

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 13, 1993



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

PRESENT

ABSENT

Mr. Fred Broemmer
Ms. Mary Brown
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Pat O'Brien
Mr. Walter Scruggs
Ms. Victoria Sherman
Chairman Barbara McGuinness
Mayor Jack Leonard
Mr. Douglas R. Beach, City Attorney
Councilmember Susan Clarke
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Ms. Toni Hunt, Planner I
Ms. Sandra Lohman, Executive Secretary

INVOCATION: - Commissioner Victoria Sherman

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Opening Comments were read by Commissioner Kirchoff.

- A. P.Z. 21-93 Thomas & Jane Schnert (Smokehouse); a request for rezoning from "NU" Non-Urban District to "C-8" Planned Commercial District for a total 2.42 acre tract of land located on the east and west sides of Chesterfield Airport Road, approximately 900 feet north of the intersection of Chesterfield Airport Road and Olive Boulevard. (Locator Numbers: 17T240034 and 17T240023) Proposed Use: Market, restaurant, outside dining and accessory uses and residence.

Director Jerry Duepner gave a slide presentation of the proposed site and surrounding area.

Chairman McGuinness recognized the following persons: Mayor Jack Leonard; Councilmember Susan Clarke (Ward II); Councilmember Ed Levinson (Ward II); Councilmember Dick Hrabko (Ward IV); and Councilmember Colleen Hilbert (Ward I).

Chairman McGuinness noted that the Planning Commission will make a decision on this matter tonight, during the Old Business portion of the meeting.

Mr. John King, Attorney, spoke on behalf of Tom and Jane Sehnert, noting the following:

- The Sehnert's presently own the Smokehouse property, and have under contract the .6 of an acre located to the east of Chesterfield Airport Road.
- The new plan will continue to operate out of the existing 3500 square foot market building; but, intend to add 1,350 square feet of additional space to the market. Thus, the market will be 4850 total square feet.
- Annie Gunn's, presently 1400 square feet, 44 seats, will have an addition of 1,895 square feet, with an additional 44 seats. Thus, Annie Gunn's will have a total of 88 seats.
- The deck seating will be as previously existed (24 to 36 seats). This would only to be used when weather permits.
- An additional deck will be located on the west side of Annie Gunn's, with 24 seats.
- The old pavilion will be replaced with a new one.
- They will have to continue to have the Smokehouse attached to the building at the rear.
- Adequate parking is provided for the old and new development. The petitioner is providing one-hundred and twenty-one (121) spaces. There will be seventy-four (74) spaces located on the west property, and forty-seven (47) spaces on the east property.
- Two (2) small buildings will be located at either end of the parking area (i.e., brick gate houses) that will be compatible with the architectural style of the Smokehouse. The style will be exactly the same.

- A curb cut is proposed along the frontage of existing Chesterfield Airport Road, to be moved slightly to meet County Highway Department requirements.
- All curb cuts will be provided to conform with the requirements of the County Highway Department.
- A second entrance off of Chesterfield Airport Road, on the east side, will conform with the two (2) entrances proposed.
- The landscaping on the site will be provided to the Commission and Staff when completed.
- Many details from the various departments (State Highway Department, County Highway Department, Department of Public Works) still have to be worked out. The petitioner has not had the time to get into these now; but, will meet those requirements specified by the various entities.
- The store hours will remain the same as before: a) Store hours will be Tuesday through Sunday from 9:00 a.m. to 6:00 p.m.; and b) Annie Gunn's hours will be Tuesday through Sunday from 11:00 a.m. to 11:00 p.m.

COMMENTS/DISCUSSION BY COMMISSION

- The residence will not be changed. It will remain upstairs.

Mr. King noted the following:

On the Saturday following the breach in the Chesterfield Monarch Levee, he had an opportunity to get an aerial view of the Valley. It left him with a very sick feeling. He is most happy to be here tonight for the Sehnert's, and to be a part of what these people are trying to achieve in coming back into this area. He also complimented the Planning Commission and Staff, in particular, on the amount of work they have done and the cooperation given in trying to make a comeback in the Smokehouse. He stated that he is evidence of the City trying to help these people. Mr. King offered the opportunity for anyone to call him so he can tell them what the City has done for them, as well as how gratifying it has been to him to receive the cooperation under very trying circumstances, not only for the Sehnert's, but also for the City. He thanked everyone for their help and cooperation.

SPEAKERS IN FAVOR:

#1 Mr. Dick Hrabko, Ward IV Councilmember, 17417 Wild Horse Creek Road, Chesterfield, MO 63005.

Mr. Hrabko spoke as an individual, noting the following:

- This is a unique opportunity to do something right.
- Complimented the Commission on its decision to act tonight.
- The Council is ready to act to expedite approval of this request.
- He supports the expansion of Annie Gunn's.

Chairman McGuinness recognized Mr. and Mrs. Wiegand and Tom and Jane Sehnert.

#2 Mr. Joseph Forshaw III, 851 Wild Horse Creek Road, Chesterfield, MO 63005.

Mr. Forshaw noted the following:

- This is the golden opportunity for the City to go ahead and rebuild.

#3 Mr. Tom Sehnert, 18400 Wild Horse Creek Road, Chesterfield, MO 63005.

Mr. Sehnert wanted to thank everyone on the Council and all the people in the Chamber for all their help and prayers.

SPEAKERS - NEUTRAL: - None

SPEAKERS - OPPOSITION - None

REBUTTAL - Waived

Commissioner Kirchoff read the remaining portion of the opening comments.

SHOW OF HANDS

IN FAVOR: All in Attendance, 200+ IN OPPOSITION: 0
NEUTRAL: 0

Chairman McGuinness called for a motion to waive the rules and vote on the Smokehouse now.

Commissioner Dalton made the motion to vote on the Smokehouse at this time. The motion was seconded by Commissioner Kirchoff.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion passes by a vote of 9 to 0.

Director Duepner presented the request, and the Department's recommendation for approval, subject to the conditions in the report and Attachment A, with the noted modifications on page 2 of Attachment A as follows:

Structure Setbacks

- a. Setbacks for structures, freestanding business signs, light standards and flagpoles, shall be as approved by the Planning Commission on the Site Development Plan.

Parking, Loading and Internal Drives

- b. Setbacks for parking spaces and internal drives, except points of ingress and egress, shall be as approved by the Planning Commission on the Site Development Plan.

Director Duepner noted the Department has received some indication from the County Highway Department that they are recommending some improvement of Chesterfield Airport Road. Not being able, at this time, to fully ascertain the impact of that, the Department believes it appropriate to view the setbacks at the time of site plan is submitted.

A motion to approve P.Z. 21-93 Thomas and Jane Sehnert, subject to Conditions contained in Attachment A, as well as the new conditions on page 2 (items 4 a & b) regarding setbacks was made by Commissioner Dalton. The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion passes by a vote of 9 to 0.

B. P.Z. 18-93 Nooning Tree Partnership; a request for a change in zoning from "NU" Non-Urban District to "R-3" 10,000 Square Foot Residence District for a 101.3 acre tract of land located on the south side of Olive Boulevard, approximately 150 feet east of the intersection of Appalachian Trail and Olive Boulevard. (Locator Number: 18R440031)

And,

P.Z. 19-93 Nooning Tree Partnership; a request for a Planned Environment Unit Procedure (PEU) in the "R-3" 10,000 Square Foot Residence District for the same 101.3 acre tract of land, located on the south side of Olive Boulevard, approximately 150 feet east of the intersection of Appalachian Trail and Olive Boulevard. (Locator Number: 18R440031) Proposed Use: Single-Family Residences

Senior Planner Laura Griggs-McElhanon presented slides of the proposed site and surrounding area.

