PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 28, 2005

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

I.	**PRESENT**	**ABSENT**
	Mr. David G. Asmus	Ms. Lu Perantoni
	Mr. David Banks	
	Mr. Fred Broemmer	
	Dr. Maurice L. Hirsch, Jr.	
	Dr. Lynn O'Connor	
	Mr. Thomas Sandifer	
	Ms. Victoria Sherman	
	Chairman Stephanie Macaluso	

Councilmember Mike Casey, Council Liaison
City Attorney Rob Heggie
Ms. Teresa Price, Director of Planning
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Councilmember Barry Streeter, Ward II.

II. INVOCATION: Commissioner O'Connor

III. PLEDGE OF ALLEGIANCE – All

PUBLIC HEARINGS – Commissioner Sherman read the "Opening Comments" for the Public Hearings.

A. P.Z. 31-2005 Straub Lane Villas: A request for rezoning from "NU" Non Urban to "R-5" Residential District for a parcel totaling .99-acre, located on the north side of Clayton Road, east of Baxter Road and west of Schoettler Road at the northwest corner of Clayton Road and Straub Lane. (LOCATOR NUMBER 21R 44 1513)

and

B. **P.Z. 32-2005 Straub Lane Villas:** A request for a Planned Environment Unit (PEU) Procedure within an "R-5" Residence District for .99 acre tract of land located on the north side of Clayton Road, east of Baxter Road and west of Schoettler Road at the northwest corner of Clayton Road and Straub Lane. (LOCATOR NUMBER 21R 44 1513)

Project Planner Kyle Dubbert gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Dubbert stated the following:

- The proposed uses for the development are single-family attached dwellings.
- Staff has identified the following issue:
  - The structure on this site is a century home as identified by A Guide to Chesterfield's Architectural Treasures by Mr. Dan Rothwell.
- The Comprehensive Plan designates this area as residential consisting of single family attached and detached homes.

PETITIONER'S PRESENTATION:

1. Mr. Patrick Worzer, Land Design Services, #1 First Missouri Center, Suite 218, St. Louis, MO stated the following:
   - They are proposing six attached single-family villa units. It will be a condo plat development with a private drive entrance off of Straub Road, which currently is private.
   - The site will be extensively landscaped with a gated entrance.
   - The buildings will incorporate stone, brick and siding. They will be two-story homes starting at $450,000. The units will have approximately 2400 square feet.
   - There is a stub at the end of the street for any future development on the adjacent property.
   - They have met with the Councilmembers for the Ward, the adjacent residents, and the Trustees of the subdivision directly to the north.
   - Neighboring residents have expressed concerns relative to privacy. The developer intends to preserve as much as possible of the existing vegetation behind the units on the north side, along with additional landscaping for those units.
   - Neighboring residents have also expressed concern over storm water drainage. The developer will comply with MSD and will use whatever means to not increase any further problems regarding offsite drainage.
   - The residents have indicated they are receptive to the proposed development.

SPEAKERS IN FAVOR:

1. Mr. William R. Young, 14685 Clayton Road, Ballwin, MO stated the following:
   - He and his wife own the subject property. The house is a century home built approximately 1880-1890. This house, and the house next to it, are the last single-family homes on this side of Clayton Road between 141 and Baxter. The house next to it is now a business.

- The house is "tired" and should be removed.
- The proposed development would fit into the neighborhood.

Responding to questions from the Commission, Mr. Young stated the following:

