Open space
2. Number and intensity of uses
3. Future parking issues
4. Removing the size limitation of the oil change facility

- B. P.Z. 18-2014 City of Chesterfield (16659 Old Chesterfield Rd):** A request for a zoning map amendment from “C-7” General Extensive Commercial District to “PS” Park and Scenic District for approximately 1.2 acres located northeast of the intersection of Baxter Road and Old Chesterfield Road (17T220498).

STAFF PRESENTATION:

Project Planner Jessica Henry gave a PowerPoint presentation showing photographs of the site and surrounding area noting that this is a City-initiated change of zoning request. The “PS” Park and Scenic District is a straight zoning district and does not require a Preliminary Development Plan or planned district ordinance. Ms. Henry also pointed out that there are no plans for development at this time.

The subject parcel is part of Christian Burkhardt’s plat and is currently vacant. The Comprehensive Land Use Plan designates this site as being in the Urban Core, and has two Urban Core policies relevant to this request:

1. *The Urban Core should serve as the physical and visual focus for the City and include both residential and commercial development with parks, municipal services, and preservation of historic structures and areas with cultural, entertainment, and pedestrian amenities for its residents.*
2. *Historic structures, districts, and sites should be preserved and protected and the City’s historical heritage should be promoted where appropriate.*

The surrounding area includes the historic Farmer State Mercantile Bank, and a row of bungalow homes – housing both residences and small businesses.

DISCUSSION

Commissioner Lueking inquired about the ownership of the property. City Attorney Heggie replied that the property is owned by the Doorak family. The property has been leased to Chesterfield Village, Inc., who in turn has sub-leased the property to the City of Chesterfield. The lease documents give the sub-leasee (*the City*) the right to rezone the property. The document also includes rights that may allow the City to acquire the property in the future.

SPEAKERS IN FAVOR:

Ms. Lauren Strutman, 16676 Old Chesterfield Road, Chesterfield, MO.

Ms. Strutman stated that she and her husband own five buildings across the street from the subject site, including the Farmers State Bank of Chesterfield. The Bank property was built in 1914 and is considered a County landmark. It has won multiple awards at the National, State, County, and City levels. In 1999, the Bank building was placed on the National Register of Historic Places; and in 2006 the whole street was put on the National Register. It is very important to this area as to how the subject site is developed and they strongly favor a park.

Councilmember Hurt thanked Ms. Strutman and her husband for their contribution over the years to the historic preservation of the City of Chesterfield.

SPEAKERS IN OPPOSITION:

Ms. Marilyn Doorack, 2059 Willowleaf Drive, St. Louis, MO.

Ms. Doorack stated she and her husband are the owners of the subject property and strongly object to the proposed rezoning because they believe it will have a tremendous adverse effect on the property. She explained that the lease was structured so that the City would purchase the property at the end of the 10-year lease. She stated she feels “it is not right” if the City does not purchase the property and as the owner of the property, she is against the rezoning.

SPEAKERS – NEUTRAL: None

DISCUSSION

Commissioner Wuennenberg asked if the City plans to purchase the property. City Attorney Heggie responded that the City will need to make a decision at some point in the future about whether or not to purchase the property. He then advised the Dooracks that if the site is rezoned and the City elects not to purchase the property, they have the option of rezoning it.

Ms. Nassif then explained the zoning process to the audience. After a vote is taken by the Planning Commission, the petition will be forwarded to the Planning & Public Works Committee with the Commission’s recommendation. This sub-committee of City Council would then review the petition and forward its recommendation onto the full Council where two readings are held before a final vote is taken.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Geckeler made a motion to approve the Meeting Summary of the December 8, 2014 Planning Commission Meeting. The motion was seconded by Commissioner Nolan and passed by a voice vote of 6 to 0 with 1 abstention from Commissioner Proctor.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Monarch Center Minor Subdivision Plat**: A Minor Subdivision Plat for a 10.97 acre tract of land zoned "PC" Planned Commercial District located on the northeast corner of the intersection of Long Road and Edison Road.

Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Minor Subdivision Plat for **Monarch Center**. The motion was seconded by **Commissioner Wuennenberg** and **passed by a voice vote of 6 to 1 with Commissioner Lueking voting "no"**.

VIII. OLD BUSINESS

- A. **P.Z. 18-2014 City of Chesterfield (16659 Old Chesterfield Rd)**: A request for a zoning map amendment from "C-7" General Extensive Commercial District to "PS" Park and Scenic District for approximately 1.2 acres located northeast of the intersection of Baxter Road and Old Chesterfield Road (17T220498).

Since there are no plans to develop the property, **Commissioner Wuennenberg** asked if there is a reason why the petition should be voted on at this time. **Ms. Nassif** stated that since the site is not in a planned district, plans are not required to rezone the property. The petition was placed on the agenda for vote because all the necessary work for the rezoning has been completed. **City Attorney Heggie** added that a vote is not required at this time but explained that City Council had directed Staff to pursue the rezoning.

Commissioner Lueking noted she was in favor of the rezoning but requested more information be provided about the lease and sub-lease before voting on the petition, particularly since the property owner has expressed opposition. **City Attorney Heggie** stated he would provide the information at the next meeting.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Steve Wuennenberg, Secretary