[REVISED 3/13/95]

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 13, 1995

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

PRESENT

Mr. Rick Bly
Mr. Michael Casey
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Linda McCarthy
Ms. Patricia O'Brien
Chairman Barbara McGuinness
Mayor Jack Leonard
Mr. Douglas R. Beach, City Attorney
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Toni Hunt, Planner I
Ms. Sue Harris, Department Secretary

ABSENT

Mr. Dave Dalton
Mr. Fred Broemmer

INVOCATION - Commissioner Mary Domahidy

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - **Commissioner Mike Casey read the "Opening Comments"**

A. **P.Z. 5-95 McDonald's Corporation;** a request for an amendment to an existing "C-8" Planned Commercial District approved by St. Louis County Ordinance Number 7430 for a 1.4 acre tract of land located on the southeast side of Olive Boulevard (State Highway 340) approximately 400 feet northeast of Chesterfield Parkway North (formerly Schoettler Road) (Locator Number 18S61-0648). Proposed Use: Fast food restaurant with a drive through facility.

Planner II Joseph Hanke gave a slide presentation of the subject site and surrounding area.

1. Mr. Al Michenfelder, 231 South Bemiston, Clayton, MO 63105 presented slides and spoke on behalf of the petitioner (assisted by Mr. Mike Powers, McDonald's and Greg Karner, Architect), noting the following:

- This facility will be the newest family fun concept.
- Two curb cuts onto Olive Boulevard are proposed, with the western most one for entrance only and the eastern most one for exit only.
- Main building is proposed to be 4,500 square feet in area, with 1,500 square foot of enclosed play area and 3,000 square foot for the restaurant proper.
- The enclosed play area would be a glassed enclosure with playground equipment.
- Sixty-seven (67) parking spaces are proposed.
- The present facility (Commerce Bank) has no stormwater detention since it was built before that was required. McDonald's is proposing to provide an underground detention structure beneath the exiting lane on the east side of property.
- Light standards shall remain the same height as the bank facility, sixteen (16) feet. The height of the free standing sign will also be the same as the bank facility, thirty (30) feet.
- The existing stand of trees to the southeast will be retained within the eighteen (18) foot setback. The ten (10) foot buffer from Peachhill Lane will be retained.
- The building is proposed to be brick.

2. Mr. Norman Roden, 772 Penny Ct. Ballwin, MO 63011, spoke on behalf of the petitioner, concerning the Traffic Study prepared by his firm, noting the following:

- A copy of the Traffic Study was distributed to the Commission for their review.

- Discussed the traffic volumes and traffic forecast. Stated that McDonald's will move their curb cuts to coincide with the existing Hilltown curb cuts.

COMMENTS/DISCUSSION

- General discussion of the Site Plan relative to trash dumpster location (southwest corner) and screening.

- Petitioner submitted two (2) additional petitions, signed by either residents of Chesterfield or people who work in Chesterfield, supporting the amendment to this restaurant.

- This site is currently zoned Commercial and will not add to the traffic congestion.

Chairman McGuinness stated that several people who filled out speakers cards but did not speak support the request. She asked Mr. Michenfelder if the petitioner or representatives had met with the opposition to this project?

Mike Powers stated that they had met with the opposition.

Chairman McGuinness inquired if the petitioners had given all the *information that the Planning Commission had to the opposition (residents).*

Mike Powers stated that *yes they had.*

Chairman McGuinness asked if the petitioner about the marketing decision in building a McDonald's at this location. She also asked if the Chesterfield McDonald's were company owned stores.

Mike Powers stated they felt this was a different market from the Clarkson road site. He stated that they do not feel that this market is not being served. He stated that the proposed facility and the current Chesterfield facilities are company owned stores. Mr. Powers presented samples of the proposed exterior finish materials.

Mayor Leonard stated that vehicles turning left into the site would have to two lanes of traffic, which is a hazard to the oncoming traffic.

Mr. Michenfelder answered with reference to Hilltown Village Shopping Center development, where these same turns have been made for over fifteen (15) years. In addition, the Commerce Bank traffic also had to make the same turns.

Commissioner O'Brien inquired if: (1) the proposed facility would have light beams on the roof like the facility on 141 in the Town and Country Commons; and, (2) if you would be able to exit the drive-thru lane.

Mr. Michenfelder stated that the roof would not have light beams.

Mr. Roden stated that you would be able to exit the drive-thru lane.

Commissioner Domahidy inquired about relocating the existing exit to align with Hilltown Village.

Mr. Roden used the flip charts to show the proposed exits.

Commissioner Kirchoff inquired about additional left turns in and left turns out as noted in the Traffic Study.

