CORRECTED

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
September 27, 1999

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

I. PRESENT | **ABSENT**

Mr. David Banks
Mr. Fred Broemmer
Mr. Charles Eifler
Ms. Stephanie Macaluso
Mr. John Nations
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Chairman Dan Layton, Jr.
Mr. Doug Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Reveena Shook, Planner II
Mr. Todd Streiler, Planner II
Ms. Angela McCormick, Planner I
Ms. Jennifer Samson, Planner I
Ms. Kathy Lone, Executive Secretary/Planning Assistant

II. INVOCATION: Commissioner Nations

III. PLEDGE OF ALLEGIANCE: All

Chairman Layton recognized the attendance of Council Liaison Mary Brown (Ward IV).

Chairman Layton stated that the petitioner for P.Z. 12-1999 International Exchange Company and P.Z. 13-1999 International Exchange Company has requested that these petitions be held.

IV. PUBLIC HEARINGS:

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

A. **P.Z. 29-1999 Greater Midwest Builders**; a request for a change in zoning from "NU" Non-Urban to an "R6A" Residence District for a 2.88 acre tract of land located on the north side of Clayton Road, east of Baxter and west of Straub (locator number 21R441696).
Proposed Use:
- Single Family Attached.

And

B. **P.Z. 30-1999 Greater Midwest Builders**; a request for a Planned Environment Unit (PEU) Procedure in the "R6A" Residence District for a 2.88 acre tract of land located on the north side of Clayton Road, east of Baxter and west of Straub (locator number 21R441696).
Proposed Use:
- Single Family Attached.

Planner I Jennifer Samson gave a slide presentation of the subject site and surrounding area.

1. Mr. George Heidelbaugh, 13 Bel-Rae Court, St. Charles, MO 63301, project manager for P.Z. 29-1999 Greater Midwest Builders and P.Z. 30-1999 Greater Midwest Builders, stated the following:

- Project site is 2.88 acres;
- Greater Midwest Builders is the Single-Family Attached Division of Greater Missouri Builders;
- Dwellings will be single-family attached; 5 buildings with 22 units;
- Preliminary Plan shows a public street built to City standards; 40-foot right-of-way; 5-foot easement on either side with sidewalks, and 25-foot setback;
- Detention area will be located at the northwest corner of the site;
- Storm water would be carried off to the Creve Coeur Creek;
- Developer will try to save all of the trees but is familiar with the Tree Ordinance concerning options. There should not be any root disturbance;
- Additional smaller trees will be planted in front of and between the buildings;
- Units will be approximately 1,940 square feet, 2-level building, with the garage on the first floor, and a split foyer-type design; 2 bedrooms, 2 baths, great room, dining area, kitchen and outside deck. Lower area would have one full bath, one bedroom, family room, laundry room, storage, furnace and equipment room;
- Base price for the units would be $175,000 to $180,000 plus options; $195,000 to $200,000 with options;

- Development will be as far away as possible from Kinder Care;
- Similar development is Lea Oak Phase III;
- Maintenance of the grass area, other than the flower beds, is done by the Single-Family Attached Association;
- Project Manager has met with the Board of Trustees for the Greens of Broadmoor and the Gardens of Broadmoor. Many of those residents were in attendance at the meeting. There has not been any opposition to the proposed development;
- Project Manager has told the residents that anything that is disturbed during construction will be replaced to its present condition;
- Sanitary sewer will run to the south behind Kinder Care.

COMMENTS/DISCUSSION

Commissioner Nolen stated that, if parking is allowed on both sides of the street, emergency vehicles would find the street accessible.

Mr. Heidelbaugh stated that he has met with the residents and their main concern is not to remove the buffer. Mr. Heidelbaugh also stated that he has not met with the residents across the street from the development.

Mr. Heidelbaugh stated that the density is 5,702 square feet per unit. Mr. Heidelbaugh stated that the rear setback is 15 feet from the back of the 10-foot deck.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL -

2. Mr. Hugh Voss, 15022 Claymoor Court, #9, Chesterfield, MO 63017, speaking neutral to P.Z. 29-1999 Greater Midwest Builders and P.Z. 30-1999 Greater Midwest Builders;

- Speaker stated that his property backs to the proposed development. He emphasized that the present trees not be disturbed with the guarantee that if any of the large trees are killed, they will be replaced of like size and maintained for 10 years.

Commissioner Banks stated that the trees on the Broadmoor property have large roots and could easily be disturbed.

REBUTTAL:

Mr. Heidelbaugh stated that he has noticed that a lot of the trees in this area are diseased and dying. Mr. Heidelbaugh stated that if there is any damage to the trees due to construction, they would be replaced.

