PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 14, 2005

The meeting was called to order at 7:13 p.m.

I. PRESENT **ABSENT**

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

Councilmember Bruce Geiger, Council Liaison
City Attorney Rob Heggie
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant 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 Connie Fults, Ward IV.

Chair Macaluso introduced Mr. Rob Heggie, replacing Mr. Doug Beach as City Attorney.

II. INVOCATION: Commissioner Hirsch

III. PLEDGE OF ALLEGIANCE – All

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING MINUTES

A. Approval of October 24, 2005 Planning Commission Meeting Summary

Commissioner Hirsch made a motion to amend the Meeting Summary of October 24, 2005 on page 15 as follows:

> *"The use allowed by this permit shall be that of a five hundred (500) bed maximum general acute hospital. ~~including any accessory facilities customarily associated with said hospital, such as medical offices, research and education centers, specialized treatment centers (i.e. a radiation oncology center), etc.~~ No overnight accommodation rooms shall be permitted in the medical office buildings."*

The motion was seconded by Commissioner Banks.

Commissioner Sandifer made a motion to approve the Meeting Summary, as amended. The motion was seconded by Chair Macaluso and **passed by a voice vote of 9 to 0.**

B. Approval of October 26, 2005 Committee of the Whole Meeting Summary

Commissioner Hirsch made a motion to approve the Committee of the Whole Meeting Summary of October 26, 2005. The motion was seconded by Commissioner Sandifer and **passed by a voice vote of 9 to 0.**

V. PUBLIC COMMENT

RE: Wings of Hope

1. Mr. John Schroeder, 409 Charter Way Drive, Wildwood, MO stated the following:
   - Wings of Hope is a non-profit, non-political, non-religious, humanitarian group that serves the poor through aviation wherever possible throughout the world.
   - They have outgrown their existing facility at Spirit Airport.
   - They plan on building a unit approximately twice the size of their present facility, along with more administrative space.

1. Mr. Mike Doster, Attorney, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following regarding **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.):**
   - They are requesting open space for this project to be at 40%, which they believe is equal to, or more restrictive than, almost every other project in the 40/61 Corridor.

- If an outdoors sales area consisted of landscaping or water features that were decorative in nature and displayed in a garden setting, they would present it at the Site Plan stage and propose that any pervious surfaces involved be counted as part of the open space.
- If an outdoor sales area is impervious and does not fit the definition of "open space", then it will not be counted as open space. Paved lots would not be counted as open space.
- The outdoor sales would probably take place from spring to fall.
- The Attachment A provides for outdoor sales not to exceed 20% of the site, which is acceptable to them.
- It is their understanding that the open space percentage would be applied to the entire site, not each individual lot. If one lot would not meet the open space percentage, it would have to be made up elsewhere on the site.
- Their clients are willing to consider setting aside some locations for public art. The particulars of how much space, where, and who will be responsible for the art after placement need to be addressed.

Commissioner Hirsch referred to the proposed Attachment A, page 2, - "Permitted Uses" and noted the following:

- Use "k" prohibits open storage and display of fishing tackle and bait.
- Use "t" permits outdoor display of vehicles.
- Uses "p", "t" and "y", regarding the sale of motor vehicles, need to be clarified as to what uses the petitioner really wants.

Mr. Doster replied that they are required to use the language in the underlying ordinance and they are not permitted to modify the language. He noted that the language is redundant in places.

Mr. Doster stated the following regarding **P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):**

- There is only one filling station being proposed and they would like the flexibility of proposing it on either Lot 6 or Lot 7.

Commissioner Hirsch referred to the following "Permitted Uses" proposed in the Attachment A for:
South of Long Road Crossing Boulevard:

- Use 1.a.10 – "*Dwelling or lodging units, only for watchmen, caretaker, or other personnel whose residence on the premises is essential to the operation of a permitted use or uses.*" He asked if this use is necessary.
- It was noted that Uses 1.a.17-20 should be indented under Use 1.a.16 and numbered as "(i) – (iv)".
- He has concerns about the conflicting language on the sale of automobiles.
- He has concerns about the "Ancillary Use" of 1.b.2 – "*Broadcasting, transmitting, or relay towers, studios and associated facilities for radio, television, and other communications.*"

North of Long Road Crossing Boulevard:

- He noted that there is conflicting language for Use 2.a.18 – "*Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).*" Mr. Doster stated that this is an example of the problems with the language in the underlying ordinances in that there are multiple uses in one line item. If the petitioner wants one item, he is required to list them all.