Mr. Jerry J. Loomis, Loomis Boulton Pickett, spoke on behalf of the petitioner noting the following:

- He noted there were two (2) other people in attendance who would be representing the petition (Nooning Tree Partnership LTD): Mr. Stephen Cupples, the attorney for the Faust Estate and Trust; and Randy Aselage.
- The group began working with Mrs. Faust about two (2) years ago, trying to assist her in matters related to her estate. The determination was made, in setting aside various parts of the Trust, to request rezoning for the part of the property that is under petition this evening, approximately 101 acres of a total of about 250 acres owned by Mrs. Faust.

- Approximately 359 units are proposed on 101 acres.
- He displayed two aerial photos of the subject area and surrounding parcels.
- The plan presented is to attempt to create permanent open space in the vicinity of the trees in the ravines, and to preserve approximately twenty-five (25) acres in permanent open space, and to develop the residual parts of the property in the individual lots.
- They submitted a petition approximately eight (8) months ago that, essentially, requested enough flexibility in zoning to give them a range of units from detached housing to attached housing. This included some townhouse clustering, and some three-story condominium units. This plan was withdrawn after discussion with members of the Planning Department staff, several Councilmembers, and after a public meeting here with many of the neighbors.
- Concerns expressed to the petitioner at the time of that meeting dealt with the following issues:
 1. The connection of existing streets into adjacent neighborhoods. Neither the neighbors, nor the people representing Mrs. Faust, are interested in seeing this happen. This is an issue for the City staff, Planning Commission, City Council and neighbors to debate. From the petitioner's position, they are not in favor of those being connected through.
 2. The petitioner intends to provide emergency connections at each of those outlets expressed on the plan resubmitted tonight.
 3. The residents at the meeting expressed concern over the attached units and the condominium units. There was also concern expressed about the size of the lots on the perimeter which are adjacent to existing homes.
- As a result of the concerns expressed at the earlier meeting, this petition was withdrawn, the petitioners redrew the plan, and have resubmitted a revised plan that is entirely detached housing, no attached units, and no condominium units.
- The purpose in bringing this discussion to the forefront is to make sure there is no misunderstanding that there is a willingness on the part of the Faust Trust to try to meet each and every issue, as best possible, that are an issue to both the City and the neighbors.

- The plan submitted this evening expresses the needs, as they understood them, related to increasing the size of perimeter lots, and removing any indication of attached housing or condominium development in the project.
- The current plan expresses one-hundred and one (101) acres, approximately twenty-five (25) acres of permanent open space (shown in the darker green), preservation of as many of the existing trees as possible within the framework of that perimeter of open space, and a range of lot sizes that vary from forty (40) foot widths to ninety (90) foot widths, and approximately 15,000 square feet being an optimum size lot.
- The anticipated price range for the bulk of the homes will be \$200,000.00 plus.

COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness requested clarification of the pricing of the homes.

Mr. Loomis answered that the lots, regardless of size, would be in excess of \$50,000.00 on a developer market and, therefore, starting prices would probably be \$200,000, or more. They would range up to \$400,000.00.

Chairman McGuinness inquired of the ownership of the land.

Mr. Loomis stated there are a number of owners of undeveloped property.

Chairman McGuinness stated there are no stub streets proposed into the vacant land surrounding the proposed site.

Mr. Loomis referenced various portions of the parcel, part of which was donated by Mrs. Faust to the Archdiocese. There are three (3) other ownerships, including Mrs. Faust.

Chairman McGuinness asked if the petitioner could stub the road that fronts on Olive, as well as what he believes will happen to this area.

Mr. Loomis stated they are showing a road to connect from White to Olive, with no stubs into the vacant area. He stated there has been a lot of discussion suggesting that Mrs. Faust should buy those parcels surrounding her land, but, at her age of 93 years, she is not interested. She has no intent of acquiring additional property.

Chairman McGuinness stated her question was what does he think is going to go into the remaining area, as he has nothing stubbed into this vacant area.

Mr. Loomis said he believes they would make the same speculation of all two-hundred and fifty (250) acres of the remaining property. He said he believes it has as good a chance of being a park as it does residential, as it does being commercial. He further stated it is Non-Urban.

Chairman McGuinness inquired whether he read the September 9th letter from the Fire District which included the statement - "At the very least, Village B should be connected to Village E. This would provide two (2) entrances to each village and would not send traffic through Shenandoah Subdivision. If these two (2) streets were put through to connect to each other, the developer could eliminate the fire lane emergency accesses to Shenandoah Subdivision." This was from David B. Nichols, the Fire Marshal.

Mr. Loomis stated they were prepared to do what the City expects related to the streets. They simply are not anxious to see the streets connected through the existing subdivisions. They prefer to have the village concept developed contained within their property, with access to the project off of the circular street that connects White and Olive.

Commissioner Broemmer requested clarification from the petitioner regarding connecting streets within Village B with Village E.

Mr. Loomis stated the petition prefers not to connect to the existing neighborhood streets, except for emergency purposes. Therefore, they would make the connections and put a gate up, or chain.

Commissioner Broemmer inquired that, if that connection was made between Village B and Village E, as recommended, then that could eliminate the fire emergency exits.

Mr. Loomis stated that, if that meets the requirement on a similar basis, the petitioner is prepared to make some additional looping. They would not like to connect at the back, due to the depth of the ravine and the cost. It would be possible to connect some additional streets within the framework of the plan.

Commissioner Brown inquired what the minimum lot size would be, as well as the percentage of same.

Mr. Loomis stated that would be 5,000 square foot lots. They are asking for a fairly high percentage of minimum lot sizes; however, whether those would actually be developed he could not speculate on. At this time it would be speculation. They have asked for the 359 units in order to gain flexibility at the time they go to the

market with the units. He stated these items are up for discussion in terms of percentage and size. They are not demanding that be the criteria, they are trying to find a position that is comfortable for the neighbors, the Commission and the Council.

Commission Brown inquired about the preservation of trees in the twenty-five acres of open space.

Mr. Loomis stated that, other than for sewer lines, they would not be disturbed. They will not be able to save 100% of the trees on the entire site; however, within the twenty-five (25) acres of open space, they will save 100% of the trees. There would only be installation of sewer lines, storm sewers and a little bit of storm retention that would impact that area.

Commissioner Brown requested clarification of the petitioner's intent, should the condition be placed on the project that trees on this twenty-five (25) acre area were to be undisturbed.

Mr. Loomis replied that we couldn't use **undisturbed**, but the negotiation she is heading for is **yes**. He noted that the concept in this proposal is to condense the lots in order to provide the twenty-five (25) acres of open space. If the developer took out the twenty-five (25) acres and expanded the lot sizes, the questions, in terms of how many forty (40) foot lots would be required to get 359 units would change. However, twenty-five (25) acres, which is one quarter of the site, will be permanent open space.

Councilmember Clarke stated that when she met with the developer to discuss the density, she believed he would come back with a different plan. She feels that 359 homes on seventy-six (76) acres is not going to pass her Committee.

Mr. Loomis inquired what happened to the twenty-five (25) acres, as that is part of their density calculations.

Councilmember Clarke responded that he said those were to be conserved as common ground. She does not like PEU's.

Commissioner Scruggs stated that this calculates to less than .2 of an acre per home, which he believes is rather small. He inquired about the square footage of the proposed homes (i.e., one floor, two floors, etc.), as he is trying to get a feeling for the green space.

Mr. Loomis stated that a lot has do with trying to speculate on what developers may be trying to utilize two (2), three (3), or five (5) years from now. The developer does not have a firm idea of what he is going to do at this time. He noted that he is responding on behalf of Mrs. Faust, who is not going to build these units, nor is the Trust probably going to be building the units. They are asking for the opportunity to have some flexibility in the zoning of the property, so that when they do meet with developers on sections of this property they have the ability to meet the market demands at that time. There is no rationale that the market won't demand these be larger lots, and the entire property be developed as half acre lots. On the other hand, if they come in today and ask for one (1) acre density and 100 units, they have no ability to change the other way to meet the market demands later. He stated that homes are trending toward being smaller and more affordable. He stated that all the Commission is being asked to do is give reasonable consideration to Mary Faust and her heirs, as to what constitutes a fair and reasonable zoning in order compensate the development.

