# PLANNING COMMISSION
# OF THE CITY OF CHESTERFIELD
# AT CHESTERFIELD CITY HALL
# December 13, 1999

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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.
Mayor Nancy Greenwood
Mr. Doug Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Mr. Todd Streiler, Planner II
Ms. Jennifer Samson, Planner I
Ms. Kathy Lone, Executive Secretary/Planning Assistant

**II. INVOCATION**: Commissioner Banks

**III. PLEDGE OF ALLEGIANCE**: All

Chairman Layton recognized the attendance of Councilmember Jane Durrell (Ward I) and Council Liaison Mary Brown (Ward IV).

**IV. PUBLIC HEARINGS:**

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

A. **P.Z. 43-1999 SSM Health Care Central Region**: A request for a change in zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 23.973 acre tract of land located on South Outer Forty, with frontage on Chesterfield Parkway East, approximately 400 feet east of Clarkson Road/State Highway 340. (Locator Numbers: 18S22-0171, 18S22-0148, 18S22-0061)
Proposed Uses:

- 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;
- Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii)Beverages;
  - (iii) Confections;
- Barber shops and beauty parlors;
- Bookstores;
- Cafeterias for employees and guests only;
- Child care centers, nursery schools, and day nurseries;
- Dry cleaning drop-off and pick-up stations;
- Film drop-off and pick-up stations;
- Financial institutions;
- Hospitals;
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - (i) Adequately screened with landscaping, fencing or walls, or any combination therof; or
  - (ii) Placed underground; or
  - (iii) Enclosed in a structure in such a manner so as to blend with complement the character of the surrounding area.
- Dental offices;
- Offices or office buildings;
- 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;
- Public utility facilities;
- Recreational facilities consisting of an outdoor exercise path;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, sit down;
- Permitted signs (see Section 1003.168 "Sign Regulations");
- Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods;
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, are being offered for sale or hire to the general public on the premises;
- or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

Assistant Director of Planning Laura Griggs-McElhanon gave a slide presentation of the subject site and surrounding area.

1. Mr. Al Henneboehle, 10 South Broadway, Suite 2000, St. Louis, MO 63131, attorney for petitioner of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that a court reporter was present to prevent any misunderstandings with respect to possible commercial competition that has opposed this project from a competitive standpoint;
- Speaker stated that the proposed development is approximately 24 acres;
- Speaker stated that the property would be rezoned from C-8 to PC Planned Commercial District;
- Speaker stated that a 3-story hospital was being proposed;
- Speaker stated that, in his opinion, it complies with the Comprehensive Plan;
- Speaker stated that the petitioner wants a campus setting with lots of green space to take advantage of the natural features of the site without disturbing the natural contours;
- Speaker stated that the petitioner has met with neighbors (Board of Condominium Owners for Brandywine Subdivision) who seemed to like the project;
- Speaker stated that the proposed development would be approximately 450,000 square feet;
- Speaker stated that preliminary indications are that, with the proposed uses, the morning traffic would be less than an office use on this property; afternoon traffic would be comparable. Speaker stated that there are beneficial impacts on traffic patterns that are going to be beneficial for this development versus an office development;
- Speaker stated that the existing roadway system for the Parkway and the South Outer Forty Road were designed to take into consideration the current C-8 zoning. Speaker stated that proposed project will not increase traffic beyond what was planned for the area when the Parkway was built;
- Speaker stated that solutions will be worked out for all traffic concerns from a design standpoint;
- Speaker stated that the proposed project was approved that afternoon on a Certificate of Need basis in Jefferson City.

2. Mr. Steve Johnson, 12303 DePaul Drive, Bridgeton, MO 63044, petitioner for P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that the proposed project will be a hospital dedicated to the needs of women;
- Speaker stated that the proposed project will be a 50/50 partnership with physicians;
- Speaker stated that services would include: maternity, comprehensive breast health center, center for the diagnosis of osteoporosis, women's mid-life issues;
- Speaker stated that there will be a resource center open to the community;
- Speaker stated that the architect has created a park in the middle of the development for a campus-feel;

- Speaker stated there will not be an emergency room or heli-pad;
- Speaker stated that this project is not tax-exempt and petitioner will be responsible for all applicable taxes at the local, State and Federal level.

3. Mr. Willie Stokes, 2244 Metro Center Blvd., Suite 208, Nashville, TN 37228, architect for P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that the proposed project is located between South Outer Forty Road and Chesterfield Parkway;
- Speaker stated that the site slopes approximately 50 feet from the northeast corner to the lake; from the southwest corner back to the lake would be approximately a 40-foot drop;
- Speaker stated that the topography allows the petitioner to incorporate more landscaping than just a table-top site;
- Speaker stated that the intent of the developer is that the lake be enhanced;
- Speaker stated that there would be a park of approximately 8 acres on this development. The park would feature a fitness trail open to all residents of the community, surface parking for the park and gazebos;
- Speaker stated that there will be terrace parking down so that the view from the front door of the hospital will take advantage of the park-like setting with waterfalls and edging around the lake;
- Speaker stated that the hospital would be 3 stories and the top elevation would be 690 feet. The highest building that is presently zoned for this use is 750 feet;
- Speaker stated that there will be 3 phases:
  Phase I – hospital and medical office building – approximately 80,000 square feet;
  Phase II – a second medical building
  Phase III – ancillary medical support
- Speaker stated that the developer would create water features with the lake – fountains in the lake to keep the water moving.

COMMENTS/DISCUSSION

Commissioner Nolen stated that she would like the area covered where the patients are dropped off.

Mr. Stokes stated that the width of the landscaped area along the entire perimeter of the development varies from 40 feet to 50 feet.

Mr. Johnson stated that ancillary support people are information systems people and others who help coordinate the care for the hospital. It may not necessarily be an area that will be open to the public.

Commissioner Macaluso asked what would happen to the property if it is not supported and what would be done with the building.

