PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 25, 2004

The meeting was called to order at 7:05 p.m.

I. PRESENT **ABSENT**

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Chairman Victoria Sherman
Mayor John Nations
City Attorney Doug Beach
Mr. Bruce Geiger, Council Liaison
Ms. Teresa Price, Director of Planning
Mr. Michael Hurlbert, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE

Chairman Sherman acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; Councilmember Connie Fults (Ward IV) and Councilmember Mary Brown (Ward IV).

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING MINUTES

Commissioner Hirsch made a motion to approve the minutes of the October 11, 2004 Planning Commission Meeting. The motion was seconded by Commissioner O'Connor and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

1. Ms. Mary McCarthy, 128 Long Road, Chesterfield, MO, speaking **in favor** of **P.Z. 20-2004 McCarthy L.L.C. (Farmers Valley Market)** stated the following:
   - In response to the Issues Meeting of October 11, 2004, she has provided new elevations. There will be no further changes to her building.
   - With respect to permitted uses, she agrees to eliminate use (p) filling stations.
   - She would like to retain uses (uu), (vv), and (ww) – vehicle repair, vehicle service and vehicle wash because automobile maintenance and servicing are logical extensions of the current businesses surrounding the site.
   - Regarding the comments from the Spirit of St. Louis Airport, she does not wish to exclude items (f) (m) or (mm) – auditoriums, churches or schools. The correspondence cites noises as the singular reason for objecting to these uses. After spending an extensive amount of time at the site, she does not feel the airport noise is intrusive. She believes that these uses would be acceptable provided that the construction of such a facility contains sufficient amounts of noise-mitigating materials. She indicated that after discussion, the Airport Engineer, Mark Hubert, agrees.
   - Regarding the proposed garage doors, she feels they are central to the ambiance of Valley Farmers Market in order to create the feel of an open-air market. The doors will remain up and open the vast majority of the time. They will be painted and aesthetically-pleasing when they are down. They will provide protection for the patrons during inclement weather.
   - An enclosed traffic-flow diagram will be provided showing the proposed locations for signs.
   - She felt a review booklet, with general outlines of the planning and zoning process, would have been helpful to her and suggested that such a booklet could be helpful to other new businesses and property owners.

Commissioner O'Connor asked if she had removed the permitted use of dry cleaners. Ms. McCarthy replied that this use has been eliminated.

Ms. McCarthy had pictures for the Commission, which she left with Staff for distribution.

2. Mr. Gary Wilson, Zavradinos Engineering, 17813 Edison Avenue, Chesterfield, MO 63005, **in favor** of **Shenandoah Plat Seven, Lot 585** stated he was available for any questions regarding the Site Plan.

3. Ms. Carol Nowak, 16902 Wild Horse Creek Road, Chesterfield, MO 63005, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - She has lived in the City of Chesterfield for the past eleven years.
   - Approximately 1 ½ years ago, her family purchased 4.7 acres just off Griffith Lane.
   - From her property, she can see the Eagle Crest development – homes built on lot sizes of approximately one-half acre with sidewalks. In contrast, the Griffith homeowners have lot sizes of 3 acres or more.
   - A large bridge was built to get the homeowners of Eagle Crest across Caulks Creek. It is her feeling that a developer would not have invested that much money in a bridge unless there was an intent for additional homes to be built, which would then require a large bridge to withstand a lot of traffic.
   - Griffith Lane is a rock road – private – with no sidewalks. It is a community of five families.
   - She does not want the environment of Griffith Lane to change in order to provide an access to a high-density neighborhood.
   - She asked that the Commission review the two neighborhoods and preserve the context of each as it was intended.

4. Mr. Barry Simon, President of Simon Homes, 632A Trade Center Boulevard, Chesterfield, MO 63005, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - He has met with the residents of Eagle Crest and they requested that:
     1. If Eagle Bluff is used as the main entrance, something creative be designed – such as a waterfall.
     2. The lots in Fox Hill Farms be the same size as the lots in The Wings of Eagle Crest.
     3. The existing retaining walls on Lots 30 and 31 remain.
   - The proposed plan being presented accomplishes the above requests.
   - Per the Issues Meeting, a three-dimensional illustration has been prepared showing the grading, the retaining of vegetation, and what the view will look like if Eagle Bluff is extended.
   - Thirty-four home sites are being proposed on 40 acres.

