

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
JANUARY 24, 2005**

The meeting was called to order at 7:07 p.m.

**I.      PRESENT**

Mr. David G. Asmus  
Mr. David Banks  
Mr. Fred Broemmer  
Dr. Maurice L. Hirsch, Jr.  
Ms. Stephanie Macaluso  
Dr. Lynn O'Connor  
Ms. Lu Perantoni  
Chairman Victoria Sherman

**ABSENT**

Mr. Thomas Sandifer

Mayor John Nations  
City Attorney Doug Beach  
Ms. Teresa Price, Director of Planning  
Ms. Christine Smith Ross, Project Planner  
Ms. Mary Ann Madden, Planning Assistant

**II.     **INVOCATION:** Commissioner Asmus**

**III.    **PLEDGE OF ALLEGIANCE****

Chairman Sherman acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; Councilmember Mary Brown, Ward IV; Councilmember Connie Fults, Ward IV; and Councilmember Jane Durrell, Ward I.

**IV.    **PUBLIC HEARINGS** - None**

**V.     **APPROVAL OF MEETING MINUTES****

Commissioner Broemmer made a motion to approve the minutes of the January 10, 2005 Meeting. The motion was seconded by Commissioner Macaluso.

Commissioner Perantoni referred to page 6 of the January 10<sup>th</sup> minutes and noted that Section II of the Ordinance establishing the Chesterfield Landmarks Preservation Commission only allows the chairman to hold the office for two consecutive years. She requested that the minutes be corrected as follows:

*He noted that Mr. Rothwell ~~is~~ was the first ~~and only~~ chairman of the Landmarks Preservation Committee for Chesterfield and that he has authored books on Chesterfield's history.*

**The motion to approve, as corrected, passed by a voice vote of 8 to 0.**

## **VI. PUBLIC COMMENT**

1. Mrs. Jane Durrell, 177 Gunston Hall Court, Chesterfield, MO, said that she is a member of the City Council from Ward I and liaison to both the Chesterfield Historical Commission and the Landmarks Preservation Commission. Mrs. Durrell explained the differences between the two Commissions:
  - The Historical Commission was formed one month after the City was incorporated in July, 1988. There are 6 members per Ward, totaling 24 members, serving on the Commission. Projects/programs of the Historical Commission include:
    - ✓ Speaker's Bureau
    - ✓ Representatives who make presentations at the various schools
    - ✓ Bus tours
    - ✓ A granite marker has been placed in Central Park
    - ✓ An annual calendar
    - ✓ Supported Dan Rothwell's authorship of the book on Standing Landmarks
    - ✓ Markers have been placed in Old Chesterfield
  - Nine people serve on the Landmarks Preservation Commission, who identify local properties to be considered for the Register of Historic Places.
2. Ms. Julie Nolfo, Professional Traffic Engineer, Crawford, Bunte, Brammeier, 1830 Craig Park Court, Suite 209, St. Louis, MO speaking as a **neutral party** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated she would be giving a recap of the November 12, 2004 letter that addressed the four traffic issues raised by the Commission during its Issues Meeting:
  - Compare the development to a residential development on the same ten-acre parcel. – This was done for one home/acre, two homes/acre, four homes/acre and six homes/acre. The general office building generates more traffic than any of the four residential scenarios. The traffic patterns with it are converse to the heavy flows on Wild Horse Creek Road. During the morning peak hour, there are 440 vehicles per hour traveling westbound on Wild Horse Creek Road as compared to 795 vehicles heading eastbound. The predominant flow is to the east on Wild Horse Creek Road as all the residential areas come back out Wild Horse Creek

Road and head towards Long. If there is residential on this development, it will be adding to the predominant traffic flow. If there is office on this development, traffic will be coming in the converse direction and, therefore, there is extra capacity because it is going in the lower volume flow.

- Compare the traffic counts collected by Crawford, Bunte, Brammeier (CBB) to those provided by the residents. – CBB collected traffic counts on August 25, 2004 when Rockwood School District was back in session. CBB quoted a volume of 1200 vehicles/hour on Wild Horse Creek Road immediately adjacent to the site. The data provided by the residents was a 1996 MoDot count and a 2002 St. Louis County count. Both of those counts were taken at the intersection of Wild Horse Creek Road and Long Road. The counts were taken to the east of where Wildhorse Parkway comes in. Wildhorse Parkway adds about 300 vehicles/hour to the east of the development along Wild Horse Creek Road. The counts referenced by the residents included traffic traveling between Long and Kehr's Mill Road that does not use Wild Horse Creek Road to the west of these intersections. This makes up the difference between the data CBB had and the numbers quoted by the residents.
- Provide clarification of the traffic study methodology. – CBB followed the same methodology used for the past ten years. It was coordinated with the City of Chesterfield staff using the T-Model as background information in the study.
- Give clarification as to what MoDot's plans are for the traffic signal at the elementary school. – MoDot's intent is to leave the signal in operation as it is presently. The north leg would be added and the intersection would be improved to accommodate traffic using the signal when it is in operation from the north leg. When the signal is not in operation, it would revert back to a stop-controlled intersection where a vehicle would approach the intersection, stop, and wait for a break in the traffic to turn. At the times that the signal is in operation, there would be a phase that would give a green light.