Chairman McGuinness stated that that is not a reason to approve, or disapprove, no matter how long someone has lived here, or whatever.

Commissioner Domahidy asked Mr Loomis to share his reasoning for asking for "R-3" other than it gives more density than "R-2." She noted that, as she looks at the surrounding zoning pattern, she sees a lot of "R-1A" and "R-2." The "R-2" seems reasonable to her, as well.

Mr. Loomis stated the "R-3" is what had been recommended on the Comprehensive Plan.

Commissioner Domahidy stated that we do not make density recommendations on the Comprehensive Plan.

Mr. Loomis stated he is not sure that density is an issue here tonight. He stated the Commission is entitled to make conditions upon the application as to what it feels is a reasonable application.

Chairman McGuinness instructed Mr. Loomis to answer Commissioner Domahidy's question about density.

Commissioner Domahidy restated that her question is why "R-3" and not "R-2" is being requested.

Mr. Loomis stated that the petitioner probably misunderstood, partly, at the meeting previously, the concern over attached units, asking them to go to detached units, that it was more a question of whether they were attached or detached, single-family or condominium. He said that, based on comments from the Commission and the audience this evening, that this has now changed. They have reduced the plan in terms of the types of units proposed, and increased the size of the units on the perimeter. He stated that we are at round two (2) where density is an issue. He said they are willing to listen and get a better idea of what is expected of them. He stated that the City must not look at this team as being here with a profit incentive, in terms of the team.

Commissioner Domahidy stated he is taking her comments wrong. She is asking him for his rationale as to how the developer arrived at the "R-3" density, as being reasonable, when someone else who is reasonable, as herself, would look at the map and come up with "R-2" versus "R-3."

Mr. Loomis stated that he doesn't think that was stressed enough at the meeting with Susan Clarke and the neighbors, that this was going to be that much of an issue. Had the petitioner felt that was a big issue, he thinks they would have addressed it. The developer was thinking in terms of housing type.

Commissioner Sherman inquired about the Fire Department and emergency access.

Mr. Loomis stated the petitioner understood that, what they were being asked to do was not to connect the streets, except for emergency purposes. The plan shows provision to connect those streets at each of the locations where abutting streets approach from the neighborhood. He pointed out the stub street locations on the map.

Mr. Randy Aselage spoke on behalf of the petitioner noting the following:

- He believes sometimes people attribute lot size to value and home quality. He does not believe this is true in today's market.
- The fastest segment of the marketplace is the 55 and over age group. The small lots are specifically designed to cater to the needs of this group. They do not like yard maintenance. They like privacy, security and elegance. The proposed lots are designed to meet the needs of empty nesters.
- A project in Clayton that has forty (40) foot front lots, has homes being sold in excess of \$500,000.00 each. He believes that the notion that lot size dictates price and quality is a debatable issue.

- The developer is trying to create a community that is pleasing to as many people as possible.
- He suggested we look at the environmental aspects of the zoning.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Brown asked if, under the proposed plan, the developer knows how many trees that exist on the site now, with the exception of some that would have to come out for the sewer line in the twenty-five (25) acres, would have to be removed.

Mr. Aselage stated they have thought long and hard about preserving as much of the tree mass as possible. The density of the housing is proposed on open, cultivated farm field. The areas along the eastern and western borders, abutting the subdivisions, have historically been used as pasture land. These are areas of volunteer trees of dubious quality, mostly Hawthorne trees and lesser quality trees. If the developer connects the stub streets in this area, a good chunk of trees will be removed. Therefore, they are trying to stay away from connecting the interior streets in order to preserve the integrity of the older forest.

Councilmember Clarke stated that, at that meeting held between the developer and the residents, Mr. Aselage summarized and said: "The things I am hearing here are 1) no connections to Shenandoah; 2) less dense than our first petition; and 3) landscape berms between Nooning Tree Development and the three (3) other subdivisions." She asked if this is correct.

Mr. Aselage stated he feels that the landscape berms were directly associated with three (3) lots on the Gallery side of the development. He stated he would be happy to accommodate those needs. He further stated there are only twelve (12) actual home sites abutted by the proposed development, other than the Gallery side.

Councilmember Clarke noted that, at the previous meeting, it was determined that the proposal should be less dense. She stated she does not believe the proposal tonight is less dense, but has eliminated the attached units.

Mr. Aselage stated the petitioner has eliminated about thirty (30) houses that were allowable under their first request. They were trying to create a community to reach the society-at-large.

Chairman McGuinness asked Mr. Aselage to clarify what the petitioner said at the prior meeting with residents regarding street connection. It is her understanding that they continually said there would be no connection, emergency or otherwise, to Shenandoah.

Mr. Aselage stated the petitioner has never, ever requested connecting the stub streets, other than to meet the emergency access requirement. Those are paver block which are approved and utilized throughout the City.

Chairman McGuinness asked Mr. Aselage to respond to the letter from the Chesterfield Fire Protection District dated September 9, 1993. The Fire Marshal suggested that, if Village B were connected to Village E, this would provide two (2) entrances to each village and would not send traffic through Shenandoah. They would not need the connections if these conditions are met.

Mr. Aselage stated the Staff has continued to recommend it, and if they do connect those stub streets they will try to do it in a very sensitive manner. However, there are some large ravines there which will require excavation, and he believes we will all be disappointed in the loss of trees that would result. There are approximately eighty (80) homes proposed in Village E. He believes there are a lot of examples throughout the City of where there are longer streets that end in cul-de-sacs, that do not have emergency vehicle provisions, whereas this petition does. On Village B, they could accommodate an emergency vehicle access into the church property, but, if at all possible, they would like to stay out of the tree mass and natural drainage areas, and work with the natural lay of the land.

MAYOR LEONARD stated that, years ago, he spoke with Mrs. Faust and she mentioned that the land she was donating to the Archdiocese was to be dedicated for a parochial school. He inquired whether this is still valid.

Mr. Aselage answered that he believed she gave that property to the Archdiocese with the intention that they would build a church and school. He does not know of any restrictions on the gift, but the developer hopes this happens.

- The church property is approximate ten (10) acres of land that abuts the Gallery's northern border.

There was discussion about various alternate emergency connections.

Commissioner Kirchoff inquired, with respect to the Planned Environment Unit Procedure, if the petitioner will be asking for anything other than the standard side yard setback.

Mr. Aselage stated they are hopeful to get the streetscape cleaned up. They will try to eliminate the two-car garage in the proposal. There will be auto-courts in lieu of the garages. He stated there are more builders wanting to build here than opportunities, and they have the pick of the litter.

Commissioner Kirchoff again asked if the petitioner will be requesting something other than the standard side yard setback.

Mr. Aselage stated he is hopeful that, if they present the Commission and the City with an idea that might be germane and better than the twenty (20) or thirty (30) year old rules currently in place, it will meet with open minds and find a better way.

Commissioner Sherman inquired about stormwater problems.

Mr. Aselage stated that with the help of MSD and the City Public Works Department, he is sure they will be able to handle the engineering of the stormwater. Also, if they receive the flexibility of auto-courts, they reduce the number of driveways and pavement that actually encumbers this type of development. Hopefully, we can mitigate stormwater by reducing the number of paved driveways. He stated that, if you move homes closer to the street, like in Chesterfield Village, then you have a more intimate feel to the streetscape. This would also increase the back yards of the homes where people actually live.

Commissioner Sherman inquired whether, in terms of the look or feel of this development, it would have the same as that of Chesterfield Village development.

Mr. Aselage stated that the village proposed for the seniors would have an ambience to it that has the feel of being charming or being private.

