PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
May 24, 1999

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

I. PRESENT

Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. Allen Yaffe
Chairman Robert Grant
Mr. Douglas R. Beach, City Attorney
Mayor Nancy Greenwood
Councilmember Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Reveena Shook, Planner II
Ms. Molly Butler-Dunham, Planner I
Ms. Annissa McCaskill, Planner I
Ms. Kathy Lone, Executive Secretary/Planning Assistant
Ms. Mindy Likens, Executive Secretary
Mr. Brian Horton, Intern

ABSENT

Ms. Stephanie Macaluso

II. INVOCATION: Commissioner Yaffe

III. PLEDGE OF ALLEGIANCE: All

Chairman Grant recognized the attendance of Mayor Nancy Greenwood, Councilmember Jane Durrell (Ward I), Councilmember Larry Grosser (Ward II), Councilmember Barry Streeter (Ward II), Councilmember Dan Hurt (Ward III), Councilmember Mary Brown (Ward IV) and Councilmember Linda Tilley (Ward IV).

IV. PUBLIC HEARINGS:

Commissioner Sherman read the first portion of the "Opening Comments."

A. **P.Z. 12-1999 International Exchange Company**; A request for a change of zoning from "NU" Non-Urban District to "R-2" Residence District for three parcels of land located at the intersection of State Highway 141 and Old Woodsmill Road. Parcel A contains 0.853 acres, Parcel B contains 0.221 acres, and Parcel C contains 0.904 acres. Total area to be rezoned is 1.978 acres. Proposed use:

- Child Day Care Center.

AND

B. **P.Z. 13-1999 International Exchange Company;** A request for a conditional use permit in the "R-2" Residence District for three parcels of land located at the intersection of State Highway 141 and Old Woodsmill Road. Parcel A contains 0.853 acres, Parcel B contains 0.221 acres, and Parcel C contains 0.904 acres. Total area to be rezoned is 1.978 acres.
Proposed use:

- Child Day Care Center.

Planner I Annissa McCaskill gave a slide presentation of the subject site and surrounding areas.

Mr. Ed Griesedieck, 1 City Centre, St. Louis, MO 63101, attorney for the petitioner, stated the following:

- Missouri Corporation – Adventure Learning Center, Ltd.; high-end, expensive day care center; third facility;
- One-story building, 9,016 square feet;
- Maximum capacity for 179 children; 6 weeks to 12 years-old;
- Rates range from $130 to $210 per week, depending on age of child; $85 per week for latch-key children; prices are approximately twice the competition;
- Nine classrooms (3 rooms for infants and toddlers, 2 rooms for two-year-olds, 3 rooms for three to five year-olds, one room for latchkey children), office, kitchen and storage areas;
- Thirty (30) parking spaces are required, forty (40) will be provided;
- Three separate playgrounds; specific to the children that would be playing in that group with age-appropriate toys;
- Kitchen would provide breakfast, lunch and snacks with the children eating in the classrooms;
- Full masonry building with colonial architecture;
- Vans will shuttle children to and from their schools;
- Traffic would be directed to the north of site and exit at lighted interchange at St. Luke's Hospital;
- Hours of operation would be from 6:30 a.m. to 6:30 p.m.; no week-ends;

- Low-level lighting around perimeter of building;

- Children would be interacting with activities at the Brooking Park Retirement Home;
- Retaining walls would be architectural block with the various levels being landscaped;
- Green vinyl-coated hurricane fencing would be used;
- Storm water meets or exceeds the Chesterfield and MSD 1997 standards; storm water detention would be done on-site;
- Entire facility has sprinklers;
- Fourteen (14) to eighteen (18) employees, depending on the time of day;
- Fully licensed by the State;
- Teachers are all degreed; this is a teaching program, not babysitting;
- Full security surveillance (video cameras, inside out out);

COMMENTS/DISCUSSION

- Playgrounds would be level;
- Have petitioner consider an overhang at drop-off area;
- There will be landscaping around fencing;
- Petitioner has 25 years experience in a variety of developments;
- Facility will face Woods Mill Road; driveway and entrance come off Old Woods Mill Road;
- Planting will be on neighboring property, fence, then first retaining wall;
- Facility will be very visible from Woods Mill Road;
- Full compliance with the Tree Ordinance;
- Building would sit at an elevation of 534 feet, which is 20 feet above Woods Mill Road;

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION -

1. Mr. J. W. Flaig, 290 Woods Mill Road, Chesterfield, MO 63017,

- For the record, presented a letter written by him in opposition to this petition.