City Attorney Beach suggested that the petitioner have his forester look at the trees when they do their Tree Preservation Plan so they would know the health of the trees.

Commissioner Eifler asked the petitioner to identify the trees that are going to be preserved. Commissioner Eifler expressed concern that they will be saving the trees that are 15 feet from the building.

Mr. Heidelbaugh stated that the developer would move the buildings in order to preserve the trees.

Chairman Layton stated that P.Z. 29-1999 Greater Midwest Builders and P.Z. 30-1999 Greater Midwest Builders would not need to go before the Architectural Review Board (ARB).

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

V. APPROVAL OF MEETING MINUTES

A motion to **approve** the September 13, 1999 Meeting Minutes was made by Commissioner Eifler and seconded by Commissioner Broemmer. The motion to approve the Minutes **passes by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT:

1. Mr. Ken Keitel, 13545 Barrett Parkway Drive, #200, St. Louis, MO 63021, speaking in favor of P.Z. 27-1999 White Road Tract – Ambassador Development and P.Z. 28-1999 White Road Tract – Ambassador Development;

- Speaker presented colored copies of the homes to the Commission;
- Speaker stated that the Zoning Ordinance allows buildings up to 45 feet in height. The developer is proposing 2-story buildings with a maximum height of 35 feet;
- Speaker stated that units will be brick and frame construction – brick in the front and siding on the remaining three (3) sides and second story;
- Speaker met with the trustee of the adjoining subdivision. The trustee will contact the neighbors. The trustee does not have any problems with the proposed development.

2. Mr. Edward Eiswirth, 135 Bellechasse Drive, Chesterfield, MO 63017, speaking neutral to P.Z. 27-1999 White Road Tract – Ambassador Development and P.Z. 28-1999 White Road Tract – Ambassador Development;

- Speaker presented a hand-out to the Commission which is a letter from neighboring residents stating their concerns;
- Speaker stated that the residents are not against the proposed development but hope that their concerns are heard and considered;
- Speaker stated that concerns of the neighboring residents include: privacy, the amount of setbacks from the property line (prefer more setback, move homes closer to White Road), prefer single-family detached dwellings but do not have objections to this kind of proposal, concern with the 2-story dwellings overwhelming the single-story residences on Bellechasse Drive, and storm water run-off;
- Speaker asked that the well-developed trees be retained to provide shade and privacy;
- Speaker expressed concern that children living in subdivisions along White Road will be using this land as a cut-off to go to Green Trails School;
- Speaker stated that petitioner has not made any attempt to contact neighboring residents.

Commissioner Banks expressed concern about allowing the developer to build 2-story dwellings backing to the 1-story Bellechasse Drive homes.

Commissioner Broemmer stated that he encourages the developer to meet with the neighboring residents. Commissioner Broemmer also expressed concern on the building height in the proposed development.

Chairman Layton asked Staff to circulate Mr. Eisworth's letter to all Commission members in their next packet.

3. Ms. Patti Cowee, 155 South Woods Mill Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 12-1999 International Exchange Company and P.Z. 13-1999 International Exchange Company;

- Speaker stated there already are five (5) daycare centers within a 1-mile radius of the proposed development;
- Speaker stated that there already is too much traffic congestion along Old Woods Mill and 141;
- Speaker expressed concern with the hospital access and emergency vehicles with added traffic.

Chairman Layton stated that competition between similar concerns offering the same services within a close geographical area are not in the Planning Commission's area of concern or responsibility.

4. Mr. Dale Schaefer, 1534 Candish Lane, Chesterfield, MO 63017, speaking in opposition to P.Z. 18-1999 TriStar Business Communities;

- Speaker stated that, as a resident, he is very concerned about the developer's choice of this property for commercial development;
- Speaker stated that he has never heard a clear answer from the developer as to how they intend to buffer the development. Speaker stated that, in looking at the plans, there will be no effective buffer;
- Speaker stated that there would be more traffic on an already overtaxed road.

5. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, petitioner's attorney, speaking in favor of P.Z. 26-1999 Solomon Consulting;

- Speaker gave some background on the process thus far concerning this petition;
- Speaker stated that at the August 23, 1999 Issues Meeting for P.Z. 26-1999 Solomon Consulting, a motion was made to hold this petition indefinitely pending the completion of a study. Speaker stated that it is his understanding that this study has been completed and that it is the study that is referenced in a memorandum issued September 9, 1999, by Parsons Harland Bartholomew & Associates;
- Speaker stated that his office received a letter dated September 16, 1999, from the Department of Planning advising that a traffic study would be required pursuant to Resolution 253, which is already underway;
- Speaker stated that the Architectural Review Board (ARB) made only positive comments during its review of the proposed development;
- Speaker stated that the petitioner is asking the Planning Commission to lift the indefinite hold that he feels was placed on this petition and allow them to proceed to the voting process pending the completion of the traffic study and agency comments.

