PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 14, 2018

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner John Marino	Commissioner Allison Harris
Commissioner James Rosenauer	Commissioner Debbie Midgley
Commissioner Gene Schenberg	Commissioner Mary Monachella
Commissioner Guy Tilman	Commissioner Steven Wuennenberg
Chair Merrell Hansen	

Councilmember Dan Hurt, Council Liaison
Mr. Mark Lee, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Cassandra Harashe, Planner
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Michael Moore, Ward III, and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS

Acknowledging the large turnout of residents, **Commissioner Schenberg made a motion to hear P.Z. 11-2018 15750 Old Clarkson Road (Kumara S. Vadivelu) before P.Z. 09-2018.** The motion was seconded by Commissioner Rosenauer and **passed by a voice vote of 5 to 0**.

Commissioner Rosenauer then read the "Opening Comments" for the Public Hearings.

A. **P.Z. 11-2018 15750 Old Clarkson Rd (Kumara S. Vadivelu)**: A request for a zoning map amendment from the "NU" Non-Urban District to an "R-2" Residence District for a 4.76 acre tract of land located on the south side of Old Clarkson Road approximately 900 feet from its intersection with Baxter Road (19S130015).

STAFF PRESENTATION:
Planner Andrew Stanislav gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Stanislav then provided the following information about the petition:

Comprehensive Plan
The City's Comprehensive Plan designates both the subject site and surrounding properties as *Residential, Single-Family.* Mr. Stanislav outlined the following Plan Policies that are applicable to the proposal:

- Policy 2.1 – Quality Residential Development
- Policy 2.1.4 – Compatible In-Fill Residential Construction
- Policy 2.1.5 – Buffering of Existing Residential Development
- Policy 2.1.6 – Reinforcing Existing Development Patterns

"R-2" Residence District Regulations

- Building Setbacks
  - 25' from the right of way
  - 15' from the rear property line
  - 10' from the side property line
- Minimum Wooded Preservation: 30%
- Maximum Height: 3 Stories
- Landscape Buffer Requirements
  - 20' along abutting residential areas
  - 30' along non-subdivision street (Old Clarkson Road)
- Minimum Lot Size: 15,000 sq. ft. for single-family dwellings

Permitted Uses

1. Single-family detached dwelling
2. Churches and other places of worship
3. Golf courses
4. Home occupation
5. Libraries, public or private
6. Parks
7. Wildlife reservation, forest and conservation project
8. College/university
9. Primary school
10. Secondary school
11. Kindergarten, nursery school
12. Public utility facilities

Property Survey
The property survey shows that the site is approximately 4.76 acres with one existing single-family dwelling constructed prior to the City's incorporation. The zoning request is for a conventional zoning district whereby development criteria and regulations are established in the Unified Development Code. Consequently, a Preliminary Plan is not required and there will be no Attachment A.

Tree Stand Delineation
Mr. Stanislav stated that the Tree Stand Delineation submitted by the Petitioner shows general areas of existing woodlands. As advised by the City Arborist, a more detailed Tree Stand Delineation will be required from the Petitioner for further review.

Discussion

During discussion, Staff provided the following additional information as requested:

Density

The R1A District, which is now an inactive district, has a density of 22,000 sq. ft. per single family dwelling; the R2 District has a density of 15,000 sq. ft. per single-family dwelling. It was noted that the R1A subdivision adjacent to the subject site was zoned by St. Louis County in 1973 with a density development procedure allowing for a reduction in lot sizes while maintaining the same permitted density by incorporating common ground. The lots abutting the subject property, and their associated square footage, are noted below:

- Lot 4 – over 35,000 sq. ft. (this is the largest abutting lot and is at the end of the cul-de-sac)
- Lot 3 – 15,240 sq. ft.
- Lot 2 – 15,950 sq. ft.
- Lot 1 – 15,950 sq. ft.

In comparison, Lots 7 and 8 have square footage of 15,311 and 15,400, respectively.

PETITIONER'S PRESENTATION:

Mr. Kumara S. Vadivelu, Azack Construction, 106 Log Hill Lane, Ballwin, MO.