2. Mr. Gerald A Gayer, 14001 Woods Mill Cove Drive, Chesterfield, MO 63017,

- Mr. Gayer was not able to attend meeting but wished to have a letter from him entered into the record stating his opposition to this petition.

SPEAKERS - NEUTRAL - None

REBUTTAL :

Mr. Griesedieck stated the following:

- Petitioner has spoken to the neighboring homeowners concerning buying their property but they were not interested;
- Does not feel that property values will decrease;
- There is a demand for high-end day care in Chesterfield;
- Will request that traffic be directed via the signalized St. Luke's entrance;
- International Exchange is the developer for Adventure Learning Center. Adventure Learning Center is the licensed facility.

Commissioner Sherman read the closing portion of the "Opening Comments."

V. APPROVAL OF MEETING MINUTES

A motion to **approve** the May 10, 1999 Meeting Minutes was made by Commissioner Yaffe and seconded by Commissioner Right. The motion **passes by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT:

1. Mr. Bob Brinkman, 16650 Chesterfield Grove Road, Chesterfield, MO 63005, petitioner for P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract); submitted a letter earlier in the evening to the Planning Commission stating the following:

- The setbacks that were shown on the property were taken from the P & Z Ordinances;
- Staff review was based on setbacks for the hotel (Hampton Inn) and Swingley Ridge I;
- Buffer required on the north side is 25 feet in the PC Ordinances. Developer has a 35-foot buffer;
- The east side of the property has a 25-foot buffer;
- Developer is willing to move project 15 feet to the west to provide buffers;
- Parking structures would then both be beyond the building setback lines still allowing required parking;
- Developer feels there is the same or less density than the Atrium or Maverick buildings;
- Developer has far exceeded the slope requirements for the setbacks for the City.

COMMENTS/DISCUSSION

Mr. Brinkmann stated that by moving the project back 15 feet they will be complying with the guidelines for the PC Ordinance. The project was reviewed by Staff based on setbacks that

were made for the hotel. PC Ordinances did not exist at that time. Developer feels that his project meets or exceeds what the hotel has done. Hotel has parking within 15 feet of a residential area. Developer is proposing a 35-foot distance. In regard to density, the developer has compared his site with Hampton Inn and the Atrium. Developer feels Staff is comparing office use with hotel use.

Mr. Brinkmann stated that there is a possibility to move the exit to the southeast corner but it may have a drastic financial impact on the project. There may be a future entrance on Nardin Drive.

Mr. Brinkmann stated that the main drive would come off Swingley Ridge Road.

2. Ms. Sandra Wilson, 844 Nardin Drive, Chesterfield, MO 63017, spoke in opposition to P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract).

   - Speaker read statement that no contact from the developer had been made for the sale of her property;
   - Deed releases are not evident;
   - Non-property owners who may have an interest in West County Acres are not spokepersons and their comments should not be so persuasive.

3. Mr. Alvin D. Vitt, 12935 N. Forty, Town & Country, MO 63141,

   - Will speak if there are questions.

4. Mr. John Pitcher, 1337 Green Tree Lane, St. Louis, MO 63122,

   - Will speak if there are questions.

5. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, spoke in favor of P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus);

   - Speaker stated that P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus) are two separate proposals and one can go ahead in the approval process regardless of action on the other;
   - Speaker stated that his client has done a lot to try to accommodate the concerns of the citizens;
   - Speaker stated that a letter was delivered to the City Planning Commission, dated May 24, 1999, to respond to the Planning Department's report and recommendation to the Planning Commission because there was a letter/report issued by the City's traffic consultant (Mr. Larkin). Mr. Doster has responded to the report and recommendation and Mr. Larkin's letter:
     1. Speaker feels there is not much divergence of opinion among the consultants as was suggested by the report and recommendation;

2. What developer is now representing to the City:
   a. Developer is willing to build the Texas U-Turn at the inception of the project (recommended by City's traffic consultant);
   b. MoDOT commented that it would be satisfied if the following modifications or corrections were made:
      1. One on the North Outer Forty;
      2. One on the South Outer Forty.

City Attorney Doug Beach asked for clarification on how the Texas U-Turn is to be funded. Does the developer propose that they will fund it solely or will they need a contribution from those who will be developing in that area? Mr. Beach's understanding was that MoDOT's recommendation was for a slip ramp on the north side being moved 500 feet east and similar on the south side but because of the expense in adding those two, they wanted to re-evaluate putting in a new overpass. Mr. Beach asked if that was correct.