- It is the speaker's opinion that the house is not structurally sound enough to be moved as an historic home. The home is a frame house and has had four additions to it over the years.
- There is an access from the easement off Straub Lane and also an access from Clayton Road. The driveway currently is off Clayton Road.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Jim Fischer, 2417 Clayborn Drive, Chesterfield, MO stated the following:
   - He lives in, and is representing White Gate Farm Estates, which abuts the proposed development.
   - They were favorably impressed with the proposed development after meeting with Mr. Worzer.
   - The residents have concerns regarding privacy. The petitioner is proposing a two-story development, which will sit 6-10 feet higher than the homes abutting them. Along with the proposed landscaping, the residents have suggested the developer consider a privacy fence along the back of the property.
   - The residents have a serious concern regarding storm water drainage. The developer is proposing to divert over 22,000 sq. ft. of impervious surface area drainage into a storm sewer on property owned by White Gate Farm Estates. This sewer feeds into a retention basin at the base of Clayborn Drive. The basin was designed 15 years ago to accommodate the amount of impervious surface for their development. The proposed development will add another one-half acre of impervious surface to the retention basin, which currently overflows into a standpipe. From the basin, it crosses Parkway West property ending up in a pond in the Broadmoor Condominiums' property. When White Gate Farm Estates was being developed, it was threatened with lawsuits from Broadmoor because of silt and muddy water overflow. At the time, the developer addressed the concerns to retard the storm water. There have not been any more problems with Broadmoor and they hope not to have any more drainage problems as a result of the proposed development.
   - The plans indicate that there is an alternative to divert storm water from the proposed development toward the front of the property into an alternative catch basin system that would abate the issue entirely.

2. Ms. Mary Jane Mueller, 14904 Jockey Club Drive, Chesterfield, MO stated the following:
   - She is a property owner adjacent to the proposed development.

- Her elevation is the lowest – much lower than Clayton Road. She has spent $3500 on drainage problems and at the present time, it is stable. If there is any runoff storm water, it would land on her property.
- She requests that the drainage issue be resolved as outlined by Mr. Fischer.

3. Mr. Dan Rothwell, representing the Chesterfield Landmarks Preservation Commission, 15720 Callender Court, Chesterfield, MO stated the following:
   - In 1997, he photographed the property and did research on it.
   - The Preservation Commission cannot, and is not trying to save every old building in Chesterfield. The Commission does want to be kept aware of those buildings that come up for rezoning, demolition, etc. to address the issues as they come up.
   - He agrees that the building is a somewhat tired house. It dates back to about 1898 and has been added onto a number of times.
   - Speaker submitted a list of historical structures that the Preservation Commission is evaluating and requested that this Commission be kept apprised of petitions involving possible historic buildings.

REBUTTAL:

Mr. Worzer stated the following:

- They are aware of and understanding of the residents' concerns regarding privacy and storm water issues.
- The developer is willing to create a privacy fence between the proposed site and the residents' property in addition to the landscaping. The privacy fence will be a minimum of 6 feet high – no maintenance vinyl. Landscaping would be on the developer's side of the property. There is existing vegetation on the back of the residents' properties which will be retained.
- Several options can be reviewed for storm water. Anything that will be proposed will have to be approved by the City's Department of Public Works, as well as MSD. They do not intend to worsen any existing situation. They would check the calculations regarding the detention basin.
- Regarding surface drainage, they could address this by tying in all the roof drains and piping it into the storm water pipe system so that water is not discharged over the ground into the adjacent properties.

Commissioner Sherman referred to the proposed privacy fence and suggested that the affected parties consider whether they would prefer seeing a fence or a wider view without a fence. Mr. Worzer stated that if a fence is used, it is possible to add some landscaping to break down the starkness of the fence.

ISSUES:

1. Review the use of a privacy fence, landscaping berms, other options.
2. Drainage considerations and options.
3. Will a curb cut be eliminated?

4. Compare the number of units in the proposed development to the R-5 subdivision across the road. Concerned that the project is too dense for the size of the property.
5. How much of the buildings are visible from the road? What materials will be used facing the road?
6. What is the density in units/acre of the subdivision behind the proposed development?
7. Address the preservation options, if any, for the historic building on the site.
8. How many trees will be saved on the site?

Commissioner Sherman read the Closing Comments for Public Hearing **P.Z. 31-2005 & P.Z. 32-2005 Straub Lane Villas** noting the earliest possible date the Planning Commission could vote on the subject petition would be January 9, 2006.

IV. APPROVAL OF MEETING MINUTES

Commissioner Sandifer made a motion to approve the minutes of the November 14, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

RE: Justus Pointe at Chesterfield Village

Petitioners:

1. Mr. Richard Bruno, 7801 Forsyth Boulevard, Clayton, MO stated he would make his full presentation during the Site Plan portion of the meeting.

2. Mr. Andy Sutton, Volz, Inc., 10849 Indianhead, St. Louis, MO. stated he would make his presentation during the Site Plan portion of the meeting.