Director of Planning Price also stated that the Regional Transportation Study would probably not be completed for 3-4 months. Director of Planning Price stated that the Department of Planning has not received the petitioner's Traffic Impact Study for the proposed site.

City Attorney Beach stated that it was Mr. Doster's belief that the project was put on hold awaiting the completion of a Regional Traffic Study. City Attorney Beach stated that it was his understanding that the density study, done by Parsons Harland Bartholmew & Associates, is one part of the question and the second question is the issue that the petitioner was required to do a Traffic Impact Study as it relates to their development and the anticipation of how this particular area will develop. City Attorney Beach also stated that it was not his understanding that an indefinite hold had been put on this project. City Attorney Beach stated that the target date is within the petitioner's control since the City is waiting for their traffic report.

Commissioner Eifler stated that the study is a good start but it does not respond to what he has asked for and what the motion called for which was, "What density will the road infrastructure support for this area." Commissioner Eifler stated that the road infrastructure is never mentioned.

Mr. Doster stated that the petitioner will answer that with the traffic study. Mr. Doster stated that a preliminary indication is that the existing improvements will handle the traffic generated by this development.

Commissioner Eifler stated that his problem is that the proposed site is one piece of the whole area that has been proposed for development. Commissioner Eifler stated that the problem is that if we look at the petitioner's project in isolation without looking at what density the road infrastructure can support for that whole area, then we are doomed to problems in the future of approving developments for certain parcels and using up all the available capacity of the road infrastructure without looking at the whole area. Commissioner Eifler stated that the petitioner's traffic study will show that there will not be a problem because it is relatively a small part but the Commission needs to look at the whole picture. Commissioner Eifler stated that his motion was asking the Planning Department to give the Commission the density that they think the road infrastructure will support that services the area between Conway Road and the service road and Timberlake and Chesterfield Parkway. Commissioner Eifler stated that perhaps the petitioner considers this an indefinite hold but it is not his intention nor has the verbiage of the motion been satisfied by the report received from Parsons Harland Bartholomew & Associates.

Mr. Doster stated that he had been trying to find the identity and scope of the study which was referred to in the motion. Mr. Doster stated that he understood that there were at least three (3) different studies underway. No one seemed to know what the reference was to. There was a clarification made but even with that they were still in the dark. Mr. Doster stated that he was told by Staff that the study that was referred to was the one that Mr. Doster just referred to. Mr. Doster stated that what has just been said is new information to him and the petitioner.

Commissioner Eifler stated that it is the same thing that was said when he made the motion.

Chairman Layton stated that there are many traffic studies being done so it is confusing.

City Attorney Beach stated that what Commissioner Eifler asked for was that the density calculations would now give you a general amount of potential building which could occur within this area, therefore the Parsons Harland Bartholomew & Associates Study was a critical mass of how much density is potentially going to be allowed. That then can be transferred into the issue of how would the traffic and the number of cars which are potentially available would impact the infrastructure. We already had the traffic study as it related to the Sachs and Vitt projects that told us what happened there but that did not deal with Solomon II nor the Kraus property. Once we all know what the density potentials are, you have some maximum numbers which can be used to take the study that the Commission asked the petitioner to do, input those in and give him an answer.

Commissioner Eifler asked what Parsons, Harland, Bartholomew & Associates based their .65 density on. It never said anything about road infrastructure which was specific in the motion so it is not new information. If it is based on road infrastructure, he would like to know that.

City Attorney Beach stated that there is a difference between what Director of Planning Price put together for the Vitt and Sachs projects and what has been referred to and recommended by Parsons Harland Bartholomew & Associates.

Commissioner Eifler stated that on the evening that he made the motion, the Commission had received a copy of an old report that had been produced by St. Louis County which stated that "so much square footage per thousand feet." The concept was interesting

Mr. Doster stated that he is in the dark as to what study or studies we are waiting to be completed and who is doing them in order for the project to move ahead.