Commissioner Macaluso asked how the traffic would be affected in the event the school district adds an additional lane. Ms. Nolfo replied that an additional lane would improve the operating conditions. If the school district puts in a left-hand turn lane for the school, the road opposing it would have to be widened also. At that time, it would be opportune to put in the opposing left-turn, which would provide a left-turn refuge into the development. It was noted that the opposing left-turn lane is not part of Rockwood's bond issue.

In the event both left-hand turn lanes are added, Commissioner Macaluso asked if this would change the level of service for any of the intersections as presented in CBB's report. Ms. Nolfo replied that it would improve upon them with regards to traffic entering the development. She would have to study the matter to determine if the level of service would be affected. It would not benefit traffic coming out of the development; it would only benefit traffic entering the development. Traffic coming out of the development would still experience the same delay.

3. Mr. Tim Hall, Petitioner, 17661 Wild Horse Creek Road, Chesterfield, MO stated the following:
- This subject property has been designated in the Comprehensive Plan for fifteen years as PC Planned Commercial/Office Campus.
  - The previous owners of the property to the north brought in a plan approximately two years ago asking for single-family development. The plan was presented to Planning Staff and the owners were told that it doesn't meet with the Comprehensive Plan – that it would require rezoning.
  - At that point, Mr. Hall's client bought the property with the intention of having it rezoned to PC Planned Commercial/Office Campus.
  - The project was designed to meet the aesthetic needs of the community evidenced by low density, the use of materials, and a very large restriction of permitted uses.
  - Meetings were held with area residents where the plans and agreed-to restrictions were presented. They agreed to hold their presentation to the Planning Commission for two weeks to allow the residents to review their data.
  - The only issue is "use" and the ancillary problems of perceived traffic flow.
  - It is requested that the use issue be addressed so the project can be moved forward to a vote at the Planning Commission's next meeting.

With respect to the proposed turn lane to be added by the school district, Commissioner Macaluso asked Mr. Hall if he would consider putting in an opposing turn lane to help alleviate the traffic in this area. Mr. Hall replied that discussions had been held with the Facilities Manager and the Principal at Chesterfield Elementary School of Rockwood School District. The indication from both Rockwood and the Missouri Department of Transportation is that part of the agreement that was made to allow Rockwood to install the signal, was that a westbound turn lane would be installed when Rockwood had the funds to do it. Rockwood has proposed a plan to extend the turn lane to the entrance of Greystone subdivision to help the ingress/egress out of their western entry. They asked if the petitioner would be interested in participating at this time. The petitioner advised Rockwood that they would prefer to limit their participation to the modifications to the signal.

If the rezoning were approved, Commissioner Macaluso noted that the development would probably be in place long before the school district had the funds available for the improvements. She asked the petitioner if he would participate at all in providing a turn lane. Mr. Hall responded that if the zoning was approved, and the question was asked as part of the Site Plan review process, they would be willing to discuss some type of participation. It may be possible that the developer could do the work prior to the school district having the money available with some type of reimbursement schedule from Rockwood.

Mr. Hall further stated that it is outside of their scope to extend the lane all the way down to the entrance to Greystone subdivision. It is his understanding that Rockwood is only required by MoDot to put the westbound left-turn lane. Rockwood prefers to extend the

lane to Greystone because it helps the operation of their facility. However, the petitioner is willing to discuss this further.

If the lane improvements were limited to the westbound left-turn lane as requested by MoDot, Councilmember Geiger asked Mr. Hall if he would be willing to do that. Mr. Hall responded that if Rockwood were to put in the westbound turn lane, it would be more beneficial for the developer to put in an eastbound left-turn lane and participate in the portion directly in front of their project thereby helping to facilitate traffic in both directions.

Councilmember Geiger stated that if the bond issue doesn't pass, he assumes that Rockwood would not have the funds for the westbound left-turn lane. Since these lanes would be beneficial, Councilmember Geiger expressed concern about safety if they are not built and asked Mr. Hall how willing he would be in participating in installing these lanes. Mr. Hall replied that he would be surprised if they couldn't come to an agreement with Rockwood regarding timing and financing with respect to the lanes being done in a timely manner. Mr. Hall indicated that they would be willing to review the matter but could not say that they would pay to put in the lanes. It was his feeling that they could reach a conclusion to have the lanes installed in concert with the Rockwood School District.

If language to that effect were included in the Attachment A, Councilmember Geiger asked Mr. Hall if he would be agreeable to it. Mr. Hall replied that they could agree to some type of language being included in the Attachment A.

Commissioner Perantoni asked Mr. Hall the thought process behind the two phases of the project. She expressed concern about Phase I with respect to the screening, the lack of sidewalks in front of Building 1, and the fact that people will be moving from parking spaces across the feeder street. Mr. Hall responded that the two phases are for ease of handling as to how infrastructure improvements would be handled – it's not necessarily which buildings would be built first. From an economic standpoint, fewer infrastructure improvements are required for the front buildings than for the back buildings. It doesn't necessarily mean that the front two buildings would be the first to be built. If the buildings in the back are requested by a user first, then they would be built first.