Speakers in Opposition:

1. Mr. Donald Gravlin, President of Sycamore Subdivision Trustees and member of Chesterfield Board of Trustees, 1581 Springport, Chesterfield, MO stated the following:
   - Most of the issues stated at previous meetings remain unresolved.
   - Mr. Bruno met with the residents on October 5, 2005 to discuss their concerns. Nothing was resolved at that meeting nor has there been any subsequent response.
   - Mr. Gravlin submitted a letter dated November 18, 2005 outlining their concerns.

2. Mr. Mike Watson, 1505 Walpole Drive, Chesterfield, MO stated the following:
   - The CVA Board met with Mr. Bruno on October 5, 2005 at which time their concerns were expressed. Speaker noted the following concerns:
     - The use of shake shingles for the detail, which is not present anywhere in the existing community.
     - The bump-out of the closets.
     - Vast solid roof line that is exposed to the new buildings
     - The parking situation with multiple cars per family and guest parking
     - The traffic pattern between Buildings 2 and 3
     - Location of mailboxes
     - The percentage of green space to be retained
     - Preservation of the existing trees up against the lake
   - Mr. Bruno's response to the construction parking was to rock the point and to post signs not allowing parking anywhere on Milbridge.
   - Mr. Bruno did agree to do a lake siltation study both pre- and post-construction. However, on the site plan, it states that his resolution to the siltation issue is to put up straw bales end-to-end. The residents want to protect the lake from the construction process.
   - Mr. Bruno listened to all of their concerns but has not yet responded to them.
   - Speaker displayed pictures provided by Mr. Bruno, which Mr. Bruno indicated were similar to the proposed development.

3. Ms. Carole Clary, Trustee of Oak and Chesterfield Village, 1550 Walpole, Chesterfield, MO stated the following:
   - The residents believe that the subject site can command an upscale condo development. They feel that what is being proposed is bare-bones and apartment-like.
   - They feel the proposed development will downgrade the desirability of the neighboring Oak and Sycamore communities. The streets of these areas are quiet and safe, with adequate guest parking, which is good for re-sale. Residents and guests of Justus Pointe will be forced to fill up the guest parking and streets, which Oak and Sycamore privately pay to maintain, which they feel will seriously degrade their property and make the homes less desirable for re-sale.
   - In researching the seven most current new condo projects in Chesterfield, it is noted that the average starting price is $565,000. This indicates that there is precedent to upgrade the units at Justus Pointe.
   - The residents feel that the subject site merits far better than the proposed project.

4. Mr. Pat Plunkett, 1520 Walpole Drive, Chesterfield, MO stated the following:
   - He feels that the lake in Chesterfield Village is one of the most beautiful spots in all of Chesterfield. He fears that it will be severely impacted by the proposed development. He displayed photographs of the site and lake.

- He expressed concern that many of the trees will be eliminated along the field. It is also possible that the entire inlet will be silted over during the construction process.
- The plans call for the area of the point to be rocked over and used for construction equipment, causing extensive damage to the area.
- Runoff, debris and other construction side effects will have a negative impact on the lake.
- He believes that the Commission has certain discretionary powers that allow them to apply and enforce the various defining ordinances in a judicious manner – that allows them to amend or veto projects that may not be in the best interest of the citizens of Chesterfield. They ask the Commission to exercise that discretion to save an irreplaceable part of Chesterfield.
- He feels that the downtown area needs to balance both buildings and nature.

5. Ms. Karen Eddinger, 1579 Milbridge Drive, Chesterfield, MO stated the following:
   - She feels there are parking deficiencies and safety issues.
   - She feels the parking requirement of 1-1/2 cars/per unit is outmoded. There is no allowance in the plan for the extra cars that will be generated by Justus Pointe.
   - She feels the community will appeal to a young clientele with roommates and a steady stream of guests. She feels the low price point and lack of elevators will attract young adults as opposed to older adults.
   - She feels it is likely that more than 50% of the residents will have more than one car. She has concerns that parking will overflow on to the streets of Oak and Sycamore.
   - The streets are too narrow to be accepted by Chesterfield and too narrow for on-street parking. On-street parking could impede the flow of emergency vehicles and snow removal equipment.
   - She does not feel it is the responsibility of Oak and Sycamore to supplement the parking for Justus Pointe – it is the responsibility of Bruno Homes.
   - She has concerns about residents of Building 2 backing out of their garages and being hit by cars pulling into the development. She also has concerns about residents pulling out of Buildings 3 and 6.