Director of Planning Price stated that the density calculations were presented to the Ordinance Review Committee at their last Committee meeting. The Ordinance Review Committee chose to present the Parsons Harland Bartholomew & Associates information and forward it to be published for an amendment to the ordinance. Those amendments and the Public Hearing for the density information will be presented at a Public Hearing at the next Planning Commission meeting on October 11, 1999. That is what is taking place with the density information. That is what established the floor area ratio and talked about parking standards since an issue was changing the parking standard for office development. Another directive that Staff has from the City Council is to do a Regional Traffic Study. The Regional Traffic Study is a much more in-depth study that takes place and we are looking at basically the Forty Corridor, Chesterfield Parkway and to some extent down to Clarkson Road. We were going to do a major transportation element to the Comprehensive Plan. What has been done is a Step A and a Step B. We will do the Step A now and that is this area because everything is feeding onto the Parkway (the north and outer roads). We are trying to get them to Council at their last meeting in October for them to award a contract. That is the Regional Traffic Study. We are looking at a design year of 2020, levels of service, etc. We are looking at how much can this road take. You have to look at the actual transportation system and density standards. Somewhere along the way we had to say what was going to be our height, what was going to be our floor area ratio, what was going to be our parking and that would establish the actual land use.

Commissioner Nations asked Director of Planning Price what the Planning Department needed to move Mr. Doster's petition.

Director of Planning Price stated she was informed today that they have hired Crawford Bunte Brammeier to do their traffic impact study. After Staff receives it, it will go through a review process.

Chairman Layton suggested that Mr. Doster go back to the St. Louis County document that Commissioner Eifler referred to and show it to their traffic consultant.

City Attorney Beach stated that the St. Louis County report refers to 17,000 square feet per acre which is larger than the Vitt and Sachs' projects put together. City Attorney Beach stated that he did not think that this is what the Commission wants. City Attorney Beach stated that the Planning Department is waiting for a traffic study and he recommends that the petitioner use either the Parons Harland Bartholomew & Associates issues or the Planning Department's drafts for the Attachment A for the Sachs and Vitt projects as guidelines for the potential density for the traffic study. If the study does not try to anticipate the kind of development on the North Outer Road, it will not satisfy Commissioner Eifler's motion.

Director of Planning Price clarified that if it proceeds with the other developments on the Forty Corridor, Staff has hired an outside consultant to review the study. TriStar Business Communities has just come back from the outside consultant.

Chairman Layton clarified that the Planning Commission is waiting for the traffic study from the petitioner and any outstanding agency comments.

Commissioner Banks stated that he did not know where the information would come from for Commissioner Eifler's motion.

Chairman Layton clarified that the concept, not figures, of measuring traffic back to square footage of office building is what he would like to see explored further.

Commissioner Eifler stated that it would be just for this corridor. The Parson Harland, Bartholomew & Associates study addresses the Highway Forty Corridor which is much larger than the area of concern which runs from Timberlake to Chesterfield Parkway.

City Attorney Beach stated that the Parson Harland, Bartholomew & Associates study was basically the same area.

Commissioner Eifler stated that if the Commission looks at the available square footage, or acreage for development, and takes the density measurement of .65 they could calculate the number of cars that could be generated in that total area. The question is: "Will the road infrastructure, as it exists today, support that." That is the answer he is looking for. If the road infrastructure supports that density, and your project is within that density, then the question has been answered and the Commission's approved motion has been satisfied.

Commissioner Nolen expressed concern about the internal access between Solomon I and II for more of a boulevard look. Commissioner Nolen also asked that the Bonhomme Presbyterian Church be contacted concerning cars exiting the development via their parking lot.

Commissioner Eifler stated that the question is, "If you are going to establish a density on unknown future road improvements, what are they?" I set a standard as something that is measurable. What do we have now and what density will that road infrastructure support? If someone comes in and says we are going to put in Texas U-Turns and more access to 40 west and

more access to 40 east, then it probably would support more. I do not know what that is. We will never get an answer to the question if we start speculating about future road improvements so we establish a base case and we go from there. That was my intent.

Commissioner Nations left the meeting at 8:32 p.m.and returned at 8:34 p.m.

VII. NEW BUSINESS

A. **P.Z. 23-1999 T.K. Properties**: A request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 0.5 acre tract of land located on Chesterfield Airport Road, 400 feet east of the Baxter Road Extension. Locator Number: 17T22-0036.
Proposed Use:
- Office or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

And

B. **P.Z. 24-1999 T.K. Properties**: A request for a Landmark and Preservation Area (LPA) Procedure in the "PC" Planned Commercial District for a 0.5 acre tract of land located on Chesterfield Airport Road, 400 feet east of the Baxter Road Extension. Locator Number: 17T22-0036.