Mr. Simon then gave a power point presentation showing:
   - How the site will appear if Eagle Bluff is extended – the two retaining walls have been kept; there is a 3:1 slope; existing trees have been kept.
   - How the site will appear with sidewalks on both sides of the street, two water features and additional landscaping.

5. Mr. James R. Hall, Hall & Halsey Associates, Inc., 424 South Clay Avenue, St. Louis, MO 63122, land planners and landscape architects for Fox Hill Farms, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, gave an overlay presentation of the tree stand delineation:
   - The current site is 40 acres in size and is almost entirely tree-covered.

- There are 34 proposed lots and the proposed road layout will run along the ridge and provide long, deep lots running down into common ground.
- Almost 80% of the lots will retain existing trees on the backs of the lots.

Commissioner Broemmer asked if the reduction in the number of lots increased the size of the lots. Mr. Hall replied that the first four lots were increased in size – those four lots will be one acre in size. A permanent landscape easement has also been created, along with a 25' strip of common ground.

6. Mr. Mike Doster, representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - Both the original proposed plan and the revised proposed plan comply with the one-acre density designation of the Comprehensive Plan and meet the definition of one-acre density in the City's zoning ordinance.
   - An exhibit has been prepared comparing Fox Hill Farms with The Wings at Eagle Crest. The average lot size is the same in each development and the setbacks in Fox Hill Farms are an improvement over what exists at The Wings at Eagle Crest.
   - The access easement was required by Ordinance 1315, which rezoned Eagle Crest. The speaker feels that the intent of the requirement is clear. There is a reference to the easement in the "Whereas" clause. The required 50' access easement was recorded on Plat 2 of Eagle Crest. It is on the record title of all owners of lots in Plat 2.
   - The speaker stated that no other access is reasonable or feasible and that the Department of Public Works agrees that it is not reasonable.
   - Griffith Lane can serve as an improved emergency access for the proposed development, as well as The Wings at Eagle Crest. Such an access will serve the interest of the residents along Griffith Lane, while maintaining the character of their neighborhood.
   - Residents of The Wings at Eagle Crest have advised the Commission that they will never agree to widening Griffith Lane by 5' across common ground of Eagle Crest as requested by the Fire District. A lawsuit has been filed by the residents of The Wings at Eagle Crest to prevent the trustees from granting the five feet.
   - Such widening is intended to promote the safety of all residents. Nevertheless, the petitioner has been informed by the Fire District that such widening will not be required across the common ground if they do not voluntarily grant it. A letter has been received to that effect.
   - It is requested that approval be granted to the proposed petition.

7. Ms. Amy Wilcox, 376 Griffith Lane, Chesterfield, MO, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - She is representing her mother, Lenore Ross, who is confined to a nursing home.
   - They are the owners of the landlocked 40 acres of the proposed subdivision by Barry Simon.

- They feel they have an access easement that was approved by the City when Eagle Crest Estates was approved – a 50' easement that provided for future development. They would like to see the easement retained.
- She was raised in Chesterfield and lived on Griffith Lane. She is pleased that the area along Griffith Lane has not changed and would like to see the rural charm maintained.

8. Mr. George Ruby, 404 Griffith Lane, Chesterfield, MO 63005, speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - He grew up in the valley along Griffith Lane and appreciates its sereneness.
   - He would not want to see a roadway coming through it – the residents enjoy the wildlife in the area.

9. Mr. Tom Hahn, 400 Griffith Lane, Chesterfield, MO speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
   - He and his wife have been homeowners along Griffith Lane for about five years.
   - They were attracted to the area because of its uniqueness and pristine, undeveloped character – heavily wooded and unspoiled by any manmade structures.
   - They want the neighborhood to remain as it is and not be changed by a subdivision entrance.
   - They feel such a change would destroy the character of the neighborhood and adversely affect the value of their property.