Commissioner Sherman stated that much of the stormwater problems are handled by the lake there. She noted two (2) small ponds on the proposed site.

Mr. Aselage said they have an opportunity to perform some stormwater mitigation with the deeper ravines and, with the cooperation of the Department of Public Works, may have the opportunity to fill these areas in with rock in areas. If the area is rock, the stormwater is reduced and has an opportunity to flow back into the soil.

Commissioner Sherman inquired of the natural water shed on the proposed property.

Mr. Aselage identified the two (2) ravines that have naturally occurred on this property. These have never been cleared. The water runoff will not occur in any of the surrounding subdivisions.

Commissioner Sherman inquired about buffering between the subdivisions.

Mr. Aselage stated that, if they can leave the existing tree mass along the perimeter, they will.

Commissioner Sherman inquired about buffering along the Gallery.

Mr. Aselage stated the developer met with the representative of the Gallery, and noted the developer will build a berm and landscape between the proposed development and the existing three (3) homes in the Gallery.

Commissioner Domahidy noted the references made by Mr. Aselage to Chesterfield Village and inquired whether the site proposed tonight is the same type of concept plan that would be submitted in the future. She stated that he spoke of variations of side yard setbacks, etc., and is wondering if this plan is what will be submitted later, in terms of flexibility.

Mr. Aselage stated that if the developer has a good idea which meets with the City's approval, he would hope we would be open-minded to work these things through.

Commissioner Domahidy stated that some people might believe he is talking about standard single-family development, and he is clearly talking about something more in line of what is in Oak and Spring off of Justice Post.

Mr. Aselage stated this was not the case. He has passed out brochures to the contrary. The developer is targeting the 55 or older population.

Commissioner Domahidy inquired what the developer is requesting for side yard setbacks.

Mr. Aselage stated they are asking for a zero lot line flexibility on one (1) side yard. This would be used to provide a courtyard and privacy area.

Commissioner Brown asked what assurance the City would have that he would actually carry this through. She stated this could be approved with zero lot lines, etc., etc., and it could be sold to another developer and the concept changed.

Mr. Aselage stated that Mrs. Faust is a member of the Nooning Tree Partnership, he is a member, as well as some of her heirs. He is going to turn forty (40) this year, and has a twenty-five (25) year contract with the Nooning Tree Partnership, and expects to be around to see Mrs. Faust's desires carried out.

Commissioner Brown inquired if it is his intention, at some point, even if different builders come in, to be the developer of the property.

Mr. Aselage stated their intention is to work closely with the City and the development community to create the most pleasing environment.

Commissioner Brown stated she believes there is a problem with getting questions answered.

Chairman McGuinness stated the petitioners have been very, very vague. She stated it has been like pulling teeth, and they are making it just too hard.

Commissioner O'Brien expressed concern about the amount of cars coming out on to Olive and White Road every day.

Mr. Aselage stated they will try to line the entrance up with that to Faust Park. The Missouri State Highway Department advises to add additional turning lanes in this area. The developer will be working with the State Highway Department to assure proper ingress and egress to this development.

SPEAKERS IN FAVOR:

#1 Bill Sullivan, 14509 White Birch Valley Lane, Chesterfield, MO 63017.

Mr. Sullivan, on behalf of the Gallery Subdivision, noted the following:

- They have no problem with the development.
- He stated concern about the "R-3" density, especially in the area that abuts the Gallery Subdivision. He asked that, if "R-2" zoning is required, he would hope that the minimum lot size be maintained at 12,500, if that is the requirement. His lot, which abuts the proposed development, is one third of an acre.
- He expressed concern about the existing wildlife in the area of the common ground. He stated he has been assured that nothing in another subdivision will be impacted. The common ground was not put in to support additional houses, only the thirty-five (35) homes of the Gallery.

#2 Stephen Cupples, 714 Locust, St. Louis, MO 63101.

Mr. Cupples, on behalf of the Faust Family, noted the following:

- He noted the property is unique, in that it is debt free. The owner is not forced to develop at this time.

- They would like to make something of this land before Mrs. Faust dies, and the land would be carved up, sliced and diced, and sold off to whomever wants to butcher it, rape it and scrape it.
- The petitioner is requesting flexibility so they may deal with developers when the property is ready to be sold. This flexibility is desired so that this property can be developed as the markets dictates, and be creative and innovative, not something that is standard to what we see now.
- They want to get it zoned now so that, at the appropriate time, they are not forced to have a distressed sale to deal with death taxes, etc., which would result in the property being carved-up and developed in a manner which is not uniform and consistent as a whole.
- He noted that, if the City feels it bad to have more density in the middle, they will try to do that.
- They are trying not to have connector streets because they want to save tree mass.
- They want to hear what the City wants from them, and they will go forward with the plan.

COMMENTS/DISCUSSION BY COMMISSION

- For historical information, the name "Nooning Tree" resulted from a large tree on the property, located on a hill, where, at noon, all the farmers would take their oxen to rest while the farmers ate lunch; therefore they called it the "Nooning Tree." This name is at the request of Mrs. Faust.

Commissioner Sherman stated that, if they are not ready to build on this land, and they want flexibility in the future, why can't they wait until they are ready to execute a plan. Why is there a need to do it now?

Mr. Cupples stated that, if something happens to Mrs. Faust, there is going to be a need to raise cash. They cannot pay death taxes with land, as the government doesn't take it. They need to be able to liquidate this land in a systemized manner where they can control the developers they want to deal with, and not have to be forced to sell off one (1) parcel to come up with death taxes. If they control the entire parcel, then they can choose the developer and dictate the design for the community. They are not going to build \$200,000.00, \$400,000.00 homes in this community, as this is not what Mrs. Faust wants. They want to have pockets of areas

to be sold, so that at the time of Mrs. Faust's death, find that market niche that needs to be filled, find the best developer in town that can do it, and sell them that parcel.

Commissioner O'Brien noted her understanding of what the petitioners are requesting is that they maintain control over what future developers do to this land; therefore the Nooning Tree Partnership would have a contract with them containing specific guidelines.

Mr. Cupples stated this is exactly what they desire. They do not want to have "NU" Non-Urban land that they are forced to sell off to come up with death taxes.

Chairman McGuinness inquired whether they would sell if this rezoning isn't approved now.

Mr. Cupples stated they may be forced to because Uncle Same doesn't give a hoot. There is a nine (9) month date of death of clock. If they can't come up with the death taxes to deal with that, and they can't have the property conditioned in an organized, timely fashion, they would be forced to carve this thing up. He further stated that they **will** carve up the land, if necessary, and say have at it folks. He asked if the City wants to deal with Mrs. Faust or multiple people.

Commissioner Domahidy stated the Commission appreciates and understands the need for flexibility, and the petitioner is focused on their piece of property and making their case clear. At the same time, the Commission has a responsibility for the total community, and the people in the audience want to know reasonably what to expect on this land that they are very familiar with and impacted by. Therefore, therein comes the questions asked to gain clarification of the developer's vision.

Mr. Cupples stated they are trying to address the area with comparable housing, at least as large lot size. It is unrealistic for people to have bought in this area with the idea that this land would stay as a raw field.

Commissioner Broemmer stated that the concern is over the density of the proposed development. He further stated that the other concern is in keeping the roadway in the village areas, and not extending to the adjacent areas. Connecting Village B and Village E.

Mr. Cupples stated that plan does not show connecting streets within the development in order to preserve trees and the cul-de-sac nature of the development. He stated they don't want to connect to surrounding subdivisions; this would have to be imposed by the City. He stated that people prefer cul-de-sacs for safety reasons.

Councilmember Clarke commented that the developer keeps saying they want to control what goes in there; but the nine (9) Planning Commissioners decide this. Therefore, if Mrs. Faust dies tomorrow, the City will deal with whoever owns the property, and deal with that person.

Mr. Cupples stated this was not how it was meant to come across.