Assistant Planning Director Laura Griggs-McElhanon gave an overview of the above two (2) petitions. Staff recommends approval of P.Z. 23-1999 T.K. Properties for a change in zoning and approval of P.Z. 24-1999 T. K. Properties, subject to conditions in Attachment A. Staff is also recommending that these two (2) petitions be approved in tandem in order to keep the existing structure. Assistant Planning Director Griggs-McElhanon stated that if a Planned Commercial "PC" District is approved by itself, without the LPA, it is not appropriate because of what has been started in this area. Assistant Planning Director Griggs-McElhanon stated that Lauren Strutman and T. K. Properties have other lots in this area under contract.

Commissioner Sherman asked why the requirements were written so that gravel can not be used.

Assistant Planning Director Griggs-McElhanon stated that gravel parking is not supported by the City Planning Department or Public Works Department for non-residential purposes. Gravel is not a dust-free surface. Assistant Planning Director Griggs-McElhanon stated that creativity can be used with the Attachment A.

Commissioner Macaluso asked that future petitions for the Strutman and T. K. Properties properties come together before the Planning Commission.

Assistant Planning Director Griggs-McElhanon stated that even though they would have different petitioners, they would come together in tandem.

Commissioner Eifler made a motion to approve P.Z. 23-1999 T. L. Properties and P.Z. 24-1999 T. K. Properties subject to the conditions that Staff prepared in Attachment A. The motion was seconded by Commissioner Broemmer.

Commissioner Nations made a motion to amend to the motion for Attachent A, page 2, Section 4. c., that the last sentence read: "These areas will be permitted to be gravel." The amendment to the motion was seconded by Commissioner Sherman.

Commissioner Eifler stated that he would like an impervious surface used.

Assistant Planning Director Griggs-McElhanon stated that the entrance off Chesterfield Airport Road and the roundings would probably need to be paved due to a St. Louis County Highway Department requirement. Assistant Planning Director Griggs-McElhanon also stated that the handicapped space and access would have to be paved.

Upon a roll call vote was as follows: Commissioner Banks, no; Commissioner Broemmer, yes; Commissioner Eifler, no; Commissioner Macaluso, yes; Commissioner Nations, yes; Commissioner Nolen, no; Commissioner Right, no; Commissioner Sherman, yes; Chairman Layton, yes.

The amendment to the motion passes by a vote of 5 to 4.

The Commission voted on Commissioner Eifler's motion which was: A motion, ***as amended, which was to approve P.Z. 23-1999 T. K. Properties and P.Z. 24-1999 T. K. Properties subject to the conditions that Staff prepared in Attachment A, except that parking areas will be permitted to be gravel.*** The motion was seconded by Commissioner Broemmer.

Upon a roll call vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Macaluso, yes; Commissioner Nations, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Banks, yes; Chairman Layton, yes.

The motion passes by a vote of 9 to 0.

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

Proposed use:

- Child Day Care Center.

And

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

Chairman Layton stated that the petitioner has requested that P.Z. 12-1999 International Exchange Company and P.Z. 13-1999 International Exchange Company be held.

Chairman Layton asked Staff to determine whether or not there is anything on this land to prohibit an E-1 zoning.

Commissioner Eifler stated that the Comprehensive Plan designates single-family residential for the proposed site and R-2 is single-family residential. Commissioner Eifler stated that he wants it clear where it does not comply with the Comprehensive Plan in that area.

Director of Planning Teresa Price stated that Page 3, second paragraph from the bottom of the Staff report, Staff states that Comprehensive Plan Land Use Policy 2.1.1 Encourage Preservation of Existing Residential Neighborhoods is one of the areas.

Commissioner Eifler questioned whether or not this type of usage is allowed in R-2. Is it not considered a preservation of the existing residential?

Director of Planning Price stated that, in this instance, the single-family would be all right. It is the impact of the Conditional Use Permit. Staff had to make sure that all of the criteria were met. Staff felt that it did not.

Commissioner Eifler stated that his concern was that since the Comprehensive Plan was set up for this site, Woods Mill Road has been improved and the speed limit has been upgraded to 55 miles per hour. Commissioner Eifler asked what Staff would consider appropriate for a tract of land that is abutting a 55 miles per hour highway. Commissioner Eifler stated that things have happened since the Comprehensive Plan designated this property as single-family residential and wonders if that zoning is still appropriate for this area.

Director of Planning Price stated that Staff would have the answers at the next meeting.

Commissioner Sherman stated that she considers this property much more related to Old Woods Mill Road because of the buffering of the terrain of the land as well as what is happening on Old Woods Mill Road.

Commissioner Eifler stated that the property is between both of them and what may be appropriate for one may not be appropriate for the other.

