

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 26, 1994



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

PRESENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Michael Casey
Mr. Dave Dalton
Ms. Mary Domahidy
Ms. Linda McCarthy
Ms. Patricia O'Brien - arrived later
Chairman Barbara McGuinness
Mr. Douglas R. Beach, City Attorney
Councilmember Dan Hurt, Council Liaison
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Toni Hunt, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Bill Kirchoff

INVOCATION - Commissioner Mary Domahidy

PLEDGE OF ALLEGIANCE - All

Chairman McGuinness recognized Councilmember Dan Hurt (Chairman of the Planning and Zoning Committee) - as the Council Liaison (Ward III); and Councilmember Colleen Hilbert (Ward I).

PUBLIC HEARINGS - Commissioner Casey read the "Opening Comments"

- A.** **P.Z. 21-94 David D. and Pauline T. Bolk;** a request for a Commercial Service Procedure (C.S.P.) in the "R-2" 15,000 square foot Residence District for a 0.9245 acre tract of land located on the south side of Olive Boulevard (State Highway 340), approximately 200 feet west of Westbury Dr. (Locator Number 16Q13-0610). Proposed Use: Office/Income Tax.

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

Mr. David D. Bolk and Ms. Pauline T. Bolk spoke on behalf of the request noting the following:

- They are proposing to move their present income tax business located at 13924 Olive on the adjoining property (13916 Olive), because the Highway Department will insist they either move the present building back, or have it torn down.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Domahidy asked if the Bolk's will, in any manner, change the exterior of the building they would move into.

Ms. Bolk replied they will not tear any of the outside buildings down, nor change the exterior, except for putting in a double driveway.

Commissioner Dalton stated the Bolk's have been operating a business at the current location.

Ms. Bolk stated this is correct, that they are currently occupying the building at 13924 Olive.

Commissioner Dalton inquired whether the Bolk's would be changing their mode of operation, or will everything else, basically, transfer with them.

Ms. Bolk stated that everything else, basically, will transfer with them.

Commissioner Dalton stated the Bolk's are not going to change to do something different, other than have a new place of business.

Ms. Bolk noted that is right. She further noted they won't be living there.

Commissioner Bly inquired whether a Commercial Service Procedure was required for their present location.

Ms. Bolk replied yes, and that this was done four (4) years ago.

Chairman McGuinness inquired whether there was any trouble with parking.

Ms. Bolk stated they had a lot of trouble with parking at their present location, as they were not allowed enough parking places, thereby causing their clients to complain.

Chairman McGuinness inquired about the neighbors.

Ms. Bolk replied they got along great with the neighbors, and she (the tax business) is very quiet.

Chairman McGuinness inquired where clients are parking, since she stated the current location does not supply adequate space.

Ms. Bolk noted some were parking on the driveway.

Chairman McGuinness inquired whether anyone parked in River Bend West.

Ms. Bolk said no, not at all. She further stated that she didn't even park there.

SPEAKERS IN FAVOR - NONE

SPEAKERS IN OPPOSITION

1. Mr. Bill Ponder, 5 Glen Cove, Chesterfield, MO 63017, spoke as an individual noting the following:
 - He noted the Bolk's have been good neighbors.
 - Many of the concerns expressed tonight are the same as those expressed four (4) years ago.
 - Additional stormwater runoff problems have arisen in the last few years (i.e., his back yard becomes a river).
 - If the driveway and parking are expanded, this runoff condition will worsen. The water comes across at a rate which washes good size river gravel from a bed he put across his back yard, and increases the stormwater runoff problems for neighbors below his property (Westbury Subdivision).
 - The building should be utilized for the proposed business only, and not be sublet for other uses.
2. Ms. Delores Oberkrom, 4 Glen Cove, Chesterfield, MO 63017, spoke as an individual noting the following:
 - Her house is located directly below the house the Bolk's want to purchase.

- At the time of the Bolk's original request, they were told the Highway Department would pay them to move their house back. There was to be a buffer put up between the residential homes and this commercial property. Since the State has decided, instead of moving the house back, they are going to purchase that house, she doesn't know how this affects the situation.
 - There is a problem with a lot of undesirables cutting through her property to escape. She noted the Police Department indicated that, from July 25, 1993, to November 26, 1993, there were seven (7) calls made from the Petro Mart, two (2) of which were armed robbery charges. Regarding the call on November 26th, she and her husband walked into the Quick Shop right after it had been robbed, and the two (2) men that robbed it were on foot, and got away by cutting down through the homes in her subdivision (Westbury Subdivision).
 - On July 27, 1994, they were asleep until 4:00 a.m., when they discovered a man sleeping on their screened-in porch, off of their bedroom. She assumes that he cut through this area previously, because there would be no other way to know the porch was there unless he had already been through the area.
 - She believes a buffer should be put in between the commercial and residential properties. The problem is not only one of parking, but also the safety of residents.
 - Since the size of the subject property is rather large, she would like assurance that the one (1) business is all that's going in there (for the tax service).
 - She inquired that, since the State has already bought the property currently occupied by the Bolk's, what happens to the buffer that was to be behind there (i.e., Will the State do this? Who owns the property?).
3. Roger Tayloe, 13950 Cedar Grove Court, Chesterfield, MO 63017, spoke as an individual noting the following:
- His property is located at one of the corners of the entrance to River Bend West.
 - He noted he is also speaking for Mr. George Tayloe, who lives at 550 Sunbridge, on the other side of the River Bend West Subdivision entrance.
 - They are against any business in this area.
 - Last year during peak business months they had problems with Bolk's customer's parking in the entrance-way of their subdivision.