Mr. Johnson stated that he is confident that this idea will be well received by the public. This hospital would be the first of its kind in Missouri.

Mayor Greenwood expressed concern about the uses.

Mr. Hanneboehle stated that all uses had to be listed in the "PC" Planned Commercial District that are designed to support the hospital. There may be a cafeteria, gift shop, etc., so without specifically mentioning each use, they would not be able to make use of those types of uses in the future.

Mayor Greenwood stated that a news report stated that the Women's Hospital would be operating five (5) days a week.

Mr. Johnson stated that the report was an error. The Women's Hospital will be open seven (7) days a week. Mr. Johnson stated that there is no intention of using any part of this property for any use other than medical.

Commissioner Eifler asked if there will be any restrictions as to right in/right out or acceleration/deceleration lanes.

Mr. Doug Shatto, Vice President, Crawford Bunte Brammeier, stated that three (3) curb cuts are currently shown on Chesterfield Parkway and two (2) on South Outer Forty Road. Based on preliminary meetings with both MoDOT and St. Louis County Department of Highways and Traffic, no restrictions are proposed on any of those five (5) curb cuts. The eastern-most one on Chesterfield Parkway, because of its location relative to the campus, would primarily act as a service drive. It would not serve the major parking areas. The main drive, immediately east of the lake, may have some improvements, possibly a right turn lane. A traffic study has not been completed to dictate what the level of improvements would be. A preliminary study does not indicate that there is a need for a traffic signal at this time.

Commissioner Sherman asked for Mr. Shatto's opinion of encouraging traffic to exit off the South Outer Forty Road and enter the proposed development rather than off Chesterfield Parkway.

Mr. Shatto stated that his company is looking at alternatives to doing that. Right now the South Outer Forty Road has access to Clarkson Road and that location is right turn only access. The State is not going to allow full access there so other alternatives are being considered. One possible alternative is incorporating the ramp onto eastbound Highway 40, so that someone could turn off Clarkson, get unto South Outer Forty Road and enter site, therefore, not having to use Chesterfield Parkway. This has not yet been discussed this with MoDOT.

Mr. Shatto stated that the intent of the hand-out that the Commission received this evening was to show the preliminary calculations based upon the amount of traffic that would be generated by this project, as well as those proposed to the west and the routes that those people would travel. The table referred to shows the directional distribution that is the direction people would use both to and from the site. Accessing the site may be different but depends on how they are going to get to the highway. All information given to them was by the physicians that form the network that is promoting the hospital.

Commissioner Sherman asked what impact traffic will have from the Highcroft/Schoettler Valley area given what happens right now with the traffic on Baxter Road.

Mr. Shatto stated that some traffic is shown to and from the south on Schoettler and that, based on the zip codes, is the same area that would be served by Schoettler Valley. Some of those movements could be split between both Schoettler and Schoettler Valley.

Commissioner Nolen asked for an explanation of the 10% reduction in trip generation.

Mr. Shatto explained that these are trips that would take place between the medical office buildings and the hospital. With medical office buildings, all people do not leave at the same time in the evening.

Commissioner Nolen stated that she would like to see a detailed analysis of the Chesterfield Parkway and some intersections that are not up to par.

Mr. Shatto stated that there are a number of locations with which he has concerns. The interchange at Clarkson and Highway 40 is probably the most prominent one.

Commissioner Nolen asked Mr. Shatto about the statistical significance of the overall traffic reports.

Mr. Shatto stated that he could not say as they are not given the opportunity to go back and evaluate a situation after it has been built. Mr. Shatto stated that when they forecast traffic for a development, they estimate the number of trips that will be produced and base this information upon information published by the Institute of Transportation Engineers. This information is based upon dozens of studies of the same kind of facilities that are documented, checked for accuracy and then categorized for specific uses. Mr. Shatto said that most of the trip generation statistics that are used have an 80%-90% accuracy rate. There is a lot of room for error on traffic studies because there are fluctuations and changing characteristics. A study is based on what is considered a typical weekday condition.

Mr. Shatto stated that if the entrance is located by a landscaped median and the median would have to be cut back to provide left turn stacking into the development, it could be investigated as to the possibility of replacing the median down from the driveway.

Councilmember Brown stated that the medians were designed and put in with St. Louis County so the issue would have to be discussed both with the City and the County.

Mr. Shatto stated that they have met with the County for preliminary discussion and there was no mention of the location or number of the curb cuts along Chesterfield Parkway. The County did not express any restrictions but there will have to a more detailed review.

Mr. Henneboehle stated that the second lake would be restored for retention. The lake is included in the 50% open space.

Councilmember Brown asked if there would be unnecessary clearing to provide for the new lake.

Mr. Henneboehle stated that the lower area does not have any mature trees. Mr. Henneboehle stated that the developer would work around the landscaped median.

Mr. Henneboehle stated that the elevation of Highway 40 is 650 feet and the first floor of the hospital is 640 feet. There are mature trees that are approximately 40 feet tall. The elevation of the hospital is approximately 690 feet so only the very top of the hospital will be visible from Highway 40.

Mr. Henneboehle stated that a signage package has not yet been put together but the developer will comply with the sign ordinance. Mr. Henneboehle stated that the developer wants to keep this as a low visibility and attractive site so there would not be heavy signage.

Commissioner Sherman stated that when Chesterfield Parkway was designed, it was to move traffic between the major roads. When there is so much traffic that a signalized light is necessary, the movement of traffic is slowed down. Commissioner Sherman asked if this was counter productive to why the Parkway was originally designed.

Mr. Shatto stated that at this time it does not appear that a signalized light will be needed because there is not as much traffic that would exit this development and make a left turn onto Chesterfield Parkway.

Mr. Johnson stated that the ownership of this development would be by SSM Health Care and the Physicians Alliance Partnership and Women's Health Physicians. The governance of the hospital would be managed 50/50 by SSM Health Care and the Physicians Alliance partnership.

Mr. Henneboehle stated that SSM Health Care would retain the governance control of the hospital for the foreseeable future.