Commissioner Banks stated that the property faces Old Woods Mill Road and always will because of the grade. The property is well above Woods Mill Road.

City Attorney Beach stated that, in his reading of the Staff report, Staff felt that this did not meet all of the criteria for the Conditional Use Permit. Of the four (4) criteria, all needed to be met.

Councilmember Brown stated that she agrees with Chairman Layton on the appropriateness of the R-2 designation.

Chairman Layton stated that he shared the concern of Commissioner Sherman on the impact of the forested island that exists from the roads. Chairman Layton also stated that the items from the Staff report that decided Staff's recommendation are very worthwhile.

Commissioner Sherman made a motion to hold P.Z. 12-1999 International Exchange Company and P.Z. 13-1999 International Exchange Company until the next meeting. The motion was seconded by Commissioner Right **and passes by a voice vote of 9 to 0.**

E. **P.Z. 27-1999 White Road Tract – Ambassador Development**; a request for a change in zoning from "NU" Non-Urban to an "R3" 10,000 square foot Residence District for a 3.29 acre tract of land located at the intersection of Olive Boulevard and White Road, 500 feet south of Ladue Road. (Locator Number: 17R14-0093).
Proposed Use:
Single Family and Single Family Attached.

And

F. **P.Z. 28-1999 White Road Tract – Ambassador Development**; a request for a Planned Environment Unit (PEU) Procedure in the "R3" 10,000 square foot Residence District for a 3.29 acre tract of land located at the intersection of Olive Boulevard and White Road, 500 feet south of Ladue Road. (Locator Number: 17R14-0093).
Proposed Use:
Single Family and Single Family Attached.

Planner I Angela McCormick gave an overview of the issues pertaining to these petitions. Staff asked the Commission if they had other issues that they wanted addressed.

Commissioner Nolen asked Staff to find out what width the street has to be to accommodate parking on both sides and to allow emergency vehicles access. Commissioner Nolen also expressed concern of the setback lines for the neighboring residents.

Chairman Layton stated that there were four (4) additional issues for Staff to consider from the letter from Mr. Eiswirth during Public Comment. These issues include the 15 feet of common ground between Bellechasse Drive and the new development property line, height, storm water run-off and removal of existing trees. Chairman Layton also stated that he would like this letter forwarded to Commission members for their review.

Councilmember Brown questioned that since Nooning Tree is being developed as well as Villas at Whitebrook, Councilmember Brown does not understand why there is a provision that road improvements may be escrowed. Councilmember Brown feels that with as much development as we have, we should improve the roads now.

Commissioner Sherman questioned the impact this development would have on the neighbors if it were an "R-2" instead of an "R-3." Commissioner Sherman asked if this would change the setbacks.

Commissioner Eifler asked Staff to check the lot size of abutting properties.

Chairman Layton expressed concern about the lot size of the residential properties on the surrounding properties other than to the west which is zoned R-3.

These petitions will be held until the next Planning Commission meeting on October 11, 1999.

G. **P.C. 38-87 Geriatrics Management, Inc. (Brooking Park)**: Amendment of Conditional Use Permit Number 557 in the "R-1" one-acre, "FPR-1" Flood Plain one-acre, and "R-3" 10,000 square foot Residence Districts; west side of Old Woods Mill Road, north of Conway Road.

Planner I Angela McCormack presented an overview on this petition. The petitioner wants to amend Conditional Use Permit 557 for the Brooking Park Campus to reduce the building setback from the limits of the Conditional Use Permit development to allow for the expansion of the existing site. Brooking Park has acquired the adjacent parcel and wishes to expand. The attorney for the petitioner is in the process of filing for a Quit Claim Deed to make the new parcel part of Brooking Park. Staff recommends approval of the Conditional Use Permit Amendment.

Chairman Layton referenced a September 9, 1999 letter from John King, attorney for the petitioner, stating two (2) intents of use for the property. Chairman Layton would like those intents built into the motion.

Commissioner Nolen made a motion to accept Staff's recommendation of P.C. 38-87 Geriatrics Management, Inc. (Brooking Park) with the condition that we adhere to John P. King's letter on the two (2) mentioned uses which are: 1) The entrance to the new condominium units will be located on the property; and 2) There will be a drive across the subject property into a lower level parking garage. The motion was seconded by Commissioner Macaluso.

Commissioner Broemmer made an amendment to the motion that a condition is that the Quit Claim Deed must be executed and the sale completed.

The amendment to the motion was accepted by Commissioner Nolen and Commissioner Macaluso.

Planner I McCormick stated that Brooking Park was not going to ask for more access on Woods Mill Road but expand their entrance to allow for the new proposed development.