Mr. Vadivelu provided the following information about the subject proposal:

- The site will include five, two-story homes built around the existing home. Each home will be 3,000+ sq. ft.
- All lots will be approximately 16,000-18,000 sq. ft. in size.
- The existing garage will be removed from the site.
- The existing pond and Woodland Area B will be untouched.
- The site will have one road entering the property with a cul-de-sac.

Discussion

At Commissioner Schenberg's request, Justin Wyse, Director of Planning & Development Services, indicated that an informational plat could be made available to the Commission prior to voting on this petition.

Responding to Chair Hansen, Mr. Vadivelu stated that he has not met with any of the residents in the adjacent subdivision.

Mr. Wyse then explained the review process once zoning is approved:

1. A preliminary plat would be submitted showing the layout of the streets, houses, sidewalks, and public infrastructure, which is reviewed/approved by Staff subject to Power of Review by City Council.
2. A record plat is next submitted by the property owner, which formally creates the lots and is reviewed/approved by City Council.
3. Improvement plans are then submitted.
4. Lastly, zoning approval requests are submitted on a lot-by-lot basis, which then allows the developer to apply for building permits. At this point, Staff review includes the proposed architectural features to ensure they comply with the City's regulations.

Chair Hansen then asked Mr. Vadivelu how the following Comprehensive Plan Policies would be addressed:

- Policy 2.1.4 – Compatible In-Fill Residential Construction – *Mr. Vadivelu stated that proposed elevations will be submitted to the City for review.*

- Policy 2.1.5 – Buffering of Existing Residential Development – *Mr. Vadivelu stated that there will be 20-foot buffer along the adjacent residential property line. If there are any trees in this area, they will be left in place. If additional landscaping is necessary, they will plant new trees.*

Chair Hansen asked if the E-1/2 Acre zoning district was considered for the subject site. Mr. Vadivelu stated that they have been working with the R-2 district. He then pointed out that even though the minimum lot size requirement is 15,000 sq. ft., the average proposed lot is approximately 18,000 sq. ft.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. **Mr. Brendan Wells,** Co-Chair of Old Clarkson Neighborhood Preservation Group, 15855 Large Oak Road, Chesterfield, MO.

Mr. Wells stated that the Old Clarkson Neighborhood Preservation Group is comprised of residents who are "passionate about protecting and preserving the character of the Old Clarkson Nature Corridor". Old Clarkson Nature Corridor is comprised of all the homes and subdivisions along Old Clarkson Road. Mr. Wells then noted his opposition to the requested rezoning for the following reason:

- The R2 zoning is inconsistent with protecting and preserving the character of the homes and neighborhoods of the Old Clarkson Nature Corridor.

Mr. Wells also explained that the residents are concerned about the "lack of transparency" and the process of this rezoning in that they have not been included in the rezoning process until now. They are present in order to be "involved in a transparent rezoning process – to participate and have a voice in assigning a consistent zoning district that will promote responsible development while protecting and preserving the character of the Old Clarkson Corridor".

2. **Ms. Jamie Hanagan,** President of Old Clarkson Forest subdivision, 1929 Rustic Oak Road, Chesterfield, MO**.**

Ms. Hanagan stated that they are here tonight to protect the forest lifestyle of the Old Clarkson Forest subdivision. Ms. Hagan then gave a presentation showing photos of their neighborhood with its abundance of trees and wildlife pointing out that many of the trees are over 100 years old.

She also noted that the R-2 zoning is inconsistent with their neighborhood. They believe that a zoning designation requiring larger lots and requiring development around the mature trees is more in line with the character of their neighborhood, and in line with the City's Comprehensive Plan.

Discussion

Responding to questions from the Commission, Ms. Hanagan provided the following information:

- There are concerns that the proposed development would negatively impact their subdivision's pond.
- The average lot size in their neighborhood is .5 acres, which is consistent with E-1/2 Acre zoning and inconsistent with the lot sizes proposed for the new development.