Commissioner Perantoni stated that the Planning Commission is voting on Phase I and Phase II as presented. Mr. Hall replied that they are bringing it forward as a complete project – right now it is a preliminary plan and will be subject to any requirements of the Attachment A. He stated that the "Phase I" and "Phase II" could be removed because they are seeing it as one project.

Commissioner Perantoni asked Mr. Hall if the Commission could be assured that the amenities offered – such as the trail – would be included. Mr. Hall responded that it has always been part of the package.

With respect to Commissioner Perantoni's concern about screening and landscaping, Mr. Hall stated that their landscape proposal envisions a great deal of landscaping, at least to the level of, if not greater than, what is currently in front of the subdivisions. It would include water features, paths, and trees. From a scale perspective, there is a building with a maximum height of 29 ft., with its closest point to the road being only 10-12 ft. and 70 ft. from the road. This will be smaller in scale than the homes along Wild Horse Creek Road.

Commissioner Perantoni asked how much of the 70 ft. is taken up with their depression. Mr. Hall replied that this is a water feature – it could be a dry basin. It was included because they felt it gave an ambiance from the buildings inside to look out a window and see a pond. Mr. Chris Mueller, Stock & Associates, stated that the basins in the front can either be wet or dry. As dry basins, they would have plantings of natural grasses, monkey grasses, and different flowers. They would prefer it to be a wet feature from an aesthetic standpoint.

Chairman Sherman stated that these issues could be debated and fine-tuned at the Site Plan Committee Meetings, if the project is passed. Mr. Mueller stated that they are very willing to speak with residents, Council members, and staff about the landscaping issues.

4. Ms. Wendy Geckeler, 26 Chesterfield Lakes Road, Chesterfield, MO speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- She believes it is too intense to be in the midst of residential zoning and she feels there are too many office buildings, which are too large, along with a parking lot that is too large.
- Speaker stated that the plan would work well in the Valley but not on Wild Horse Creek Road.
- Approval of the petition would set a precedent for the rest of the bowtie for similar uses.
- The designation of mixed-commercial on the eastern edge, which extends from Long Road past Windridge Estates, is also upsetting.
- “Airport noise” was the only justification for Office Campus designation. In light of the new airport noise contours, she does not feel the Office Campus designation remains valid. The newest Part 150 Contours need to be examined.
- She hopes that a moratorium can be declared for this area and a committee formed to study all the issues. Chesterfield residents in the area directly affected should participate.
- Along the three mile stretch of Wild Horse Creek Road from Long Road to 109, one mile of this road and 100 acres will be consumed by offices and mixed commercial, i.e. retail, if this designation remains. It would have a detrimental effect.
- The residents have always seen Wild Horse Creek Road as a green belt of low-density residential housing, which is why they have insisted on large setbacks, extensive green space, and abundant landscaping.

- The conceptual land use plan ends with the sentence: “Special emphasis should be placed on maintaining the rural setting along Wild Horse Road Creek Road.” Speaker feels that the proposed development is the antithesis of this concept.

(Hand-outs were distributed to the members of the Planning Commission from the Wildhorse Creek Road Association, which will be made a part of the public record.)

5. Ms. Renee Heney, 1513 Honey Locust Court, Chesterfield, MO speaking in opposition to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- She has three children – one at the elementary school, one at the middle school, and one at the high school, who will be driving on Wild Horse Creek Road this summer.
- She represents the majority of the people present, as well as 1,350 homeowners who signed a petition opposing the proposed Office Campus development.
- She feels that any decision made by the City will set a precedent for the rest of the bowtie property and will affect the City as a whole in terms of attracting future homeowners and businesses.
- She feels that changing the residential character of this section of Chesterfield would be a huge mistake.
- The subject property is 115 acres with one mile of frontage on Wild Horse Creek Road. On the first portion of the development, there are six large office buildings with a total of 56,000 sq. ft. and paved parking for 250 cars.
- There will be a huge increase in traffic along Wild Horse Creek Road – a state road that has no funds for any improvement.
- Speaker expressed concern about the safety of motorists and children in front of the elementary school, as well as the entrances to the subdivisions.
- Speaker felt there would be a change in the quality of life for the families living in this area.
- There have been many changes that have occurred in this section of Chesterfield in recent years. Taxpayer dollars have been invested to make Chesterfield Valley the huge commercial success that it is today. Noise abatement procedures have reduced airport noise and traffic volume has increased significantly due to subdivisions being put in along 109 and Wild Horse Creek Road, as well as the growth in the Valley.
- Speaker questions whether these factors have been taken into consideration in determining the best use of the bowtie property. She believes further analysis must take place in light of the current dynamics of the area.
- Regarding airport noise driving the use of this land, the City’s 1995 West Area Study makes no mention of this being a factor. The City’s 2003 Comprehensive Plan contains only five sentences referring to bowtie land use and airport noise.
- She feels that the City has the option of going against the Plan and making a different decision. She urges the Planning Commission to deny the zoning request pending further analysis of the property’s best use and its impact on the community.