SPEAKERS IN FAVOR -

1. Ms. Karen Everhart, 2009 Andraes Lane, Chesterfield, MO 63005, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that she is in favor of a facility that is run by professionals and would have a specific interest in women's health.

2. Ms. Mary Calcaterra, 1255 Beaver Creek, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that she likes the proposed development for the following three (3) reasons: It would provide a convenient consolidation of services, the focus is just on women, and it provides an excellent compliment to the existing quality services already provided in Chesterfield.

3. Dr. Daniel Wagner, 14321 Strawbridge Court, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that he is in practice in Chesterfield and has satellite offices in other communities;
- Speaker stated that this is a unique opportunity and is in favor of the project.

4. Dr. James L. Ottolini, 14880 Sugarwood Trail, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that there are 22 such hospitals in the United States and this will be the first one in Missouri;
- Speaker stated that he is in favor of the proposed project;
- Speaker stated that he is proud to be associated with this proposed development.

5. Ms. Barbara Briggs, 324 Cookshire Lane, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that it is exciting that the City of Chesterfield can take a leadership role in women's health care in the entire St. Louis region;
- Speaker stated that the proposed project is a very progressive idea.

6. Dr. Mark Wasseman, 3009 North Ballas, Suite 352C, St. Louis, Mo 63131, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that he is part of the plan of physicians who would like to relocate to this area;
- Speaker stated that this is an excellent site to provide safe, caring and competent care for women in the City of Chesterfield.

7. Ms. Elinor Miller, 14858 Pheasant Hill Court, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that this would be a great asset to the community.

8. Ms. Judith Sincoff, 14135 Woods Mill Cove, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that a hospital for women is long overdue and would be a great asset to the whole community.

9. Mr. Tom Hunsaker, 1941 Lone Trail Lane, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that the proposed development would bring diversification to the City over normal office buildings, shopping centers and restaurants;
- Speaker stated that this would be a state-of-the-art facility for women and is sorely needed.

10. Ms. Jody Wikoff, 1141 Richland Drive, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that young women in the community would like to see this facility built;
- Speaker stated that this is a facility that young women could stay with for years;
- Speaker stated that the parks would be an added recreation value.

11. Ms. Lisa Hinni, 421 Whitestone Farm Road, Chest4erfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that it would be exciting to have the services for women nearby.

12. Dr. Gary W. Sheldon, 15510 Easy Ridge Court, Chesterfield, MO 63017, speaking in favor of P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated this is a unique opportunity for the community to provide comprehensive, focused care that has an emphasis on prevention, screening and education.

SPEAKERS IN OPPOSITION – None

SPEAKERS NEUTRAL -

13. Mr. Jim Larkin, 1521 Hedgeford, Chesterfield, MO 63017, speaking neutral to P.Z. 43-1999 SSM Health Care Central Region;

- Speaker stated that a 55-bed hospital does not justify what is required for a hospital because the income would not be that great;
- Speaker stated that he could understand building an office complex but not a hospital on this property.

REBUTTAL –

Mr. Johnson stated that the Certificate of Need is for 55 beds and if there would be more beds, a new Certificate of Need would be necessary. Mr. Johnson stated that it was found that there was a need for a hospital for women.

Mr. Johnson stated that there the Board in Jefferson City that approved the Certificate of Need has 9 members, including the Chairperson, who does not vote unless there is a tie. The vote was 5 to 3 in favor of the women's hospital.

Mr. Johnson stated that the partner in Nashville has developed other women's hospitals.

Commissioner Banks stated that the Commission has expressed concern about the traffic situation and the hourly distribution in and out of the facility and that perhaps a traffic study could be done at a similar facility with a campus environment.

Commissioner Banks stated that this parcel has St. Louis County approval for a large square footage building. Commission Banks asked how the parking spaces associated with that type of development compares to this proposed development.

Chairman Layton directed that P.Z. 43-1999 SSM Health Care Central Region should go to the Architectural Review Board (ARB). Chairman Layton stated that the following should be addressed by the ARB: The Architectural Guidelines (not zoning or traffic), campus architecture concept, visibility from Highway 40, perimeter parking, tiered parking, main entrance and how it fits into the overall plan, internal pedestrian walkways, architecturally looking along the back and how viewed by the apartments, how this and the adjoining office complex will work together and anything needed to bring them into balance, and lakes versus the green space. Chairman Layton asked that the Architectural Review Board be reminded that this is a Preliminary Plan and not the final Site Development Plan.

**Commissioner Sherman read the middle portion of the "Opening Comments."**

**B. P.Z. 45-99 THF Chesterfield Development L.L.C. (Chesterfield Commons)**
An amendment to the City of Chesterfield Ordinance Number 1344 revising the limits of the C-8 Planned Commercial District to add 37.7 acres; located between the Sachs Electric Facility and the McBride Building on the side of Chesterfield Airport Road.

Planner II Todd Streiler gave a slide presentation of the subject site and surrounding area.

1. Mr. Mike Doster, 16476 Chesterfield Airport Road, Suite 200, Chesterfield, MO 63017, attorney for the petitioner of P.Z. 45-99 THF Chesterfield Development L.L.C. (Chesterfield Commons);

- Speaker stated that this is an Ordinance Amendment to correct a deficiency in the legal description in the original Zoning Ordinance. Mr. Doster stated that a mistake was made in the survey and not uncovered until recently when the Record Plat was reviewed by Staff. The legal description in the redevelopment agreement is correct but the legal description in the ordinance is not.

Councilmember Brown asked Mr. Doster if what was being done tonight does not change the concept plan of the Commons.

Mr. Doster stated that nothing new has been added to the plan.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS NEUTRAL -

2. Mr. Ted V. Niemeyer, 168 Brighthurst Drive, Chesterfield, MO 63005, speaking neutral to P.Z. 45-1999 THF Chesterfield Development L.L.C. (Chesterfield Commons);

- Speaker stated concern for the lighting pollution from Chesterfield Commons;
- Speaker stated that the lighting problem has lowered property values;
- Speaker presented a handout to the Commission showing the existing condition and possible improvements to the lighting.