- Office space is advertised as available for lease at a business area just west of there, at 13990 Olive.
- He noted concern about traffic problems with regard to competition for the middle turn lane (when Olive is widened), and some of the other access/exit points along Olive.

Commissioner O'Brien arrived at the meeting at this time.

- If the CSP is granted, there is concern regarding parking to accommodate peak operations.
 - The drive to be used by the new business should be located at the new location (13916 Olive), not to include the currently utilized driveway (13924 Olive).
 - No business expansion of any type should be granted in addition to the current business practice, including not to exceed the limit of four (4) employees.
4. Ms. Lauren Baxter, 3 Glen Cove, Chesterfield, MO 63017, spoke as an individual in opposition, with reservations, noting the following:
- Her residence is directly behind the subject building.
 - Every time a big rain occurs she has mud in her driveway, water in her basement, and has spent a fortune putting in drains in an attempt to alleviate the water on her property.
 - If they are going to expand their driveway and parking, they need to address her water problems.

SPEAKERS - NEUTRAL

1. Mr. Ed Linhardt, #2 Westbury, Chesterfield, MO 63017, spoke as an individual noting the following:
- He has lived there over twenty-seven (27) years, and knows how the property has evolved.

- Prior to purchase of the subject property from Howard Stemme, there was a cistern, and ninety percent (90%) of the water drained towards the front and on to Olive Street. Now, when it rains hard, the water starts flushing down, backpeddles off the driveway and comes down the driveway across his property, as much as six (6) feet in width, cascades on down through a grass area, and Ms Baxter (#3 Glen Cove) also gets it coming directly from over the railroad ties put in place to decrease run-off.
- There is no fence between the two (2) properties (13924 and 13916 Olive) and the subdivision. He believes there should be one put in place.
- If any blacktop is put in, it should be done in such a manner that all water drains towards Olive Street, not back into the subdivision.
- When the Bolk's bought the house (13924 Olive) it was a well-known fact that this house was going to lose property up to its front door; and, if it was going to be salvaged, it had to be moved back.
- He does not object to their business as long as the parking and blacktop (water runoff) issues are resolved.
- He believes the Bolk's are waiting for the zoning change before purchasing the new property.

REBUTTAL

Chairman McGuinness summarized issues raised by speakers as follows:

- Backyard water runoff is a major concern of residents.
- Expanding the parking would worsen the runoff like a river.
- Are you going to sublet or put in any additional business there?
- Do you know anything about the Highway Department putting in the buffer?
- Undesirables are cutting through residential properties.
- Customer's parked in River Bend West, especially during peak time.
- Concern about water runoff.

- Have you bought the property?
- Did you know, in advance, that the Highway Department would want that house?

Ms. Bolk noted the following:

- It was unclear with regard to whether or not the Highway Department was going to take the house (13924 Olive). There was also talk regarding the widening change, so they decided they could always move the house back.
- There will never be another business in that house, other than her business. They need all the room(s). This is another reason why they wish to vacate the blue house, as it has become too small for their business.
- She spoke to the Highway Department regarding the neighbor's complaint about the water, and they told her that when the road is widened and the drainage will be run through the buffer of trees there, much of the existing water problems will be resolved. If it's not, the back yard where the blue house sits now, will have a typical retention basin.

Mr. Bolk noted the following:

- He stood out in the rain for twenty (20) minutes and watched the water flow. There was no water coming out of the back yard on Olive, but it came across the street from River Bend.
- He was told that the State Highway Department is going to put a pumping station there to pump the water down to Hog Hollow Road when they take out the house and put in the new Olive.

Chairman McGuinness asked what happens in the meantime with all this water going there.

Mr. Bolk noted this problem has existed for a long time.

Chairman McGuinness noted residents are saying that additional parking and blacktop will make the water runoff problems worsen.

Mr. Bolk invited people to stand out in the rain with him and watch where the water comes from.

Ms. Bolk noted the blacktop at 13916 Olive (proposed location) affords enough parking for their business. They would just be adding another driveway from that point to Olive Street, thereby making a two (2) lane driveway running towards Olive. She further noted the Highway Department told them the water problem should be resolved after Olive is four (4) lanes. She stated they know the buffer has to be put in, and they plan on planting a lot of evergreen bushes, and leaving the existing fence.

Chairman McGuinness asked Director Duepner about the plans for widening Olive.

Director Duepner noted we have been told that, at the present time, the State is acquiring the right-of-way, and construction may not begin until 1996.

Ms. Bolk noted this is also what she was told, and the widening should be completed by 1996. She further noted they may be required to put in a rock detention area at the back of their present location; however, there is no need for additional parking at the new location at this time.

Mr. Bolk noted, with regard to parking in River Bend West, their employees have parked there one (1) night (April 15th) for a couple of hours.

Ms. Bolk noted that the property at 13916 Olive (proposed location) is going to lose the entire front yard, with the exception of eight (8) feet; therefore, she doubts whether another resident would want a house like that with only eight (8) feet of front yard. She further noted her belief that a business like hers would be very enhancing, as the house without a front yard wouldn't sell very well.

Mr. Bolk inquired whether or not they answered all the Commission's questions.

Chairman McGuinness replied she thought so.

Mr. Bolk stated they have not yet purchased the property next door.

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

SHOW OF HANDS

IN FAVOR: 6 **IN OPPOSITION: 6** **NEUTRAL: 6**

Commissioner Casey read the remainder of the "Opening Comments."

APPROVAL OF THE MINUTES

Commissioner Casey made a motion to approve the minutes from the meeting of September 12, 1994. The motion was seconded by Commissioner McCarthy.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton noted he would like to hold on the motion because the minutes do not reflect complete input from all members; for example, Ms. McGuinness was not recorded to request him to withdraw his motion (page 22 of minutes).

Chairman McGuinness stated we had a motion on the floor, and in order to do what the City Attorney suggested the motion needed to be withdrawn and another motion made to achieve what he stated.

Commissioner Dalton stated he thinks there are some other parts, not only in this section, but also in the next section, that he would like to review.

Chairman McGuinness asked Commissioner Dalton what he would like to do.

Commissioner Dalton said he would like to listen to the tape of minutes to make sure we got the record, as far as the Commissioner's comments from what we discussed at the last meeting, before we approve the minutes.

Chairman McGuinness asked Commissioner Dalton whether he wanted to amend this, or not approve the minutes.

Commissioner Dalton stated he would like to not approve the minutes until he listens to the tapes to make sure we have the comments. He further stated he thinks there are some other comments in here that he looked for over the last day.

City Attorney Doug Beach noted we do not keep a verbatim transcript. He further noted that if you want to amend the minutes you can seek to amend the minutes to reflect an inaccuracy, or if you want to add something you think was there; but, it has not been our position to provide a verbatim transcript of everything said, but rather a summary of what the taker/transcriber determines to be meaningful or not. It would not be our recommendation to go back and do a verbatim transcript.

Chairman McGuinness noted the City Attorney stated that is not our policy.

City Attorney Beach noted you can make any changes you wish, but he would prefer, at the very least, that you adopt all of the minutes, except for those portions you want to go back to, not leave the entire minutes not accepted.

Chairman McGuinness asked Commissioner Dalton if he has specific changes to present.

Commissioner Dalton asked if there is a way he could listen to the tape so we could come back at a later date and amend them after he reviews them.

Chairman McGuinness asked if there has been a tape available since the last meeting, and is there a reason why Commissioner Dalton hasn't listened to it before.

Commissioner Dalton stated he got the minutes on Friday night.

Commissioner O'Brien stated she is not sure of what Commissioner Dalton is concerned about, i.e., does he think the record is not complete enough, or is inaccurate.

Commissioner Dalton noted, in going back and searching for some of the dialogue that we had, there were some things he was looking for that he thought was discussed, that he recollected, that's not in here. How important they were, he doesn't know.

Chairman McGuinness asked if this was dialogue between the Commissioners.

Commissioner Dalton stated yes, dialogue between the Commissioners.

Chairman McGuinness asked Commissioner Dalton whether he had specific amendments he wishes to propose.

Commissioner Dalton said there is something pertinent to him, and he doesn't know if it would be pertinent to the other Commissioners.

City Attorney Beach asked if he remembers what it was, specifically, that he said.

Commissioner Dalton noted there were a couple of things, and he guesses he could, at a later date, go back and listen to the tape.

City Attorney Beach noted that once the minutes are approved, they are not corrected at a later time. He noted if Commissioner Dalton has a specific section to which he wants to seek changes, this needs to be done before they are approved.

Commissioner Dalton asked if he can encourage that we take accurate minutes.

City Attorney Beach noted our process is not that he is telling us whether we are, or are not, taking accurate minutes, its the process of the person taking the minutes doesn't do it verbatim; therefore, they include what they determine are pertinent, or important comments. He inquired whether or not Commissioner Dalton knows what the comments are that he wants included.

Commissioner Dalton stated he doesn't know at this point and time.

Chairman McGuinness noted that, in order to amend the minutes, we need to know specifically what you would like inserted or deleted (i.e., additions, deletions or corrections) and asked Commissioner Dalton whether he had the specifics.

Commissioner Dalton noted that, other than the specific one where Chairman McGuinness made the motion to him to withdraw, he has none.

Director Duepner noted the following:

We have prepared the minutes in this fashion for quite some time, and it is a summary of the meeting. We keep the tapes from the meeting for one (1) year after the meeting. When the minutes are prepared, the Commission Secretary listens to the tapes and gets the information from them in order to type the minutes. A Staff person then reviews the minutes for possible changes (i.e., corrections, deletions or additions). Obviously, we are not always able to determine what is, or what is not critical in terms of the Planning Commissioner's comments; but we try to get what we consider are the critical comments and, particularly, the motions and actions of the Planning Commission. We realize there are times they need to be amended for clarification or whatever purposes.