Mr. Roden stated he felt the roadway could digest that much extra traffic.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION:

1. Mr. Jack Kennedy 345 N. Canal, Chicago, Il. 60606, Peachtree Apartment owner, spoke as the owner of the Peachtree Apartments noting the following:

- Does not feel this is a compatible use adjacent to his property. Concerned with preserving his property value and with the traffic. He requested the Planning Commission deny the proposed fast food facility.

Chairman McGuinness asked whether the petitioner met with Mr. Kennedy.

Mr. Kennedy stated he met with McDonald's representatives this morning.

2. Ms. Teri Cohn, 915 Peach Hill Lane, Chesterfield, MO 63017, spoke as the Property Manager of Peachtree Apartments noting the following:

- Met with the representatives this morning and they did not provide them with traffic data. McDonald's representatives were asked several times for traffic counts and they said they were not prepared to discuss it at that time and would be presenting the facts this evening.

Chairman McGuinness inquired of the McDonald's representatives if why they did not give a traffic study to the Peachtree representatives. After receiving no response, Chairman McGuinness gave her information to Ms. Cohn.

Ms. Cohn stated that the City of Chesterfield gave her all the traffic study information but not some of the items being presented this evening.

- Concerned with the exterior finish of the building. McDonald's representatives stated in our meeting that it would be more like concrete block, not brick.

- Concerned with noise, extended hours, and vandalism. Requested the Planning Consider changing the existing zoning and denying the request.

3. Thomas Elfrink, 15510 Olive Boulevard, Suite 100, Chesterfield, MO. 63017 speaking as group. President of Iremco, Real Estate Management Company, part owners of the building at 15510 Olive Boulevard. His offices are in that building, which is adjacent to the petitioned site.

- Concerned with the late hours and vandalism.

- Met with the McDonald's representatives on February 2nd, at which time they reviewed the architectural plans. At that time he tried to get information on the traffic counts because there is already a bad left turn situation.

Chairman McGuinness inquired if he had received the information from McDonald's on the traffic study and he stated no.

Mr. Elfrink stated that Mike Powers with McDonald's gave him the engineer's phone number and told them to call Norm Roden for the traffic information because he (Norm Roden) had studied this. When contacted, Mr. Roden was surprised at the request and stated he could not give me this information. Mr. Roden called back two days later and stated that he could not provide this information but that it was given to the City of Chesterfield. Mr. Elfrink was able to obtain a copy of the traffic report from Joe Hanke, City of Chesterfield Planning Department.

- Traffic is our biggest concern. We obtained information from the City of Chesterfield Police Department that there had been 30 accidents in the last year at that location. Hired a traffic study consultant to prepare a report.

4. Mr. Doug Shatto, Traffic Engineer with Crawford-Bunte-Brammeier, prepared a traffic study for Mr. Elfrink, which was given to the Planning Commission. He stated that the Institute of Transportation Engineers Trip Generation

Manual was used for this study. We have concluded with our findings that the counts are 50% higher, if not more.

- Concerned with the higher volume of traffic. Conclusion was that the higher volumes of traffic could alter the study's findings and more traffic could render the parking supply inadequate.

Commissioner O'Brien stated that she agrees that this location will cause more traffic. She inquired about other possible alternatives from the Highway Department. She stated that she felt the McDonald's located at Highway 141 and Town and Country Commons should have been the one used as comparison.

City Attorney Doug Beach noted the traffic would be turning left and going up to or off of Highway 40.

5. Donna Pecherski, 1724 Heffington Drive, Chesterfield, MO 63017 submitted more letters of opposition from Westridge Estates Subdivision.

6. Janet Sasso, 61 White Plains Dr., Chesterfield, MO 63017 speaking as an individual in opposition, noted the following:

- Concerned the additional traffic, cruising factor of children using the McDonald's, odors, hours of operation that are kept, trash and noise.

- Ms. Sasso noted that Commissioner O'Brien stated she would like to have had the survey done on Traffic at 141 and Town and Country on Saturday mornings. Ms. Sasso has been at that intersection on a Saturday morning and that area is backed up and she does not want that on Olive near her subdivision.

Chairman McGuinness asked if Donna Pecherski and Janet Sasso had been a part of the group that met with the McDonald's group and they both stated no.

7. Mr. Mel Sands, 34 Conway Cove Drive, Chesterfield, MO 63017, spoke as President of the Conway Cove Condo Association noting the following:

- He represents fifty-four (54) homeowners who would be affected by the McDonald's. He opposes this development because they have to have a police officer up there on Clarkson on Friday and Saturday nights.

- The Clarkson/Lea Oaks facility does more business than any other fast food store in the area. That means more traffic. We are opposed to this.

Chairman McGuinness asked whether Mr. Sands was a part of the opposition group that met with McDonald's.

Mr. Sands replied "no one asked me."

Chairman McGuinness asked Commander Beldner, Chesterfield Police Department, if the police that are up at the McDonald's are Chesterfield Police. He stated that they were County police.