Councilmember Brown stated that the lights are not in violation of the City ordinance in regards to lighting and parking lots.

Mr. Niemeyer asked if development requirements could be adjusted to make the lighting in violation.

Commissioner Eifler stated that the lights, according to Councilmember Brown, are not in the area to be rezoned.

Commissioner Macaluso suggested that a copy of Mr. Niemeyer's handout be forwarded to the developer and his attorney.

Commissioner Broemmer stated that perhaps a substitution with what was considered an equal fixture was used. Commissioner Broemmer stated that Staff would have looked at this during site plan review and should make sure that the fixtures and bulbs are the right fixtures and that the correct ones were installed. Commissioner Broemmer stated that internal reflectors are built into the fixtures and this lighting problem can be resolved easily.

Councilmember Brown stated that she would call Mr. Niemeyer for further discussion on the lighting since it is not in the area of P.Z. 45-1999 THF Chesterfield Development L.L.C. (Chesterfield Commons).

REBUTTAL –

Mr. Doster stated that the lines of communication have been opened. Mr. Doster stated that the developer will look into the lighting and perhaps some type of shielding device can be attached to the rear lights.

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

## V. APPROVAL OF MEETING MINUTES

A motion to **approve** the November 22, 1999 Meeting Minutes, as corrected, was made by Commissioner Broemmer and seconded by Commissioner Macaluso. The motion **passes by a voice vote of 9 to 0.**

**Chairman Layton called a recess at 9:04 p.m. and the meeting reconvened at 9:12 p.m.**

## VI. PUBLIC COMMENT:

1. Mr. Joe Grimes, Grimes Consulting Engineers, 12300 Old Tesson Road, St. Louis, MO 63128, civil engineer speaking in favor of P.Z. 05-1999 Kehr Development L.L.C. (Long Road Crossing);

- Speaker requested that the Commission consider two (2) revisions to the Attachment A for P.Z. 05-1999 Kehr Development L.L.C. (Long Road Crossing):

1. Page 2, II. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS, Section B, 1. – "East hotel shall not exceed three (3) stories and 62,000 square feet in gross floor area." Mr. Grimes stated that there currently is a tenant that requires 75,000 square feet. Mr. Grimes would like the Commission to increase the square footage;

2. Page 4, VII. SPECIFIC CRITERIA, A. (1) Ninety (90) feet from the new right-of-way of I-64/U.S. 40-61." Speaker requests that the Commission consider a sixty (60) foot setback to allow flexibility in the location of the buildings. Speaker stated that the developer is dedicating 2 ½ acres of right-of-way to MoDOT.

Chairman Layton stated that these two (2) revision requests would be discussed when P.Z. 05-1999 Kehr Development L.L.C. (Long Road Crossing) comes before the Commission tonight.

3. Mr. Ted Allison, 2126 Chesterfield Place, Chesterfield, MO 63017, speaking in opposition to Chesterfield Village Parcel C-312;

- Speaker stated that he is opposed to this Site Development Section Plan only because of the number of unanswered questions. Speaker stated that the developer should have a chance to respond to the questions and possibly have this item put on the next Planning Commission agenda.

4. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, speaking in favor of Spirit Trade Center Plat 1 Lot 4-Solomon Building;

- Speaker stated that he would reserve his comments if he will be allowed to respond to the Staff report during the Site Plan portion of the meeting.

Chairman Layton stated that rules would be suspended.

5. Mr. Bert Solomon, 14567 North Outer 40 Road, Suite 100, Chesterfield, MO 63017, developer, speaking in favor of Spirit Trade Center Plat 1 Lot 4-Solomon Building;

- Speaker stated that he would reserve his comments if he will be allowed to respond to the Staff report during the Site Plan portion of the meeting.

Chairman Layton stated that rules would be suspended.

5. Mr. Bob Boland, ACI boland, 1716 Hidden Creek Court, St. Louis, MO 63131, architect and speaking in favor of Spirit Trade Center Plat 1 Lot 4-Solomon Building;

- Speaker stated that he would reserve his comments if he will be allowed to respond to the Staff report during the Site Plan portion of the meeting.

Chairman Layton stated that rules would be suspended.

6. Mr. George Stock, Stock & Associates, 425 North New Ballas Road, Suite 165, St. Louis, Mo 63141, speaking in favor of Spirit Trade Center Plat 1 Lot 4-Solomon Building;

- Speaker stated that he would reserve his comments if he will be allowed to respond to the Staff report during the Site Plan portion of the meeting.

Chairman Layton stated that rules would be suspended.

8. Mr. Michael C. Convey, Chesterfield Industrial Investors, L.L.C., 50 South Bemiston, Clayton, MO 63105, speaking in favor of Spirit Trade Center Plat 1 Lot 4-Solomon Building;

- Speaker stated that he would reserve his comments if he will be allowed to respond to the Staff report during the Site Plan portion of the meeting.

Chairman Layton stated that rules would be suspended.

Chairman Layton stated that there were two (2) items on the SITE PLANS, BUILDING ELEVATION AND SIGNS portion of the agenda that had time significance to the petitioner. Chairman Layton stated that he would entertain a motion at this time to change the order of the agenda and return to the Site Plan Committee Meeting.

Commissioner Right made a motion to change the order of the agenda and return to the uncompleted Site Plan Committee Meeting. The motion was seconded by Commissioner Banks.

Commission Macaluso asked what the reason would be to change the order of the agenda.

Chairman Layton stated that it was to allow some people to catch an airplane but they have left the meeting.

Commissioner Eifler stated that others are also awaiting consideration of their agenda items.