Commissioner Scruggs inquired about connecting two (2) particular cul-de-sacs on the proposed development. He suggested it may be more reasonable to do this.

Mr. Cupples stated that, if the Fire Marshall requires this for safety reasons, they will conform. The developer can connect any cul-de-sac; however, the plan, as drawn, does not want this to happen.

Chairman McGuinness asked Mr. Cupples if he is telling the City to do it.

Mr. Cupples replied yes.

Chairman McGuinness asked him why he doesn't do it himself.

Commissioner Scruggs stated the petitioner is not going to get their zoning approved unless they do something other than what is proposed.

Chairman McGuinness stated that the developer has met with the people who have told him they do not want the density, and do not want the streets connected to their subdivision. She further asked him why he doesn't just do it.

Mr. Cupples answered he doesn't think the people who buy into the proposed community want it connected.

Councilmember Clarke stated that, at the meeting, the residents of Shenandoah stated they did not want streets connected to their existing subdivision.

SPEAKERS - NEUTRAL:

#1 Kent Melton, 14446 White Birch Valley Lane, Chesterfield, MO 63017.

Mr. Melton spoke on behalf of residents of Whitree Subdivision, noting the following concerns: (He presented a handout.)

[REVISED 9/27]

The first five (5) of the six (6) items, were unanimously agreed to by residents of his subdivision.

1. Stormwater runoff into creek - They are not sure the plans adequately address this problem. The residents are already experiencing significant erosion problems.
2. Sanitary Sewer System - The development represents a vastly increased demand on the existing line; they urge that no approvals be granted without an unconditional MSD assurance of the adequacy of those lines.
3. Traffic Burden - Concern over increased traffic jams along the two (2) lane White Road, as well as along Olive between the Four Seasons Shopping Center and Hog Hollow.
4. Common Ground, Tree Buffer Zones - Concern that the builder should be required to provide for ample buffer between the new development and any existing subdivisions by leaving existing trees and/or vegetation, and providing plantings where no such vegetation exists. They are particularly concerned about the tree mass area, particularly of the old growth.
5. School Overcrowding - Concern whether the schools can handle the increased population of 359 additional units.
6. Comprehensive Plan - The subject area was once depicted as potential parkland. They think it could be unwise to foreclose the possibility of future park development in one of the few remaining open areas in Chesterfield that is still near populated areas. They feel that the building of Chesterfield should be done with the interest of our children, the future of our City.

#3 Jim Moore, 15457 Daxbury Way, Chesterfield, MO 63017.

Mr. Moore spoke as an individual, noting the following:

- He noted he is distressed by comments of the Planning Commission and the developers, as well as his neighbors.
- He is distressed about the implication that the Planning Commission has an obligation to determine the status-quo, in terms of lot size, groupings and the existing configuration of our population.

- He does not believe, as a citizen, that the Commission should be an advocate of the status-quo; but an advocate for what is best for Chesterfield and the County in the future. He is distressed at the possibility of precluding the ability of people with modest means to live in our City, and restricting ourselves to a ghetto mentality where we will become the isolated rich and affluent community within the metropolitan area. He does not believe this is a vision to be desired. He believes the Planning Commission has the responsibility to promote affordable housing for all citizens of race and income.

Chairman McGuinness stated the pricing of the proposed homes.

Mr. Moore stated that the City has opposed the idea of having attached homes or condominiums which might have been more affordable. By pushing the developer to provide single-family homes, we are, in fact, forcing people to the high end of the market.

Chairman McGuinness stated that the Commission does not advocate the status-quo or the change. The Commission tries to understand where people are coming from and respond accordingly.

Commissioner Scruggs said, to his knowledge, the statement that the Planning Commission insisted on not having condominiums, or something, is incorrect. He noted there may have been meetings outside the Planning Commission; but the Planning Commission has not been involved until tonight. He further stated that the Commission is aware of the need for affordable housing in Chesterfield. There is evidence where the Commission has provided this where possible, and this is taken into consideration in all its deliberations.

Chairman McGuinness noted the Commission always encourages the developer and residents to get together. The Commission was not invited to the meeting that occurred earlier between residents and the developer of this project.

SPEAKERS IN OPPOSITION

Chairman McGuinness noted receipt of a little less than one-hundred (100) letters, and read the letter from Matthew Streeter.

#1 Joe Brown, 15399 Appalachian, Chesterfield, MO 63017.

Mr. Brown, on behalf of the Shenandoah Valley School, noted the following:

- He noted the policy of the Parkway School District is to remain neutral on issues which involve developments of the communities within the school district.
- He was invited by the Shenandoah Valley Residents Association, but is speaking on behalf of the children.
- He does not think it wise to cut through the cul-de-sacs on Jonesborough and Harrisburg. He stated that the area is hazardous to children.
- He urged the Commission and developers to consult Mr. Al Hedrick, Director of Transportation for Parkway, when making final decisions regarding the streets. Mr. Hedrick is well qualified to assist in the design of cul-de-sacs and streets so that school buses can service kids.
- He reminded the Community and builders, as well, that Parkway routinely studies enrollment patterns in the School District, with a view to meeting student enrollment demands. The recent addition on Shenandoah Valley School is good evidence of this, and currently a study is in progress regarding enrollments in Chesterfield area schools, including River Bend, Green Trails, Shenandoah and Highcroft. Therefore, to assume that any development currently in existence, or not, would be at Shenandoah may not be accurate.

COMMENTS/DISCUSSION BY COMMISSION

Mayor Leonard asked, when the middle school concept comes out, will this mean fewer students in Shenandoah School.

Mr. Brown stated there will be fewer students in **all** Chesterfield elementary schools when that concept is developed in two (2) years.

#2 Rod Winchell, 407 White Birch Valley Court, Chesterfield, MO 63017.

Mr. Winchell, as requested by residents of the Gallery, turned over a copy of a petition by the residents.

Mr. Winchell spoke as an individual, noting the following:

- He stated that the Gallery is **not** in favor of this project.
- They are opposed to the "R-3" density, and the Planned Environment Unit Procedure, which allows for averaging.
- He summarized his understanding of the planned villages.
- Should this development be approved for "R-3" density, the developer could come back at a future date and build attached homes.
- Concern that there would be approximately 900 cars generated by the development utilizing one (1) access on to Olive. The Highway Department and City Council passed a green area for Olive Street Road across from Faust Park. This means the exit on to Olive could only go east towards the City. Therefore, most of the traffic will be dumped on to White Road, a two (2) land road. The Highway Department has said White Road cannot be widened. This would result in more traffic, more congestion and more accidents. He also noted there will be additional traffic generated from the office buildings approved in that area.
- Property values will be impacted by the "R-3" density. He indicated that he is 57 years old, and he would not look at this type of property.
- He referred to the strip mall that was turned down a few years ago along Olive. He further stated that the City Council or Planning Commission should not approve any development plan unless all of the land in that tract is strictly residential, and he would request "R-2" zoning.

#3 Kathy Lobonc, 1232 Traverton Drive, Chesterfield, MO 63017.

Ms. Lobonc spoke on behalf of the Shenandoah Valley Elementary Safety Committee, noting the following:

- Last year she personally witnessed approximately ten (10) children nearly getting run over in front of Shenandoah School.
- She does not believe that, if the streets that are dead ended currently on either side of the school are simply gated, it would prevent further development later on because of inadequate traffic flow through the new subdivision. Her fear is that it would increase traffic in front of the school, further endangering the lives of their children.

- Within five (5) minutes of dismissal time today, forty-seven (47) cars drove past the front of the school.
- She believes the traffic from the proposed subdivision would utilize Appalachian Trail to access Olive Boulevard.

Councilmember Clarke stated that the two (2) Councilmembers from Ward II are opposed to any type of connection, and will stand by that decision.

#4 Barry Streeter, 1177 Jonesborough Road, Chesterfield, MO 63017.