Chairman McGuinness stated she guesses the important part of this would be Commissioner Dalton withdrew his motion, what difference would it make if it would be a procedural thing (i.e., it would have to come off the floor in order to move forward with the things that you wanted to do). That the motion had to be withdrawn to do these other things, procedurally. She asked Commissioner Dalton if there is something she is missing, or if there is a reason for the request.

Commissioner Dalton asked to listen to the tapes, and stated he has no additions or deletions at this point and time.

City Attorney Beach noted, as a point of order, once the minutes are accepted they are not allowed to be amended, according to Robert's Rules of Order.

Chairman McGuinness noted that once we accept it, we are done.

Commissioner Dalton stated he will have to watch it, read it a little bit quicker to give specifics in the future.

Chairman McGuinness noted a problem with getting a tape on weekends, going to work on Monday's, and here we are.

Director Duepner noted, if requested, the tapes are available approximately three (3) days after the meeting. He further noted that usually the Secretary works on getting the minutes prepared after the meeting, and the tapes are available usually within that week.

Chairman McGuinness asked Director Duepner, if the minutes are available three (3) days after the meeting, could they be faxed to Commissioner Dalton so he can review them.

Director Duepner noted they could be faxed.

Director Duepner noted that the Secretary puts the minutes together and a Staff person looks at the minutes to see who was in attendance at the meeting, and adds any notes in case they felt there was something critical to add into the minutes. He further noted that, basically, we have two (2) people who were at the meeting look at the minutes. He stated we could provide them to Mr. Dalton after they are put together and reviewed by the Staff.

Chairman McGuinness noted that Commissioner Dalton would have time to listen to the tape.

Director Duepner noted the tapes are always available.

Chairman McGuinness asked if there is anything in the minutes that is not right, other than there are things that are not in here (i.e., Ms. McGuinness told Dalton to withdraw his motion). She inquired if there is anything that is not accurate (i.e., did the minutes state that someone said yes, when they really said no).

Commissioner Dalton said he did not see that part; there was just some information he was looking for for tonight. He noted, again, probably the best way for him to recollect would be for him to listen to the tapes.

The minutes were approved by a voice vote of 8 to 0.

PUBLIC COMMENTS

1. Mr. Dan Layton, 205 Hi Point, Chesterfield, MO 63005, spoke regarding P.Z. 18, 19 and 20-94.
 - He is a trustee of the Hi Point Subdivision.

- He read the City of Chesterfield's Mission Statement into the record, noting the most important statement is contained in the following paragraph: "The City of Chesterfield is a strong, vibrant community which encourages interaction among residents, businesses and civic organizations which is accomplished through innovated approaches to community and neighborhood planning.
 - P.Z. 18, 19 & 20-94 are not representative of the intent of the Mission Statement.
 - Concern was expressed regarding density, grading (loss of trees and vegetation), traffic problems, adverse impact to schools.
 - If the City approves the subject petitions, it will have failed to uphold the intent of its Mission Statement.
2. Ms. Pat Buzzanga, 16821 Wild Horse Creek Road, Chesterfield, MO 63005, spoke regarding P.Z. 18, 19 & 20-94.
- Residents would like to stop rezoning of all "NU" Non-Urban to higher density development.
 - Concern was expressed that the only remaining greenbelt area in Chesterfield is under attack.
 - Residents would like the Commission to represent their interests, not only those of developers.
 - Concern was expressed regarding the roadways (i.e., no Federal, State or City funds are available for improvements).

Chairman McGuinness inquired regarding what residents believe the Commission should be doing with respect to zoning review.

Ms. Buzzanga stated there should be more individuality. Commissioners should ask more questions of builders, as builders seem to come in with requests for one-quarter acre and one-third acre lots as if they are already authorized. She further noted that residents want to see one (1) acre zoning, nothing less.

Ms. Buzzanga presented the Commission with updated petitions signed by residents.

3. Mr. Chris Layton, 16809 Wild Horse Creek Road, Chesterfield, MO 63005, spoke regarding P.Z. 18, 19 & 20-94.
 - He showed a video tape which was aired on KSDK. On the video, Ms. Joan Schmelig, Executive Director of the Chesterfield Chamber of Commerce, noted a housing boom in the area of Highway 109 and 100, and along Wild Horse Creek Road. There were comments from the Rockwood School District regarding enrollment, quality of education, Bond Issues, and additional taxes for a new school in the western area of the City of Chesterfield.
 - Concern was expressed that the Planning Commission is either ignoring this housing boom, or doing very little about it.

Mr. Layton gave a copy of the video tape to the Staff for the record.