8. Robert Hunn, 173 Hilltown Village, Chesterfield, MO 63017 speaking as an individual who is a business owner in the Hilltown Village.

- Traffic is a problem but his concern as a jeweler is not so much the traffic but the results of all the in and out traffic that a McDonald's can produce.

- He stated that he was not part of the opposition group that met with McDonald's and does not have any of the materials.

9. Randee Schmittdiel, 805 Wellesley Place Drive, Chesterfield, MO 63017 speaking as an individual.

- Concerned with the future of Chesterfield. The old fire department building will soon be vacant and her concern is that it will be rezoned and competitors will come into the area and this will become a fast food area.

REBUTTAL

Chairman McGuinness inquired if McDonald's would please tell her who those people are that you met with this morning and gave that information too, because they did not come here.

Mr. Powers stated in no way did we intend to mislead or deceive anyone here. We met with the parties in good faith. In terms of the traffic report, we felt that we wanted to withhold that information to present it tonight and show those parties.

Chairman McGuinness inquired of Mr. Powers if they told Ms. Cohn that the building was not brick but concrete block. She also inquired about the need for police at the Lea Oak facility on Friday and Saturday night.

Mr. Powers stated that he did not remember telling her that.

Ms. Alice Henke, speaking for McDonald's Operations Department, stated that at this time we do not have security at the Lea Oak facility but it is our policy to maintain safe and secure McDonald's locations. At any time if we feel it necessary, we hire security. Because of the theater it is sometimes necessary.

REBUTTAL

Mr. Michenfelder responded as follows:

- To Peachtree Apartment, the concern of traffic (i.e., entering/exiting the proposed site). There has been two traffic reports discussed this evening. McDonald's traffic engineer, Mr. Roden, will review the report prepared by Mr. Shatto and send a response to the staff and the members of the Commission. The report conclusions have to be compared. In our opinion, the traffic can be handled.

- Concern was expressed by the office building to the south with compatible usage. In our opinion this is very compatible.

- The traffic light at the Des Peres McDonald's was required because of the shopping center across the street and was installed by the shopping center.

SPEAKERS NEUTRAL - None

Commissioner Casey read the next portion of the "Opening Comments."

SHOW OF HANDS

In Favor:	17	In Opposition:	128	Neutral	16

Commissioner Casey read the remainder of the "Opening Comments"

B. P.Z.3-95 City of Chesterfield Planning Commission; a proposal to amend Sections 1003.030 Establishment of Districts - Zoning Maps; and 1003.040 Interpretation and Extension of District Boundaries of the City of Chesterfield Zoning Ordinance.

Chesterfield Planning Director Jerry Duepner presented the request.

SPEAKERS IN FAVOR - None

SPEAKER IN OPPOSITION - None

REBUTTAL - Waived

SHOW OF HANDS

In Favor:	6	In Opposition:	0	Neutral	0

C. P.Z. 4-95 City of Chesterfield Planning Commission; a proposal to amend Sections 1003.193 Appeal and Protest Procedure for Special Procedures; and 1003.300 Procedure for Amending the Zoning Ordinance of the City of Chesterfield Zoning Ordinance.

Chesterfield Planning Director Jerry Duepner presented the request.

Chairman McGuinness questioned time period involved.

City Attorney Doug Beach noted that the request is to bring our procedure into conformance with the State Statute concerning protest, but because of the need for individual notarized signatures, the time period involved needs to be lengthened.

Commissioner O'Brien inquired if this will present a hardship on the petitioners.

Director Duepner stated that if it were to be kept at nine (9) days it would be a hardship on the petitioner. The petitioner needs time to obtain the notarized signatures.

Commissioner Kirchoff asked how long would it take to have someone become a notary.

City Attorney Beach stated that it would take longer than the nine (9) days. The State Statute elongated the time period and then the petitioner had time to get the signatures notarized. It is the responsibility of the owners to get their signatures notarized.

Commissioner O'Brien inquired at what point can a protest petition be filed?

Director Duepner stated it can be submitted anytime.

Commissioner O'Brien inquired can the protest be submitted after the petition has been approved.

City Attorney Beach stated that according to case law, it can be submitted until action has been taken so you can get right up to the point of the Council meeting and can still submit the protest. Whereas, under the current PEU protest procedure, you only have nine (9) days from the time the Planning Commission acts.

SPEAKERS IN FAVOR - None

SPEAKER IN OPPOSITION - None

REBUTTAL - Waived

SHOW OF HANDS

In Favor:	1	In Opposition:	42	Neutral	16

Commissioner Casey read the next portion of the "Opening Comments."

APPROVAL OF THE MINUTES

Commissioner Casey made a motion to change the minutes from the meeting of January 23, 1995. As amended Page 9, Section G., Councilmember Casey to Commissioner Casey. The motion was made by Commissioner Domahidy and seconded by Commissioner McCarthy **and approved by a voice vote of 7 to 0.**

Chairman McGuinness Introduced Councilmembers Colleen Hilbert, Ward I, Bill Devers and Ed Levinson Ward 2, Linda Tilley Ward 4.

