**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**APRIL 27, 2015**

The meeting was called to order at 7:03 p.m.

## I. ROLL CALL

| **PRESENT** | **ABSENT** |
|---|---|
| Ms. Wendy Geckeler | Chair Michael Watson |
| Ms. Merrell Hansen | |
| Ms. Fay Heidtbrink | |
| Ms. Laura Lueking | |
| Ms. Debbie Midgley | |
| Ms. Amy Nolan | |
| Mr. Steven Wuennenberg | |
| Acting Chair Stanley Proctor | |

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

## II. PLEDGE OF ALLEGIANCE

## III. SILENT PRAYER

Acting Chair Proctor acknowledged the attendance of Councilmember Connie Fults, Council Liaison; Councilmember Dan Hurt, Ward III, and Councilmember Bruce DeGroot, Ward IV. He then thanked Councilmember Hurt for serving as Council Liaison to the Commission for the past year.

## IV. PUBLIC HEARINGS – None

## V. APPROVAL OF MEETING SUMMARY

**Commissioner Wuennenberg made a motion to approve the Meeting Summary of the April 13, 2015 Planning Commission Meeting.** The motion was seconded by Commissioner Hansen and **passed by a voice vote of 5 to 0** with 3 abstentions from Commissioners Heidtbrink, Lueking, and Nolan.

## VI. PUBLIC COMMENT

Acting Chair Proctor announced that he has agreed to Mr. Doster's request to provide comments during the *Old Business* portion of the meeting as Petitioner for P.Z. 06-2014 and P.Z. 02-2015.

### A. P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.)

**Speakers in Favor**

1. Ms. Hong Zheng, 68 Burning Tree Drive, Chesterfield, MO.

Ms. Zheng stated she has spoken to a number of her neighbors in the Four Seasons Subdivision and she and her neighbors are in support of the drive-thru for St. Louis Bread Company in the Four Season Plaza development.

### B. P.Z. 02-2015 Falling Leaves Estates II (1925 & 1921 Wilson Ave):

**Petitioner**

1. Mr. Mike Falkner, 5055 New Baumgartner, St. Louis, MO 63129 stated he was available for any questions.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

**A. Bur Oaks SDP**: A Site Development Plan, Landscape Plan, Tree Preservation Plan, and Tree Stand Delineation 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 Site Development Plan, Landscape Plan, Tree Preservation Plan, and Tree Stand Delineation Plan for Bur Oaks**. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 8 to 0**.

## VIII. OLD BUSINESS

**A. P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.):** A request for a zoning map amendment from the "C-2" Shopping District and "PC" Planned Commercial District to create a new "PC" Planned Commercial District and to add an additional use and amend the development criteria within the existing "PC" Planned Commercial District for an 8.29 acre tract of land located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719, 16Q210763, and 16Q220690).

Project Planner Jessica Henry stated the Public Hearing for this petition was held on April 28, 2014 followed by an Issues Meeting on October 27, 2014. Since the Public Hearing, letters of support and opposition have been received. One letter of opposition received after the Public Hearing was from a Trustee of the Four Seasons residential subdivision; this Trustee subsequently withdrew his opposition and, in turn, submitted a letter of support. In addition to the letters previously received and provided to the Commission, an additional email of support from an area resident was received by Staff earlier today.

Ms. Henry provided information on the zoning history of Four Season Plaza noting that there have been seven ordinance amendments since it was originally zoned "C8" Planned Commercial District by St. Louis County in 1975. Although the *fast food restaurant* use is permitted for the site, *drive-thru* and *free-standing fast-food* uses have never been permitted within this development. However, *financial institutions with drive-thru facilities* were allowed, and a bank with drive-thru existed on the site until the late 1980s within the tenant space currently proposed for the *drive-thru restaurant* use.

During the Public Hearing, many questions were raised by the Planning Commission regarding site plan-related items, which are not relevant to the subject zoning petition. If the rezoning request is approved, these items will be addressed during the Site Plan review.

The question at hand for the Planning Commission is whether a *drive-thru fast-food restaurant* use is appropriate at this development. If the Commission decides that such a use is appropriate, Staff has included language in the draft Attachment A which restricts the hours of operation, location of the use, and more narrowly defines the use as a *fast casual type restaurant*. Ms. Henry also reported that a number of development criteria within the Attachment A have been updated to reflect the existing conditions of the site, which was developed nearly 40 years ago.

**Discussion**

Commissioner Lueking referred to Section I.A.2.c. of the Attachment A, which more narrowly defines *Restaurant, fast food with drive-thru window* as a *Fast-Casual type of Fast-Food restaurant* and recommended that this language be included under "Hours of Operation" as well. It was the consensus of the Commission to include this language under "Hours of Operation".

Commissioner Geckeler asked for clarification regarding the Petitioner's request to modify certain landscaping requirements. Ms. Henry indicated that the site was constructed in a manner that does not match the ordinance requirements so the Petitioner is requesting that the language be updated to reflect the current landscaping.

Commissioner Geckeler then asked for an explanation on the Petitioner's request for exceptions to the southern structure setback for the trash enclosure and storage shed. Ms. Henry explained that the Petitioner will be required to construct trash enclosures, which are considered *structures*. Because of the way the retail center was constructed, the rear setback is actually the rear of the existing building. In order to continue having a dumpster between the rear of the building and the property line, it is necessary to include a setback exception. It was further clarified that the dumpsters will remain in the same locations but will be enclosed.

**Petitioner's Comments**
Mr. Mike Doster, Attorney on the Development Team for the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster responded to Commissioner Geckeler's inquiry about the storage shed noting that the shed has been on the site for numerous years. They are requesting a setback exception for this shed in order to reflect existing conditions.