3. Ms. Dru Thomas, 15959 Quiet Oak Road, Chesterfield, MO.

Ms. Thomas stated that their subdivision's home sites are in line with the City's large lot residential districts and estate districts. She also pointed out that these zoning districts require preservation of natural features and the character of neighborhoods. Their subdivision's scenic character is defined by the historic oak hickory woodland with an abundance of diverse wildlife and with many oaks more than a century old. She then outlined her concerns with the proposed development, as follows:

- Extensive grading and division into home sites on the subject site will eradicate the established tree cover on its steep slope.
- The proposed plans will degrade the character of their neighborhood.
- Losing trees will negatively affect their property values.

Ms. Thomas then provided information on the many benefits of trees, such as how they sequester carbon and filter pollutants improving air quality and human health; screen light pollution; reduce noise; slow water runoff and reduce its volume; and filter storm water. They feel that the character of Old Clarkson Road corridor merits more than the required 30% tree canopy preservation. Recently, 20 of the 81 households along Old Clarkson corridor reported measuring 116 monarch-size trees in their yards with 17 of them alive before the Civil War, one dating from Jefferson's presidency, and another from Washington's presidency.

4. Mr. Russell Robins, 1827 Still Hollow Court, Chesterfield, MO.

Mr. Robins stated that the natural character of the neighborhood, including its flora, fauna, and aquatics is one of its primary assets and one worth protecting. As a representative of the Neighborhood Pond Committee charged with maintaining the efficacy of their storm water detention pond, he has concerns with respect to development on the adjacent property. Mr. Robins then provided detailed information about the area's watershed and storm water management, which includes Old Clarkson Forest's engineered detention pond designed to mitigate the high volumes and flow rates of water during storms, which is a burden of their HOA alone. He also pointed out that their detention pond is currently in need of remediation as its depth and volume have been substantially reduced.

They have been advised that any alteration of the watershed, at any point, would affect all other points as it is operating as a system. He explained that all of the runoff water from the Old Clarkson Forest and adjacent neighborhood watersheds, including the entire outflow of the detention pond, passes through the subject site before it is discharged at the Wilson Creek confluence. Considering the waterways and the natural pond, modifications would be necessary in order to make room for the number of houses

proposed for the subject site. This raises concerns as modification of the waterways would impact both the volume and velocity of water entering the Wilson Creek confluence; and the natural pond is an extension of the retention pond, adding additional storm capacity to buffer discharge water into Wilson Creek. There is also concern as to whether Wilson Creek outflow would be adequate and able to support the increased storm runoff.

Mr. Robins also pointed out that the Wilson Creek confluence and Lehman Road is a topographical low point and is also the only point of egress for their neighborhood. Should it flood, they would not be able to get out until the flooding abated.

5. Ms. Barbara Lange, 2114 Chesterfield Place, Chesterfield, MO.

Ms. Lange stated that her home sits on a ½ acre site and that she and her family have resided there for the past 35 years. When they bought the site, they planted 20 trees adding to the many trees already on the property. One of their trees estimates to be 160 years old with a circumference measurement of 100". Ms. Lange then noted her concerns, as follows:

- Runoff issues as there have been times when Old Clarkson Road has been impassable because of high water from storm water.
- Decreased home values.
- Safety issues for bikers, runners, and students waiting for buses along the curve of Old Clarkson Road due to an increase in traffic, trash trucks, snow removal vehicles, etc. Ms. Lange also noted that the wildlife in this area need a healthy habitat, along with the trees, grasses, and water.

6. Ms. Nancy Coleman, 1918 Lone Trail Lane, Chesterfield, MO.

Ms. Coleman stated that she would be addressing the residents' concerns regarding the proposed R-2 zoning, which has a minimum lot size of 15,000 sq. ft. and a maximum building height of 3 stories. She noted the concerns, as follows:

- The R-2 zoning does not include any detailed enhancements requiring preservation of their community character and a well-buffered landscape.

It is their understanding that the Commission has the authority to recommend a different zoning classification, to request meetings, and to request additional design information. The homeowners feel that they have not been a part of the process. They feel that the E-1/2 Acre zoning is more appropriate for the subject site as it is more consistent with their neighborhood.