Mr. Streeter spoke as an individual noting the following:

He summarized the concerns expressed at the meeting between the Councilmembers, residents and developer held earlier this year as:

- Aggravating the current traffic problem on Appalachian Trails in front of Shenandoah School.
- Losing privacy due to loss of the natural tree line.
- Crime problems.
- Water runoff problems.

He noted that the new proposal is different from the one presented earlier this year, but it largely ignores the valid concerns and requests made by residents at the May 26th meeting. He further addressed two (2) major concerns: 1) rather than connecting Jonesborough or Eagle Pass Drive to any new development, he would prefer connecting Village B to Village E, as suggested by the Fire Marshal; and 2) by connecting Villages B and E, and eliminating the emergency accesses would make everyone happy.

Mr. Streeter further noted:

- An accident occurred on September 4th, in which his wife and daughter were involved, in the area of Appalachian Trail and Jonesborough.
- He requested consideration of the rights of existing property owners adjacent to the Faust Farm, regarding tree buffers and common ground areas. He is concerned that the proposed development does not depict any common area between the new development and existing subdivisions.

- He believes the rights and concerns of the already existing residents were given little, if any, consideration when this current plan was drafted and presented by the Nooning Tree Partnership.
- At the Commission meeting on August 23, 1993, the Commission rejected Applebee's Restaurant, apparently on concerns voiced by residents of Brandywine that it would impact their style of living. He stated he believes the concerns of the residents tonight are not different and, in deed, believes they have more merit, as the developer of Applebee's agreed to work with the residents of Brandywine, and the residents of Shenandoah have not been given that offer from these developers tonight.
- They purchased their home in Chesterfield because of the advantages of living on a dead-end street, having the serenity of a wooded area behind the house, and knowing that their children would not have to walk along a busy street to go to school. He believes the proposal tonight, if approved, will take away everything he and his wife were looking for when they decided to buy their house in Chesterfield. This is why they are asking the Commission to reject this current proposal.

#5 Cheryl Devaney, 1142 Richland Drive, Chesterfield, MO 63017 (passed).

#6 Dennis O'Loughlin, 1057 Appalachian Trail, Chesterfield, MO 63017.

Mr. O'Loughlin spoke as an individual noting the following:

- He has a particular concern about the cut through streets, and the speeding along Appalachian Trails Drive.
- He noted several serious accidents along Appalachian Trails Drive.
- He expressed concern about security, and feels gated drives would encourage robberies and crime.
- He expressed concern that Olive Street Road may look like Manchester Road, and would strongly recommend "R-2" zoning.

#7 Chuck Kim, 15327 Appalachian Trail, Chesterfield, MO 63017 (passed).

#8 Lynn O'Connor, 1183 Jonesborough, Chesterfield, MO 63017.

Ms. O'Connor spoke on behalf of the Shenandoah Residents Association, noting the following:

- She expressed concern about connecting the two (2) stub streets.

(She gave a slide presentation depicting the traffic situation in front of Shenandoah Elementary School at dismissal time.)

- She noted that the developer's statement that only twelve (12) homeowners in Shenandoah would be affected is incorrect. Everyone that drives along Appalachian Trail can see the proposed parcel. Therefore, the residents are requesting a tree buffer.
- In October of 1992, Mrs. Faust invited the Missouri Native Plant Society to visit her property. This group identified the vegetation on the property. The rear of the property consists of relatively untouched woodland. Many of the trees are well in excess of six (6) feet in circumference. This is a part not in the ravines, but would be torn down to build homes in the proposed development. She doesn't believe the developer is considering where the tree mass is that deserves to be saved in the proposed development.

#9 Ashok Agrawal, 15132 Stillhouse Creek, Chesterfield, MO 63017 (passed).

#10 Elliott Alper, 1243 Luvay Drive, Chesterfield, MO 63017.

Mr. Alper spoke as an individual, noting the following:

- He asked the developer to define a senior citizen. He doesn't see many people of this age buying homes in the price range of the proposed development.
- He expressed concern about the additional traffic from a new subdivision.
- He believes more activity will bring more crime.

#11 Terry D. Romstad, 15423 Eagle Pass Drive, Chesterfield, MO 63017.

Mr. Romstad spoke as an individual, noting the following:

- He would like to see evergreen trees utilized on the proposed development.

#12 Ben Sandler, 14440 White Birch Valley Lane, Chesterfield, MO 63017.

Mr Sandler spoke on behalf of 54 residents of Whitree and Gallery Subdivision who signed the petition, noting the following:

- Expressed concern about the compatibility of the proposed development with contiguous neighborhoods.
- If there must be a development on this land, they recommend "R-2" zoning, with a minimum lot size of 10,000 square feet, and the perimeter lots be a minimum of 15,000 square feet.

The original petition was presented to the Commission.

#13 Jill Esrock, 320 Dungate, Chesterfield, MO 63017 (passed).

#14 Larry Kalinowski, 15115 Appalachian, Chesterfield, MO 63017.

Mr Kalinowski spoke as an individual, noting the following:

- He believes the developers want a blank check. He doesn't believe Mrs. Faust has anything to do with this. It is a business proposal.
- He stated the Commission has done a good job of asking questions of the developer, but they weren't answered, just as the questions of Susan Clarke, Ed Levinson, and himself were not answered at the first meeting with developers. It was a waste of time, as the developer doesn't answer questions.
- He stated the only environmental question he has seen tonight is excessive hot air from the front row. He believes his time has been wasted.
- He said the issue is should we give them a blank check - his answer is no way.
- As a constructive suggested, why does this have to be confrontational? Why can't we do our homework? Why can't the developer, citizens and government work together and do some homework before coming to a session like this and waste our time?

Chairman McGuinness summarized the items for rebuttal as:

- The cut through street issue.
- The traffic issue.
- The density issue.
- The commercial issue.
- The safety issue regarding the school.
- Connecting the villages.
- The blank check issue.
- Contiguous zoning issue.
- Tree buffer.
- Lack of buffering.
- Accidents.
- Security and Crime.
- Manchester Road syndrome.
- Homes won't sell to seniors.
- Evergreen trees.
- Anything else the developer would like to add.

REBUTTAL

Mr. Loomis noted the following:

- He stated that, of the total list, he believes rebuttal is only necessary on one (1) or two (2) issues, which seem to be the issues which most people are hedging on - the density issue and the size of the lots.
- Obviously there will be traffic with any development.
- The developer will be obligated to resolve storm drainage problems regarding any development.
- The tree buffering and preservation of trees are issues that can be resolved.

Chairman McGuinness asked him to discuss the issues rather than restating them.

Mr. Loomis stated he does not we have a problem with any issue other than density and size of lots. Once this is determined, the petitioner has agreed to meet the needs of all the other issues that have to do with buffering, retention of trees, storm drainage, traffic (to the best of their ability). With regard to interior streets, they are simply saying, yes, if the citizens can agree with the Commission and the staff, and decide what they want the streets to look like, the developer will comply.

Mr. Cupples stated that cut through is not a problem. The developer is opposed to it.

Chairman McGuinness asked Mr. Cupples if he would like to withdraw this proposal and come back in with one that solves that problem.

Mr. Cupples stated they will not change the emergency access points on the plan because the Fire Marshal requires this. If they get rejected on that issue, they will deal with. He further stated he does not feel cut through is an issue. He doesn't believe the developer is in disagreement with what he has heard from residents tonight.

- He noted the traffic pattern directly connects to Olive and White Roads. They do not cut into the other subdivisions.
- The issue of school children will be dealt with by the Parkway School District.
- The developer is not trying to change any buffering that is in place. He does not believe the developer should be required to enhance buffering, because no one has a right to expect something other than what was there in the first place. In fact, they have had the benefit of wide open space for the last twenty (20) years, and no one has the right to expect the property to stay in that condition.
- The developer is prepared to preserve the buffering as best they can.