Commissioner Macaluso asked Ms. Heney what her opinion would be for the best use of this particular 10 acres of land. Ms. Heney replied that she feels that these 10 acres, along with the whole 115 acres, is primarily residentially viable. It could be a mix of single family homes of one acre density, along with some high-end villas for residents who wish to downsize but remain in the area.

Commissioner Banks referred to Ms. Heney's concern about traffic and safety issues at the school. He pointed out that the traffic engineer indicated the office traffic would be running counter to the residential traffic as opposed to all the traffic running in the same direction if the property was developed as residential. He asked Ms. Heney if this could be viewed as a plus. Ms. Heney replied that the residents' contention is that if more cars are on the road, regardless of which direction they're flowing, it causes an increase in volume at the intersections so the wait time is longer whether one is turning left or right. Their concern is that a lot of traffic will be coming in from 44 into the complex and then it would be flowing in the same direction, creating a backlog at the Chesterfield Elementary School light.

6. Ms. Stacy Rolfe, 1116 Wilderness Bluff Court, Chesterfield, MO, **Trustee** for the Wilderness at Wild Horse subdivision speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** gave a slide presentation, entitled "Preserve the Beauty", showing the rural views along Wild Horse Creek Road.
7. Mr. John Drake, 962 Tara Oaks Drive, Chesterfield, MO 63005 speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
  - He would be addressing the two issues of "wetlands" and "storm water discharge".
  - The City's civil engineer in her letter to the Planning Department, dated December 16, 2004, requires the developer to take numerous actions regarding storm water discharge. Under the federal Clean Water Act, it's illegal to fill wetlands or waters of the U.S. without a permit. A pond is a wetland. An area subject to continuing erosion can be a wetland. Wetlands are the transition zones between land and water.

Mr. Drake presented the 1985 U.S. Geological Survey Topo Map of the area. He pointed out a pond that is just off the edge of the subject property. He pointed out a ravine located on the subject property. Mr. Drake then presented an urban area air photo taken three years ago of the same site, which showed the pond not quite as evident but showed the ravine as more evident. Mr. Drake stated the following:

- Both of the maps and photos show the drainage pattern and the possibility of wetlands immediately adjacent to, and perhaps on, the property.
- There is evidence of the pond on the southwest corner of the property. The bluff on the north side of the property shows substantial erosion. Both are indicative of past and possibly present wetlands.

- No document has been presented suggesting the conduct of any wetlands assessment on the site. They request that such an assessment be prepared for the project site and its surrounding property and its findings incorporated into the rezoning effort. It was also suggested that endangered species of flora and fauna be investigated.
- Regarding storm water discharge, speaker stated that the large building footprint – approximately 40% of the project’s acreage – suggests storm water runoff to flow to at least one water retention pond.
- The land contours indicate all the drainage is to the north. A one-inch rain event will generate sufficient water to fill a 50’ by 100’, 3’ deep retention pond. Since the creek at the base of the bluff is already stressed, speaker questioned what the upstream impact would be of site discharge, including drainage pattern disruption and flooding of adjacent property. Speaker also questioned what the downstream impact would be. He felt that these findings would be significant and precedent-setting for possible future rezoning of adjacent property to the west for Office Campus development.
- Since the adjacent airport property is the potential recipient of the storm water discharge and has received federal flooding funding over the years, speaker questioned as to whether the project site is subject to the National Environmental Pollution Act (NEPA). If it is, it will require an environmental impact statement.
- He encouraged the Planning Commission to take all of this into consideration.

Commissioner Macaluso pointed out that in a letter received from MoDot, dated May 21, 2004, one of the items specifically addresses the wetland issue as stated:

*Wetland mitigation will not be allowed within the detention basin area.*

8. Ms. Joan Smith, 17818 Keystone Trail Court, Chesterfield, MO speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** said she would be addressing the airport issue and stated the following:
  - The advisory circulatory that was provided by the Spirit of St. Louis Airport does not indicate this area to be an “N” rating. An “N” rating would mean land use and related structures are not compatible and should not be permitted. This classification starts with the 65-70 DNL contours and this development is not in those contours.
  - The proposed development, and the entire Office Campus property, is below 65 DNL contour with much below the 60 DNL. This would designate it as a “Y” (or “yes”) rating, which means suitable for residential development, specifically stating: *“Land use and related structures compatible without restrictions.”*
  - They question why the Planning Department noted this area to be an “N” when it is clearly a “Y” rating, meaning this property is residentially-viable.
  - They question how the Planning Department presented this property to builders and property owners. (Were they told this was an “N” property? Were they told it was not fit for residential use? Has this “N” rating been used as a means of

dissuading potential residential builders and therefore, encouraging commercial property?)

- They ask the Planning Commission to request historical and archeological information on this property and the bowtie area from the Chesterfield Landmarks Preservation Commission.

Chairman Sherman referred to Ms. Smith's comments about the Planning Department's involvement with the "Y" and "N" designations and stated that the Planning Department does not reflect their point of view to developers, but reflects the Comprehensive Land Use Plan, which was developed by citizens. Chairman Sherman also pointed out that the "Y" and "N" designations are not part of a Planning Department document but are from a document from a consulting company.