To provide a visual, Ms. Coleman presented a site plan on top of the topo map showing five homes, a road, and pond, along with the significant grade changes. They are asking that the petitioner meet with the homeowners and provide more information on the design.

Discussion

Mr. Vadivelu was then asked if the site plan presented by Ms. Coleman was a fair representation of his plans for the site. Mr. Vadivelu clarified that he is intending to construct five homes on the site but the street layout is different.

Discussion followed regarding R-2 zoning vs. E-1/2 AC zoning. Ms. Coleman stated that the R-2 zoning does not have the detail requirement for the landscape buffering.

Commissioner Schenberg questioned whether five homes would have a substantial impact on safety and traffic, as mentioned by a previous speaker. He then suggested that the petitioner meet with the residents to address their concerns and take steps to preserve as many trees as possible. Ms. Coleman expressed concern that it will be difficult to place five homes on the site, along with a street that is wide enough for emergency vehicles and trash trucks, without removing a lot of the trees.

Commissioner Marino asked Ms. Coleman to explain how R-2 zoning is inconsistent with R1A zoning. Ms. Coleman stated that they feel the R-2 zoning will not preserve the community character as it does not provide any enhancement of the residential development. Language within the R-2 zoning states: *establish and provide residential dwelling* compared to the E-1/2 AC which states: *provide for the* ***enhancement*** *of the residential development while preserving the community character.* They want the character of Old Clarkson Road to be endorsed and supported. She added that the inconsistencies between R-2 zoning and their neighborhood's R1A zoning relate to the landscaping requirements, the buffers, enhancement and preservation, and the size of the lots.

Commissioner Tilman pointed out that The Villages at Baxter Ridge, abutting Old Clarkson Forest subdivision, has an R-2 zoning, which is what the subject petition is requesting, and asked if there are inconsistencies in The Villages at Baxter Ridge compared to Old Clarkson Forest. Ms. Coleman replied that there is an inconsistency with respect to the density of the trees and the buffer zones that are required by lot. It was also noted that an R-2 zoning could allow most of the trees to be removed. The residents are asking that the E-1/2AC zoning be recommended so that their concerns of buffering and landscaping are addressed. She noted that 4 of the lots proposed already meet the ½ acre size requirement of the E-1/2AC zoning.

7. Ms. Jennifer Del Carmen, 15847 Large Oak Road, Chesterfield, MO.

Ms. Del Carmen presented a timeline of when documents from the petitioner were submitted to the City compared to when the residents made inquiries of the City. She stated that the residents began contacting the City at the end of April about plans for the subject site but were not given any information at that time. After two requests under the Sunshine Law, she feels they still have not received all the documentation regarding this project. She expressed concerns about a lack of transparency and noted that the residents had not been contacted to engage with the developer or the City. She pointed out that this project will set a precedent for any future development along the Old Clarkson corridor. She asked the City to protect and preserve the character of Old Clarkson neighborhood by denying the R-2 zoning and to work with the residents "to consider responsible and consistent zoning".

8. Ms. Tracy Hardgrove (on behalf of her father, Michael Hardgrove), 15944 Quiet Oak Road, Chesterfield, MO.

Ms. Hardgrove stated that as an employee of the Better Business Bureau, the residents asked her to do some research on the petitioner. She noted that her research found the following, which raises some concerns:

- The petitioner's Articles of Organization with the Secretary of State had to be redone because of a typo, which implies a lack of detail.
- The petitioner's rezoning application had to be redone because of submitting "false information", which implies a lack of detail.
- They have been unable to find any connection between Mr. Vadivelu and Azack Construction Company, as noted on the zoning application.
- The registered agent for Azack Construction Company is Carl Bruce. Both Mr. Bruce and Mr. Vadivelu have been the subject of lawsuits with banks and the City of St. Louis.