Chairman McGuinness restated the conditions in the letter from the Chesterfield Fire District, in which it directed Village B should be connected to Village E in order to eliminate the emergency accesses to Jonesborough and Eagle Pass. Therefore, why didn't the developer come in with a plan showing this.

Mr. Loomis noted this letter was dated September 9th, and the developer has no way of knowing that anything addressed in that letter is in anyway more favorable to the residents than anything they had received before. The plan was filed before the September 9th letter was received. He stated they will be happy to amend the plan.

Chairman McGuinness asked if the petitioners would like to amend the plan tonight and submit a plan that connects Village B to Village E.

Mr. Cupples said they will amend the plan so the streets will connect between Village B and Village E.

Commissioner Scruggs is not convinced that this connection is the best way to go. He would like to see it connected so that the cul-de-sac would not be as long.

Mr Cupples stated they are prepared to eliminate the paver blocks (emergency access points) to Shenandoah Subdivision entirely.

Commissioner Brown stated that the Commission is asking the developer to solve their conditions with the Chesterfield Fire Protection District internally, and then present an amended plan. She further stated she has a strong affinity for trees, and would like to see this development implemented in a manner to create the least destruction of the existing trees.

Mr. Cupples stated they are willing to work with the City of Chesterfield to accomplish the least destruction and connect those streets.

Commissioner Sherman stated she believes the petitioner is asking the Commission to design the project for them. She stated the Commission is trying to state the problems it sees, now figure out a way to accomplish this. It is not the Commission's job to figure this out. The developer is to be creative and the City will respond.

Mr. Cupples stated they will come back with another plan. He does not believe the issues are insurmountable. He noted the two (2) main issues are density and lot size.

SHOW OF HANDS

IN FAVOR: 4 IN OPPOSITION: in excess of 50 NEUTRAL: 4

Chairman McGuinness recessed the meeting at 9:45 p.m. (for ten (10) minutes).

Mayor Jack Leonard left the meeting at this time.

Chairman McGuinness reconvened the meeting at 10:00 p.m.

- C. P.Z. 20-93 Carl R. Tisone; a request for a Conditional Use Permit in the "NU" Non-Urban District for a 12.8 acre tract of land located on the north side of North Outer Forty, approximately 3,700 feet east of the intersection of Boones Crossing and North Outer Forty. (Locator Numbers: 17T510029 and 17T520039) Proposed Use: Ice Arena

Toni Hunt, Planner I, gave a slide presentation of the site and surrounding area.

Mr. George Koob, engineer for the petitioners (Mr. Carl R. Tisone, Mr. Don Webb, Ken Webb), stated the following:

- He described the location of the proposed site and surrounding area.
- Current access to the property is from Boones Crossing.
- The proposed structure is a twin surface 78,000 square foot ice arena containing one (1) NHL size rink (85' x 200'), and one (1) indoor Olympic size rink (100' x 200'). This will be the only Olympic size rink in the City of St. Louis.
- The facility will have seating for 500 people on the (NHL rink) ice skating side, and approximately 1900 people on the Olympic side.
- This is intended to draw amateur skaters, up to and including Olympic level skaters, to St. Louis to competitions, tournaments and, specifically for the purpose of learning with some of the top figure skating professionals in the country.
- The tournaments will be designed to draw hockey players and speed skaters from various parts of the country to compete.
- There is sufficient locker room capacity and rink facilities to run two (2) tournaments at the same time.
- The location in the Valley area was chosen mainly due to the parking requirement. There will be approximately 585 parking spaces provided to service both rinks.
- There will be a double entrance to the front of the building, and circulation space throughout the parking area.

- The condensing units for the ice cooling systems, dumpsters and propane storage will be at the rear of the property.
- The petitioners are working with all required agencies, i.e., Missouri State Highway Department, Fire Protection District, MSD, etc. to meet their requirements.
- The center core between rinks will contain seven (7) professional style locker rooms with shower facilities, one oversize locker room with training table and storage for professional or exhibition team use, women's dressing and costume area for figure skating competitions, a professional weight/resistance and aerobics training room, snack bar, rest rooms, video game room, vending area, party room, skate rental, pro shop, business office, and lobby.
- A center core second level will contain management and skating pro offices with shell space for future ice viewing areas, multipurpose rooms, ballet room, and associated activities.
- The U.S. Ice Sports Complex will be designed to attract nationally known ice skating teaching professionals, providing an opportunity for serious amateur skaters to receive top level instruction previously unavailable in the St. Louis area.
- Heavy emphasis will also be placed on youth hockey (average ages between 6 years and 13 years), and learn to skate programs.
- Both rinks will be open for skating on a year round basis, offering the opportunity for off season camps, schools and lessons, as well as summer activities.
- The exterior of the building will consist of a 165' free-span building. Materials: the entrance is to be a combination of sto or dryvit; the front of the building will consist of panel rib - metal panels, split-face masonry block, and vee rib metal panels. The sides of the building will consist of split-face masonry block, panel rib-metal panels, and vee rib metal panels. The rear of the building will remain all metal.
- Landscaping will be provided as required by the City.

COMMENTS/DISCUSSION BY COMMISSION

- The primary purpose of providing two (2) rinks is for flexibility in hours, thus allowing time for public skating sessions.

- From an economic standpoint, it is important the facility provide public skating. Learn to skate programs are geared mainly towards the 6 to 13 year old age group.
- It was noted that many of the persons who intended to speak in favor of the arena had already left the meeting tonight.
- Letters have been received from high schools and amateur groups requesting use of the facility.
- The colors proposed for the exterior of the building are off-white, blue and red.
- AC units will be placed on the roof.
- Appreciation was expressed by Commissioners regarding the proposed development in the Valley. It was noted that the levee will be restored to the 100 Year or 500 Year Level.
- It was noted that masonry will be used for both the interior and exterior of the proposed building. All electrical, mechanical equipment/mechanisms will be at the second floor level, four (4) feet above flood level.
- Several persons, in favor of the proposal, were named who had left the meeting earlier. In addition, many were introduced in the audience.

Ken Webb, 4136 Jamie Drive, St. Louis, MO 63128, named various persons associated with the proposed ice arena.

SPEAKERS IN FAVOR:

#1 Mike Zpevak, 15933 Woodlet Park Court, Chesterfield, MO 63017.

Mr. Zpevak, on behalf of Marquette High School Hockey Parents Association, noted the following:

- Marquette made an appeal to enter the High School Hockey League, but could not get enough ice time.

- They currently have thirty (30) kids who have signed up for hockey (without being in a league), and the only practice time being 4:45 a.m., on a Tuesday.

Commissioner Scruggs left the meeting at this time.

#2 Mr. Fred Maroni, 1840 Denton Ridge Court, Chesterfield, MO 63017.

Mr. Maroni, on behalf of the Board of Directors of the Creve Coeur Hockey Association, noted the following:

- The current Creve Coeur Hockey Association is comprised of thirty-one percent (31%) of the hockey players being Chesterfield residents. Fifteen percent (15%) are residents of Ballwin and Ellisville. Forty-seven percent (47%) of the Creve Coeur Ice Arena hockey players in this league are Chesterfield, Ballwin and Ellisville residents.
- At league tryouts this year, 461 people signed up for league play on eighteen (18) teams. They were able to take 289 people, and 172 children were locked out of hockey this year because there is no place to skate.
- For those with a lesser skill level of skating, Creve Coeur runs a house program. This year 540 registered, and they took 369 last year; therefore, 171 children were turned away.
- They will turn away 331 children from the Creve Coeur Program this year. This breaks down into twenty-two (22) ice hockey teams. The Creve Coeur Association now has eighteen (18) teams. This shows there are enough people, just as spill-over from their Association, that will completely fill a program at the proposed new facility.
- He noted the people involved in the proposed facility are not only investors, but hockey people as well. Therefore, they fully understand the needs and demands.
- He is happy these people have come forward to offer a Class A Facility to the area of Chesterfield.
- With regard to the Triple A Amateur Blues, the highest level of amateur hockey played, there are currently three (3) teams. Their ice times are in Springfield, Illinois and their practice ice is in Cape Girardeau, Missouri.