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

**The motion fails by a vote of 3 to 6.**

## VII. NEW BUSINESS

**P.Z. 38-1999 Busch-Strutman, L.L.C.**: A request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 0.6 acre tract of land located on Chesterfield Airport Road, 150 feet east of the Baxter Road Extension. Locator Number: 17T22-0872 and part of 17T22-0047.

Proposed Uses:

- Office or office buildings;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
- Other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

**And**

**B.** **P.Z. 39-1999 Busch-Strutman, L.L.C.**: A request for a Landmark and Preservation Area (LPA) Procedure in the "PC" Planned Commercial District for the same 0.6 acre tract of land located on Chesterfield Airport Road, 150 feet east of the Baxter Road Extension. Locator Number: 17T22-0872 and part of 17T22-0047.

Assistant Director of Planning Laura Griggs-McElhanon gave an overview of these petitions and stated that Staff recommends approval of the rezoning from "NU" Non-Urban to "PC" Planned Commercial District and a Landmark and Preservation Area (LPA) Procedure request subject to conditions as noted in the report and contained in Attachment A.

Commissioner Eifler asked if an effort had been made to reduce the number of permitted uses.

Ms. Griggs-McElhanon stated that the "Services Facility" use was added to allow the Chesterfield Arts Commission to relocate to this property. Ms. Griggs-McElhanon stated that the Commission could restrict some of the uses.

Commissioner Eifler stated that he prefers that the use for "fishing tackle and bait shops" be eliminated.

Commissioner Eifler made a motion to approve P.Z. 38-1999 Busch-Strutman, L.L.C. and P.Z. 39-1999 Busch-Strutman, L.L.C. subject to conditions as noted in the report and contained in Attachment A with the exception that the permitted use of "fishing tackle and bait shops" be eliminated. The motion was seconded by Commissioner Nations.

**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, no; Chairman Layton, yes.**

**The motion passes by a vote of 8 to 1.**

C. **P.Z. 40-1999 T. K. Properties, L.L.C.**: A request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 0.75 acre tract of land located on Chesterfield Airport Road, 200 feet east of the Baxter Road Extension. Locator Number: part of 17T22-0047.
Proposed Uses:

- Office or office buildings;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
- Other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

**And**

D. **P.Z. 41-1999 T. K. Properties, L.L.C.**: A request for a Landmark and Preservation Area (LPA) Procedure in the "PC" Planned Commercial District for the same 0.75 acre tract of land located on Chesterfield Airport Road, 150 feet east of the Baxter Road Extension. Locator Number: part of 17T22-0047.

Assistant Director of Planning Laura Griggs-McElhanon stated Staff recommends approval of P.Z. 40-1999 T.K. Properties, L.L.C. and P.Z. 41-1999 T.K. Properties, L.L.C. subject to the conditions as noted in the report and contained in Attachment A.

Commissioner Nations made a motion to approve P.Z. 40-1999 T. K. Properties, L.L.C. and P.Z. 41-1999 T. K. Properties, L.L.C. subject to conditions as noted in the report and contained in Attachment A. The motion was seconded by Commissioner Broemmer.

**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; Commissioenr Banks, yes; Commissioner Broemmer, yes; Chairman Layton, yes.**

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

E. **P.Z. 42-1999 G.H.H. Investments, L.L.C.**: A request for a change in zoning from "M-3" Planned Industrial District to "PC" Planned Commercial District for a 2.296 acre tract of land located at on Long Road, 1,000 feet south of Chesterfield Airport Road. Proposed Uses:

- Animal hospitals, veterinary clinics, and kennels;
- 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;
- Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii) Beverages;
  - iii) Confections;
- Barber shops and beauty parlors;
- Bookstores;
- Cafeterias for employees and guests only;
- Child care centers, nursery schools, and day nurseries;
- Colleges and universities;
- Dry cleaning drop-off and pick-up stations;
- Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- Film drop-off and pick-up stations;
- Fishing tackle and bait shops. Open storage and display are prohibited;
- Financial institutions;
- Hospitals;
- Medical and dental offices;
- Offices or office buildings;
- Outpatient substance abuse treatment facilities;
- 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;
- Police, fire, and postal stations;
- Public utility facilities;
- 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;
- Restaurants, fast food;
- Restaurants, sit down;
- Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats,

as well as associated repairs and necessary outdoor storage of said vehicles;

- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
- Permitted signs (See Section 1003.168 'Sign Regulations');
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;
- Terminals for trucks, buses, railroads, and watercraft;
- Vehicle repair facilities for automobiles;
- Vehicle service centers for automobiles;
- Vehicle washing facilities for automobiles;
- or other uses which may be sought under the Chesterfield Zoning Ordinance after future public hearings.

Chairman Layton stated that the Commission has been asked to hold P.Z. 42-1999 G.H.H. Investments, L.L.C. so that access issues may be addressed.

Commissioner Broemmer made a motion to hold P.Z. 42-1999 G.H.H. Investments, L.L.C. until the next meeting. The motion was seconded by Commissioner Sherman.

Commissioner Eifler asked how holding this petition differed from the request to hold P.Z. 18-1999 TriStar Business Communities which was denied at the last Commission meeting.

Assistant Director of Planning Griggs-McElhanon stated that the petitioners for P.Z. 18-1999 TriStar Business Communities cited specifics in their letter to hold which included: The disagreement with Staff concerning the interpretation of the Comprehensive Plan and the new issue of the school buses.

Chairman Layton stated that the Commission did not feel that those were sufficient grounds to hold P.Z. 18-1999 TriStar Business Communities.

Director of Planning Price stated that one of the reasons that the petitioner is asking P.Z. 42-1999 G.H.H. Investments, L.L.C to be held concerns new joint access issues with the Fire District. The petitioner would like this held to clear up the issues so they would not have to return at a later date to amend the ordinance.

Chairman Layton stated that it is the responsibility of the Commission to treat all petitions fairly. Chairman Layton stated that it is his opinion that the two (2) petitions are not parallel.

The motion to hold P.Z. 42-1999 G.H.H. Investments, L.L.C. until the next meeting **passes by a voice vote of 9 to 0**.