In order to address all the concerns raised, they were required to consult with the property owner to the south where the drive-thru is proposed and to meet with the subdivision trustees. This has been a long process but they have addressed the concerns of the property owner immediately south of the subject site by their intent to extend the fence and provide additional landscaping in this area. They will also be providing additional barriers and equipment to attenuate the sound.

Mr. Doster referred to Highland Park Drive noting that it is not a dedicated street or easement and as such, they have entered into an agreement with the subdivision trustees and executed an easement deed to the trustees which is in escrow with the title company. This deed will be recorded if the zoning and site plan are approved.

Regarding the proposed drive-thru, Staff has proposed a more-narrowly defined definition of the *Fast-Casual type of Fast-Food restaurant* which is acceptable to both the Developer and Panera Bread Company. They are also in agreement with the entire draft Attachment A which precludes a free-standing fast-food restaurant within the development and restricts the drive-thru to the proposed location only.

They have worked hard to address the concerns raised as they believe it is necessary to maintain the viability of this center and to retain a tenant such as Panera Bread.

Acting Chair Proctor requested a motion for approval to include the restrictions regarding *Fast-Casual type of Fast-Food restaurant* and then asked Ms. Nassif to read the proposed amendment. Ms. Nassif offered the following amendment to Section I.A.4. of the Attachment A regarding "Hours of Operation":

> *b. Hours of operation for the Fast-Casual type of Fast-Food restaurant permitted under Section A. 2, page 2, shall be 6:00 a.m. to 10:00 p.m.*

**Commissioner Wuennenberg made a motion to approve P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.), as amended with the above language.** The motion was seconded by Commissioner Lueking.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Lueking, Commissioner Midgley, Commissioner Nolan, Commissioner Wuennenberg, Commissioner Hansen, Commissioner Heidtbrink, Acting Chair Proctor**

**Nay: Commissioner Geckeler**

**The motion passed by a vote of 7 to 1.**

**B. P.Z. 02-2015 Falling Leaves Estates II (1925 & 1921 Wilson Ave)**: A request for a zoning map amendment from a "R-1" Residential District to a "PUD" Planned Unit Development for 17.37 acres located on the west side of Wilson Avenue south of its intersection with Chamfers Farm Road and north of its intersection with Wilson Farm Drive (19T220214 & 19T210161).

Project Planner Purvi Patel stated the Public Hearing for this petition was held on March 9, 2015 followed by an Issues Meeting on April 13, 2015. After the Public Hearing, the Applicant submitted an updated Preliminary Plan which reduced the number of lots to 16 from the previous 17. This, in turn, increased the common open space from 34% to 38%, which includes the existing lake on the site. The proposed minimum lot size is 22,000 sq. ft. which is compatible to the surrounding developments.

To address the Commission's concern about the proximity of Lot 16 to the entrance gate and Wilson Avenue, the Petitioner will provide the required 30-foot landscape buffer along Wilson Avenue and an additional 15-foot landscape easement on each side of the private entrance which will provide more privacy for Lot 16.

During the Public Hearing, a resident raised concerns about storm water issues on Wilson Avenue. Staff has confirmed that the issues are not with the Falling Leaves Estates II project but is an ongoing concern that the resident has had. This resident is now working with the City's Public Works Division to resolve the issue.

The development contains three (3) detention basins in addition to the existing lake. If the petition is approved, Staff will review all the requirements of City Code, along with MSD approvals for the detention basins during the Site Development Plan stage. There is currently a storm water pipe on Wilson Avenue which collects all the water from the existing inlet and directs it to an existing swale which drains into the lake. With this proposal, the Applicant will be removing the drainage swale and installing a pipe. The size of the new storm water pipe and location of all easements will be reviewed in detail with future plan submittals.

At this time, all of Staff's issues have been addressed and Staff recommends approval of the petition.

**Discussion**

Commissioner Nolan asked if the pond on Lot 16 is spring-fed.

**Petitioner's Comments**

1. Mr. Mike Doster, Attorney on the Development Team for the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO.

Mr. Doster responded to Commissioner Nolan's question confirming that the pond on Lot 16 is not spring-fed.

Mr. Doster then stated that they have met all of the objective requirements which are mandated by the PUD ordinance and they believe they have satisfied the suggested design guidelines, particularly the first four. They are not seeking any variances or exceptions.

He then asked Mr. Fischer to explain the "exceptional product" that will be delivered as a result of the PUD plan.

2. Mr. John Fischer, Petitioner, 1919 Wilson Road, Chesterfield, MO.

Mr. Fischer stated it is their intention to create a community of which everyone can be proud. They are trying to keep the natural terrain and features of the site. He stated that this luxury community will have 4,000-6,000 sq. ft. houses with excellent exterior architectural design using significant amounts of stone and masonry. It is anticipated the price range will be $1.5 - $2 million.

**Commissioner Wuennenberg made a motion to approve P.Z. 02-2015 Falling Leaves Estates II (1925 & 1921 Wilson Ave)**. The motion was seconded by Commissioner Midgley.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Midgley, Commissioner Nolan, Commissioner Wuennenberg, Commissioner Geckeler, Commissioner Hansen, Commissioner Heidtbrink, Commissioner Lueking, Acting Chair Proctor**

**Nay: None**

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

## IX. NEW BUSINESS - None

## X. COMMITTEE REPORTS

Ms. Nassif reported that Officer elections will be held in June so a Nominating Committee will be appointed next month.

## XI. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

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Steve Wuennenberg, Secretary