Commissioner Scruggs returned to the meeting at this time.

- They will play a thirty-seven (37) game road schedule in Detroit, Minnesota, Wisconsin, Indianapolis, etc.
- They have just been granted entrance into the Michigan National League, but they have no way for those people to play reciprocating games in St. Louis; therefore, their home ice has been Springfield, Illinois.
- He stated he believes this facility is a much needed one, and is to be run as a Class A facility. They will have their hands full trying to decide who gets the ice time, because right now there is enough for five (5) rinks.

Chairman McGuinness read the comments on the back of the Speakers Card for Greg Hennis, Marquette High School, who had to leave the meeting. "There is a shortage of rinks in the area so it is harder for a new hockey team like Marquette to get ice time for practice and games. We need ice time so that the team can get started."

#3 Herman Kriegshauser, 19 Jennycliffe Lane, Chesterfield, Mo. 63005.

Mr. Kriegshauser, Chairman of the Board, Mid-States High School Hockey League, spoke in favor of the request.

- He noted the League has been playing their finals at the Arena.
- He indicated the need for more ice time in St. Louis, and believes twin rinks is the efficient way to go.

#4 Sherry Kunst, 1713 Carman Valley Drive, Manchester, MO 63021.

Ms. Kunst on behalf of the Board of Directors of the Kirkwood Youth Hockey, noted the following:

- They register 335 kids, and have approximately 370 on a waiting list.
- They take kids ranging in age from 4 or 5, up to the age of 17.
- She noted the need for ice time for coaching and practice.

#5 Wayne Gholson, 18 South Hartnett, Ferguson, MO 63135.

Mr. Gholson, Coach of the UMSL Rivermen Hockey Team, noted the following:

- Ninety-five percent (95%) of the teams played by the UMSL Rivermen are Universities that are out of state.
- Chesterfield would see benefits from providing this type of facility. The visiting teams would visit for weekend series and want to stay near the rink. Each team uses between six (6) to twelve (12) rooms per night, and stays one (1), two (2), or three (3) nights. They would put a lot back into the City.
- The proposed facility would attract national and regional collegiate hockey tournaments. The participating teams would increase the exposure and business being brought to the community.

SPEAKERS - NEUTRAL:

#1 Clarence Graeler, 2153 Wilson Road, Chesterfield, MO 63005.

Mr. Graeler spoke as an individual, noting the following:

- He noted concern about the drainage problem. He has been assured these problems will be addressed.

REBUTTAL

Mr. Koob stated the following:

- This would be an All-Midwest national skating facility.
- The developer is attempting to host some of the upcoming Olympic Festival festivities. They would like to open some time in June of 1994.
- They are looking at a construction schedule beginning in January.
- He noted the proposed facility is going to be something that, hopefully, the hockey and skating community can be proud of, and get some national recognition as well as recognition to the City of Chesterfield and St. Louis area.

Commissioner Kirchoff read the remainder of the Public Hearing Opening Comments.

SHOW OF HANDS

IN FAVOR: ALL (approximately 50)
NEUTRAL: 1

IN OPPOSITION: 0

APPROVAL OF THE MINUTES

Commissioner Domahidy made a motion to approve the minutes from the meeting of August 23, 1993, with the addition of the correction to page 5. The motion was seconded by Commissioner Sherman and passed by a voice vote of 9 to 0.

PUBLIC COMMENTS: Waived

OLD BUSINESS - None

NEW BUSINESS

- A. P.Z. 21-93 Thomas & Jane Sehnert (Smokehouse); "NU" Non-Urban District to "C-8" Planned Commercial District; east and west sides of Chesterfield Airport Road, north of the intersection of Chesterfield Airport Road and Olive Boulevard.

This was reviewed and approved earlier in the meeting.

- B. P.Z. 16 & 17-93 Taylor-Morley, Inc. (Sea Beauty Farm); "NU" Non-Urban District to "R-1A" 22,000 square foot Residence District and Planned Environment Unit Procedure (PEU) in "R-1A" 22,00 square foot Residence District; west side of Wilson Road, south of Wilson Farm Drive

Director Duepner summarized the items under review by the Department for submittal of a recommendation at the September 27th Planning Commission meeting.

Commissioner Domahidy made a motion to hold on this matter. The motion was seconded by Commissioner Scruggs.

COMMENTS/DISCUSSION BY COMMISSION

- It was requested that the Department include review of the size, depth and overall configuration of the lots that would adjoin Clarkson Valley.
- It was suggested that the standard side yard setbacks be required, regardless of what zoning category is selected.

The motion passes by a voice vote of 9 to 0.

- C. P.Z. 22-89 Cinton Development, Inc. (Mansions at Spyglass Summit); a request to amend the Planned Environment Unit in the "R-2" 15,000 square foot and "R-3" 10,000 square foot Residence Districts; north side of Olive Boulevard at Westernmill.

Toni Hunt, Planner I, presented the request and the Department's recommendation of approval, as stated in the report.

Commissioner O'Brien made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.

The motion passes by a vote of 9 to 0.

- D. Memorandum from the Director of Planning concerning Planning Commission Policy on Public Comment at Commission Meeting.

A motion to continue this procedure for another six (6) month was made by Commissioner Scruggs. The motion was seconded by Commissioner Brown and passes by a voice vote of 9 to 0.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Brown asked that, if a petitioner has about five (5) points to address and he runs past his three (3) minutes, could the rules be suspended to allow him to finish his five (5) points.

Chairman McGuinness answered yes.

Commissioner Sherman suggested the speakers should be notified, somehow, that they are about to run out of time. Utilize some type of a blue card, or other device, to notify the speaker.

- E. Memorandum from the Director of Planning concerning Chesterfield Valley Flood and extensions of time for commencement of construction and submittal of site development plans.

Director Duepner requested the Planning Commission make a policy or resolution statement regarding extensions of time (i.e., for submittal of a site development plan or commencement of construction in the Valley area), that the flood is due cause for granting an extension. He stated that some statement from the Commission could provide some level of comfort to any developers, or anyone in the Valley area, at this point.

Commissioner Scruggs made a motion to approve such a policy as suggested by the Department, and have the Department draft same. The motion was seconded by Commissioner Domahidy and passes by a voice vote of 9 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. Parkway West Senior High School; Amended Site Plan and Building Elevations (Concession and Storage Facility); north side of Clayton Road, east of Straub Road.

Commissioner Broemmer, on behalf of the Site Plan Review Committee, made a motion to approve the site plan and building elevations for the stadium concession at Parkway West Senior High School. The motion was seconded by Commissioner Sherman and passes by a voice vote of 9 to 0.

COMMITTEE REPORTS

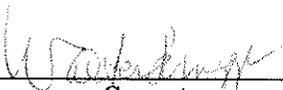
Chairman McGuinness stated the Director Duepner has notified her that he would like to schedule a meeting of the Committee of the Whole to review and provide input to the sign regulations.

It was decided to do this another time.

Commissioner Sherman stated, for the record, Ellisville is also looking at their sign ordinances and holding a public hearing tomorrow night. She noted that one of the items under discussion is a requirement that businesses install low monument style signs instead of pole signs, and that all businesses replace their signs every ten (10) years. The council is also expected to discuss promotional sign such as banners and balloons.

- A. **Ordinance Review Committee** - No report.
- B. **Architectural Review Committee** - No report.
- C. **Site Plan/Landscape Committee** - No report.
- D. **Comprehensive Plan Committee** - No report.
- E. **Procedures & Planning Committee** - No report.

The meeting adjourned at 11:15 p.m.



Walter Scruggs, Secretary

[MIN9-13.093]