10. Mr. William Ruby, 404 Griffith Lane, Chesterfield, MO 63005 speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
    - He has lived at this address for 46 years and is the third generation of his family to live in this valley.
    - He feels that Mr. Simon's development fits the character of the area around it while preserving their pristine environment.
    - When the Eagle Crest development was discussed years ago, the Board had the foresight to think about the 40 acres to the south where the Fox Hill Farms development is now being proposed. An easement was granted for future development plans for this acreage consistent with the Eagle Crest development.
    - The plot was recorded with the easement recommended by the Commission.

11. Mr. Bert Gates, representing the seller of the property, 4390 Lindell, St. Louis, MO 63108 speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
    - When the Eagle Crest development was approved, a 50' easement was planned that would relieve his client's landlocked land.
    - It has been his client's belief that the 50' easement was planned so that she would have the right to fully use her land, including the right to develop it.
    - His client would not oppose the entrance off Griffith Lane if it was a simple proposition but she does not feel that it can be simply done. Such an entrance would change the character of the neighborhood off Griffith Lane.

- His client encourages the Commission to approve the proposed development with the entrance to her landlocked land through the 50' easement.

Commissioner Macaluso asked why there are three different locator numbers and three different lots for the property owned by Mr. Gates' client. Mr. Gates replied that the three parcels that make up her property were acquired at different times.

12. Mr. Ed Taffe, 17914 White Robin Court, Chesterfield, MO 63005 speaking **in favor** of **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
    - He has lived in Chesterfield for thirteen years and has a large family of seven children. He wants to continue to reside in Chesterfield but needs a larger home and lot at this time. When he reviewed the proposed development by Simon Homes with the one-acre density, it was of interest to him.
    - He had looked at the homes by Lawless on two separate occasions – 6 months apart – and when he saw that only two homes were proposed on the cul-de-sac, he asked why a third home was not being built on the lot. He was told that an easement was there for possible future development of land behind it. When he went back six months later and asked if any future movement had occurred on that land, he was told that Lawless was trying to obtain it but other builders were also bidding on the land at that time.
    - Regarding the easement, it is his opinion that everything was disclosed, nothing was hidden and it is a part of public record.
    - He is asking for approval of the Simon Homes development because he would like to keep his family in Chesterfield and Simon Homes is proposing the large lots that he is seeking.

13. Mr. Art Handman, 16842 Eagle Bluff Court, Chesterfield, MO speaking **in opposition** to **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated he would summarize what has been presented in past hearings:
    - The ordinance in question states "Eagle Bluff Court shall be terminated as a permanent cul-de-sac".
    - Access easement is not a right-of-way.
    - The property is not landlocked today because Griffith Lane is the primary access.
    - It is a single parcel that Simon Homes is proposing to develop and that the owner is selling.
    - Griffith Lane already has a prescriptive, not an exclusive, easement which allows it to be used as access for this property.
    - Griffith Lane has to be expanded for emergency use for 20', and can be expanded another 6', which requires Eagle Crest's approval. It is fundamentally an issue of money, which Mr. Simon's engineer stated in a previous hearing.
    - The land for emergency or primary access will have to be granted by Eagle Crest.
    - In terms of the Department of Public Works' comment that they had not been presented any information to approve or disapprove, Mr. Handman felt that is the key point – nothing has been presented to them.
    - The Missouri Department of Transportation is not opposed to using Griffith Lane.

- If Mr. Simon cannot find a way to modify Griffith Lane, then he should consider downsizing the scope of the development so it fits within the traffic limits or find a different access path.
- It is their feeling that the proposed Fox Hill Farms is not compatible with Eagle Crest based primarily on price.
- The residents of Eagle Crest paid a significant premium to be on a cul-de-sac.
- The City has responsibility in that it did not police the posting of warning signs and allowed a deceptive street design in terms of Eagle Bluff Court, which is a proprietary function.

14. