

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 22, 2013**

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

I. ROLL CALL

PRESENT

ABSENT

Ms. Wendy Geckeler
Ms. Laura Lueking
Ms. Debbie Midgley
Ms. Amy Nolan
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Steven Wuennenberg
Chair Michael Watson

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Justin Wyse, Senior Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Watson welcomed Councilmember Connie Fults, the new Council Liaison to the Planning Commission.

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING SUMMARY

Commissioner Proctor made a motion to approve the Meeting Summary of the April 8, 2013 Planning Commission Meeting. The motion was seconded by Commissioner Geckeler and passed by a voice vote of 6 to 0 with 2 abstentions from Commissioners Lueking and Midgley.

VI. PUBLIC COMMENT

A. P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant)

SPEAKERS REPRESENTING THE PETITIONER:

1. Mr. Mike Doster, Attorney representing the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO stated the following:
 - The Petitioner has reviewed the four amendments presented at the previous Work Session and is opposed to the amendment restricting the height of any future building on the parcel at 1281 Chesterfield Parkway to one story.
 - The Petitioner is requesting a two-story building at this location. Considering the required setbacks and parking, a building for this site could be no more than approximately 24,000 square feet, which would be useful as a medical office building. However, a one-story building would not be workable for the uses that Mercy has in mind for this site.
 - The current zoning permits a two-story building.

DISCUSSION

If a two-story building is permitted, Chair Watson asked how its impact could be minimized to the residents across the Parkway. Mr. Doster replied that under the existing Elbridge Payne ordinance a larger building is permitted, along with being closer to the Parkway. They are proposing a smaller building pushed further back from the Parkway and consistent with the existing two-story buildings currently in the Elbridge Payne development. They feel they are minimizing the impact from a two-story building by increasing the setback from what is currently permitted under the existing Elbridge Payne ordinance. In addition, with a two-story limitation, the height and square footage of the building would be limited.

2. Josh Barcus, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated he was available for questions.

B. P.Z. 05-2013 Monarch Center (JLA Development, LLC):

SPEAKERS REPRESENTING THE PETITIONER:

Mr. Mike Doster, Attorney representing the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO stated he was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. OLD BUSINESS

- A. **P.Z. 05-2013 Monarch Center (JLA Development, LLC)**: A request for an ordinance amendment to a "PC" Planned Commercial District to add a 0.85 parcel of land currently zoned "M-3" Planned Industrial District to an existing "PC" Planned Commercial District and to modify development standards of the "PC" Planned Commercial District totaling a 10.94 acre area of land located north of Edison Avenue and east of Long Rd. (17U120188 and 17U120100).

Senior Planner Justin Wyse stated that the request includes amendments to several setbacks along the western portion of the site to accommodate the following:

- The new parcel being brought into the development.
- A gas station canopy proposed to be located within 50 feet of the right-of-way of Long Road vs. the building requirement of 80 feet from Long Road.
- An ATM to be located within the structure setbacks as shown on the Preliminary Plan.

At Staff's request, the Petitioners have updated their uses to coincide with the current list of uses in the "PC" District. After a review of the Attachment A, it was determined that two uses allowed in the current ordinance were inadvertently excluded from the proposal – the uses are *Day care center, adult and Education facility – specialized private schools*. The Petitioners are requesting that these uses be placed back into the ordinance.

A Public Hearing for this project was held on March 25, 2013. At that time, the primary issue raised related to the current regulations of the site and how they would be handled moving forward. These regulations included total floor area, landscaping islands, public art, outdoor seating and plaza areas, and pedestrian walkways. These are all still included in the draft ordinance. The Petitioners have also responded that they intend to comply with the previous requirements. Moving forward to the Site Plan stages, these requirements will be shown on each of the subsequent Site Plan submittals.

Mr. Wyse then summarized the overall changes being requested:

- Adding 0.85 acres of land into the development.
- Increasing the total density of the site to allow for the current office building (Wildhorse Dental Building), as well as an expansion onto the site – a 7,000 sq. ft. allotment to Building F.
- Modifications to the building and parking setbacks along Long Road to allow for the gas station canopy and ATM.
- Modifications to several of the setbacks to acknowledge the inclusion of the Wildhorse Dental Building and to promote cross access within the development.
- Modification to the structure setback from Edison Road for Building E from 120 feet to 65 feet, which is consistent with the structure setbacks for all the other buildings in the development.