6. Mr. Dan Wofsey, Attorney representing the Oak and Sycamore Subdivision, One Metropolitan Square, St. Louis, MO stated the following:
   - Fundamental problems with the project remain unresolved. After sending Mr. Bruno a five-page letter outlining concerns, he met with the residents in early October.
   - At the meeting, Mr. Bruno made no commitments to address any of the concerns. There has been no further communication from Mr. Bruno since the October meeting.
   - The project remains incompatible with the surrounding properties for the following reasons:

- Available parking is insufficient and poorly located on the site. Unless additional parking is required with better internal drives, the Justus Pointe project will have chronic parking and traffic safety problems. These problems will encroach upon the neighboring Oak and Sycamore subdivisions.
- The development has the appearance and function of an apartment building with massive buildings and a high-density, congested site that is incompatible with the neighboring single-family homes.
- The buildings will dramatically change the character and value of the homes within the adjacent subdivisions. The units being sold will be at, or below, the lowest-priced condominiums in the West County area. They feel this is the wrong place for this development.
- The development will create numerous problems for the Trustees to deal with after the developer has sold all the units.

- They believe the project is fundamentally unsound and inappropriate for this location.

Mr. Heggie asked Mr. Wofsey what his clients would like to see proposed for the development. Mr. Wofsey replied that they feel there are too many units being squeezed onto the lot. They would like to see the number of units reduced; the quality of the units upscaled; and adequate parking provided. They fear the trees and lake will have damage done to them. He pointed out that the proposed development will be covered under the same subdivision indenture as the existing subdivisions – they will all share the common areas and they will all have to be governed together. If the two communities have inherent conflicts, it will not be a good neighborhood. They do not believe the materials being proposed are compatible with the neighboring properties and the architectural design is inappropriate.

7. Mr. Wayne Huckshold, 1549 Milbridge Drive, Chesterfield, MO stated the following:
   - He lives across the street from the proposed development.
   - He feels the main problem with the development is that it does not fit in with the integrity and the feel of the area. He lives across from the field and can see the lake from his home and has concerns that the proposed development will destroy some of this.
   - He feels the density of the area would be increased by three with the proposed development.
   - He has safety concerns about additional traffic at the intersection of Milbridge and Justus Post.
   - He chose his condo because of the open area and has concerns this will be lost.

RE: P.Z. 22-2005 Wings Corporate Estates

Petitioners:

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave the Commission the definition of a "spite strip" and indicated that there is no spite strip involved in this project.

2. Mr. Ed Holthaus, 18102A Chesterfield Airport Road, Chesterfield, MO stated the following:
   - It is his understanding that Project Planner Kyle Dubbert has contacted St. Louis County Highway Department regarding the timeframe and scope for road improvements. He has not heard back from the County at this time.

3. Mr. Steve Quigley, 11920 Westline Industrial Drive, St. Louis, MO stated he was available for questions.

RE: P.Z. 26-2005 Chesterfield Ridge Phase Two (Kemp Homes)

Petitioners:

1. Mr. Mark Teitlebaum, President of Kemp Homes, 777 Craig Road, Suite 230, St. Louis, MO stated the following:
   - The following trees are to be removed: Trees #2, 3, 4, 10, and 11.
   - They will try to save Tree #12 if the sidewalk can be meandered.
   - They will try to save Tree #9 if the root structure is not impacted when the pavement is put in.
   - The following trees would be removed during Phase II: Trees #99 and 100.

Speakers in Favor:

1. Mr. Marshall Galliers, President of the Trustees of Old Clarkson Forest, 1936 Rustic Oak Road, Chesterfield, MO stated the following:
   - He is speaking for his subdivision of 67 homes.
   - At the first reading, they presented 11 issues and there are a couple issues left on which they would like clarification:
     - On both sides of Old Clarkson Road, there is a large vegetated buffer. It is unclear to them how the buffers will be affected by the enlargement of the swale along this road and by the potential one-foot road widening and eight-foot easement.
     - They are not clear on what water will be discharged directly. There is mention of MSD requiring a direct pipe into the pond to drain the water from the subdivision directly into the land adjacent to the road – on the other side of the road. In prior meetings, it was talked about using the existing under-the-road pipes, which may not be adequate. Now they are being told it may go directly over the road. Speaker asked if the water is coming out of the retention basin or will it also include water that is free-flowing to the other side of the highway.

- Speaker reminded the Commission that the area is a park-like setting, which is why they are being so particular about the issues.

RE: P.Z. 29-2005 Chris Schulenburg (14310 Olive Road)

Petitioners:

1. Mr. R. B. Clark III, 736 Fairfield Lake Drive, Town & Country, MO presented with –

2. Mr. Chris Schulenburg, 14310 Olive Road, St. Louis, MO, who stated the following:
   - Currently there are eight Monarch trees on the property. There are two trees that conflict with the parking and driveway. One is at the end of the house and the other is behind the house. The one behind the house is a 40" maple, which they would like to save. They purchased the property because of the trees and they want to save all of them. There are no plans to remove any of the trees.
   - From the original Site Plan to the new Site Plan, they have moved in a bit on the east side and added a landscape buffer. A landscape buffer was also added on the south side to the rear. The sidewalk is at the front of the property.
   - The neighbors in the rear have been kept informed of the proposed plans.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Chesterfield Commons East Plat 2 a Resubdivision of Adjusted Lot 11: A record plat for an approximately 14.165 acre tract of land, zoned PC (Planned Commercial), and C8 (Planned Commercial) located South of Chesterfield Airport Road and East of Chesterfield Commons Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Record Plat. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

B. Gateway Golf Center Batting Cages: An Amended Site Development Plan for batting cages on a 29.07 acre "PC" Planned Commercial District located on the north side of Chesterfield Airport Road, west of Long Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

C. **Monsanto/Pfizer:** Amended Site Development Concept Plan for a 200.5 acre parcel zoned C-8. The site is located south of Olive Boulevard, east of the intersection with Ladue Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Amended Site Development Concept Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

D. **Monsanto/Pfizer:** Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Plan for a 200.5 acre parcel zoned C-8. The site is located south of Olive Boulevard, east of the intersection with Ladue Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Architectural Elevations, Landscape Plan, Lighting Plan, and Site Development Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

E. **River Crossing Lot 4:** Site Development Section Plan, Lighting Plan, Landscape Plan, and Architectural Elevations for a "PC" Planned Commercial Development called River Crossing located on the north side of Chesterfield Airport Road and east of Public Works Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, Lighting Plan, Landscape Plan and Architectural Elevations. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

F. **Wildhorse Springs Record Plat:** A record plat for an approximately 19,566 square foot tract of land, zoned "R-2" Residential with a "PEU" Planned Environment Unit, located on the north side of Wildhorse Creek Road at Woodcliffe Place.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Record Plat. The motion was seconded by Chair Macaluso and **passed by a voice vote of 8 to 0**.

G. **Wildhorse Springs Site Development Plan:** A Site Development Plan for an approximately 19,566 square foot tract of land, zoned "R-2" Residential with a "PEU" Planned Environment Unit, located on the north side of Wildhorse Creek Road at Woodcliffe Place.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to accept the Site Development Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0**.

H. **Justus Pointe at Chesterfield Village:** Amended Site Development Concept Plan, Landscape Plan, Lighting Plan for a 3.3 acre parcel located East of Justus Post Road at the intersection of Justus Post Road and Milbridge Drive.

and

I. **Justus Pointe at Chesterfield Village:** Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Section Plan for a 2.31 acre parcel located East of Justus Post Road at the intersection of Justus Post Road and Milbridge Drive.