4. Mr. Dennis Hayden, 231 West Manor Drive, Chesterfield, MO 63017, spoke regarding P.Z. 18 & 19-94.
 - He noted support of the petitioner's request.
 - He believes it is a quality development which affords a natural transition of zoning in the area.
 - Tax increases are not necessarily synonymous with increased development.
5. Mr. Al Michenfelder, Ziercher & Hocker, 231 S. Bemiston, 8th Floor, Clayton, MO 63105, spoke regarding P.Z. 18, 19 & 20-94 Chesterfield Village, Inc.
 - He summarized what he believed were key decisions during the past twenty-three (23) years, and noted zoning classifications of surrounding parcels.
 - The request is in keeping with well planned, orderly action, and as recommended by Department Staff.
 - He requested favorable action by the Commission tonight.
6. Mr. Greg Smith, 100 N. Broadway, Suite 1300, St. Louis, MO 63102, spoke regarding P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows).
 - He believes the original request is consistent with the Comprehensive Plan and established zoning pattern.

- He requested favorable consideration of the request by the Commission.
7. Mr. Max Malz, 8138 Olive Boulevard, St. Louis, MO 63130, spoke regarding the Steak N' Shake request.
- He summarized the request and noted the Department's recommendation of approval.
 - He requested favorable action by the Commission tonight.

OLD BUSINESS - None

NEW BUSINESS

- A. **P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows)**; "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District; north side of Wild Horse Creek Road, east of Long Road.

Senior Planner Griggs-McElhanon summarized the request and the Department's recommendation of approval of P.Z. 13 & 14-94 to be rezoned to "R-2" 15,000 square foot Residence District and "R-3" 10,000 square foot Residence District for a maximum of 105 units, as stated in its report and subject to Conditions in Attachment A, including the amended Condition 4.b. (Side yard: Minimum setback shall be eight (8) feet.

Senior Planner Griggs-McElhanon noted the following:

Petitions have been received by residents of numerous subdivisions in the area which are not in the Planning Commissioner's individual packets, but will be entered verbally into the record at every meeting which addresses zoning issues in the West Area of the City. She further noted the petitions indicate opposition to any zoning of less than one (1) acre. As requested by the Commission at its last meeting, letters from the Rockwood School District, the State Highway Department, and St. Louis County Water were provided to the Commission.

Commissioner Dalton made a motion to approve "R-1" zoning as a result of:

- "R-1" zoning is to the immediate south, one (1) acre density is to the south of Wild Horse Creek Road;
- he believes "R-1" zoning will provide a better buffering to the commercial to the west of this development;
- he believes "R-1" zoning is more compatible with the area;
- he feels the School District has not adequately responded (he drove by the Chesterfield Elementary School and saw temporary buildings in place at that location); and
- he feels the Highway District has no plans to provide adequate traffic flow, as they have no short- or long-range plans in their timetable; and he has noted a significant increase in traffic (some days it takes him twenty (20) minutes to get through the intersection of Wild Horse Creek Road and Chesterfield Airport Road, it doesn't matter which way you go).

The motion was seconded by Commissioner Broemmer.

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

The motion fails due to a tie vote.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Domahidy noted she is in sympathy with her Co-Chair's motion, as she believes the presentation for this project was done in a vacuum, in the sense that we do have the West Area Study going on at this time. She further noted she would not vote for a flat "R-1" zoning at this site. She noted the following concerns:

- There has been very little effort to preserve what is articulated by the various public hearings, as the character of the West Area.

- There has been very little effort to preserve open space. (She noted she doesn't believe the flat "R-1" lot size will provide the desired open space. She does believe some flexibility with design standards which state what we want, in terms of character of this area, and in terms of what we want in terms of open space, maintaining a rural atmosphere, etc. is the way we would want to go.).
- Our traditional subdivision design would not achieve this desired open space/character.

Commissioner Domahidy made a motion to hold. Commissioner Bly seconded the motion.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien asked Commissioner Domahidy to explain why she would like to hold this petition.

Commissioner Domahidy noted she would like to gain more sensitivity and design to the concerns articulated since the beginning of the West Area Study.

Commissioner O'Brien asked if Commissioner Domahidy believes that, if we hold this now, the developer might go back to the drawing board and come back with a better plan.

Commissioner Domahidy said she would hope so.

Chairman McGuinness noted she believes the concerns are mainly in regard to density.

Commissioner Bly noted he believed it would primarily give the West Area Plan an opportunity to address the property and the questions of density. He further noted he feels a more natural boundary is Long Road and Wilson Road, considering there are already higher density developments far beyond this area, approved this past year, and far beyond the inception of Chesterfield, that have existed as a good example. He noted he would rather see it addressed in the West Area Study and go from there.

Commissioner Casey noted he agrees that as long as we have the West Area Study in motion, Dr. Domahidy's motion is appropriate.

The motion to hold was approved by a voice vote of 6 to 2, with Commissioner's Dalton and Broemmer voting no.

Senior Planner Griggs-McElhanon asked for direction by the Commission with regard to what the Staff should discuss with the petitioner (i.e., Commissioner Domahidy indicated that traditional subdivision design isn't what she feels is appropriate on this site, and she was looking for more open space, more retention of the character of the West Area, etc.).

Commissioner Domahidy noted she is not the only one, and it does also become a density issue, as density speaks to more open space.