PUBLIC COMMENTS

SPEAKERS IN FAVOR OF P.Z. 25-94 JEWISH COMMUNITY CENTERS ASSOCIATION (MULTIPURPOSE BUILDING).

1. Marty Oberman, President of the JCCA, 11966 Sackston Ridge, St. Louis, MO 63141.

- The JCCA location would be perfect and the only site available.
- The JCCA Center would meet the needs of these individuals such as education, Jewish cultural programs, early childhood programs, Physical Education, Wellness programs.
- Very sizeable Jewish population growing in Chesterfield.

SPEAKERS IN OPPOSITION TO P.Z. 25-94 JEWISH COMMUNITY CENTERS ASSOCIATION (MULTIPURPOSE BUILDING).

1. Christian Timpras, 16614 Chesterfield Farms Drive, Chesterfield, MO 63005.

- Residents of Chesterfield Farms Estates (359 units) indicated they have been lied to either by the sales agent, Sachs, builder, developer. They were led to believe that 150 luxury condos were a part of the master plan.

- Deny this petition.

2. Richard Shearer, 193 Brighthurst Dr. Chesterfield, MO 63005.

- Reviewed the traffic study. He is more concerned with the parking spaces.

3. Nancy Litzau, 320 Cheval Square Drive, Chesterfield, MO 63005.

- Fifty-six (56) parking spaces are required at our subdivision recreation complex. She questioned why the Planning Department is utilizing different criteria in evaluating the JCCA.

- Passed out information and an article from the Jewish Light publication to the Commission.

- She noted that two (2) members of the Commission are absent tonight and recommended that the Commission consider not voting until all of the Commissioners are present.

4. Bill Nicely, 16607 Chesterfield Farms Drive Chesterfield, MO 63005

- Traffic issue. Since November 28, 1994 we have heard about the JCCA's plans to operate a childcare for 160 children in Phase I and Phase II.

- The CBB Traffic study states 3.5 children per car, which is based on car pooling. Daycare families do not carpool.

- Recommended the Planning Commission not vote on this until the Traffic Study reflects the accurate information and the residents have the full impact.

5. James Hall, 16722 Chesterfield Manor, Chesterfield, MO 63005.

- Mr. Schreiber stated the JCCA had been looking for a site for three (3) years.

- The JCCA only formally submitted paperwork in August of 1994 for this 11.5 acres. The first Public Hearing was held on November 28, 1994.

- From February, 1994 through June, 1994, JCCA officials worked with the Planning Department on a 7.5 acre site behind the Hilltown Village Center. After the Public Hearing was held, the JCCA chose to withdraw the plan.

- The Jewish Light newspaper ran an article that the 7.5 acres was the site for the new JCCA.

- We are not opposed to the JCCA. It has been stated that we are opposed to the facility, we are not. We are opposed to the location of the JCCA.

6. Wendy Geckler, 26 Chesterfield Lakes Rd., Chesterfield, MO 63005

- Totally supportive of the JCCA coming to Chesterfield. Totally opposed to the location.

- Outraged that Sachs has donated this property. This proposal is paving the way for Sachs to have the strip mall and two restaurants on the corner they proposed. Sachs is making this a perfect lead into commercial zoning in front of Chesterfield Farms, property also owned by Sachs. Charitable intentions have little to do with this land offer.

- Thanked the Commission and the Planning Department for willingness to answer questions, noting they have done an outstanding job.

- Has faith in Lane Kendig's recommendations regarding community character. Mr.Kendig discussed land use in his report, page 1, "Issues Conditions" and "Discretionary paper". Please do as Mr. Kendig suggests. Consider the appropriate land use and the integrity of residential neighborhoods.

7. Deborah Lambert, 16638 Chesterfield Farms, Chesterfield, MO 63005

- Residents of Chesterfield Farms. Commented you have heard all the same things about the promise of condos, homes and apartments since the 1970's. Wants the residential "PEU" that the City promised them when they bought out there. Many residents would not have bought homes out in that area if they had known that a huge commercial community center was going to be developed in their backyard.

- Were told that Mr. Sachs wants to build a synagogue on the two (2) acres at the Chesterfield Farms entrance.

- Ironic that the land given free to the JCCA for commercial, but developers can't continue with the residential building because of the high price of the land.

- Preserve the residential nature of our neighborhood. Deny the CUP to the JCCA.

8. Valorie Schmidt, 248 DeJournet Drive, Chesterfield, MO 63005

Chairman McGuinness read a sign in the audience "Follow the rule, don't change the PEU."