DISCUSSION

Access on Edison Road

Commissioner Wuennenberg referred to the entrance on Edison at the west end of the site near the proposed gas station and questioned if any changes have been proposed that would make the entrance “less risky” considering all the traffic coming into the site. Mr. Wyse replied that the three access locations off of Edison Road had been previously established through an Agreement between the property owner and the City when the right-of-way was dedicated to the City for the construction of Edison. Ms. Nassif added that when the site was reviewed, it was felt that no conflicts would arise with the current location of the access. Mr. Wyse pointed out that a traffic study is now underway for the site and will be complete prior to a Site Plan for the gas station being approved.

Access on Long Road

Commissioner Lueking noted that the current ordinance indicates that there will be no access on Long Road compared to access being allowed on Long Road in the proposed ordinance. Ms. Nassif pointed that the current ordinance does allow access to Long Road as it states:

*Access to this development from Long Road will not be permitted **unless specifically approved by the Department of Public Works, the St. Louis County Department of Highways and Traffic, and/or the Missouri Department of Transportation.***

Ms. Nassif indicated that Staff has had conversations with St. Louis County and MoDOT who are open to considering allowing one point of access off of Long Road dependent upon findings from the traffic study.

Setbacks

Commissioner Lueking noted that there a number of changes from the current ordinance regarding setbacks such as the parking setback of 48 feet from the western boundary of the “PC” District vs. the proposed setback of 30 feet. Mr. Wyse confirmed that the majority of the setback changes are along the western side of the site to accommodate the gas station. There are also several changes on the northwestern side to accommodate the existing Wildhorse Dental Building, and the potential redevelopment of the existing dental building.

Gas Station Canopy

Commissioner Lueking noted that the structure setback for the gas station canopy has been reduced from 80 feet to 50 feet from the western boundary and questioned why there are so many setback reductions. Ms. Nassif replied that the setback changes are being proposed by the Petitioners in their Preliminary Plan so the Attachment A has been written to reflect the proposed Preliminary Plan. She suggested that the Petitioners would be better able to address her concerns.

Restrictions to the Permitted Uses

Commissioner Lueking stated that the current ordinance allows only one vehicle drive for the car wash but didn’t see this item being addressed in the proposed ordinance. She also pointed out that Councilmember Logan had suggested having the car drying area separated from the drive-thru area.

After further review of the ordinance, it was determined that the current ordinance states that there shall be *No more than one vehicle washing facilities for automobiles*. It was clarified that *vehicle washing facilities* refers to a car wash structure – not a drive lane. The proposed ordinance includes similar language stating: *Not more than one car wash shall be permitted*.

Commissioner Nolan also referred to the drying station of the proposed car wash and pointed out that there are a lot of conflicts in that area of the site. She suggested relocating the location of the dry area to the northern side of the car wash. Ms. Nassif stated that this concern will be reviewed at the Site Plan stage.

Original Ordinance

Commissioner Geckeler then asked if it would be possible to get a copy of the original ordinance. Ms. Nassif stated that in response to Commissioner Lueking's prior request to have the original ordinance provided, Staff now provides a link to the ordinance in the Staff Report. A copy will also be made available at the meeting.

ATM

Commissioner Lueking asked if the ATM is a stand-alone ATM. Mr. Wyse confirmed that it is a stand-alone structure that would be placed on the curb line closest to Long Road.

Considering the amount of traffic on this part of the site, Commissioner Wuennenberg questioned whether the ATM would be better situated elsewhere.

Petitioner's Response

Chair Watson then asked Mr. Doster to respond to some of the issues raised. Mr. Doster responded to the following concerns:

- ATM: They view the location of the ATM as a Site Plan issue.
- Car Wash: The location of the drying area for the car wash is also a Site Plan issue.
- Setbacks: Most of the setback changes being requested are driven by the assimilation of the dental office property into the development. The other setback changes relate to the ATM and gas station canopy. There has also been a change to the parking setback.

Structure Setback for Building E:

Commissioner Lueking asked for further information about the requested modification to the structure setback from Edison Road for Building E from 120 feet to 65 feet. Mr. Doster replied that the current ordinance established a 120-foot setback for Building E from Edison Road because the plan presented at that time showed a 120-foot setback. The Commission did not specifically request the 120-foot setback. The Petitioners are currently requesting this setback be reduced to 65 feet to be consistent with the other setbacks along Edison Road.