Mr. Richard Bruno, President of Bruno Homes, 7801 Forsyth Boulevard, Clayton, MO addressed the Commission and stated the following:

- He has met with several groups of residents on several different occasions. He has met with Councilmember Geiger on two occasions; the Chesterfield Village Association and their attorney; and two or three other groups of residents.
- He feels he has addressed the concerns expressed through a letter sent to the City.
- The density for the site allows in excess of 156 units; their proposal is considerably less than this – approximately 100 units less than the allowable zoning.
- They meet all the requirements for the R-6 zoning district.
- They have changed the architecture of the building in an attempt to address some of the concerns raised. The units were enlarged by reducing the deck size, which will increase the sales price. The town home unit was increased by about 140 sq. ft.; the garden unit was increased by 100+ sq. ft.
- They addressed the traffic issue regarding the concerns of the Public Works Department, as well as the Planning Department. Regarding the question of visibility sight lines for one of the garages, they were able to manipulate the buildings and street to accommodate those.
- They have provided parking in excess of the zoning district requirements for both off-street and covered parking.

Responding to questions from the Commission, Mr. Bruno stated the following:

- Tandem parking has been associated with other developments constructed by Bruno Homes and they feel it works. He feels residents will want to use the garages to keep their vehicles in an enclosed, secured, protected parking space.
- Regarding the concern raised of pulling out of certain buildings, they adjusted the street and moved the buildings to address the issue.
- He believes the neighborhood should be viewed from a larger perspective than what is just across the street. He feels they are dealing with a transitional portion of Chesterfield Village. The area includes the mall, office buildings, retail, multi-family units, and for-rent multi-family units. He feels the proposal is appropriate for high density development – noting that the proposed density is much lower than what is allowed.
- His background as a company is in high-end housing and he does not feel that the proposed development will reduce property values.
- Any possible siltation problems to the lake would be repaired by the developer.

Mr. Andy Sutton, Volz, Inc., 10849 Indianhead, St. Louis, MO stated the following:

- Regarding parking, there is very limited area to put additional parking spaces. In the rear of each of the units, there is room for one guest parking space. These are not counted on the parking calculations on the plan.

Chair Macaluso asked if parking could be provided in the area proposed for Building 7, which is not scheduled for construction until Phase II. Mr. Bruno replied that it could be used temporarily for parking and he would review it further for permanent parking.

(The meeting recessed from 8:40 p.m.-8:50 p.m.)

Chair Macaluso asked Mr. Bruno if he would consider withdrawing Phase II, Building #7 from the Concept Plan and Site Plan. Mr. Bruno responded he would withdraw it with the ability for it to be considered at a later date.

Chair Macaluso asked if this area could then be used for guest parking. Mr. Bruno replied that he is withdrawing for consideration Building 7 for vote this evening.

Commissioner Hirsch clarified that for Item VII.H., the Petitioner has withdrawn Building 7 from the Amended Site Development Concept Plan, which means the proposed development is down to six multi-family condominium buildings with 48 total units.

Commissioner Sandifer made a motion to approve the Amended Site Development Concept Plan, Landscape Plan, and Lighting Plan with the deletion of building #7. The motion was seconded by Commissioner Sherman.

If the Amended Site Development Concept Plan is approved with the change, Chair Macaluso asked if the Commission should review the Concept Plan showing Building #7 removed.

Commissioner Hirsch stated that there are two parts to this: (1) the building itself would be removed, which would affect ingress and egress; and (2) there would be more surface parking provided on that same area. He asked Teresa Price, Director of Planning, if there would be a problem with the Commission dealing with the petition tonight. Ms. Price responded that the amended information for the landscape plan, parking, and access is not available but it would be up to the Commission as to whether or not to vote on it without this information.

Commissioner Sandifer stated that there are two proposed phases. Item VII.H. includes Building #7 and the developer has agreed to remove building #7, which will leave that part of the property blank at this time. Further, the developer has agreed to put in parking. He felt that the Commission could vote on Item VII.I., which includes the first 6 buildings.

Ms. Price noted that the Commission needs to approve the Concept Plan (Item VII.H) before approving Item VII.I.

Commissioner Sherman reviewed the particulars of the motion on the table: To approve an Amended Site Development Plan, amended to eliminate Building 7; the Landscape Plan as it is around the 6 buildings; and the Lighting Plan as it is around the 6 buildings.

Chair Macaluso made a motion to hold Items VII.H and VII.I. until the next meeting. The motion died due to the lack of a second. .