Project Planner Christine Smith-Ross stated that a sentence had been omitted from Item #10 of her Staff Report regarding "Airport Issues". The complete "Staff response" is as follows: (The omitted sentence is in bold.)

Issue #10: Indicate on the plan, the limits of the various Part 150 noise contours  
*Copies of the existing (September 2001) and proposed (2009) DNL Noise Contour maps are attached to this report. The approximate location of the site is shaded and falls mostly within the 60-65 DNL (Day Night Noise Level) contour. **The future contours appear to dip southward - this may cause some of the site to be within the 65-70 decibel rating, DNL contour.** The advisory circular provided by the Spirit of Saint Louis Airport indicates residential use to be classified N(1). This classification indicates that "Land Use and related structures are not compatible and should not be permitted" and that if a residential use must be permitted by a community, noise reduction requirements of 5-10 Db should be required and it should be assumed that windows should be closed year round. For your information, a copy of the circular is attached to this report.*

Ms. Smith stated that the packets presented by the residents contain the noise contour maps. In conversations that she has had with the existing consultant, she was informed that the data they are now getting shows that those contours may be rerun and could possibly shrink.

City Attorney Beach asked for clarification on what information potential homebuilders gave the residents when discussing the subject property. (Did they discuss density and what types of homes and developments would be built?) It was agreed that the residents would provide this information in writing to Staff so that it could be forwarded to the Planning Commission.

9. Mr. Dick Sawyer, 1023 Greystone, Chesterfield, MO speaking in opposition to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- At the last meeting pertaining to this proposed project, the residents presented information on various traffic statistics for Wild Horse Creek Road, using reliable sources including MoDot and St. Louis County Department of Transportation. They indicated what the daily driving conditions are like on Wild Horse Creek Road.
- They feel their research was discredited by the Project Planner saying the figures were inaccurate but they disagree with this assessment. They feel that the Planning Department is supporting the Petitioner's response to the issues and they take exception.
- The petitioner's traffic study uses non-medical and non-dental traffic numbers, with which they disagree. Even if the petitioner's numbers were used, the speaker stated that an additional 1000-2000 vehicles/day would be expected to travel along Wild Horse Creek Road after the build-out of the bowtie.
- Regarding volume, the residents would like clarification from the petitioner on whether or not there will be medical and dental offices in these buildings.
- Speaker expressed concern about traffic flow as he feels traffic will come from both directions. Adding more vehicles on the road increases volume, wait time at intersections and overall safety.
- The intersections are now rated "E", which is almost the worst rating an intersection can be given.
- The state has not budgeted any funds for Wild Horse Creek Road improvements for the next 5-10 years other than to repave it.
- Speaker questioned what the City will do to keep the residents safe if the rezoning is approved.
- There is already a traffic problem on Wild Horse Creek Road. Even if the petitioner's figures are used, traffic will be at very dangerous levels as a result of the first 10-acre development.
- Traffic is already bad and will only get worse regardless of the traffic direction on Wild Horse Creek Road. Speaker questioned from where all the money would come to support this infrastructure and all the changes that would be needed.

10. Ms. Judy Hart, 17631 Bridgeway Circle Drive, Chesterfield, MO speaking in opposition to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- The designation for this property for 15 years has been for Office Campus development. For those same 15 years, residents have been coming to the Planning Commission and City Council meetings repeatedly asking these members not to support commercial development on Wild Horse Creek Road.
- As an individual, Ms. Hart has been involved in the campaign process for a couple of City Council members.

- Speaker feels that only a select few citizens were involved in the planning process of the Comprehensive Plan. She stated that the numbers are huge of current residents who oppose commercial development on Wild Horse Creek Road.
- She hopes the Commission will look at the plan and re-evaluate it.

11. Rollie Johnson, 17708 Horse Creek Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- He has five children and seventeen grandchildren who live in the subject area – all of whom have attended, are attending, or will attend the Chesterfield Elementary School. Safety is a great concern to him.
- Adding 1000 vehicles per day would put 1000 children at risk at or in the proximity of the Chesterfield Elementary School.
- Speaker noted that the petitioner states: *“The principal of the Chesterfield Elementary School and the Rockwood School District indicate their design works and raises no safety issues.”* Residents have contacted the principal of the Chesterfield Elementary School and she denies that she made or indicated such a statement.
- Speaker noted that the petitioner states: *“Per an agreement with MoDot, the Rockwood School District will be installing a center turn lane from east of the Chesterfield Elementary School, west of the Greystone subdivision.”* Speaker questioned as to why the taxpayers of the Rockwood School District should pay for a turning lane required by the developer.
- No funds of any kind for improvement on Wild Horse Creek Road have been budgeted by MoDot, St. Louis County or the City of Chesterfield. MoDot has also indicated that, at this time, there are no budget considerations for Wild Horse Creek Road improvements for up to the year 2040.
- Speaker questioned from where the demand for commercial development comes. He does not believe it comes from the 1350 residents who signed a petition opposing this development or the from the 1000+ children who would be put at risk or from the 28,000 drivers who pass the area every work day or from the Valley that has plenty of commercial real estate yet to be developed and empty real estate because of the lack of demand.