- Resident of Chesterfield. I am here to discuss green space and want to show two (2) site plans. (1) Intersection of Wild Horse Creek Road and Baxter Road as it currently exists. Three (3) underdeveloped corners, the fourth is Chesterfield Farms. Green space on all three (3) corners. Intensity can be controlled.

- (2) Depicted the same area with the proposed sites colored. Southeast corner, proposed shopping mall. The southwest corner, proposed restaurant. The northeast corner the proposed JCCA. Colors indicated all green space lost and Phase II lost over 50% of the green space to massive buildings and asphalt parking lot.

- Quoted the Planning Commission Report, regarding Comprehensive Plan Policies. This same concern was expressed by Chesterfield Planning Department in the January 4, 1995, department report, which states "The mass of buildings could not effectively be mitigated."

- 11 million dollars bond issue Chesterfield residents voted for to create Parks in our City. Illustrates importance of maintaining proper balance between intense development and green space.

- Quoted articles out of the St. Louis Post Dispatch concerning green space.

- The Cities responsibility to maintain the balance between green space and intensity.

Chairman McGuinness read signs displayed in the audience.

"Chesterfield's Tea party deny the CUP"
"Who's interest special question residents"

9. Laura J. Kusiak, 16638 Chesterfield Farms Drive, Chesterfield, MO 63005

- The JCCA, as a Conditional Use Permit, is not proper usage of this land.

- According to St. Louis County police reports from December, 1992 through December 1994, there have been 684 incidents for which the police have been summoned to the JCCA. Also, 57 counts of illegally parked cars. Illegal parking is a particular concern of Chesterfield Farms residents because we maintain any overflow will be in our neighborhood. Chesterfield Farms and Estates have been virtually crime free.

- With 6000 members and a 129,000 square foot facility, elements come into play over which the JCCA board will have no control.

- Not appropriate for residential area and backing up to Ascension Elementary School where there are young children. We are requesting that you deny the CUP and have the JCCA find a more fitting site within the City that will not threaten the peacefulness and safety of existing neighborhoods.

10. Glen Huskey, 16643 Chesterfield Farms Drive, Chesterfield, MO 63005

- Resident of Chesterfield Farms Estates.

- The residents continue to show you flaws in the CBB Traffic study. This development would be creating a safety hazard and traffic nightmare.

- Chesterfield residence are concerned with green space and this is the prize that will be lost forever.

- When residents bought their homes in Chesterfield Farms they were promised a residential neighborhood.

- Encourage Mr. Sachs to choose another site. He has several other pieces of property.

- The Commission should not issue a Conditional Use Permit for this piece of property.

Chairman McGuinness read the name of those who had signed up, but wished to waive their chance to speak: Harold Klamen.

OLD BUSINESS - None

NEW BUSINESS

A. **P.Z. 22-94 City of Chesterfield Planning Commission**; a proposal to amend the Zoning Ordinance of the City of Chesterfield relative to Home Day Care.

Chairman McGuinness asked for a motion to hold P.Z. 22-94. The motion was made by Commissioner Kirchoff. The motion was seconded by Commissioner McCarthy **and approved by a voice vote of 7 to 0.**

B. **P.Z. 25-94 Jewish Community Centers Association (Multipurpose Building)**; Conditional Use Permit (C.U.P.) in "R-2" 15,000 square foot Residence District and amendment of City of Chesterfield Ordinance Number 752; northeast corner of the intersection of Wild Horse Creek Road and Baxter Road Extension.

Chairman McGuinness requested clarification of the JCCA in terms of the Conditional Use Permit (CUP) process.

City Attorney Doug Beach stated that a Conditional Use Permit is different from a rezoning. It has specific issues that must be addressed by the Planning Commission:

1) developments and uses are consistent with good planning practice;
2) can be operated in a manner that is not detrimental to the permitted developments and uses in the district;
3) can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area;
4) are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Chesterfield.

Based upon the actions of the Planning Commission, the City Council does not necessarily act on a Conditional Use Permit. If the Planning Commission should approve it or deny it, in order for it to go to the City Council or for it to be approved, no action is required. However, the City Council, by a majority vote, may exercise their power of review. In doing so, it will hold its own Public Hearing, which would be separate and apart from the hearings that have been held before the Planning Commission. The Council may then affirm, reverse or modify the findings are that have been made by the Planning Commission. A majority vote of the whole Council would then be required to approve, deny or modify based upon public hearings that the Council would hold. It also provides that there are protest petitions that may be filed that would require that 30% of those people that are within 185 feet of the property sign. Currently, there is a nine (9) day time limit to file a protest of the Planning Commission action, which would then require a two-thirds vote of Council to approve or deny, depending upon what the Planning Commission has recommended.

Chairman McGuinness stated that unless the Council exercises its power of review, the Planning Commission's decision is the City's position. City Attorney Beach agreed with the statement. Chairman McGuinness inquired what a majority of Council would be based on, who is present or the total membership. City Attorney Beach replied that for exercising their power of review, it is a majority of those present. But for voting on the petition, it would require a vote based on the entire Council which would be five (5) votes.