Commissioner Bly noted he doesn't see the interior lots being smaller than the adjoining subdivisions.

B. Update of the City of Chesterfield Comprehensive Plan: Proposed revisions per recommendations of the West Area Study Committee.

(Note: This item is placed on the agenda as information only. It has been referred to the West Area Study Committee.)

Chairman McGuinness inquired about attendance at the next meeting of the West Area Study on Wednesday, September 28, 1994, at 5:00 p.m.

Commissioner's Dalton, Domahidy, Broemmer, Casey and O'Brien stated they will attend.

Senior Planner Griggs-McElhanon noted she will poll everyone for this meeting to ensure a quorum.

C. P.Z. 18 & 19-94 Chesterfield Village, Inc., Louis S. Sachs and Nancy R. Sachs (Wildhorse Hills); "NU" Non-Urban District to "R-3" 10,000 square foot Residence District and a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; south side of Wild Horse Creek Road, west of the intersection of Wild Horse Creek Road and Baxter Extension Road.

Chairman McGuinness left the meeting at this time.

Senior Planner Griggs-McElhanon summarized the request and the Department's recommendation of approval of P.Z. 18 & 19-94 to be rezoned to "R-3" 10,000 square foot Residence Districts for a maximum of 154 lots, subject to the conditions in Attachment A.

Senior Planner Griggs-McElhanon noted the following:

Petitions have been received by residents of numerous subdivisions in the area which are not in the Planning Commissioner's individual packets, but will be entered verbally into the record at every meeting which addresses zoning issues in the West Area of the City. She further noted the petitions indicate opposition to any zoning of less than one (1) acre. As requested by the Commission at its last meeting, letters from the Rockwood School District, the State Highway Department, and St. Louis County Water were provided to the Commission.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly asked what the minimum lot sizes were for The Forest Subdivision.

Senior Planner Griggs-McElhanon noted she did not review that Subdivision when she reviewed the surrounding area, and she would look this up.

City Attorney Beach noted, for the record, in the future when we make reference to the petitions we don't have to physically attach a copy to each report, but we have to recognize these petitions and incorporate them into each recommendation.

Commissioner Dalton made a motion to approve "R-1" zoning noting the following:

- as a result he believes it will create a diversity in development in this area;
- he believes the density they are talking about is not compatible with the large lot subdivision that is there, and lower density to the west of Wild Horse Creek Road, which this is across from;
- he believes "R-1" zoning is more compatible with the area.
- he feels the School District has not adequately responded (he drove by the Chesterfield Elementary School and saw temporary buildings in place at that location); and
- he feels the Highway District has no plans to provide adequate traffic flow, as they have no short or long range plans in their timetable; and he has noted a significant increase in traffic (some days it takes him twenty (20) minutes to get through the intersection of Wild Horse Creek Road and Chesterfield Airport Road, and that's in the immediate area of the proposed subdivision).

The motion was seconded by Commissioner Broemmer.

Commissioner Bly noted, again, he feels a more natural boundary is Wilson Road and Long Road, and finds it hard to conceive one (1) acre lots in the midst of an arbitrary area of apartments, heavily apartments. He further noted it doesn't seem like a good land use to him.

Commissioner McCarthy stated she agrees with Commissioner Bly, in that she believes the petitioner's request for this parcel of ground is in keeping with good, responsible development, particularly in a transitional state trying to go west towards the Wilson Road/Caulks Creek area. She further noted she believes this is a more natural dividing line to go to the half acre which is being looked at in the West Area Study.

Commissioner Casey inquired what school would be affected by this petition.

Senior Planner Griggs-McElhanon noted the letter dated September 23, 1994, from Superintendent Peterson of the Rockwood School District (attached to the report) indicated that P.Z. 18 & 19 is located in the Kehrs Mill Elementary School attendance area.

Commissioner O'Brien asked if we could consider this situation similar to the previous petition, and also recommend we hold this for further discussion as well, pending Wednesday nights discussion of the Comprehensive Plan.

City Attorney Beach noted, as a point of order, because there is a motion on the floor, it would be a motion to table. He further noted there is a requirement of a second, and there is no discussion.

Commissioner O'Brien stated she is not asking to table the motion.

Upon a roll call the vote on the motion was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner McCarthy, no; Commissioner O'Brien, no.

The motion fails by a vote of 4 to 3.

Commissioner O'Brien made a motion to hold. The motion was seconded by Commissioner Bly and **passed** by a voice vote of 7 to 0.

- D. **P.Z. 20-94 Chesterfield Village, Inc. (Wildhorse/Baxter Center)**; "NU" Non-Urban District to "C-8" Planned Commercial District and Amended "C-8" Planned Commercial District; southwest corner of the intersection of Wild Horse Creek Road (State Highway CC) and Baxter Road Extension.

Joe Hanke, Planner II, summarized the request and the Department's recommendation of approval, subject to the conditions in Attachment A, as amended (i.e., Condition 2.b. - 13,000 square feet for restaurant uses "no fast food").

Mr. Hanke also referenced the petitions from area residents that had been forwarded to the Department and the Commission.