Commissioner Nations made an amendment to the motion that it is conditional upon petitioner acquiring title to the property so as to be able to use this property for the entrance to the new condominium units which will be located on the property and for there to be a drive across the subject property into the lower level parking garage.

Commissioner Nolen and Commissioner Macaluso accepted the clarification (restatement) of the previous motion.

Upon a roll call vote was as follows: Commissioner Eifler, yes; Commissioner Macaluso, yes; Commissioner Nations, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Banks, yes; Commissioner Eifler, yes; Chairman Layton, yes.

The motion passes by a vote of 9 to 0.

H. **P.Z. 20-1999 U.S. Ice Sports Complex**; a request for a change of zoning from "NU" Non-Urban District with a Conditional Use Permit (CUP) to "PC" Planned Commercial District for two parcels located on the north side of North Outer Forty, approximately 3,700 feet east of the intersection of intersection of Boones Crossing and North Outer Forty. Total area to be rezoned: 14.5 acres. (Locator numbers 17T510029 and 17T520039).

Proposed Uses:

- arenas and stadiums;
- associated work and storage areas required by a business, firm or service to carry on business operations;
- auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly
- medical and dental offices;
- outdoor advertising signs (additional to provisions of Section 1003.168); permitted signs (see section 1003.168 "sign regulations");
- parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72)

hours, or any other uses permitted by the Zoning Ordinance after further public hearing.

- recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters; stores, shops, markets, service facilities, and automatic bending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Planner I Jennifer Samson gave an overview of this petition. Planner I Samson stated that one of the permitted uses typically included in a "PC" Planned Commercial District is Outdoor Advertising Signs. Outdoor advertising signs are not consistent with the use being requested. Staff recommends that this use not be included with the permitted uses proposed for this rezoning. Staff recommends approval of the proposed change in zoning.

Director of Planning Teresa Price stated that outdoor advertising signs was listed in the original Conditional Use Permit and was advertised that way. Staff does not recommend that it become a permitted use, therefore, the Attachment A does not contain the outdoor advertising sign. Approving with Attachment A, as presented, eliminates this use.

City Attorney Beach stated that Section 1003.168 of the Zoning Ordinance does not allow outdoor advertising signs. City Attorney Beach stated that it is important to be consistent because their original request did not include an outdoor advertising sign.

Commissioner Macaluso made a motion to accept P.Z. 20-1999 U.S. Ice Sports Complex to change the zoning from NU to PC with the Conditional Use Permit as amended and to add to Section 4 Site Development Plan Design Criteria, (h) Sign Requirements that "accept no outdoor signs shall be permitted." The motion was seconded by Commissioner Broemmer.

Upon a roll call vote was as follows: Commissioner Macaluso, yes; Commissioner Nations, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Banks, yes; Commissioner Eifler, yes; Commissioner Eifler, yes; Chairman Layton, yes.

The motion passes by a vote of 9 to 0.

I. **P.Z. 31-1999 Taylor Morley, Inc.** : A request for a change in zoning from "NU" Non-Urban District to an "E-2" One (1) Acre Residence District for a 22.5 acre tract of land located on the south side of Wildhorse Creek Road, east of Steeple Road and West of Wildhorse Parkway.
Proposed Use:
Single family.

Planner I Jennifer Samson gave an overview of the issues pertaining to these petitions. Staff asked the Commission if they had additional issues to be addressed.

Commission Macaluso stated that during previous discussion the petitioner said that the homes would be staggered. Commissioner Macaluso stated that she would like this addressed to retain the estate look.

Chairman Layton stated that the Department of Public Works had comments on vacating the easement. Chairman Layton asked Staff to make sure that was being done.

Councilmember Brown stated that she would like the requirement for a center turn lane and that the entrance line up with the entrance to Gateway Academy.

Chairman Layton directed the petitioner to contact the neighboring residents.

Commissioner Broemmer stated that he would like sidewalks along the internal streets.

Commissioner Sherman stated that if sidewalks were included on the internal streets, that they be winding to break up the straight-line look. Commissioner Sherman also asked that the streets be winding.

This petition was held until the next Planning Commission Meeting on Monday, October 11, 1999.

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS: None

A. P.Z. 24-1997 THF Chesterfield Development L.L.C. (Chesterfield Commons); request for the increase of pylon signage in the C-8 Planned Commercial District for the Chesterfield Commons development.