Use ww. – Parking area, including garages, for automobiles

Commissioner Wuennenberg pointed out that Section I.A.2.a of the Attachment A restricts the parking or storage of vehicles to no longer than twenty-four (24) hours. For consistency, he suggested the following change to Section I.A.2.e. of the Attachment A: (change shown in **bold**)

*Use ww. shall not permit any outdoor sales of motor vehicles or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of ~~seventy-two (72)~~ **twenty-four (24)** hours.*

Commissioner Wuennenberg made a motion to approve P.Z. 05-2013 Monarch Center (JLA Development, LLC). The motion was seconded by Commissioner Puyear.

Amendment 1

Commissioner Wuennenberg then made a motion to amend the motion to amend Section I.A.2.e. of the Attachment A as follows: (change shown in **bold**)

*Use ww. shall not permit any outdoor sales of motor vehicles or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of ~~seventy-two (72)~~ **twenty-four (24)** hours.*

The motion was seconded by Commissioner Nolan.

Chair Watson asked if the maker of the original motion, and the seconder to the motion, consent to the amendment. Commissioner Wuennenberg consented to the amendment; but Commissioner Puyear did not. City Attorney Heggie then stated that a vote would be necessary for the amendment.

Upon voice vote, the motion to amend Section I.A.2.e. of the Attachment A passed by a vote of 6 to 2. (*Commissioners Proctor & Puyear voted "no"*)

Amendment 2

Commissioner Puyear made a motion to add to Section I.A. of the Attachment A the following permitted uses:

*Day care center, adult
Education facility - Specialized private schools*

The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 8 to 0**

Amendment 3

Commissioner Puyear made a motion to amend Section I.C.1.d. of the Attachment A regarding Setbacks as follows:

*Sixty-five (65) feet from the right-of-way of Edison Avenue.
(i) ~~For Building E: one hundred twenty (120) feet from the right-of-way of Edison Avenue.~~*

The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 6 to 2** (*Commissioners Geckeler and Lueking voted "no"*)

Roll call was then taken on the motion to approve P.Z. 05-2013 Monarch Center (JLA Development, LLC), as amended by the above three amendments, with the following results:

Aye: Commissioner Nolan, Commissioner Proctor,
Commissioner Puyear, Commissioner Wuennenberg,
Chair Watson

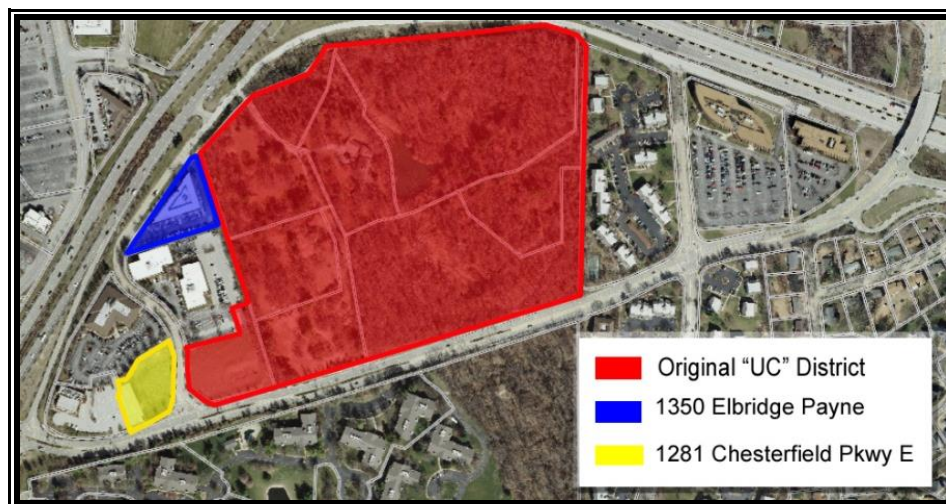
Nay: Commissioner Lueking, Commissioner Midgley,
Commissioner Geckeler

The motion passed by a vote of 5 to 3.

B. P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant):

A request for an ordinance amendment to modify the boundaries of the “UC” Urban Core District to incorporate two parcels zoned “C-8” Planned Commercial District into the “UC” Urban Core District totaling 43.35 acres located north of Chesterfield Parkway and east of Elbridge Payne Rd. (19S531791, 19S531801, 18S210028, 18S210149, 18S210073, 18S210062, 18S220148, 18S220171, 18S220061, 19S531922, and 18S210138).