Chairman McGuinness questioned if Mr. Director would be discussing the JCCA and suggested that before we do, we address the issue that Ms. Litzau brought up, which was to hold this issue until all of the Planning Commissioners are present (Mr. Broemmer and Mr. Dalton are absent). Commissioner Casey made a motion to hold this matter. The motion was seconded by Commissioner O'Brien.

Commissioner Domahidy stated that she will be out of town on February 27, 1995.

Commissioner McCarthy stated that we rarely have a full membership.

Mayor Leonard made a suggestion that we send a letter to all Planning Commission members insisting that they be here.

Chairman McGuinness noted that they are volunteers and do not receive pay and she can*not* demand that people be there. We are not even sure that Mr. Dalton and Mr. Broemmer will be able to attend at a later date. Commissioner Casey suggested that at least the Planning Commissioners from Ward 4 should at least be in attendance, which would be Commissioner Bly and Commissioner Dalton.

Commissioner Casey clarified his motion to hold this matter until the 27th of February and specifically that the Ward 4 people be in attendance. The motion was seconded by Commissioner O'Brien.

Upon a roll call the vote was as follows: Commissioner Bly, no; Commissioner Casey, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, yes.

The motion failed by a vote of 2 to 5.

Chairman McGuinness addressed the issue that was suggested by Commissioner O'Brien and that is that we have Director Duepner discuss Ms. Litzau's parking issue.

Director Duepner summarized the Staff report.

- State Highway Department and the St. Louis County Department had looked at the traffic study and again the State Highway Department was wanting actual figures to verify levels of service for turning movements.

- If the CUP for the JCCA is to be granted the Department would recommend that the PEU for Chesterfield Farms be revised to reduce the number of permitted units. That would be a reduction of 118 units which are currently approved under the PEU for that 11 acre site.

- Attachment A, is the submitted recommendation from the Department for conditions relative to setbacks, maximum allowable square footage, and calculation of parking as well as for no lighting for the athletic field and a minimum landscape buffer around the perimeter.

- The Department would recommend approval of P.Z. 25-94, subject to the conditions contained in Attachment A of our report, dated February 8, 1995.

Chairman McGuinness was reminded that this item had previously been tabled at the January 9, 1995 meeting.

Commissioner Domahidy made a motion to take the item off the **table** from the previous meeting (80,000 square foot motion). The motion was seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

Chairman McGuinness states that what is pending tonight is the motion to approve Phase I at 80,000 square foot. She noted that Commissioner Broemmer originally made the motion to table.

DISCUSSION BY COMMISSION

Commissioner Kirchoff asked for clarification of what the Phase I and Phase II mean.

Director Duepner stated that in the current Department report, we are recommending approval of the total 129,000 square feet.

Commission Domahidy questioned the last sentence on Page 6 of Attachment A concerning submittal of an updated traffic study. Would our Ordinance authorize the 129,000 square feet and at some time they could come in with more than one Site Development Plan for a Phase I and a Phase II.

Director Duepner noted that before they go beyond the 80,000 square feet they come in with the actual traffic figures but that information could be submitted with the initial plan as well. The State has asked for the actual traffic counts at Baxter and Wild Horse Creek Road.

Chairman McGuinness and Commissioner Domahidy both stated that the summary is not clear to them.

Director Duepner noted the total development on the site would consist of what the petitioner identified as Phase II, ultimately 129,000 square feet with the outdoor swimming pool. The building of 80,000 square feet, 2 athletic fields, and the accessory parking is Phase I.

City Attorney Doug Beach clarified that the motion from two (2) meetings ago was for approval of 80,000 square feet only. Now, the recommendation is that the "CUP" be approved for a total of 129,000 square foot, however, the 80,000 square foot is all that is being requested at this time and that these additional requirements would have to come in before there would be subsequent approval of Phase II. Director Duepner acknowledged that was correct.

Director Duepner suggested for clarification purposes in terms of conditions that Commissioner Domahidy referred too, that the traffic study be provided in conjunction with or prior to any construction or development beyond the 80,000 square feet.

Chairman McGuinness inquired of the benefit of the traffic study if a decision is made.

Director Duepner replied that compliance with the State's request for the hard numbers of the traffic counts is sought.

Chairman McGuinness asked if the traffic study indicates the development should have never been done, then what?

Director Duepner continued that he would refer back to the State Highways Department's correspondence on that where they stated that "We don't have any concerns with this development adversely effecting the operation of the signal or Route CC, based on the ADT of Route CC and the forecasted turning movements. It would be nice to review the results from the Highway capacity software to see what the level of service will be on each movement. We suggest they include this in their evaluation."

Commissioner O'Brien asked if 80,000 square foot for Phase I is what is on the table?

City Attorney Beach noted that the original motion was for 80,000 square feet, period. Any additional area would require approval of the difference between 80,000 square feet and 129,000 square feet.

Chairman McGuinness proposed discussion.

Commissioner Kirchoff inquired if the motion is passed or defeated then do we go on to the 129,000 square feet?

Chairman McGuinness replied, it could.

Chairman McGuinness noted that it could be the intent of the Commission in terms of acting on the 129,000 square feet that if it is passed everyone will know that is the limit.

City Attorney Beach suggested that a motion could be made to approve the 80,000 and a subsequent motion which would put in some conditions to allow 129,000 square feet, so then you have both options.

Commissioner Bly asked if the Department's recommendation is for the 129,000 square foot.

Chairman McGuinness stated that you could offer an amendment to the original motion which would be to take that 80,000 to 129,000 and vote on it.

Commissioner Bly made a motion to amend the original motion from 80,000 to 129,000. Motion died for lack of second.

Chairman McGuinness suggested discussion of the conditions and amendments of the 80,000 square feet proposal.

Director Duepner read the conditions from the January meeting where the motion was made and seconded for 80,000 square feet and a two (2) story building; setback requirements relative to the building and parking spaces, and a 30 foot landscape area adjacent to the Baxter Road extension which would commence behind the site distance easement; no provision for additional building area nor for an outdoor swimming pool. The Conditional Use Permit would be for a not-for-profit community center, recreational facility with accessory uses which may include a gymnasium, indoor swimming pool, childcare center, meeting rooms, athletic fields and an auditorium. It specifically stated that lighting of athletic fields would not be permitted.

Chairman McGuinness asked Director Duepner if the Commission had made any amendments to that motion.

Director Duepner stated the original report recommended 65,000 square feet and it was noted that the building would initially be 80,000 square feet. The only amendment was not to exceed 80,000 square feet.

Chairman McGuinness asked if approved for 80,000 square feet may or may not the development be increased to 129,000 square feet ever?

Director Duepner indicated that as originally recommended by the Department, in its report, Phase II would be evaluated upon the submittal of request for an amendment of a Conditional Use Permit, which means back to the Planning Commission for approval.

Chairman McGuinness asked if that means that it may not get any bigger. Director Duepner responded, yes that is correct.

Commissioner Kirchoff made a motion to amend the existing motion to strike any reference to athletic fields.

Motion dies for lack of second.

Upon a roll call the vote on the original motion was as follows: Commissioner Bly, no; Commissioner Casey, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, yes. Motion fails by vote of 3 to 4.

Chairman McGuinness asked for a motion to approve the current report of the Department. Commissioner Bly so moved, and Commissioner Kirchoff seconded a motion for approval per the Department's February 8, 1995 report.

Commissioner Domahidy stated she finds logic of a community recreational center from what was originally approved up to a point, but 129,000 square feet is too intense on this site.

Chairman McGuinness asked if Commissioner Domahidy would like to offer a motion other than the 129,000 square foot proposal.

Commissioner Domahidy indicated the motion for 80,000 square feet was better *and she did not have information on which to make an alternate motion.*

There was further discussion on the original motion.

Commissioner McCarthy asked for clarification on the loss of the athletic fields.

Director Duepner commented that the original proposal indicated two (2) athletic fields with the 80,000 square foot facility; with 129,000 square feet they indicated one (1) athletic field had been depicted with 457 parking spaces. Subsequently, the petitioner submitted a revised plan with 500+ parking spaces and the athletic field was deleted.

Commissioner Kirchoff moved for amendment of the motion to delete the athletic fields and lighting of the outdoor pool.

Commissioner McCarthy seconded the motion.

Commissioner Kirchoff inquired if the area of the deleted athletic fields would be used as green space or parking spaces.

Director Duepner noted that the recommendation of the Department was that the area be utilized as green space or landscaping adjacent to the building or additional parking islands.

Commissioner Domahidy *questioned if* the ballfields *were* the most intrusive element of the complex.

Commissioner Kirchoff commented that the ballfields are at an inappropriate location.

Commissioner Domahidy commented there are fields at Ascension.

Commissioner Kirchoff commented the ballfields at Ascension are not intrusive and are not facing residential. An outdoor pool is an intrusion of residential area and pool lighting would be a night time problem.

Upon a roll call the vote on the motion for amendment was as follows: Commissioner Bly, yes; Commissioner Casey, no; Commissioner Domahidy, no; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, no; Chairman McGuinness, no. Motion failed by a vote of 3 to 4.

Chairman McGuinness inquired about the square footage of the proposed development relative to the residential development previously approved on the site.

Director Duepner stated he could not answer that question.

Commissioner Domahidy inquired whether Lane Kendig's performance standards had been applied to the proposal.