Mr. Doster stated the following regarding **Tower Center (Pulaski Bank-GHH Investments):**

- The project is a completed development and most of the space is occupied or about to be occupied.
- The underlying ordinance does not contemplate setbacks on an "internal line". It contemplates setbacks on "exterior lines". There is a "party wall" between the Pulaski space and the adjoining space. They are requesting to amend the ordinance to add a zero lot line requirement for the internal line.
- The Department is asking for updated language to be inserted into the Attachment A. The petitioner does not feel the updated language should be included. They are in full compliance with the conditions of their existing ordinance. They do not want to be in a position of being out of compliance with new conditions when they have a completed development. They are asking that the updated language not be included in the Attachment A.

Chair Macaluso noted that the updated language pertains to the new Tree Manual and the updated Lighting Ordinance.

Mr. Doster stated the following regarding **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company):**

- Responding to a question from Commissioner Perantoni, he indicated that he would have to contact the civil engineer before responding to what happens to the topography beyond the property line.

RE: P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.

2. Mr. Rick Clawson, 11477 Olde Cabin Road, Ste. 100, St. Louis, MO was available for any questions.

3. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO referred to Attachment A for Blue Valley and proposed the following changes:
   - Section I.E.1.a. regarding "Structure Setbacks"

     ~~*One hundred forty (140)*~~ ***One hundred (100)*** *feet from the right-of-way of Olive Street Road on the southern boundary of the "PC" Planned Commercial District.*

- Section I.E.1.d. regarding "Structure Setbacks"
  ~~*Three hundred (300)*~~ ***One hundred fifty (150)*** *from the western boundary of the "PC" Planned Commercial District.*
- Section I.E.2.d. regarding "Parking and Loading Space Setbacks"
  ~~*One hundred seventy-five (175)*~~ ***Thirty (30)*** *feet from the northern boundary of the "PC" Planned Commercial District.*

Mr. Stock noted that the proposed changes are consistent with the proposed Preliminary Plan and involve measuring from a line further north than the actual district boundary.

4. Ms. Julie Nolfo, Crawford, Bunte, & Brammeier, 1830 Craig Park Court, Ste. 209, St. Louis, MO responded to questions from the Commission and stated the following:
   - **Regarding road improvements at the intersection of Olive Street Road and Chesterfield Airport Road:** Relocation of this intersection should be done "today" regardless of the development. At the present time, St. Louis County only has half of the right-of-way necessary to accommodate this. The developer has indicated that he will obtain the additional property and will relocate the utilities. The additional improvements to the intersection – such as the dual westbound left-turn lane, the dual northbound left-turn lane, etc. – are all triggered at further levels of the development.
   - **Regarding the improvements that would be triggered at 60% of occupancy:** Dual westbound left-turns on Chesterfield Airport Road at Olive Street Road, and modifying the traffic signal to accommodate the dual westbound left-turns would be triggered at 60%. At 80%, the dual northbound left-turns from Olive Street Road on to Chesterfield Airport Road heading west towards 64 would be required.
   - **Regarding the improvements on Old Olive Street:** For prudent transportation planning, the following improvements could be done:
     - The intersection of Chesterfield Airport Road and Olive could be fixed, along with the widening associated with it;
     - The new signal at the development could be put in, which would also serve Spirit Airport; and
     - The development they want to do on the south side, along with the widening associated with it. There would be a gap in the middle where Olive Street Road goes back to two lanes.

     It was noted that the above improvements are not development-driven, but are "prudent transportation planning".
   - The Department of Public Works has put in the Attachment A that all road improvements should be completed once 60% of the development reaches threshold, which would be approximately 260,000 sq. ft of development. Until the improvements are made at the intersection, the intersection, with re-timing, would operate at a Level Service D.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. **Broadmoor Place:** A Lot Split for a 0.7 acre tract of land zoned "R-3" Residential located on Broadmoor Drive east of the intersection of Broadmoor Drive and Highland Park Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Lot Split. The motion was seconded by Commissioner Hirsch and **passed by a voice vote of 9 to 0**.