They feel that the individuals involved with the potential development of the subject site have "failed to adequately complete official paperwork, failed to notify residents of Old Clarkson Forest of their intentions and thus have failed to be transparent about their activities". The lack of information about the builder has "created an air of mystery around this project and a great concern" for their community.

Discussion

Commissioner Marino asked if there had been any complaints filed with the BBB about Mr. Vadivelu. Ms. Hardgrove replied that there have not been any regarding Mr. Vadivelu, but there is a history with the affiliated person.

9. **Ms. Nancy Holmes,** 15993 Quiet Oak Road, Chesterfield, MO – Ms. Holmes passed on speaking as her issue had been covered**.**

10. **Mr. Martin Lindsey,** 1942 Rustic Oak Road, Chesterfield, MO – Mr. Lindsey passed on speaking as his issue had been covered.

11. **Mr. Lonnie Lange,** 2114 Chesterfield Place, Chesterfield, MO.

Mr. Lange stated that most of the property along Old Clarkson Road is the equivalent to E-1/2AC zoning, with a number of properties being similar to E-1AC or E-2AC zoning. The E-district zonings have a lot more requirements compared to the requested R-2 zoning.

The roofs and streets of five houses built on the site would increase the impervious area substantially increasing water runoff. He pointed out that a quarter acre of impervious surface is equivalent to nine acres of woodland.

12. **Mr. John Vogel,** 1839 Cabinwood Court, Chesterfield, MO.

Mr. Vogel stated that the residents have moved into the area because of the trees and pointed out that there aren't many areas of old growth forest left in Chesterfield. He has concerns that the R-2 zoning will not adequately preserve the existing trees, and "does not reflect what we are and what we claim to be as a Tree City".

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Vadivelu indicated that he would be happy to meet with the residents to address any concerns. He then provided background information about his past company and

lawsuit. He also explained the time gap between his first contact with the City in March and then not again until September stating that during this time he was negotiating the price of the subject site, and had not abandoned the project.

ISSUES: Chair Hansen summarized the issues raised:

1. Water flow
2. Site Plan
3. Density
4. Buffering
5. Character of the neighborhood
6. Trees
7. E-1/2AC zoning
8. Safety and traffic
9. Communication with the applicant and transparency with the City

B. P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes): A request for a zoning map amendment from the "NU" Non-Urban District to the "PC" Planned Commercial District for a 3.1 acre tract of land located on the north side of Olive Street Road west of its intersection with Premium Way (17W530101).

STAFF PRESENTATION:

Planner Andrew Stanislav gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Stanislav then provided the following information about the petition:

Comprehensive Plan

The City's Comprehensive Plan designates the subject site as *Mixed Use-Retail, Office, Warehouse.* Mr. Stanislav outlined the following Plan Policies that are applicable to the proposal:

- Policy 3.1 – Quality Commercial Development
- Policy 3.1.1 – Quality of Design
- Policy 3.5.1 – Chesterfield Valley Regional Retail and Low Intensity Industry
- Policy 7.2.6 – Cross-Access Circulation

Proposed Uses

All of the proposed uses, listed below, are permitted in the Planned Commercial District per the Use Table for non-residential districts. Two of the requested uses, *Warehouse, general* and *Laboratory-professional, scientific,* are from the Planned Industrial District, and are permitted in this area of the Valley because it is west of Long Road.

1. Commercial service facility
2. Grocery, community
3. Grocery, neighborhood
4. Office-general
5. Office-medical
6. Bakery
7. Brewpub
8. Coffee shop, drive-through
9. Filling station and convenience store with pump stations
10. Laboratory-professional, scientific
11. Professional and technical service facility
12. Recreation facility
13. Research laboratory and facility
14. Restaurant-sit-down
15. Restaurant-fast-food
16. Retail sales establishment-community
17. Retail sales establishment-neighborhood

18. Retail sales establishment-regional
19. Drugstore and pharmacy, with drive-through
20. Financial institution, drive-through
21. Hotel and motel
22. Hotel and motel, extended stay
23. Warehouse, general

Preliminary Plan
The Preliminary Plan shows two points of entry and two parking areas for the site. Parking setbacks include 30' from Olive Street Road; 15' from Blue Valley Avenue; 15' from the proposed north/south street; and 5' from the north, east, and west property lines.