Mr. Doster stated that his client is aware that MoDOT mentioned that perhaps the overpass ought to be examined. Many options were examined throughout this entire process. This option is potentially much more costly than the other alternative of the movement of the ramp eastward on the north side and the development of a channeling device on the south side. According to engineers that have been consulted, an overpass probably would necessitate acquiring right-of-way. No one is willing to assist in that respect. There are also other engineering issues. Mr. Doster also stated that a petitioner's financial arrangements, funding mechanisms and economics are not relevant in these proceedings. His client has committed to build it. His client is not asking the Commission to approve any mechanism to fund it, they are committed to build it. Petitioner has looked at all of his options and is convinced that he can do it. All of the details are not worked out.

City Attorney Beach asked if the petitioner will be asking the City to fund any of the projected expenses that would be incurred.

Mr. Doster stated that they are not asking the City to do this.

City Attorney Beach asked if the improvements would occur immediately and not be a phased process.

Mr. Doster stated that it would be at inception of construction.

Chairman Grant asked Mr. Doster if his client would be willing, if approved, to have a condition that those infrastructure items would be built concurrent with the first building being built.

Mr. Doster stated that that is what the petitioner is willing to do.

Commissioner Layton asked if the petitioner, in addition to the normal assessment per square foot on this project for the building and the highway fund, was volunteering an additional sum, approximately $1.20 square foot?

Mr. Doster stated that petitioner is not asking the Commission to impose this as a condition. All they are asking for is that the proposed use be approved per the plan as modified and the Commission can impose a condition that requires the developer to construct these improvements (Texas U-Turn, the North Outer 40 improvement, the South Outer 40 improvement).

Commissioner Brown stated that during discussions on the Texas U-Turn, there was to be an additional lane on the overpass on the Parkway. Many of the items proposed require the approval of MoDOT and St. Louis County Highway. Where does this fit in their proposal?

Mr. Doster stated that developer would need to comply with design and engineering requirements on both concepts; namely, the movement of the ramp on the north side eastward and the development of a channeling device on the South Outer 40. MoDOT stated in its letter that if the improvements were put in, they would be satisfied with what is being proposed. Petitioner is willing to do it. If developer is conditioned to building them and, if design and engineering proves they can not, then they cannot satisfy the condition.

Mr. Doster requested that his letter be made part of the record.

6. Mr. Steve Koslovsky, 231 S. Beniston, 8th Floor, Clayton, MO 63105, represents Sachs Properties,

- Speaker stated that the Master Plan, as written now, contemplates major office for the Sachs Property, thus proposal is consistent with the Master Plan;
- Staff report had comments on the lack of circulation within the property and only one curb cut. Developer's plan was changed because of requests from the Commission to eliminate a second curb cut which was shown in the original proposal.

7. Mr. Richard Ward, 10 S. Bemiston, 8th Floor, St. Louis, MO 63102, Development Strategies,

- Speaker stated that P.Z. 30-98 Sachs Properties, Inc. is in conformance with the Comprehensive Plan;
- Identified for major office use.

8. Ms. Kathy Higgins, President, Sachs Properties, 14641 Amberleigh Hill, Chesterfield, MO 63017, in favor of P.Z. 30-98 Sachs Properties, Inc..

- Speaker stated that petitioner owns property, it is not under contract;
- Stated that City requested that petitioner show how project could be developed in conjunction with P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus). Plans were revised to show that if P.Z. 32-98 was developed when Sach's was, they would share detention

and an access drive;

- Planning Department stated that there would be loss of vegetation when it is developed. Speaker feels that this would occur on any new project in the City;
- Petitioner would comply with the City requirements for a tree study and appropriate landscaping;
- Proposal is in keeping with City Ordinance requirements and Master Plan;
- Does not feel proposed office building would create any adverse effects on traffic patterns;
- In place of Planning Commission denial, would prefer some direction and suggestion in order to grant the rezoning;
- Does not want to reduce the height of building but feels it is up to the Commission to give back suggestions.

9. Mr. Terence O'Neill, 1333 Cherry Glen Court, Chesterfield, MO 63017, neutral to P.Z. 30-98 Sachs Properties, Inc., left the meeting before speaking.

10. Mr. Harvey Present, 1073 Appalachian Trail, Chesterfield, MO 63017, President of the Shenandoah Subdivision, speaking neutral to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus), wanted to relinguish his three (3) minutes to Laura Lueking when she speaks.