E. **P.Z. 05-1999 Long Road Crossing**: A request for a change in zoning from "M-3" Planned Industrial District to "PC" Planned Commercial District for a 23.0 acre tract of land located at the corner of Long Road and Chesterfield Airport Road. Proposed Uses:

- Animal hospitals, veterinary clinics, and kennels;
- 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;
- Automatic vending facilities for:
  - (i) Ice and solid carbon dioxide (dry ice);
  - (ii) Beverages;
  - (iii) Confections;
- Barber shops and beauty parlors;
- Bookstores;
- Broadcasting studios for radio and television;
- Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications;
- Cafeterias for employees and guests only;
- Child care centers, nursery schools, and day nurseries;
- Colleges and universities;
- Dry cleaning drop-off and pick-up stations;
- Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- Film drop-off and pick-up stations;
- Fishing tackle and bait shops. Open storage and display are prohibited;
- Financial institutions;
- Hospitals;
- Hotels and motels;
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
  - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
  - (ii) Placed underground; or

(iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.
All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning;

- Medical and dental offices;
- Mortuaries;
- Offices or office buildings;
- Outpatient substance abuse treatment facilities;
- 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;
- Police, fire, and postal stations;
- Public utility facilities;
- 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;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, fast food;
- Restaurants, sit down;
- Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles;
- Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;
- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises;
- Permitted signs (See Section 1003.168 'Sign Regulations');
- Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods;
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor

vehicles, are being offered for sale or hire to the general public on the premises;

- Vehicle repair facilities for automobiles;
- Vehicle service centers for automobiles;
- Vehicle washing facilities for automobiles;
- or other uses which may be sought under the Chesterfield zoning Ordinance.

Assistant Director of Planning Laura Griggs-McElhanon gave an overview of this petition. She stated that a detention basin has been relocated and that, if approved, a condition would be to require that the detention basin area be rezoned. Assistant Director of Planning Griggs-McElhanon stated that Staff recommends approval of P.Z. 05-1999 Long Road Crossing, subject to the petitioner filing for rezoning of Parcel C (detention basin area) and subject to conditions in Attachment A.

Assistant Director Planning Griggs-McElhanon discussed the two (2) issues that were raised during the Public Comment portion of the meeting. She stated that the first request, increasing the square footage from 62,000 square feet to 75,000 square feet, is fine with Staff but must allow for parking. Concerning the second issue with reducing the setback from the new right-of-way from 90 feet to 60 feet, Staff does have a problem with this. Staff tries to be as consistent as possible with the ordinance that was recently approved for Lipton Realty. A 90-foot setback was established so the Department is not supportive of reducing the setback from 90 feet to 60 feet due to inconsistency.

Commissioner Sherman asked that if the square footage of the building were increased, would it take away from the green space.

Assistant Director of Planning Griggs-McElhanon stated that the petitioner would have to conform to the proposed parking setbacks that result in a certain amount of green space.

Commissioner Eifler questioned the permitted use for a "broadcasting, transmitting or relay tower" and asked if they could put in cell towers.

Assistant Director of Planning Griggs-McElhanon stated that cell towers are public utility facilities.

Commissioner Eifler asked, if approved, would a high-rise tower be permitted.

Assistant Director of Planning Griggs-McElhanon said yes.

City Attorney Doug Beach stated that it would be an FAA issue.

Commissioner Eifler stated that he would not want to approve high-rise towers for that area.

Commissioner Eifler questioned the use of golf courses and other outdoor illuminated facilities as a permitted use.

Mr. Kehr, the petitioner, stated that he does not have a problem removing some of the uses.

Commissioner Eifler made a motion to accept Staff's recommendation with the exception to eliminate "Broadcasting, transmitting, or relay towers, studios, and associated facilities for radio, television, and other communications" and "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," to accept the square footage increase to 75,000 for the hotel and to not change the setback. 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.**

G. **P.Z. 45-99 THF Chesterfield Development L.L.C. (Chesterfield Commons)** An amendment to the City of Chesterfield Ordinance Number 1344 revising the limits of the C-8 Planned Commercial District to add 37.7 acres. Between the Sachs Electric Facility and the McBride Building on the side of Chesterfield Airport Road.

Planner II Todd Streiler reiterated that this Ordinance Amendment is to correct a deficiency in the legal description in the original Zoning Ordinance. A mistake was made in the survey and not uncovered until recently when the Record Plat was reviewed by Staff. The legal description in the redevelopment agreement is correct but the legal description in the ordinance is not. Mr. Streiler stated that there would be the same conditions, easements and other restrictions that are tied to the Chesterfield Commons.

Chairman Layton stated that P.Z. 45-99 THF Chesterfield Development L.L.C. (Chesterfield Commons) would be held until the next Commission meeting and would not need to go before the Architectural Review Board.

H. **Approval of Revised 2000 Planning Commission Meeting Schedule.**

Commissioner Nations made a motion to approve the revised 2000 Planning Commission Meeting Schedule. The motion was seconded by Commissioner Broemmer.

Commissioner Right stated that the February 14 meeting is on Valentine's Day and requested that a meeting not be held that evening.

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

**The motion passes by a vote of 6 to 3.**

## VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

Chairman Layton stated that, due to time, Chesterfield Village Parcel C-312 was not completed during the Site Plan Committee Meeting and the Site Plan Committee did not get a chance to review Spirit Trade Center Plat 1 Lot 4 – Solomon Building so discussion and a vote on these projects will take place now.

Chairman Layton will continue to chair the meeting since the entire Commission is meeting and not just the Site Plan Committee.

A. **Chesterfield Village Parcel C-312:** Site Development Section Plan, Architectural Elevations, Landscape Plan, and Architect's Statement of Design Compliance for 31.105 acres in the "C-8" Planned Commercial District, governed by the City of Chesterfield Ordinance # 1358; located on the northwest corner of Olive Street Blvd. and Chesterfield Parkway East

Planner II Todd Streiler stated that a regular site plan review had been done with this project. Mr. Streiler stated that the Lighting Plan and Landscape Plan are not available at this time and the petitioner has asked the Commission to accept these items at a later date when they are completed.