B. **Claddagh Irish Pub/Westfield Shoppingtown Chesterfield**: Amended Architectural Elevations for a restaurant located in a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0**.

C. **Chesterfield Commons West - Midwest Courts:** Amended Architectural Elevations for a 17.2 acre parcel zoned PI "Planned Industrial" located north of Edison Ave, west of the intersection of Edison Ave and RHL Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 9 to 0**.

D. **US Ice Sports Complex - Total Hockey:** Amended Architectural Elevations for a 14.5 acre parcel zoned PC "Planned Commercial" located north of North Outer Forty, east of the intersection of Boone's Road Crossing.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 9 to 0**.

E. **Wings of Hope**: Site Development Section Plan, Landscape Plan, and Lighting Plan for construction of a hangar on the south side of Aviation Museum Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)**: A request for a change of zoning from an "NU" Non-Urban District to a "PC" Planned Commercial District for three parcels of land on Olive Street Road, located .5 miles west of the intersection of Olive Street Road and Chesterfield Airport Road. Total area to be rezoned: 55.8 acres. (Locator Numbers: 17W-52-0025, 17W-53-0123, 16W-21-0022)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, passed out a map from the Comprehensive Plan detailing Sub-Area 2 and stated the following:

- As defined, Sub-Area 2 is the area north of Olive Street Road, south and west of Highway 40/61, west of the Aviation Museum Boulevard, and east and south of Monarch Chesterfield Levee District.
- In reviewing the information provided by the Petitioner as "Greenspace Exhibit A", the Cullen property is in the same area as the petition. The rest of the properties are in the Valley but not in Sub-Area 2 as shown on the Comprehensive Plan map.
- It was noted that the greenspace requirements for the Sub-Areas are as follows:
  - Sub-area 1: 50% - According to the Comprehensive Plan: *"Considerations must be given to properties in the areas served by septic waste systems."* This area allows for re-evaluation in regards to having infrastructure put into the development.
  - Sub-area 2: 50% - According to the Comprehensive Plan: *"Consideration should be given to creating a visually appealing development pattern that can be achieved by retaining open spaces and creating consistency in the location and massing of structures throughout this development."*
  - Sub-area 3: 50% - According to the Comprehensive Plan: *"Long-range plans are not re-reviewed upon completion of infrastructure."*
  - Sub-area 4: 50% - According to the Comprehensive Plan: *"Long-range plans are not re-reviewed upon completion of infrastructure."*

Commissioner Sherman stated that one of the reasons for the 50% greenspace requirement in Sub-areas 3 and 4 is because they are by the levee and the Planning Commission wanted to preserve some of the natural terrain and wildlife in these areas.

Commissioner Hirsch noted that there are developments in Sub-area 3 with less than 50% greenspace.

Regarding the setbacks, Staff has no issue with the setbacks proposed by the Petitioner.

Commissioner Asmus asked how "Public Art" could be included in the Attachment A. City Attorney Heggie replied that the City could enact an Ordinance regarding a "Public Art" requirement. Ms. McCaskill Clay stated that Capitol Land Company has language in its ordinance requiring space for public art

Regarding outdoor sales, the Attachment A states that *"Outdoor sales will be limited to an area not to exceed 20% shown on the Concept Plan and Site Development Section Plan."* The language does not state specifically whether it is to go in the open space or not – it is 20% of the entire development and the outdoor sales areas would have to be shown on the Concept Plan.

Commissioner Broemmer did not feel retail sales should be part of the open space calculation.

Commissioner Hirsch made a motion to accept P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.) with its Attachment A with the following amendments:

- Page 3, Section I.D.3.a. – "*Open space: A minimum of ~~fifty percent (50%)~~* ***forty percent (40%)*** *open space is required for this development. Open space includes all areas excluding the building or areas for vehicular circulation.* ***Open space shall not include an area on a non-impervious surface used for outdoor sales.***

- Amend the setbacks on pages 3 and 4 as proposed by the Petitioner.