11. Ms. Jeanne Clauson, 3 Braniff Court, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

- Concerned about the air quality and wildlife impact of removing the woods.
- Woods is noise barrier from Highway 40.

12. Mr. Fred Byrne, 14308 Conway Meadows Court, Chesterfield, MO 63017, member of the Board of Managers at the Conway Meadows Condominium Association, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Condo is still in Sachs proposal;
- Would set a precedent for other buildings along Highway 40;
- Wants to avoid cars parking on street;
- Mr. Sachs has not made any effort to discuss the issues with residents, whereas Mr. Vitt has;
- Mr. Vitt has lowered the buildings but added a fifth building; square footage of project is lowered by 10%. Using formula of one parking space per 200 square feet of usable space, space for 2500 cars would be needed which, including the Solomon Building and Timberlake Buildings, accounts for an excess of 7000 cars.

City Attorney Beach stated that the Sachs proposal could not have a penthouse on top of their building because it would require a zoning ordinance change.

13. Mr. Stephen L. Kling, Jr., 10 South Brentwood Blvd., Clayton, MO 63105, attorney for several subdivisions and homeowners in project area, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

- 1990 Comprehensive Plan recommended office for the southern portion and attached residential for northern portion. In 1991 the Comprehensive Plan Committee recommended an alternative of office for the northern half of the properties. The Comprehensive Plan Summary Report Map showed the northern half of the property as attached residential; height and density being requested is totally inconsistent with the spirit of the land plan and the on-going discussions of Staff and various commissions reflected in City files that were reviewed regarding low-rise office buildings;
- For the record, Speaker presented a petition with 1250 signatures of those opposing the project;
- Speaker stated that the City is the one to make the decision on land use and suggests recommendation of denial for both projects.

14. Ms. Laura Lueking, 15021 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

- Speaker stated that there are inaccuracies in the traffic studies;
- Didn't like Vitt's one (1) access, now Sachs would like five (5) accesses;
- Asked Commission to deny.

15. Mr. Lee Wall, 14759 Plumas, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

- Water detention is a major concern;
- Previously had urged the Planning Commission to make use of the services of the Chesterfield Public Works Citizens' Committee, which is made up of professional engineers, and have them thoroughly review this situation and make necessary recommendations.

16. Mr. Erwin Jaffe, 208 Ambridge Court, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

    - Speaker feels that most traffic will use Conway Road;
    - If approved, future developments will also want access to Conway Road;

17. Mr. Mark Belew, 1390 Regency Estates Court, Chesterfield, MO 63017, trustee for Regency Estates Subdivision, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

- If development is approved, area will be changed forever;
- Not the typical area for such a development;
- Project is comparable to the Kiel Center;

18. Ms. Jan Misuroca, 1414 Sycamore Manor, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

    - Citizens do not want the development.

19. Mr. John T. McDonald, 1332 Amherst Terrace Way, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus), passed on speaking as his comments have already been stated.

20. Mr. Jim Walsh, 14850 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

    - Speakers stated that the County decided in the early 1980's that this would be one of the worst cases of spot zoning in the history of the State of Missouri. They tabled the issue and refused to rezone the area commercial;
    - County stated that rezoning this area would ruin one of the last crown jewels of forested suburban areas in St. Louis County;
    - Sachs Properties came to speaker's house and offered him a sales contract for his house and stated that the City of Chesterfield was going to run Conway Road through his property;
    - Speaker asked Commission to keep area residential.

Commissioner Right left the meeting at 9:15 p.m. and returned at 9:17 p.m.

21. Ms. Noma Simon, 14009 Baywood Villages Dr., Chestefield, MO 63017, president of Baywood Villages Condominium Association, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

    - Speaker is opposed to access on Conway Road;
    - Opposed any development higher that 4-5 stories;

22. Ms. Lynne Johnson, 15125 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus),

    - Speaker stated that the Commission at one time had requested a site diorama. Speaker presented one to the Commission.

23. Mr. Perry Pattiz, 14718 Greenleaf Valley Drive, Chesterfield, MO 63017, trustee of Greenleaf Estates, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Speaker stated that the current double left-hand turn currently in use is dangerous and the Triple Left Turn and Texas U-Turn would cause a lot of confusion and more traffic incidents.

24. Mr. Kevin Kinealy, 14842 Rutland Circle, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Speaker stated concern about the precedent that will be set by permitting these developments;
- Asked the Planning Commission to show leadership and guidance by not allowing these developments.

25. Ms. Peggy Umansky, 14919 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Speaker stated concern about the density, preservation of streets;
- Speaker stated that those in favor of project have a financial interest;
- Speaker asked the Planning Commission to be responsive government and vote both projects down.

26. Mr. Elliot Silk, 14887 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Speaker stated that he hopes the Planning Commission votes against the proposals.

27. Ms. Catherine Williamson, 14895 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

- Speaker stated that she hopes the Planning Commission realizes what the citizens want versus the businessmen that want to put up the huge buildings.

VII. NEW BUSINESS

A. **P.Z. 30-98 Sachs Properties, Inc.;** A request for a change of zoning for a 4.7 acre tract of land from "NU" Non-Urban District to "PC" Planned Commercial

District on North Outer Forty Road (Highway 40), 500 feet South of Conway Road (Locator Number 18r110020).
Proposed Uses:

- Cafeterias for employees and guests only;
- Offices or office buildings;
- Apartment dwelling units in buildings primarily designated for occupancy by one or more of the permitted commercial uses wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment. This is not to exclude one floor of multi-story (three or more) office buildings being developed for condominiums;
- Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.

Commissioner Layton left the meeting at 9:37 p.m. and returned at 9:40 p.m.

Planner I Annissa McCaskill summarized the request and the Department's recommendation of denial for the rezoning of P.Z. 30-98 Sachs Properties.

Commissioner Nolen made a motion to accept the Department of Planning's recommendation and deny P.Z. 30-98 Sachs Properties. The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Chairman Grant, yes.

The motion to deny the petition passes by a vote of 8 to 0.

B. **P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus):** a request for a rezoning from "NU" Non-Urban District to "PC" Planned Commercial District for twelve (12) parcels of land located at the intersection of Chesterfield Parkway North, Conway Road and North Outer Forty Road.
Proposed use:

- Offices or office buildings.

Planner I Annissa McCaskill summarized the request and the Department's recommendation of denial for the rezoning of P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus).

Ms. McCaskill stated that there was not a consensus among traffic consultants that the necessary improvements could handle the traffic to the point where Staff is completely satisfied. There is not a level of comfort where Staff could recommend approval.

Commissioner Layton asked if there were concerns other than traffic.

Director of Planning Teresa Price stated that P.Z. 30-98 Sachs Properties, Inc. and P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus) were looked at as two separate projects. The magnitude of traffic on P.Z. 30-98 Sachs Properties, Inc. was large but not as large as on P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus). Issues on one project were not issues on the other project. Staff's main issue with the Vitt project was traffic and making sure the traffic situation works.

Ms. Price stated that if it is the Planning Commission's directive, Staff will go back to MoDOT and evaluate the new information that was given to Staff Monday afternoon.

Chairman Grant stated that the Vitt proposal has cooperated and compromised with Staff. Chairman Grant also stated that this is a reasonable development. Traffic has, from the beginning, been the focal point of deliberations. The major issues have been addressed by the developer except the pending traffic issue. The developer's attorney has stated that they would be willing to address the traffic issues by building the Texas U-Turn and the additional lanes. The Commission has not had the benefit of response from the State and County officials with respect to that proposal. Chairman Grant stated that he would be willing to wait for the additional information before taking a vote.

Commissioner Nolen stated that she had a concern that the petitioner has not produced a model reducing the density of the buildings and showing what traffic would look like. Commissioner Nolen stated that the petitioner said the traffic would be a 60/40 split with most of the traffic going eastbound. This information was based on geographical areas. Commissioner Nolen stated that she obtained U.S. Census data from the Internet. For populations over 10,000, population changes are listed from April 1, 1990 to July 1, 1996. The regions defined are Central, North, West and St. Charles County. The Central region showed that Clayton, Kirkwood, University City, Town and Country, Creve Coeur and Webster Groves had lost population during that time. The North region of Hazelwood, Bellefontaine Neighbors, Ferguson, Maryland Heights, Overland, Bridgeton, Jennings, Florissant and St. Ann also lost population. These two combined areas, which supposedly is the work force, lost a total of 4.1 percent during the time frame. In the West region, Chesterfield and Ballwin gained 3.9 percent. St. Charles County (O'Fallon, St. Charles and St. Peters) gained an average of 19.2 percent during that time. The economic and employment base of the Central and North Corridors comprise 60 percent of the population where the West and St. Charles County is 40 percent. During the stated time frame, St. Charles County increased 21.9 percent in population where St. Louis County only increased .5 percent. Commissioner Nolen stated that her concern is that 60 percent of the traffic will have a U-Turn