Planner II Streiler stated that the Landscape Guideline requires a 15-foot buffer. A question is, "Can a sidewalk be included in that buffer?" Mr. Streiler stated that the petitioner has asked for the Commission's interpretation. Mr. Streiler stated that the petitioner, Mr. Louis Sachs, stated that the acceleration lane could be removed. Mr. Streiler stated that the Department of Public Works recommended that those curb cuts be eliminated. The ordinance states that the St. Louis County Department of Highways and Traffic will make the decision. The Department of Public Works recommended that they be eliminated.

City Attorney Beach stated that it is a County road so they could say that four (4) access points is fine with them. City Attorney Beach stated that this is a site plan so the Commission could suggest that two (2) is all that the City wants.

Director of Planning Teresa Price gave a timeline of the project and explained the review process.

Commissioner Nolen expressed concern with the number of outstanding comments and does not want to rush this project through the process.

Commissioner Nolen made a motion to hold Chesterfield Village C-312 until most of the issues are resolved. The motion was seconded by Commissioner Broemmer.

Commissioner Right stated that usually projects are worked through in the Site Plan Meeting and suggested the same be done with this project now.

Commissioner Macaluso stated that the Landscape and Lighting Plans are missing.

Commissioner Eifler also expressed concern about the Commission not having complete information.

Commissioner Macaluso stated that this property was hurriedly zoned several years ago by the County for an 8-story building. Commissioner Macaluso stated that perhaps the time could be taken now and so a mistake will not be made.

Ms. Kathy Higgins, spokesperson for the petitioner, stated that she is working with three (3) clients and will lose those clients if this project does not stay on track and be approved. Ms. Higgins stated that clients are ones that the City will be proud to have in their community. Ms. Higgins stated that perhaps the Commission could go through the items and eliminate some concern. Ms. Higgins stated that for those issues which are not eliminated, attach those issues to the Commission's approval. Ms. Higgins expressed concern that if the project is not approved soon, they may lose the clients.

Ms. Higgins stated that the parking structure would be architecturally finished with heavy landscape the full width of the parking structure.

Councilmember Brown asked Ms. Higgins that, if the Commission did not vote to hold, would the petitioner be willing to accept the acceleration lane as well as the condition that this project must meet the Pathway on the Parkway requirements?

Ms. Higgins stated both that both are not able to be met. Ms. Higgins stated that, in order to do this, the entire development would have to be moved over.

Ms. Higgins stated that some of the issues have already been addressed but they just are not in writing in yet.

Commission Nolen stated that market conditions should not play a part in the decisions of the Commission.

City Attorney Beach stated that it sounded like, if approval were given for this project at the next Commission meeting on January 10, 2000, it would not be too late to retain the clients. City Attorney Beach stated that more of the issues would be addressed and the petitioner would have a better chance of having this project approved.

Chairman Layton restated the motion: Commissioner Nolen made a motion to hold Chesterfield Village C-312 until most of the issues are resolved. The motion was seconded by Commissioner Broemmer.

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

**The motion passes by a vote of 6 to 3.**

B. **Spirit Trade Center Plat 1 Lot 4- Solomon Building;** Site Development Section Plan, Architectural Elevations and Landscape Plan for 3.22 acres in the "M-3" Planned Industrial District, governed by City of Chesterfield Ordinance Number 656; located on the south side of Chesterfield Airport Road, west of Long Road.

Planner II Todd Streiler gave an overview of this petition. Planner II Streiler stated that the Valley Master Plan recommends that there be sidewalks and that streetlights shall be provided along major circulation routes in the Valley, with special attention given along Chesterfield Airport Road. Planner II Streiler stated that no streetlights are proposed for this area. The Department of Public Works is working on a master lighting plan for the area and stated that they will provide the design and the installation and the petitioner is to provide the ongoing maintenance and utilities for the lights. The petitioner has been asked to provide the sidewalks. Comments received state that it was not originally a requirement with the original subdivision plat and the petitioner has decided to move forward without meeting the condition. Planner II Streiler stated that the Landscape guideline has not been met. The guideline states that there must be 15 feet between a vehicle use area and a public drive. According to the plan, the parking lot is tapered and there is a 10-foot buffer. The petitioner has been made aware of this but has continued to move forward. Planner II Streiler stated that Staff recommends that the Site Development Plan for Spirit Trade Center Plat 1 Lot 4 – Solomon Building be denied. Planning Commission action is needed for the Landscape Plan and Architectural Elevations.

Commissioner Eifler wanted clarification that the petitioner is not in compliance with what has been in effect in the Valley Master Plan since February and the petitioner's request was received in September.

Planner II Streiler stated that the issue is that the owner (Mr. Mike Convey) thought that he had done all of the public improvements that were necessary when his subdivision plat was approved in 1992 and does not feel that he needs to make any additional ones.

Commissioner Eifler does not think that it is realistic to think that conditions that existed in 1992 are going to be static for seven (7) years.

Mr. Michael Doster, attorney for the petitioner, stated that they received a letter from the Department of Public Works stating that an ordinance was passed approving this entire development. Plat I, of which Lot 4 is a part, was approved. Plat II of this subdivision was approved within the last three (3) months and none of those approvals had any conditions that related to these requirements and, specifically, no requirement in regard to the sidewalks. Now certain problems have been presented as a result of the County or Department of Public Works not wanting the sidewalks near Chesterfield Airport Road. There is a drainage ditch to contend with and putting sidewalks on this site is very problematic.