COMMENTS/DISCUSSION BY COMMISSION

Vice-Chairman Domahidy asked if this is a site plan for the entire center, not just for the restaurant.

Mr. Hanke stated this is a Site Development Concept Plan approved just over a year ago by the Commission showing the variety of uses per the previous ordinance conditions.

Vice-Chairman Domahidy inquired regarding access off of Wild Horse Creek Road.

Mr. Hanke noted access off of Wild Horse Creek Road has been left open by both the County Highway Department and MHTD; however, they both agree that the orientation of this entrance, if at all practical, would have to be at the far west end of this site, and that further review of the design may indicate that that entrance is too close to this intersection and would not be viable.

Vice-Chairman Domahidy noted our action on this, should we approve this, is not necessarily approving that site plan.

Commissioner Dalton requested clarification of Condition 2.b. in Attachment A of the Department's report.

Mr. Hanke noted the western is the restaurant, and the eastern is the 44,000 square foot neighborhood center divided by Baxter Extension.

Commissioner Dalton made a motion to deny based on the frontage on Wild Horse Creek Road being commercial, as he doesn't believe it appropriate to have the face of commercial on Wild Horse Creek Road in that area. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly noted it is his opinion that it actually improves the use by presenting a front of a building facing Wild Horse Creek Road, as opposed to the rear of a building as you drive down Wild Horse Creek, which would then be facing the new Baxter extension, and is already approved regardless of any action on our behalf.

Vice-Chairman Domahidy noted the motion is to deny, and that voting in favor is a vote to deny.

Upon a roll call the vote on the motion was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Casey, no; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner McCarthy, no; Commissioner O'Brien, no.

The motion to deny fails by a vote of 5 to 2.

Commissioner Bly made a motion to approve the Department's recommendation. The motion was seconded by Commissioner McCarthy.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien made a motion to amend the motion to challenge the petitioner to build a quality center, with good complete design, quality construction, and significant landscaping, remembering where the structures are in the City.

Vice-Chairman Domahidy noted she shares this view, and asked for guidance regarding the correct mechanism to achieve this:

Joe Hanke noted there are two (2) mechanisms: one (1) is to review the setbacks as established in the Conditions, if you believe those should be revised; the other mechanism is to ensure that the compliance with your request is in keeping with your conditions at the Site Development Plan stage.

Vice-Chairman Domahidy inquired whether the Commission could approve this in concept and hold for conditions.

Commissioner O'Brien noted she believes there might be a time when this comes to fruition, when many of us will not be on the Commission; therefore, the new Commissioners will not have the benefit of this discussion and our strong opinions. She further noted she would like to see this in the record (i.e., officially in the minutes, by ordinance, or by direction).

Vice-Chairman Domahidy noted she attended the presentation last Wednesday evening by Mr. Lane Kendig, the consultant retained to revise the City's Zoning and Subdivision Ordinances, and it was all about establishing consensus around the character of the area, and then development standards to maintain that character. She further noted this is a wonderful place to make that point, that we really do want excellence in design and excellence in landscaping at this place.

Director Duepner noted the following:

- There are two (2) vehicles: one (1) would be the Department has to prepare a report that would go to City Council in which it would be appropriate to include a statement there relative to the desired quality of the development relative to building design, design materials, landscape materials; also, it might be appropriate to include some reference to that in the conditions that may or may not be approved by the Planning Commission for forwarding to City Council. He would specifically refer to the condition on page 4, of Attachment A, referencing building and parking setbacks and curb islands shall be landscaped, as well as the condition on page 5, referencing typical building elevations shall be submitted to the Planning Commission for approval as part of the Site Development Plan review (he would reference there the desired use of quality use of materials, etc.); therefore, it would appear not only in the Commission's report, but also in the Conditions.

Commissioner O'Brien noted she would like to amend the motion to do two (2) things: to include in Attachment A, number 4 and number 5, statements to the effect of "quality of design, construction and landscaping; and also to request that the Commission directs the Department to include very clear and specific statements in its report to the City Council. Commissioner Bly seconded the amendment.

The amendment was approved by a voice vote of 5 to 2, with Commissioner's Dalton and Broemmer voting no.

Director Duepner sought clarification of the main motion.

Vice-Chairman Domahidy noted the main motion was made by Commissioner Bly and seconded by Commissioner McCarthy.

Upon a roll call the vote on the motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Casey, yes; Commissioner Dalton, no; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Vice-Chairman Domahidy, yes.

The motion passes by a vote of 5 to 2.

Commissioner Bly left the meeting at this time.

- E. **P.Z. 26-93 Glenn Novak and Redia McGrath (The Wedge)**; Amendment of "C-8" Planned Commercial District; north of Old Olive Street Road at Chesterfield Airport Road.

Joe Hanke, Planner II, summarized the request and the Department's recommendation of approval of the amended conditions as stated in its report.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired if additional access onto Chesterfield Airport Road would be required.

Mr. Hanke noted it has not been requested, and, as a result of the construction along Chesterfield Airport Road, Ms. McGrath has an extra wide entrance. He further noted that, at this point, neither Ms. McGrath nor her consultant desire an additional entrance, as it would not increase the circulation, but it may create more congestion in the area of the gas pump.