The proposed building has a footprint of approximately 17,500 sq. ft. with a requested height limit of 65 feet, which is approximately four stories in height. The proposed building setbacks are 50' from Olive Street Road; 5' from the east and west property lines, and 30' from the north property line. There is also a 30' landscape buffer along Olive Street Road.

Tree Stand Delineation
The Tree Stand Delineation shows four existing trees identified on the southern portion of the site, which are in either poor or fair condition.

Items Under Review
- Awaiting agency comments
- Uses
  - Consistency of land uses proposed with each other
  - Appropriateness of land uses proposed with the surrounding area
- Roadway improvements (Blue Valley Ave. extension & North-South roadway)
- Cross Access
- Access management standards
- Perimeter Setbacks – Building and Parking
- Hours of operation
- Building height/Sky Exposure Plane
- Stormwater Master Plan

Discussion

Commissioner Rosenauer asked for confirmation that the developer would be responsible for building the portion of Blue Valley Avenue that goes through the property, as well as insuring that drainage gets routed to the termination point, as required by the flood plain. Mr. Wyse stated that the developer would be responsible for installing the improvements associated with the two roadways. The plan shows a stormwater extension to connect to the east, and an easement on the parcel will be necessary to make this connection. There is also a planned extension of the master plan channel to the west.

Commissioner Schenberg asked if there are any issues with the proposed height of the building relative to the airport. Mr. Stanislav stated that Staff is still reviewing this item along with the sky exposure plane, but the Airport has provided comments and the height was not a concern.

PETITIONER'S PRESENTATION:
Mr. Charles Hulse, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Hulse stated that he is representing the petitioners, Herman and Connie Grimes. They believe their request is consistent with the Mixed Use designation of the site, and that the Preliminary Plan is consistent with the Plan Policies.

Mr. Hulse noted that the proposed height of 65' is similar to what is allowed to the east.

Discussion

Chair Hansen asked if there has been any communication with the property owners of the adjacent properties regarding the drainage ditches. Mr. Hulse replied that the Enbridge property to the west already has an easement on it; he acknowledged that to continue the drainage ditch to the east will be a lengthy process because of all the properties involved that need required easements.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

Mr. Wyse stated that Dean Wolfe of Wolfe Properties submitted comments in opposition to the petition. He has expressed concerns with the consistency of the uses, the infrastructure with respect to streets and stormwater, and the overall vision of "the gateway district".

1. **Mr. Chip Rombach,** 18639 Olive Street Road, Chesterfield, MO.

Mr. Rombach stated that he owns houses on both sides of the proposed development and that the three houses have been in his family from 60-80 years. Mr. Rombach then noted his concerns as follows:

- The 65' height of the proposed building is three times the height of his houses.
- Lights, noise, and alarms from the development would make living in the houses "unbearable", and would greatly devalue them.
- While the Preliminary Plan shows a drainage canal through his property, he has not approved any such canal.
- He does not want any warehouse uses on the subject property as it will negatively impact his property. He would like to see retail, hotels, and office buildings such as in Blue Valley.
- He is also concerned about outdoor storage, signs and lighting, fencing, and the possible business hours.

2. **Mr. Tim Hayes,** Attorney for Chip and Marcia Rombach, 14643 Chermoore Drive, Chesterfield, MO.

Mr. Hayes stated that the Rombachs were told by Mr. & Mrs. Grimes that the proposed building would be used for the applicant's business, Drain Surgeons, which is a sewer service business. Mr. Hayes provided a handout to the Commissioners, which included photos of the Drain Surgeons' operations in Imperial, MO. Mr. Hayes pointed out that

the photos show sewer vacuum trucks, delivery vans, trailers, and four-wheel drive equipment all stored outside.