The motion was seconded by Commissioner Broemmer.

Discussion was held with respect to "Public Art" for this petition. City Attorney Heggie felt the exact language should be available before including it in a motion for this petition. Commissioner Asmus did not feel a development of this size should be approved without enforceable and legally-satisfactory language. He suggested holding the petition until the issue of "Public Art" can be addressed. Commissioner Sandifer stated he was not comfortable moving the petition forward without language regarding "Public Art".

Commissioner Hirsch moved to hold the above motion until the end of "Old Business" to allow Staff time to research the language regarding "Public Art". The motion was seconded by Commissioner Sandifer and **passed by a voice vote of 9 to 0.**

B. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)**: A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Ms. McCaskill-Clay reviewed the matter concerning whether Wild Horse Ridge is or is not a subdivision and the access issues involved. She noted that the subject site is served by a private road shared by several parcels. The plats show that the subject site is not a part of Wild Horse Ridge Road. However, Mr. Fleming, a Trustee of Wild Horse Ridge subdivision has provided a Road Maintenance Agreement, which was recorded and signed in 1986. The owners of the subject site at that time agreed to and signed the Road Maintenance Agreement, along with people who were part of the subdivision. There is the feeling from those who signed the Road Maintenance Agreement that the subject site is part of the subdivision; however, plats are showing that it is not a part of the subdivision. In the initial comments received from the Public Works Department, the Petitioner will be responsible for improving only that part of the road in front of the development – not the entire length of it even though other parties will be using it because it is an easement and they have a right to ingress and egress using the same road.

ISSUES:

1. Provide information about what is happening with the topography in the northwest corner of the site.
2. Request that the Department of Public Works re-look at the issue of requiring the Petitioner to improve only that part of the road in front of the development and explain why they are not requiring the whole road to be improved.
3. Provide wording on how the following trees can be saved – Tree #3, 7, 11, and 22 **or** 24.
4. Provide wording with respect to screening and root pruning, etc. that would be needed to save the trees per Mr. Rocca.
5. Notify Mr. Fleming and his association as to when this petition is on the agenda again. Also inform Mr. Fleming of the results of this meeting.

C. **P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):** A request for an amendment to City of Chesterfield Ordinance 1708 to permit additional uses and amendments to several area, height, lot and setback requirements in conjunction with a revised preliminary plan for a 24.9-acre "PI" Planned Industrial district located on the north side of Chesterfield Airport Road across from its intersection with Trade Center Boulevard. (Locator Numbers 17V62-0049, 17V62-0050, 17V62-0072)

Ms. McCaskill-Clay stated the following:

- The Petitioner has reviewed the proposed "Permitted Uses" and has agreed to remove Use #10 on Page 2 of the Attachment A.

- Regarding the Ancillary Use on Page 3 of the Attachment A regarding "*Broadcasting, transmitting, or relay towers, studios, and associate facilities for radio, television, and other communications",* it was noted that this use is to allow a business to have an antenna for wireless internet activity between their different locations or to allow for any type of cell tower use or technical use that may be necessary for their business.

Discussion was then held regarding "Public Art". Ms. McCaskill-Clay read the language used in the ordinance for Capitol Land Company, as follows:

> *"Reserve an area for the display of work of arts so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner."*

Mr. Doster stated that if space for public art can be counted as open space, it provides the Petitioner with a lot of incentive to do some things in the open space that are attractive for the development and attractive to the City.

Commissioner Sandifer felt that the language regarding "Public Art" isn't specific enough in that if an agreement is not reached with the Petitioner, there would be no art.

Mr. Doster suggested that the language be included in the part of Attachment A that deals with requirements for Concept Plan stating that an area has to be reserved in the open space for the display of a work of art and it shall be reviewed and approved during the Site Plan process. He further stated that they are agreeable to reserving space for art but questioned whether who would be responsible for purchasing the art.

Commissioner Sherman suggested that the land be reserved and require that the art be put in place by the time a specific percentage of the development is completed.

Mr. Doster felt that there is a problem in that there is not an underlying enabling ordinance to deal with the issue.