ramp that will have highway access. Commissioner Nolen feels that the westward expansion is only going to continue, yet nothing has been done to remedy the situation. According to the Comprehensive Plan and also to a report submitted during the traffic moratorium, it has always been indicated that Chesterfield Parkway, Schoettler Road and other intersections are very congested and at a low level of service to this point. Commissioner Nolen has asked the traffic consultants to expand their study to include further than one or two lights and how the area is impacted. Commissioner Nolen stated that she keeps hearing that the Texas U-Turn ramp is the solution to part of the problem. Forty percent of the traffic has no direct access onto Highway 40. More developments have been proposed and approved to the west but there are no plans for traffic.

Commissioner Layton made a motion that P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus) be returned to the Planning Department for:

1. Review of the petitioner's latest offers with respect to the impact on highway traffic;
2. Further discussions with MoDOT and any other parties that they feel qualified as to the effect of the petitioner's highway improvements;
3. Try to obtain estimates on the growth that could be expected in westbound traffic over the next five or more years.

This motion was seconded by Chairman Grant.

Commissioner Broemmer amended the motion to include that no building exceed five (5) stories and to look at its impact on Conway Road. This was accepted by Commissioner Layton.

Commissioner Nolen stated that since Planning Commission appointments will be expiring, the Commission should vote tonight since the current members are aware of all information that has been presented.

Councilmember Brown stated that there needs to be more clarification on the traffic studies.

Commissioner Eifler asked how much time will be needed for further study.

Ms. Price stated that it could be on the June 14, 1999 agenda.

Mayor Greenwood expressed her concern that there will be two new Planning Commission members and the sitting Commission is the group that has heard all of the information and has the history of the project.

City Attorney Beach stated that Commissioner Nolen could not vote absentee.

Commissioner Layton stated that Staff pointed out that there are areas of non-agreement among the four traffic experts. The petitioner stated in his letter that there are also vast areas of agreement. Commissioner Layton feels that the Commission is focusing on the disagreement but feels the Commission should come back and focus on the agreement and also focus on the petitioner's offer on the Texas U-Turn and moving the slip ramp down as to whether or not MoDOT and others feel that it would widen or narrow their area of agreement.

City Attorney Beach stated that if the City Council denies this petition, it would have to be a full year before this petitioner could come back with the same development. Someone new can come forward with something different, but for this particular petition, there is a year's wait.

Upon a roll call the vote was as follows: Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Nolen, no; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Commissioner Broemmer, yes; Chairman Grant, yes.

The motion to return the petition to the Planning Department passes by a vote of 7 to 1.

The Planning Commission recessed at 10:10 p.m. and reconvened at 10:20 p.m.

C. **P.Z. 10-99 Chesterfield Corporate Park;** A request for a change in zoning from "M-3" Industrial District to "PI" Planned Industrial District for a 20-acre tract of land located on the north side of Chesterfield Airport Road, approximately 820' west of Long Road. (Locator Number: 17W 41 0038)
Proposed uses:

- Animal hospitals, veterinary clinics, and kennels;
- Broadcasting studios for radio and television;
- Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications;
- Business service establishments;
- Cafeterias for employees and guests only;
- Child care centers, nursery schools, and day nurseries;
- Financial institutions;
- Filling stations, including emergency towing and repair services;
- Gymnasiums, indoor swimming pools, indoor handball and racquetball courts (public or private), and indoor and unlighted outdoor tennis courts (public or private);
- Hotels and motels;
- Mail order sale warehouses;
- Manufacturing, fabrication, assembly, processing, or packaging of any commodity except:
  - (i) Facilities producing or processing explosives or flammable gases or liquids;
  - (ii) Facilities for animal slaughtering, meat packing, or rendering;
  - (iii) Sulfur plants, rubber reclamation plants, or cement plants, and
  - (iv) Steel mills, foundries, or smelters;
- Medical and dental offices;
- Offices or office buildings;
- Outdoor advertising sign (additional to provisions of Section 1003.168);

- Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours;
- Permitted signs (See Section 1003.168 'Sign Regulations');
- Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities;
- Printing and duplicating services;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, fast food;
- Restaurants, sit down;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;
- Union halls and hiring halls;
- Vehicle service centers;
- Vehicle washing facilities;
- Welding, sheet metal, and blacksmith shops.

Since the posting of the agenda, the Director of Planning has decided to **hold** the above request due to several issues that have yet to be resolved. Staff will be meeting with the petitioner on these issues.

D. **P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract):** A request for a change in zoning from "R-2" Residence District to "PC" Planned Commercial District for a 4.6 acre tract of land located on the west side of Nardin, approximately 300 feet north of Swingley Ridge Road. (Locator Numbers: 18S-51-0229, 18S-51-0021 and 18S-23-0158)

Proposed uses:

- Office or office buildings, stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises, restaurants - sit-down;
- The uses of stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises shall be ancillary to the office uses and shall be focused to the interior of the office building, with the exception of the use - restaurants - sit-down.

Assistant Director of Planning Laura Griggs-McElhanon summarized the request and the Department's recommendation of denial for the rezoning of P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract) as stated in the Staff report.

In the setback comparison done by the Department, the proposal was for a 15-foot structure setback from all right-of-way and property lines. In a letter to the Department dated May 24, 1999, Mr. Brinkmann took issue of this. The preliminary plan submitted by petitioner depicted a 15-foot structure setback from all property lines. Mr. Brinkmann did state that there was an error relative to the parking setback from 50 feet to 35 feet.

The petitioner indicated that moving the parking structure to the west would increase the setback from the edge of pavement to 40 feet with 25 feet being located on his property. Ms. Griggs-McElhanon stated that 40 feet from the Hampton Inn is from the right-of-way and not the edge of pavement. When setbacks are addressed, they are considered from the right-of-way, not edge of pavement.

Mr. Brinkmann believes his site should have been compared to the Atrium and Maverick II buildings, not Hampton Inn.

Ms. Griggs-McElhanon stated that these two properties were rezoned by St. Louis County. The City only had the ability to review the Site Development Plans and was not involved in establishing setbacks, building size or height for these developments. Therefore, Staff did not feel it was appropriate to include these in the comparison.

Commissioner Eifler asked if construction traffic could be prohibited on Nardin Drive?

City Attorney Beach stated that this needs to be reviewed.

Mr. Brinkmann stated that it could be a problem as it would mean too much traffic using Swingley Ridge Road.

Commissioner Sherman made a motion to accept the Department's report and deny P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract. The motion was seconded by Commissioner Layton.

Commissioner Eifler stated that he had respect and admiration for Mrs. Sandra Wilson for her speaking before the Planning Commission at the Public Hearing and under Public Comment for this petition. Commissioner Eifler stated that in the future, Nardin Drive will be going commercial and the Commission should keep this in mind as they discuss the project.

Upon a roll call the vote was as follows: Commissioner Layton, yes; Commissioner Nolen, yes; Commissioner Right, no; Commissioner Sherman, yes; Commissioner Yaffe, no; Commissioner Broemmer, no; Commissioner Eifler, no; Chairman Grant, no.

The motion to deny rezoning fails by a vote of 3 to 5.

Commissioner Right made a motion to conceptually approve P.Z. 11-99 Swingley Ridge Development II, L.L.C. (Nardin Tract). The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Chairman Grant, yes.

The motion to move forward passes by a vote of 8 to 0.

Commissioner Layton made a motion to direct Staff to give regular and normal review based upon the project as proposed and amended per the petitioner's most recent letter for the development of Attachment A. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

E. **P.Z. 13-96 A&O Investments, Ltd.;** A request for an amendment to City of Chesterfield Ordinance Number 1207 relative to the approved locations for freestanding signs.

Planner I Molly Butler-Dunham summarized the request and the Department's recommendation of approval for an ordinance amendment for P.Z. 13-96 A & O Investments, Ltd.

Commissioner Eifler made a motion to approve the ordinance amendment for P.Z. 13-96 A & O Investments, Ltd. The motion was seconded by Commissioner Layton.

Upon a roll call the vote was as follows: Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Nolen, no; Chairman Grant, yes.

The motion passes by a vote of 7 to 1.

F. **P.Z. 141-79 Chesterfield Village, Inc. (Northwest Quadrant);** A request for amendment of City of Chesterfield Ordinance 1358 to expand the permitted uses of Building Groups A and B to include the following uses in both building groups: offices, retail commercial, one (1) service station, restaurants, theaters and heliport, such uses not to exceed 460,000 square feet; or one (1) hotel with a maximum of 350 rooms with certain retail uses specifically accessory to a hotel facility. The amendment request is to also allow one fifteen (15) story office building or hotel in Building Group A and to remove restrictions requiring the location of structures in Building Group B to be within 300 feet of the U.S. Highway 40 right-of-way and within 400 feet of Chesterfield Parkway North.