Mr. Hayes asked that there be more transparency and information provided regarding the intended use of the site. The Rombachs are opposed to a sewer service operation on the site as it not compatible with the residences, hotels, and retail in the area. Mr. Hayes then outlined the following concerns:

- There is only a 5' setback to the west, adjacent to the Rombachs' property, compared to Spirit Valley Business Park's 50' setbacks.
- There is a 48" petroleum pipe line buried 3-4 ft. below grade and only 15' away from where the proposed building will be constructed, which raises safety concerns.

Mr. Hayes also stated that Mr. Rombach is not going to give an easement across his property for the storm water to flow east. Responding to Councilmember Hurt, Mr. Hayes confirmed that they are not opposed to the "PC" zoning but they do have issues with any warehouse uses. They also have strong concerns about the issue of transparency regarding the use for the proposed building.

3. **Mr. Daniel Hayes,** 19120 Babler Forest Road, Wildwood, MO.

Mr. Hayes stated that he is the managing member of Spirit Valley Business Park and founding principal for NAI Desco. Because Spirit Valley Business Park is located directly across the street from the subject site, they have the following concerns:

- Development of this site will set a precedent for the area.
- They are opposed to a sewer service operation on the site.
- There needs to be compatibility with the commercial uses in the area.
- The proposed building height of 65' vs. the 45' building height across the street "seems unfair".
- They ask that the *Warehouse-general* use be removed from the list of uses.
- They question whether there is a need for a deceleration lane coming into the project.
- If Blue Valley Avenue gets built, a large portion of the site's parking and drainage ditch would be on the opposite side of a public street, which may not be feasible.

Referencing the capacity for the drainage ditch which runs north to south and underneath Olive Street Road, Mr. Hayes explained that the culverts were sized for Blue Valley and not sized for the 70 acres east of the site. So if an easement is acquired on the east side of their property, they would be "robbing 3 acres worth of capacity from the Blue Valley project".

Discussion

Commissioner Tilman expressed surprise that a major feature, such as the pipeline, is shown only as a line identified as "G" on the Preliminary Plan, and without any notation as to what "G" signifies. He noted that any roadway going over the pipeline would require the pipeline to be buried deeper than 3-4 feet. Mr. Hulse responded that in order to acquire the easement from Enbridge going west, they provided details years ago on the pipeline's depths and on how the cover would be accomplished with a culvert.

Commissioner Schenberg asked for clarification on the building setbacks with respect to the pipeline. Mr. Hulse indicated that this would have to be confirmed with Enbridge, but typically they have an easement over their pipeline and nothing was found in the title that showed an easement encroaching on this property.

ISSUES: Chair Hansen summarized the issues raised:

1. Parking
2. Drainage
3. Storage
4. Pipeline/Safety
5. Uses

Commissioner Rosenauer read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Marino made a motion to approve the Meeting Summary of the October 22, 2018 Planning Commission Meeting. The motion was seconded by Commissioner Rosenauer and **passed by a voice vote of 5 to 0.**

VI. PUBLIC COMMENT

The following individuals were available for questions regarding **Burgundy Arrow (Amended Sign Package):**

1. **Mr. Randy Lipton**, representing the ownership group at Burgundy Arrow, 7211 Delmar, St. Louis, MO 63130.

2. **Mr. Jon Krone,** Warren Sign, 2955 Arnold Tenbrock Road, Arnold, MO.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. **Burgundy Arrow (Amended Sign Package):** Amended Sign Package for a 6.07 acre tract of land zoned "PC" Planned Commercial District located at the southwest corner of the intersection of Chesterfield Airport Road and Public Works Drive.

Commissioner Rosenauer, representing the Site Plan Committee, made a motion recommending approval of the Amended Sign Package for Burgundy Arrow. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 5 to 0**.

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

A. UMSL Chancellor's Certificate in Planning and Zoning

Since some of the Commission members were unable to attend the UMSL session this evening because of the Planning Commission meeting, Staff was asked to look into the possibility of having a separate session for the Commission.

Mayor Nation stated that he had attended the UMSL session and thinks that more discussion needs to be held regarding whether there is enough value for the City to pursue having a separate session for the City.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:46 p.m.

Debbie Midgley, Secretary