Director Duepner explained the report of Mr. Kendig's open space requirements, calculations, areas for setbacks would depend upon the district. Staff did not utilize any of Mr. Kendig's proposed standards as no decisions have been made on his recommendations.

Chairman McGuinness asked Director Duepner to explain the landscaping recommended by the Department relative to a minimum of a 30 foot buffer.

Director Duepner referred to the exhibit which depicted the buffer.

Chairman McGuinness inquired whether any berms were proposed.

Director Duepner noted the plans depict elevations of berms of four (4) to five (5) feet in height.

Chairman O'Brien questioned the placement of the buildings.

Director Duepner referenced the January 9, 1995 Department report on that issue.

Commissioner O'Brien expressed concern about available and accessible parking. She also suggested access be considered on Wild Horse Creek Road. Commissioner O'Brien also commented that the building should be repositioned more toward Baxter Road with parking facing toward the Ascension Church property.

Commissioner Kirchoff noted that the building on the south may be too close to Wild Horse Creek Road.

Director Duepner stated the Department believes the buildings would be best located where proposed in terms of visual impact.

Commissioner McCarthy suggested that this issue could be decided with the Site Plan.

Commissioner O'Brien questioned whether significant changes are possible in Site Plan review. If they are not possible then they need to be addressed now.

Director Duepner stated that significant changes are not possible at the Site Plan stage. Some changes could be considered, if there are significant changes then we are getting away from the concept that was approved.

Commissioner O'Brien made a motion to table.

Motion dies for lack of second.

Commissioner O'Brien made a motion to amend the motion on the floor to reposition the buildings to a more center location along Baxter Road (like a string instead of a cluster) with parking in the rear towards the Ascension side.

Motion dies for lack of second.

Director Duepner noted that the motion being voted upon was approval per the February 8th report.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Casey, no; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, no.
Motion was fails by a vote of 1 to 6.

Chairman McGuinness questioned the City Attorney whether a motion to deny is needed.

City Attorney Beach replied that such a motion is not required.

Commissioner O'Brien stated that she feels this kind of development is very important to Chesterfield and she would like to see another proposal.

C. **P.Z. 1-95 Pierce Hardy Real Estate Company (84 Lumber)**; "NU" Non-Urban District to "C-8" Planned Commercial District; north side of Chesterfield Airport Road, east of Long Road.

Commissioner Casey made a motion to hold P.Z. 1-95, Pierce Hardy Real Estate (84 Lumber). The motion was seconded by Commissioner O'Brien **and approved by a voice vote of 7 to 0.**

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

A. **Resubdivision of Lot A of Claymont Estates Plat No. 3 and Two Tracts of Land in Section 26 (Church of Latter Day Saints)**; Resubdivision Plat in the "R-1" One Acre District; north side of Clayton Road, east of Claymont Estates Drive.

Commissioner Casey, on behalf of the Site Plan Review Committee, made a motion to approve the Resubdivision Plat. The motion was seconded by Commissioner Bly **and approved by a voice vote of 7 to 0.**

B. **P.C. 164-83 Chesterfield Executive Park, Inc., and P.Z. 2-92 West County Soccer Club, Inc. (Chesterfield Executive Park, Lot 3, Chesterfield Small Engine Repair**; Preliminary Architectural Elevations; east side of Cepi Drive, south of Chesterfield Airport Road.

This item was withdrawn by the petitioner prior to the meeting.

C. Chesterfield Place Apartments; "R-2" 15,000 square foot Residence District Subdivision Information Sign; east side of Olive Boulevard, north of Monterra Drive.

Commissioner Casey, on behalf of the Site Plan Review Committee, made a motion to approve the request. The motion was seconded by Commissioner O'Brien **and approved by a voice vote of 7 to 0.**

COMMITTEE REPORTS

A. **Ordinance Review Committee** - No report.

B. **Architectural Review Committee** - No report.

C. **Site Plan/Landscape Committee**

Committee Chair Kirchoff noted that the committee was currently waiting to hear back from a Planning and Zoning Committee member.

D. **Comprehensive Plan Committee**

Senior Planner Laura Griggs-McElhanon noted that the West Area Study Committee is requesting the Planning Commission refer to the Ordinance Review Committee, consideration of revisions to the Commercial Service Procedure Section of the Zoning Ordinance, to address the different conditions found along Wild Horse Creek Road. The Committee is also requesting the Planning Commission forward to the Comprehensive Plan Committee consideration of revisions to the general requirements for the Office Campus designation as discussed by the West Area Study Committee for the Wild Horse Creek Professional Office Campus area. These items were referred to the respective Committees.

Commissioner Domahidy noted the West Area Study Committee will meet on March 8, 1995.

E. **Procedures and Planning Committee** - No report.

The meeting adjourned at 10:58 p.m.

Patricia O'Brien, Secretary

[MIN2A-13.313]