The above petition, P.Z. 141-79 Chesterfield Village, Inc. (Northwest Quadrant); has been **withdrawn** at the request of the petitioner.

G. **P.Z. 7-99 Central City Park;** A request for a change in zoning from an "R-5" Residence District to a "PS" Park and Scenic District for a 34.0-acre tract of land located 521.93 feet west of Chesterfield Parkway West. (Locator Numbers: 18T340191, 18T340180 & 18T340058).
Proposed Use:
- City Park and aquatic complex.

H. **P.Z. 8-99 Chesterfield Valley Athletic Complex;** A request for a change in zoning from "C-8" Planned Commercial District and "FPM-3" Flood Plain Planned Industrial District to a "PS" Park and Scenic District for a 103.0 acre tract of land located 210 feet north of Missouri State Highway 40. (Locator Numbers: 16V210056, 16V120076 & 16V140041).
Proposed Use:
- Athletic complex and undeveloped parkland.

I. **P.Z. 9-99 Railroad Park;** A request for a change in zoning from "FPNU" Flood Plain Non Urban District to a "PS" Park and Scenic District for a 33.3 acre tract of land located at the north side of the St. Louis Southwestern Rail Road. (Locator Numbers: 17U210025 & 17U210014).
Proposed Use:
- Passive Parkland

The petitions for the Parks (P.Z. 7-99 Central City park, P.Z. 8-99 Chesterfield Valley Athletic Complex and P.Z. 9-99 Railroad Park) will be considered together.

Planner II Reveena Shook asked the Commission members if they had any additional issues that they wanted reviewed besides what was contained in the Staff report. There were none.

Commissioner Yaffe made a motion to hold these petitions. The motion was seconded by Commissioner Right **and passes by a voice vote of 8 to 0.**

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **P.Z. 3-98 G.H.H. Investments/Chesterfield Industrial Park, Lot 2 (now Chesterfield Valley Corporate Center);** "PI" Planned Industrial District Site Development Plan, Landscape Plan, and Architectural Elevations for Chesterfield Valley Corporate Center, located on the southwest corner of Chesterfield Airport Road and Chesterfield Industrial Boulevard.
Proposed Use:
- Office

Commissioner Layton stated that P.Z. 3-98 G.H.H. Investments/Chesterfield Industrial Park, Lot 2 (now Chesterfield Valley Corporate Center) was removed from the agenda and held at the request of the petitioner.

B. **Nooning Tree;** Site Development Section Plan for the 101.3 acre "R-2" Residence District and "R-3" Residence District in a "PEU" Planned Environment Unit, located southeast of Olive Boulevard and southwest of White Road. (Ordinance Number 957)

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan for Nooning Tree. The motion was seconded by Commissioner Nolen **and passes by a voice vote of 8 to 0**.

C. **Brookhaven Place:** Planned Environment Unit in the "R-1A" 22,000 square foot Residence District Subdivision Record Plat for a 7.48 acre tract of land; west side of Schoettler Road, north of Clayton Road, (formerly known as Lot A of Thomas White Estates).

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for Brookhaven Place. The motion was seconded by Commissioner Sherman **and passes by a voice vote of 8 to 0**.

IX. COMMITTEE REPORTS:

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

Commissioner Nolen made a motion to adopt the Architectural Review Board Guidelines dated May 18, 1999. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

C. **Site Plan/Landscape Committee** – No report
D. **Comprehensive Plan Committee** – No report
E. **Procedures and Planning Committee** – No report
F. **Nominating Committee**

Chairman Grant reported the following:

- The consensus of the Committee was to nominate as follows:

1. Mr. Layton as Chairman for the coming year.

The motion was seconded by Commissioner Right **and passes by a voice vote of 8 to 0.**

2. Mr. Broemmer as Vice Chairman for the coming year.

The motion was seconded by Commissioner Layton **and passes by a voice vote of 8 to 0.**

3. Mr. Eifler as Secretary for the coming year.

The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.**

IX. ADJOURNMENT

Commissioner Nolen asked that P.Z. 32-98 Conway Land (Chesterfield Corporate Campus) not be brought before the Planning Commission before the June 28, 1999 meeting since some Commission members will be on vacation and also to give the newly appointed Commissioners time to study the project.

A motion to adjourn was made by Commissioner Yaffe and seconded by Commissioner Right. The motion **passes by a voice vote of 8 to 0.**

The meeting adjourned at 11:20 P.M.

Charles Eifler, Secretary