Mr. Bob Boland, architect for the petitioner, stated that the petitioner agrees with the letter from the Department of Public Works regarding the streetlights and the petitioner is in agreement with all other issues in the letter. The setbacks and the Site Development Plans were approved on separate occasions, neither requiring a sidewalk. All of the physical improvements have been made. The issue is where you can and cannot put ditches and sidewalks. The section of concern has a public right-of-way (Chesterfield Airport Road) point with a 3:1 taper down, a flat bottom, and a 3:1 taper back up and the start of a parking lot. In these 15 feet there is a County water easement which is dedicated for the purpose of the water line which thus far is an exclusive easement for their purpose. There was also a 10-foot setback line as part of the overall development plan. The question is where to put a sidewalk. Physically, there is no place to put it. Properties to the south are sold and closed on so there is no option to move development over. No one has been able to come up with a creative or logical solution. Petitioner has followed the City's instruction as originally approved and does not know where to go.

Commissioner Sherman stated that if there is some-type of internal circulation or picnic area then employees could use that on their lunch hour.

Mr. Boland stated that it is his experience that very few people use the internal sidewalks inside an industrial-type complex. Mr. Boland stated that St. Louis County Water has an easement for this entire area. Any fill or disturbance in the area of the main line causes a severe problem.

Commissioner Eifler asked if Plat Two is as far along in its development planning as Plat One.

Mr. Boland stated that it is approved and many, if not all, of the improvements are installed.

Commissioner Eifler stated that the impression he had was that a precedent had been set with Plat Two that was not now being set in Plat One.

Mr. Boland stated that that is not the case. Plat I is the same as Plat II. One was approved in approximately 1993 and the other a few months ago.

Commissioner Eifler asked about the possibility of having a closed covert, closed concrete pipe over the open ditch, and putting a sidewalk over it.

Mr. George Stock stated that Chesterfield Airport Road is at a flat gradient with no longitudinal slope, only cross slope. The most critical issue is that County Water has 16 inch mains that vary to a depth of 42 inches. Altering that, either reducing the grade or putting in additional fill to put in sidewalk, St. Louis County will object and want the main relocated. The easement of 15 feet belongs to St. Louis County Water. Their water pipe is under the ditch.

Commission Nolen made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for Spirit Trade Center Plat 1 Lot 4 – Solomon Building. The motion was seconded by Commissioner Right.

Planner II Streiler clarified that the landscape buffer tapers to ten (10) feet according to the plan; fifteen (15) feet are required. Planner II Streiler stated that the motion would approve the plan as is.

Commissioner Broemmer stated that this is a situation where a given building size and parking space maximize the occupancy on the space with those conditions and you do not have anywhere to go. But if those are lessened somewhat, then you do not have that squeezing of space. Again, there is not the concern about maximizing building space on the property but about getting all of the issues addressed. It would seem that with a smaller building and a few less parking spaces, both sides could be addressed.

Mr. Boland stated that the discussion involves 85 feet out of 400 feet. The original plan filed and approved for this plat and Plat II required a ten (10) foot setback. The setback has been increased. The petitioner has also added more landscape at the corner (the entrance to this project). The Architectural Review Board suggested that art and sculpture and additional landscaping be added in this area. They found this as a suitable solution and equivalent trade-off to what is proposed as a slight increase in the linear.

Commissioner Broemmer stated that his concern was also the sidewalk issue but feels that a small reduction in the building and parking could make this happen.

Mr. Boland stated that his concern is honoring approvals. Petitioner feels that he has gone overboard to try and meet the spirit and intent of the guidelines for the overall Chesterfield Valley and still do a logical and economically viable project at this location. Choices were made to move the green spaces where they felt they would do the most good.

Commissioner Eifler asked City Attorney Beach that, if the Commission approves this and does not require sidewalks or street lighting as called for in the Valley Master Plan, are we setting a precedent for the rest of the development on Chesterfield Airport Road and weakening the underpinnings of requiring sidewalks and street lighting along Chesterfield Airport Road in accordance with the Valley Master Plan.

City Attorney Beach stated that the reality is that you could force them to do it here just by push and shove. Mr. Doster mentioned that the Valley Master Plan is a guideline like the Comprehensive Plan and has not been reduced to the ordinance which could be passed and enforce lighting and sidewalks throughout the entire Valley which would be enforceable against things that were approved in 1992. City Attorney Beach stated that he does not think that it necessarily is a precedent setter. The Commission could see if they are going to look at the guidelines for the Valley stringently each time or give a little leeway like here and try to put something on the corner. City Attorney Beach stated that he could defend the call either way.

Councilmember Brown stated that she feels that the issue of sidewalks and storm water needs to go back to the Valley Master Plan Committee.

City Attorney Beach stated that there is a separate committee dealing with that. It crosses over to the Planning Commission dealing with position of the Commission which is wanting sidewalks everywhere no matter where and there is a conflict in regards to whether you can have a use of a sidewalk in an area such as this. It you are, we have to make the space because the ditch is taking up the space where you typically would have had a sidewalk. You may have people walking if you have connections.

Commissioner Macaluso asked if Staff still stands by their recommendation of denial for this project.

Director of Planning Price stated that denial was based on the Valley Master Plan and the Valley Master Plan called for those issues to be addressed. The landscape guideline is another set of issues and has not been addressed. It is the call of the Commission if they choose to deviate from the Valley Master Plan.

Chairman Layton restated the motion: Commission Nolen made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for Spirit Trade Center Plat 1 Lot 4 – Solomon Building. The motion was seconded by Commissioner Right.

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

**The motion passes by a vote of 5 to 4.**

Mr. Mike Convey, a principal of Chesterfield Industrial Investors, the owner and developer of Spirit Trade Center, thanked the Commission for their approval. Mr. Convey also stated that the City holds developers to high standards and, when going through the process, developers are expected to fulfill the process. The developers hold the City to the same high standard of integrity that, when developer goes through the process and it is approved, developers would like to rely on the approval.

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

Director of Planning Teresa Price stated that Commission packets would be ready to be picked up after 5:00 p.m. on the Wednesday before the 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 11:02 P.M.

**Charles Eifler, Secretary**