Chair Macaluso made a motion to amend the motion to include that surrounding residents shall be notified of all future amendments to the Concept Plan. Commissioners Sandifer and Sherman accepted the **a**mendment to the motion.

Upon roll call, the vote was as follows:

Aye: Commissioner Hirsch, Commissioner O'Connor, Commissioner Sandifer, Commissioner Sherman, Commissioner Asmus, Chairman Macaluso

Nay: Commissioner Banks, Commissioner Broemmer

The motion passed by a vote of 6 to 2

Commissioner Sandifer made a motion to approve the Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Section Plan for the six buildings. The motion was seconded by Commissioner Sherman.

Upon roll call, the vote was as follows:

Aye: Commissioner O'Connor, Commissioner Sandifer, Commissioner Sherman, Commissioner Asmus, Commissioner Hirsch, Chairman Macaluso

Nay: Commissioner Banks, Commissioner Broemmer

The motion passed by a vote of 6 to 2

VIII. OLD BUSINESS

A. P.Z. 10-2005 Petro Mart (Land West One LLC): A request for rezoning from "C-8" Planned Commercial to "PC" Planned Commercial district for a .92-acre parcel located on the south side of Clayton Road, at its intersection with Baxter Road (LOCATOR NUMBER 21R42-0668)

Proposed Uses:

(p) 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.

(pp) Permitted signs (See Section 1003.168 "Sign Regulations").

(rr) 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.

(ww) Vehicle washing facilities for automobiles.

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on July 25, 2005.
- The Petitioner has submitted an Amended Preliminary Plan, which has additional landscaping to the site.
- The Petitioner will be seeking variances for the following open issues:
  - Two variances to the Tree Manual with respect to a landscape buffer and landscape setback: This variance request will be sent in writing to the Director of Planning for review and consideration. The Petitioner will have to indicate the reason for the variance request and the alternatives they are seeking. After review by the Department, it will be forwarded to the Planning Commission.

- A variance to the Zoning Ordinance for setbacks for the parking and for the structure: This will have to be considered by the Board of Adjustment.
- A variance to the Open Space Requirement for Planned Commercial Districts: This type of variance requires a 2/3 vote of the Planning Commission. The Petitioner must submit the request in writing outlining why the variance is needed and what they are proposing as an alternative.

Staff asked whether the Commission would like these issues addressed and closed before proceeding to vote meeting.

Commissioner Banks questioned why the Commission would consider a proposal requesting so many variances.

Commissioner O'Connor asked when the variances to be granted by the Planning Commission would be granted. Ms. Nassif replied that it would be done during the vote and then written into the Attachment A.

Commissioner Broemmer felt that **P.Z. 10-2005 Petro Mart (Land West One LLC)** should be presented to the Board of Adjustment before it is voted on by the Planning Commission.

Commissioner Asmus felt that the Commission needed to move forward on the petition, with conditions, recommendations and/or guidance if necessary, for the Project Planner, the Petitioner and the Board of Adjustment.

ISSUES:

1. The cross access geometrics: Access should be at least as good as the existing cross access and not more restrictive.
2. Regarding the fence: Would like to see something more substantial than a chain-link fence. Will the fence be sight-proof?
3. Provide greenspace calculations in percentage form.
4. Issues #11 and 12 refer to modifications directed by the Department of Transportation and the Department of Public Works. Provide these comments since how the roads and entryways are designed will impact how much room there is for landscaping.
5. If entrances are redesigned, how will it affect cross access?
6. Keep Issue #14 open regarding the right-of-way.

B. **P.Z. 13-2005 Stallone's Formal Wear (Phillip & Candace Stallone)**: A request for rezoning from "R-3" Residence District to "PC" Planned Commercial district for a .42-acre parcel located on the south side of Conway Road, 700 feet west of its intersection with Chesterfield Parkway East (LOCATOR NUMBER 18S22-0050)

Project Planner Aimee Nassif stated she was speaking on behalf of the Assistant Director of Planning, Annissa McCaskill-Clay. She noted the following:

- The Public Hearing was held on July 11, 2005.
- The only remaining open issue to be addressed prior to vote is the requirement for a twenty foot-wide landscape buffer adjacent to residential property. This is a requirement of the Tree Manual.
- A variance for this issue requires a letter from the Petitioner to the Director of Planner explaining why the requirement cannot be met and what the proposed alternative is.
- After review, it would be presented to the Planning Commission during vote.

C. **P.Z. 22-2005 Wings Corporate Estates:** A request for rezoning from "NU" Non Urban to "PI" Planned Industrial District for 3 parcels totaling 36.6 acres, located on the east side of Eatherton Road, south of Olive Street Road and on the north side of Wardenburg Road (LOCATOR NUMBERS 18W-43-0057, 18W-44-0067, 18W-53-0025)

Project Planner Kyle Dubbert stated the following:

- The Public Hearing was held on September 26, 2005.
- The only open issue pertains to the timeframe and scope for the road improvements for Eatherton Road. Staff is waiting for formal comments from the engineers.

D. **P.Z. 26-2005 Chesterfield Ridge Phase Two (Kemp Homes):** A request for a change of zoning from "NU" Non-Urban District to an "R-5" Residence District for 2.60 acre tracts of land located south-east of Clarkson Road, south of Chesterfield Ridge Road. (19T32-0039 & 19T32-0017)

and

E. **P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes):** A request for a Planned Environment Unit (PEU) Procedure within an "R-5" Residence District for 10.97 acre tracts of land located south-east of Clarkson Road, south of Chesterfield Ridge Road.
(19T320039,19T320017,19T320743,19T320754,19T320732,19T32050, 19T320512,19T320523,19T320534,19T320545,19T320556,19T32076,

19T320721,19S110567,19S110699,19T320578,19S110688,19S110701, 19S110666,19T320589,19S110655,19T320590,19S110644,19T320600, 19S110633,19T320611,19S110622,19T320622,19T320710,19T320633, 19T320701,19T320644,19T320699,19T320655,19T320688,19T320666, 19T320677,19T320039,19T320017)

Project Plan Nick Hoover stated the following:

- The Public Hearing was held on August 8, 2005.
- The Petitioner has submitted a revised Preliminary Plan and a letter addressing all the issues.

ISSUES

1. Include the issues brought up by Mr. Galliers during this meeting.
2. Make sure that any vegetation lost by road or drainage widening is compensated for. Include this in the Attachment A.

F. P.Z. 29-2005 Chris Schulenburg (14310 Olive Road): A request for a Residential Business Use Procedure in an "R-2" Residential Zoning District for a 0.48 acre tract of land located at 14310 Olive Road, south of Olive Road and east of Glenfield Ridge. (Locator Number 16R310846) The request contains the following permitted uses: Office.

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on October 24, 2005.
- The Petitioner has submitted an Amended Preliminary Plan.
- One open issue is in regards to compliance with the RBU Ordinance 2107 for a landscape buffer and parking setback buffer. This ordinance requires that the Petitioner appeals for the variance to the Department of Planning and the Planning Commission for vote, review and approval.
- The Petitioner will be submitting a letter describing why they cannot meet the landscape buffer on the sides of the property and why they cannot meet the parking setback buffer. They will also indicate what they propose as an alternative.
- This will be reviewed by the Department of Planning and submitted to the Planning Commission for review during vote.

ISSUES:

1. Obtain a letter from the neighbor to the south part of the property indicating that he is aware of the variance request.
2. Check with the Project Planner regarding the speaker at a previous meeting who indicated his client would be interested in this property.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

A. Committee of the Whole

Public Hearing for the "bowtie" area is scheduled for November 30, 2005, 6:00 p.m.

B. Ordinance Review Committee

Commissioner Asmus asked when the Ordinance Review Committee would be meeting with respect to "Permitted Uses" and enabling ordinance language for Public Art. Ms. Price stated that the Committee could possibly meet within the next two weeks.

Ms. Price reported that the Planning & Zoning Committee referred the issue of Tandem Parking and Parking Requirements for Multi-Family to the Ordinance Review Committee**.**

C. Architectural Review Committee
D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee
G. Landmarks Preservation Commission

XI. ADJOURNMENT

The meeting adjourned at 9:29 p.m.

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Lynn O'Connor, Secretary