Commissioner Macaluso stated that the Site Plan Committee approved the above petition earlier in the evening but would like to make an amendment to the motion due to the petitioner's changing the height of their sign from what the Site Plan Committee actually saw. The change is from an 11.2-foot pylon sign to a 12.8-foot pylon sign. The total square foot signage would be 150 square feet instead of 133.7 as noted in the Staff report.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion subject to the change back to 11.2-foot pylon sign. The motion was seconded by Commissioner Nolen.

Commissioner Nations made a motion to suspend the rules to allow Mr. Michael Doster, attorney for the petitioner, to speak. ***The motion was seconded by Commissioner Right and passed.***

Mr. Doster stated that there was a mistake on the submittal. The sign contractor, who prepared the submittal, showed the width of the sign to be 11.2 feet and it should have been 12.8 feet. The calculation of Staff was correct based upon the mistaken width. Petitioner did not realize the mistake until they read the report just before the meeting.

Chairman Layton clarified that the petitioner is asking for the signage amount that is stated in the Ordinance, which are four (4) signs of 150 square feet each.

Commissioner Macaluso, on behalf of the Site Plan Committee, amended the motion to accept as the petitioner presented as corrected to a 12.8-foot width and 150 square feet maximum signage per sign as allowed by the Ordinance, four (4) signs maximum. Commissioner Nolen accepted the change.

Staff stated that they are in agreement with this.

The motion, as amended, **passes by a voice vote of 9 to 0**.

B. **Smith McGehee;** Site Plan in the "NU" Non-Urban District, located at 17877 Wild Horse Creek Road, north of the Tuma Lane and Wildhorse Creek intersection. The site plan proposes to construct a horse pole barn, polo practice building and garage.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Smith McGehee Site Plan. The motion was seconded by Chairman Layton **and passes by a voice vote of 9 to 0.**

C. **Chesterfield Commons Outlot #2: Red Robin Restaurant;** Site Development Section Plan, Architectural Elevations, and Landscape Plan for Outlot #2 of Chesterfield Commons, a 1.37 acre site within the C-8 "Planned Commercial" Zoning District located south of Chesterfield Airport Road, east of RHL Drive (P.Z. 24-97).

And

D. **Chesterfield Commons Outlot #14: Longhorn Restaurant;** Site Development Section Plan, Architectural Elevations, and Landscape Plan for Outlot #14 of Chesterfield Commons, a 1.93 acre site within the C-8 "Planned Commercial" Zoning District located south of Chesterfield Airport Road, west of THF Blvd. (P.Z. 24-97).

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to hold until the next Site Plan Committee meeting at which time there could be a minimum three (3) or

four (4) outlets will be presented at the same time. The motion was seconded by Commissioner Right **and passes by a voice vote of 7 to 2.**

Director of Planning Teresa Price asked for clarification on the motion since there are currently only two (2) submittals for the outlots at the present time.

Commissioner Nolen stated that the Commission would like the access plan presented.

City Attorney Beach stated that the discussion has been whether there is one curb cut per lot.

Commissioner Macaluso withdrew her original motion. Commissioner Right agreed to withdraw his seconding of the motion

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to hold Chesterfield Commons Outlot #2: Red Robin Restaurant and Chesterfield Commons Outlot #14: Longhorn Restaurant. The motion was seconded by Commissioner Right **and passes by a voice vote of 8 to 1.**

IX. COMMITTEE REPORTS:

A. **Ordinance Review Committee** – No report
B. **Architectural Review Committee** – No report
C. **Site Plan/Landscape Committee** – No report
D. **Comprehensive Plan Committee** –

Chairman Layton stated that he had been contacted by two (2) Councilmembers to revisit the Comprehensive Plan to see if they could clarify or change the issue on the Conway Road deal as it is in the Comprehensive Plan now versus any changes the Planning Commission would like to make in it. The question is whether or not the portion of the Comprehensive Plan is still valid which deals with Conway Road remaining residential or then allows a buffer zone.

Assistant Director of Planning Laura Griggs-McElhanon will schedule a meeting with the Comprehensive Plan Committee members. Members of the Committee are: Commissioner Broemmer, Chair; Commissioner Nolen; Commissioner Banks; and Chairman Layton.

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

City Attorney Beach presented packets to the Commission pertaining to the lawsuit with Mobil Mart. Defense councils from the City's insurance company asked the Commission to look over the materials and schedule a meeting, one-to-one, to go over some questions. Commission members were to see Mr. Beach for an appointment date and time for the informal meeting.

X. ADJOURNMENT

A motion to adjourn was made by Chairman Layton and unanimously seconded. The motion **passes by a voice vote of 9 to 0.**

The meeting adjourned at 9:54P.M.

Charles Eifler, Secretary