Commissioner Casey made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Dalton and **passed by a voice vote of 6 to 0.**

- F. **P.C. 62-75 (Steak N' Shake)**; Amendment of "C-8" Planned Commercial District Ordinance; south side of Olive Boulevard, east of Woods Mill Road.

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

Commissioner Casey made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Dalton.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Broemmer requested clarification of the berm.

Ms. Hunt noted it existing now, and the proposed change in the drive is not going to encroach into the berm or take out any of the existing landscaping.

Commissioner Broemmer inquired whether anyone from Incarnate Word has been contacted regarding this matter.

Ms. Hunt said no one was contacted.

Commissioner Dalton stated he believes it will help in the turning in that area, and doesn't see a noise level problem, or light problem at night.

Director Duepner referred to the photo, pointing out the location of the berm.

Ms. Hunt noted the pictures on the top of the pages on the board are the existing facility, and the ones on the bottom are the proposed.

The motion was approved by a voice vote of 6 to 0.

Commissioner Bly returned to the meeting at this time.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **P.Z. 9-94 The Hayden Company (Amberleigh)**; "R-3" 10,000 square foot Residence District PEU Subdivision Promotion Sign; northeast corner of the intersection of Clayton and Schoettler Roads.

Commissioner Broemmer, on behalf of the Site Plan Review Committee, made a motion to deny approval of the sign for Amberleigh. The motion was seconded by Commissioner McCarthy.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien noted she was unable to make the Site Plan Meeting, and inquired whether there was discussion about alternative sizes.

Commissioner Broemmer noted the denial of the seventy-two (72) foot sign implies they could go with the thirty-two (32) foot size.

Commissioner McCarthy noted this point didn't even come up, as it was decided the thirty-two (32) foot size was adequate for the purposes they identified.

Commissioner Dalton inquired regarding the sizes of the signs surrounding the subject sign.

Director Duepner noted there was a thirty-two (32) square foot sign previously in place as a directional sign, and at least two (2) other sixteen (16) square foot subdivision directional signs on the property.

Commissioner Broemmer noted the other thirty-two (32) foot sign was taken down, and this is going to be the only thirty-two (32) foot sign on the property, and the others are sixteen (16) square feet.

The motion to deny passes by a voice vote of 7 to 0.

COMMITTEE REPORTS

A. Ordinance Review Committee

Committee Chairman Rick Bly reported the Committee met last Thursday morning with a representative of the County's enforcement arm of the Home Health Care Procedures who addressed our Ordinance with the County's.

Joe Hanke, Planner II, noted, at this point, due to the fact there were only two (2) persons on the Ordinance Review Committee in attendance at the meeting, he suggested there be some action on the part of the Planning Commission to direct the Staff to advertise for a public hearing for October 24, 1994, for the issue of Home Day Care. He noted that, during the interim between now and October 24th, the Ordinance Review Committee would have another meeting to examine a draft of the recommendations that came out of the discussion last Thursday, and this would be the Department's report at the public hearing.

Commissioner Bly made a motion to direct Staff to set up a public hearing on October 24, 1994, and prepare a draft to be presented at the public hearing, and have another Ordinance Review Committee meeting prior to the public hearing. The motion was seconded by Commissioner Casey. **The motion was approved by a voice vote of 7 to 0.**

Mr. Hanke noted he will get with members to set up an appropriate time and date.

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

C. **Site Plan/Landscape Committee**

Senior Planner Laura Griggs-McElhanon reported that, as soon as she can make contact with Mr. Kirchoff, they will schedule a meeting to discuss the Institutional Landscape Guidelines comments received back from John Langa and one of the school districts, as well as the comments received from the P & Z Committee on the Valley Guidelines.

D. **Comprehensive Plan Committee**

Committee Co-Chair Dave Dalton reported the West Area Study Committee will meet Wednesday, September 28, 1994, at 5:00 p.m.

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

F. **Nominating Committee** - No report.

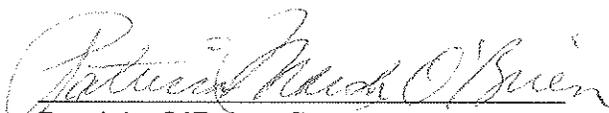
Director Duepner noted the following:

Director Duepner noted this past week our consultant, Mr. Lane Kendig, was in town and held two (2) meetings here: one on "Community Character" and the other on "A Critique of our Land Use Regulations." He will be returning for another visit on November 2nd and 3rd, and Director Duepner will, in advance of those meetings, forward to the Commission copies of the Issue Papers and Reports that he will present. Director Duepner asked the Commissioners to mark their calendars for these evening meetings (i.e., a Wednesday and a Thursday).

Vice-Chairman Domahidy noted it is well worth the time.

Director Duepner noted notices were mailed to all Commission Members. He asked Commissioners to let him know if they did not receive a notice.

The meeting adjourned at 9:28 p.m.


Patricia O'Brien, Secretary

[MIN9-26.094]