City Attorney Beach referred to Mr. Johnson’s statement regarding MoDot, the County, and the City not budgeting any funds for a turn lane. Mr. Beach asked if this included Rockwood. Mr. Johnson replied that what the residents found was that there are no funds budgeted by St. Louis County, MoDot, or Chesterfield for any improvements of any kind on Wild Horse Creek Road. MoDot says that they have no funding scheduled before the year 2040. MoDot has indicated that there is approximately \$6 million left that has already been committed to work on the Long Road situation but nothing west of there.

City Attorney Beach stated that it had been indicated that Rockwood was funding the turn lane and asked for clarification. Mr. Johnson stated that the residents, as taxpayers, would oppose the Rockwood School District putting in the turn lane for the developer.

12. Mr. Jeff Citrin, 17892 Bonhomme Fort Court, Chestefield, Mo speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
- He is pro-development – but in the right places.
  - The Chesterfield Zoning Ordinance, Amendment A, Section 1003.011, states the following: “*Zoning is to promote safety, comfort and general welfare.*” Speaker feels that the proposed development fails on all three counts.
  - Regarding safety, there is inadequate infrastructure to accommodate the great increase in traffic that would be generated by the proposed development. Children going to and from school will not be safe. Bike riders and joggers will not be safe.
  - Regarding comfort, sitting in long lines of traffic at Long Road and 109 in both directions at all times of day will not promote comfort. Waiting 5-10 minutes for traffic to clear before making a turn out of a subdivision will not promote comfort.
  - Regarding general welfare, the proposed development will destroy and change the ambiance and feel of Wild Horse Creek Road.
  - The Comprehensive Plan is a guide and there is precedent for changing it.
  - Speaker asks the Commission to deny the proposed development, to keep commercial development in the Valley, and to keep Wild Horse Creek Road residential.
13. Mr. Steve Kling, Jenkins & Kling, attorney representing the residents, speaking **in opposition to P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
- The residents are asking the Commission to recommend denial of the zoning request.
  - The residents are asking the Commission to initiate and recommend to the City Council appropriation for a sector planning study of the subject area.
  - Regarding the rezoning request, speaker feels that Mr. Hall’s statements are misleading. Mr. Kling represented the owners of the property all through the process. He reviewed Mr. Hall’s client’s contract. At the same time that the contract was being reviewed, he was actively negotiating with another home builder, who was represented by Mr. Doster and who wanted to develop the property as residential.
  - On November 1, 2004, Mr. Kling submitted in writing to the Planning Department a letter with the following enclosures: (1) an appraisal done in December, 2002 indicating the highest and best use of this property was residential for 8 homes; and (2) a letter from Larry Wilson, Coldwell Banker, to Mr. Kling’s clients indicating he had a homebuilder client interested in the property.
  - There was a contract pending at the time that the other contract was accepted – primarily for economic reasons and lack of a zoning contingency.
  - Speaker pointed out that when so many residents oppose a development, it should alert the Commission that something didn’t go right in the planning process. The residents were not engaged in the planning process for this particular area.

- Under the current circumstances, speaker does not think the Comprehensive Plan should be used as a community envisioning document for the subject area. A sector study needs to be commissioned engaging residents in the process.

Commissioner Macaluso asked Mr. Kling for clarification as to whether there were three other possibilities for this land aside from Mr. Hall's plan. Mr. Kling replied that the following possibilities existed:

1. His clients engaged Thomas Homes initially – but this did not work out.
2. There was an inquiry from a Coldwell-Gundaker agent on May 28, 2003. The agent did not identify who the homebuilder is.
3. Mr. Kling was in the midst of negotiating a contract with Mr. Doster for a residential-building client of his to buy the property and to develop it for single-family use.

Commissioner Macaluso asked for clarification on Mr. Kling's statement that the owner accepted Mr. Hall's contract because there wasn't a zoning contingency. Mr. Kling replied that he didn't believe the applicant would be presenting his project if they had had a zoning contingency in their contract. Mr. Kling noted that a seller is more apt to accept a contract with fewer contingencies.

With three home builders unsuccessfully trying to buy the property, Commissioner Macaluso asked Mr. Kling if he thought the designation of "Office Campus" for this area in the Comprehensive Plan influenced their decision. Mr. Kling said he couldn't speak as to what influenced their decision. There was a statement made earlier in the meeting that they were told by the Planning Department that this property was to be developed commercially. Mr. Kling further stated that he and his client had never been told that this was to be developed commercially, otherwise they would not have wasted their time in talking to other residential builders.

City Attorney Beach noted that citizens rely upon the Comprehensive Plan as a guide when they make their purchases in the City. He doesn't disagree that the Plan can be changed and that there are issues to be resolved, but he noted that the Plan is used as a guide and that Mr. Hall relied upon it when purchasing the property. Mr. Kling agreed that a Plan should be followed unless there's a good reason not to follow it. Reasons not to follow a Plan would be: (1) a mistake, or (2) a change in circumstances. Mr. Kling feels there have been a number of changing circumstances – such as, noise and the changing nature of the whole area over the past 4-5 years,

City Attorney Beach stated that it appears that some of the residents, who have read the Staff's issues report, have misinterpreted Staff's remarks. He pointed out that when the report states that an issue has been addressed, Staff is not agreeing or disagreeing with the petitioner's response – Staff is merely noting that a response has been provided but they are not taking a position as to whether the response is accurate or not.