Ms. McCaskill-Clay stated that the Ordinance Review Committee is currently reviewing the issue of "Public Art" in order to create an underlying ordinance.

Commissioner Hirsch made a motion to accept P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park) with its Attachment A and with the removal of Permitted Use 10 on page 2; with the indentation of Permitted Uses currently labeled 17, 18, 19, and 20 to be a subset of Permitted Use 16; and the inclusion of the following language:

> *"Reserve an area for the display of work of arts so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner."*

The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

Commissioner Hirsch made a motion to return to P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.). The motion was seconded by Commissioner O'Connor.

The motion was re-read by Commissioner Hirsch to accept P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.) with its Attachment A with the following amendments:

- Page 3, Section I.D.3.a. – *"Open space: A minimum of ~~fifty percent (50%)~~* ***forty percent (40%)*** *open space is required for this development. Open space includes all areas excluding the building or areas for vehicular circulation.* ***The open space calculation shall not include an area on a non-impervious surface used for outdoor sales.***

- Amend the setbacks on pages 3 and 4 as proposed by the Petitioner.

Commissioner Hirsch added the following language to be included in the Attachment A:

"Reserve an area for the display of work of arts so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner."

The addition to the motion was accepted by Commissioner Broemmer.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

D. **P.Z. 18-2005 City of Chesterfield (Sign Calculations):** An ordinance amending the City of Chesterfield Zoning Ordinance Section 1003.168B regarding the calculation of attached wall signs.

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on October 24, 2005. At that time, only one issue was raised. Staff has addressed the issue in its Staff Report.

Commissioner Banks said he agrees with the premise of having one sign on a wall; however, he expressed concern about the proposed change.He felt it should be reviewed by a Committee.

Commissioner Sherman agreed with Commissioner Banks. She felt the proposed change is very confusing. She noted that the Commission has had a lot of discussion about signs for the community and she felt the proposed change should be reviewed by a Committee.

Commissioner Hirsch made a motion to hold P.Z. 18-2005 City of Chesterfield (Sign Calculations) and refer it to the Ordinance Review Committee for clarification. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

E. **P.Z. 28-2005 City of Chesterfield (Lighting Ordinance):** A request to amend the City of Chesterfield Lighting Ordinance to address the type of residential outdoor light standards provided by AmerenUE.

Project Planner Aimee Nassif stated the following:

- The Public Hearing was held on October 10, 2005 at which time Staff was asked to conduct more research.
- The only types of light that AmerenUE provides for residential neighborhoods are called dusk-to-dawn post-top luminaries. At this time, they do not provide any other types of light for residential neighborhoods.
- The City's Light Ordinance states that lights have to be fully-shielded flat-lens. All the lights already installed by AmerenUE, and lights that would be installed by AmerenUE for residential neighborhoods, are not fully-shielded flat-lens.
- In effort to address this issue, Staff has proposed the following language:
  Exterior lighting shall be fully-shielded flat-lens enclosed luminaries with the following exceptions: Dusk to dawn post-top luminaires for residential subdivisions only provided by AmerenUE are permitted.
- All other lights are addressed in the "Street Lighting" section, which addresses Planned Industrial Districts, Commercial Districts, etc.
- Every other type of light that may be in a home or commercial, still fall under the Light Ordinance guidelines.
- The street lights are still reviewed and approved by the City of Chesterfield and by the Planning Commission.

Chair Macaluso made a motion to approve P.Z. 28-2005 City of Chesterfield (Lighting Ordinance). The motion was seconded by Commissioner Perantoni.

Commissioner Hirsch made a motion to amend the proposed language as follows:

*"Holiday Lighting. Residential and commercial holiday lighting is permissible from November ~~1~~ **15** to January 25."*

Both Chair Macaluso and Commissioner Perantoni accepted the amendment.

Commissioner O'Connor made a motion to amend the proposed language as follows:

*"Holiday Lighting. Residential and commercial holiday lighting is permissible from November 15 to January ~~25~~ **15**."*

Chair Macaluso noted that commercial developers have to rely on contractors to remove the lights and often weather is a factor. Commissioner O'Connor withdrew the amendment.