Senior Planner Justin Wyse stated that the Public Hearing for this project was held on March 25, 2013 at which time two primary issues were raised relating to: (1) clarification of the proposed setback for the northern property (*shown in blue below*); and (2) the setback along Chesterfield Parkway for one of the parcels proposed to be included in the “UC” District (*shown in yellow below*).



Issue #1

This issue relates to the northern parcel (*blue*) and the building on the parcel referred to as the “triangle building”. The Preliminary Plan presented at the Public Hearing showed a 20-foot setback along the northwestern property line. After receiving the concern about the setback and reviewing the existing regulations with Staff, the Petitioner is

proposing to increase this setback to 25 feet to match the existing regulations on the building.

Issue #2

This issue relates to the setback along Chesterfield Parkway for the southern parcel (yellow). The Preliminary Plan presented to the Commission at the Public Hearing showed a 15-foot parking and building setback along this property. After receiving the concerns raised at the Public Hearing, the Petitioner is proposing to increase the proposed setback to 30 feet.

In addition, at the request of Staff, the parking setback has been modified to allow the existing parking on the site to remain in compliance with the ordinance amendment under review by the Commission.

During the prior Work Session meeting, four amendments were presented to the Commission for their consideration as follows.

Amendment 1:

Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 50-foot structure setback from Chesterfield Parkway instead of the 30-foot setback.

Amendment 2:

Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 15-foot building setback from Elbridge Payne instead of the 35-foot setback, which would allow them to shift the building further north on the site while not reducing their buildable area.

Amendment 3:

Preliminary Plan be modified for 1281 Chesterfield Parkway to restrict the height of any structure to one story. The current plan approved for the site shows a two-story, approximately 24,000 sq. ft. building. The Applicant has shown an interest in retaining the ability to construct a two-story structure on the site; however, there has been considerable discussion among the Commission that a one-story restriction may be more appropriate to effectively protect the viewshed of the residential to the south.

Amendment 4:

This amendment would clarify the height requirements for all structures on the site. Instead of detailing all the height requirements in the Attachment A, the Attachment A would state:

Height for all structures (except parking structures) shall be as shown on the Preliminary Plan.

DISCUSSION

1281 Chesterfield Parkway

Commissioner Proctor asked for confirmation that if the southern parcel remained part of the Elbridge Payne development, a two-story building would be permitted. Mr. Wyse confirmed that there is an approved plan for a two-story structure for that site.

Commissioner Geckeler stated that after driving through the area, she noted that the first two buildings in Brandywine will be affected by the proposed development. She understands that requiring a 100-foot setback in this area would render the property un-

buildable, but feels that a one-story structure would “satisfy the needs of the developer and the residents of Brandywine.”

Commissioner Lueking pointed out that if the proposed two-story structure is not approved, the Petitioner has the option of pulling this parcel out of the development and building a two-story building under the existing Elbridge Payne ordinance. It was noted that the approved plan has much less buffer than what is currently being proposed.

Chair Watson called for a motion to approve with the following amendments:

1. The Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 50-foot structure setback from Chesterfield Parkway.
2. The Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 15-foot building setback from Elbridge Payne.
3. Preliminary Plan be modified for 1281 Chesterfield Parkway to restrict the height of any structure to one story
4. Height for all structures (except parking structures) shall be as shown on the Preliminary Plan.

Commissioner Puyear suggested a separate motion for Amendment 3. Mr. Wyse informed the Commission that Amendments 3 and 4 are connected - if Amendment 3 is not approved, Amendment 4 is not necessary.

Commissioner Puyear made a motion to approve P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant) with the following amendments.

1. The Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 50-foot structure setback from Chesterfield Parkway.
2. The Preliminary Plan be modified for 1281 Chesterfield Parkway to include a 15-foot building setback from Elbridge Payne.

The motion was seconded by Commissioner Geckeler.

City Attorney Heggie then asked if anyone wanted to amend the motion by including Amendments 3 and 4. The motion was not amended.

Upon roll call, the vote to approve with Amendments 1 and 2 was as follows:

**Aye: Commissioner Midgley, Commissioner Nolan,
Commissioner Proctor, Commissioner Puyear,
Commissioner Wuennenberg, Commissioner Geckeler,
Commissioner Lueking, Chair Watson**

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

Chair Watson announced that any Commissioner interested in serving on the Nominating Committee should contact him. Ms. Nassif reported that the Nominating Committee meets each May to recommend a slate of officers for the upcoming year starting in June.

XI. ADJOURNMENT

The meeting adjourned at 7:53 p.m.

Stanley Procter, Vice-Chair