Commissioner Broemmer referred to Mr. Kling's comment that there had not been any citizen involvement and pointed out that there had been citizen involvement at the time from residents in the subject area. Density and use were reviewed. The West Area Study was put together by a committee of citizens and members of various committees of the Commission. The West Area Study was adopted into the Comprehensive Plan. Mr. Kling clarified that he had said that the citizens had not been engaged and noted that there has been a huge amount of people signing petitions, which he feels is meaningful.

14. Mr. Byron Norfleet, 17680 Ailanthus Drive, Chesterfield, MO speaking in opposition to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:

- He was surprised when he learned that the subject area was to be developed commercially.
- The subject area involves farms, residents, churches and schools.
- The Valley is for commercial development – it has shopping, offices, roads, traffic, a fitness center, a Home Depot and a Lowe's.
- None of the residents want, or see a need for, commercial development in this area.
- Speaker questioned why this discussion was even taking place other than it was in a long-term plan at one time. The current residents do not want it.

## VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS – None

## VIII. OLD BUSINESS

- A. **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)**: A request for rezoning from “NU” Non-Urban to “PC” Planned Commercial district for a 10.243-acre parcel located north of Wild Horse Creek Road, approximately 500' west from Wildhorse Parkway. Locator Numbers (18V51-0040, 18V51-0095, 18V51-0017)

(Mayor Nations and Commissioner Banks left the meeting at this point.)

Project Planner Christine Smith Ross stated she had comments regarding her Staff Report, dated January 19, 2005:

- **Regarding Item 2, it states that MoDot is requiring the developer to widen Wild Horse Creek Road from the left turn lane to Greystone Manor to the left turn lane for Wildhorse Parkway.** Revised comments have been received from MoDot on January 20, 2005, which remove requirement.

- **Regarding Item 10, the following sentence had been omitted:** *The future contours appear to dip southward – this may cause some of the site to be within the 65-70 decibel rating, DNL contour.*
- **Regarding Item 14, which pertains to minimum setbacks for PC districts adjacent to NU.** This has been listed as “remaining open” but the Attachment A would need to be prepared to include legal setbacks of 35 ft. The petitioner will be required at the time of Site Plan to bring forward a plan that meets the site-governing ordinance if the project is approved.

Project Planner Smith Ross clarified the following points brought up during Public Comment:

- The uses for consideration, and the uses that were advertised, are for office and office building. No other uses were advertised. None are available for consideration without an additional public hearing. Medical and dental offices are not permitted uses at this time. Such uses would require another public hearing. Examples of permitted offices would be a lawyer’s office, a business office, an insurance office – not a dental office, not a medical clinic, not a store.
- Based on her conversation with the Director of Facilities of the Rockwood School District, it is her understanding that Rockwood had previously agreed to pay for the left-hand turn lane as a condition of receiving permission to install the traffic light. They are not being required to do this because of any proposed development. This is prior to, and not related to, the proposed development.

## ISSUES

- Keep Issue #2 Open – *Will the developer be required to make a financial contribution to this turn lane?*
  - Get clarification from Rockwood School District as to whether or not the funding for this left-turn lane is truly part of the bond issue that is up for consideration in April.
  - Get a letter from Rockwood relative to the turn lane.
- Keep Issue #10 Open - *Indicate on the plan the limits of the various Part 150 noise contours.*
  - FAA has changed its forecasting methods for the 2009 contours. Find out information regarding where the FAA is going and when it might be possible to see the new projections for 2009. What is the history of this property regarding its DNL levels?
  - Once the new 2009 projections are available, can the Airport provide a chart of the bowtie area and specifically show where the 60 and 65 DNL lines hit?
  - Show the contour lines of what we have had in the past and the ones coming up. Show the lines imposed on a greater scale on the bowtie area – show it much more defined.

- Keep Issue #11 Open – *Discuss how building materials and site design could be used to provide additional relief from the airport noise.*
  - Do the buildings require sound-proofing under the City’s current codes and would that change if the international BOCA is adopted?
  
- Keep Issue #14 Open – *A minimum thirty-five foot building setback is required for “PC” Planned Commercial Districts adjacent to “NU” Non-Urban districts. It appears three of the buildings on the Preliminary Plan do not meet this minimum standard.*
  - Provide information on setback requirements in the event that the properties on each side are rezoned from “NU” to a different type of zoning.
  - If the Commission felt that the presently-required 35’ setback is inappropriate, what process would the petitioner have to go through to change that?
  - Provide a large map showing a complete picture of the bowtie area based upon the Department’s active projects. Is there anything coming into the Department that the Commission needs to be aware of that may pertain to setbacks, etc. that are adjacent to the subject property? Does a church own a major portion of the property that might have an impact on the subject property? Use locator numbers and identify ownership of the various parcels in the bowtie area. Use locator numbers of a particular owner and color-code them.
  