Commissioner Broemmer recommended amending the proposed language under "exceptions" as follows:

*"Dusk to dawn post-top luminaries **only** for residential subdivisions ~~only~~ **as** provided by AmerenUE ~~are~~ **be** permitted.*

Commissioner Broemmer expressed concern about armed lamps with round, open bottoms provided by AmerenUE, which he said keep appearing throughout the City. These types of lights are mounted on sides of houses. Project Planner Nassif stated that AmerenUE has indicated that they do not provide lighting with an armed arc with a bottom open for any residential neighborhood. They now only offer four post-top luminaries for residential use.

Commissioner Broemmer said he would like to have something in writing from AmerenUE stating that they are only providing post-top dusk-to-dawn lights now for residential use.

Upon roll call, the vote was as follows:

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

Nay: Commissioner Broemmer

The motion, as amended, passed by a vote of 8 to 1.

F. P.Z. 24-2005 Kommerz LLC (Clock Tower Plaza)

Chair Macaluso added the following issue for this petition:

1. Provide information as to how far away this area is from residential neighborhood.

IX. NEW BUSINESS

A. Tower Center (Pulaski Bank-GHH Investments): A request for an amendment to City of Chesterfield Ordinance Number 1677 for an amendment to the structure setback requirement for a 2.296 acre tract of land zoned "PC" Planned Commercial District located south of Chesterfield Airport Road, west of Long Road and north of St. Louis, Kansas City and Colorado Railroad. (17701 Edison)

Project Planner Aimee Nassif stated the following:

- The Petitioner is requesting the ordinance amendment for a structure setback change to accommodate the sale of part of the subject property. The proposed changes are on page 4 of the Attachment A.
- Staff has also added language to the Attachment A on page 3 addressing the Tree Manual, the Light Ordinance, and requiring open space and greenspace percentages on all Site Plans.

Commissioner Hirsch asked why the Tree Manual and Light Ordinance are being included in the Attachment A when the development is already complete. Ms. Nassif replied that all ordinance amendments are updated to meet all the current requirements. It was noted that if the light standards were changed, the Petitioner would have to meet the requirements under the current Light Ordinance; if the landscaping was changed, the Petitioner would have to meet the current Tree Manual guidelines – no changes are being required at this time by including the proposed Tree Manual and Light Ordinance language.

Commissioner Banks made a motion to approve Tower Center (Pulaski Bank-GHH Investments). The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

B. 2006 Meeting Schedule

Commissioner Sandifer made a motion to approve the 2006 Meeting Schedule as presented. The motion was seconded by Commissioner Banks.

Question was raised regarding the second meeting in April as to whether it is Monday, April 24, or Wednesday, April 26. Staff was asked to check the correct date. (Since the meeting, it has been determined that the meeting is scheduled for Monday, April 24.)

Chair Macaluso noted that the City Council meets only once in April, July, and December. She asked if the Commission would be interested in amending its schedule to one meeting for some of these months with the intention of a calling a Special Public Hearing if necessary. It was agreed to keep the schedule as presented.

The motion to accept the tentative schedule passed by a voice vote of 9 to 0.

C. Ordinance Review Committee

Commissioner Broemmer asked that the Ordinance Review Committee include on its agenda the following items:

- Public Art
- Permitted Uses

Commissioner Banks stated that the issue of Public Art was discussed at a previous Ordinance Review Committee and referred back to Staff. Ms Nassif stated that Staff has been researching the language, which will be ready for the next Ordinance Review Committee meeting.

Commissioner Banks agreed to add "Permitted Uses" to the next Committee agenda.

D. Sona Travel

Commissioner Broemmer stated that there is no landscaping at this site and asked that the Department check to determine if any landscaping was approved.

E. Jim Lynch Hummer

Commissioner Hirsch asked for an update on the status of the lighting for Jim Lynch Hummer as they are not in compliance at this. Ms. McCaskill-Clay replied that Jim Lynch Hummer is in the process of trying to find appropriate shielding to present to the Planning Commission. They are currently under summons to Court.

X. COMMITTEE REPORTS: None

A. Committee of the Whole
B. 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 9:15 p.m.