- Do not lose track of the improvements on Wild Horse Creek Road with the extra left-hand turns and the stoplight. Mr. Hall has indicated that he would be willing to work with the School District on this issue.
- Where does the 60% open space come from? Calculate the open space excluding all of the land that is past the grading line on the north side of the property.
- What is the status of the 150 Noise Study? Clarify the meaning of the 2009 vs. 2001 – how do we know what that noise study is?
- Petitioner has suggested a proposal to put a road in the back, which will require cross access agreements – make sure they are included.
- Review the Minutes of the West Area Study, the Comprehensive Planning Committee, the Planning Commission and the City Council to give a history of what occurred to lead to the decisions that were made in the last Land Use Plan.
- Have Ms. Julie Nolfo, Professional Traffic Engineer, of Crawford, Bunte, Brammeier comment on the residents’ opinion that perhaps a lot of the traffic will not be coming from 40 and Long Road but will be coming up 109 from Wildwood or from 44.

- Reference was made to the 1992 report of the original Comprehensive Plan regarding Wild Horse Creek Road Office Campus which states: *“Although technically adjacent to the Valley, an area north of Wild Horse Creek Road to the west of Long Road is impacted by noise from Spirit of St. Louis Airport. A low density office campus is proposed for this location. 1) Office campus development has been defined by the Planning Commission as follows: low-rise appearance development adjacent to area where the dominant land is residential or non-commercial institutional. Office campus developments shall emphasize open space and preserve the natural features to serve as a buffer and transition to the residential area. Consideration should be given in office campuses to utilization of structured parking for facilitating the provisions of open areas. Visibility of parking areas should be minimized.”*

In 1994-95, the West Area Study was prepared which also addressed the office campus area and defined very specific things that the office campus should have. It mentioned that an office campus would have a very residential look to it - the buildings would look like homes. Was there specific criteria? Go through all of the criteria that was set forth in the West Area Study for this area and see whether it meets the design of the building, the setback, etc. – show a table of the criteria.

- Regarding the contours, find any information relative to how decisions were made as to why 60-65 DNL is appropriate for residential. What is the reasoning behind the different levels? Provide the basis for the guidelines.
- The current Comprehensive Plan defines “office campus” as low-rise appearance and further states: *“Office campus shall emphasize open space and the preservation of the natural features to serve as a buffer in the transition to residential. . . . Shall give the office campus utilization of structured parking. . . . Structured parking to facilitate the provision of open space”* No structured parking is provided in the proposed development. As the project is presented, does it meet the criteria of the current definition of “office campus”? Can parking lots be considered “open space”?
- Regarding the letter from Mr. Kling, dated November 1, 2004, reference is made to an inquiry from someone from Coldwell Banker about developing the property as residential. Check with this person to see if an inquiry had ever been made of the City’s staff and what information may have been provided regarding the designation of the bowtie area.
- Of the 110 acres, if roughly the same density is used as the proposed 10-acre development, what would the magnitude of the whole thing be? Look at it as a picture. Do some rough calculations as to how many cars that would add to the whole process.
- Do not lose sight of the wetlands issue raised by one of the residents. (It was noted that this issue is not dealt with at this stage.)
- Is there a known archeological site in the subject area?
- Can this be written so that measures are taken to protect the artifacts during construction? Research the language used for the Veterans Retirement Home off

of Olive. (Ms. Smith Ross stated that she has had conversations with the State department in control of archeological sites regarding language. They indicated that without federal funding for the site, they would not have any jurisdiction to enforce any measures written into the Attachment A.)

- Don't lose sight of the request for a sector study. (It was noted that other issues need to be addressed before it can be determined if a sector study is necessary.)
- Compare the runoff that would come from the roofs, driveways and patio slabs of 8 medium-size houses as to the runoff that would come from the proposed buildings.
- Have a section drawn through Building 1, through the depression that shows the easement on the road and right up to the road. Is it possible to put screening on the south side?
- What is being provided for pedestrian walkways and is there any thought about sidewalks along Wild Horse Creek Road with the school?
- Would there be a button on the signal for walking across the street?

The Commission indicated that the following Issues have been addressed:

- Issue #7 – *Indicate how the wet areas will be maintained so that a mosquito problem is not created.*
- Issue #16 – *With respect to noise control, explore whether the proposed development will change the level of noise from the airport as well as the existing vegetation. Noise accelerates as it travels uphill.*

## **IX. NEW BUSINESS**

- A. Director of Planning, Teresa Price, stated that the meeting regarding a review of the permitting and construction process will be scheduled for February 14<sup>th</sup> during the Work Session of the Planning Commission. At that time, representatives from St. Louis County will be present.
- B. Commissioner O'Connor requested that the plans for Joe's Crab Shack be reviewed to compare what was approved to what is being put up. Chairman Sherman stated that Staff is looking into this.

## **X. A. REPORTS:**

- A. **Committee of the Whole - None**
- B. **Ordinance Review Committee - None**
- C. **Architectural Review Committee - None**

- D. Landscape Committee - None**
- E. Comprehensive Plan Committee - None**
- F. Procedures and Planning Committee - None**
- G. Landmarks Preservation Commission - None**

## **XI. ADJOURNMENT**

The meeting adjourned at 9.28 p.m.

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Lynn O'Connor, Secretary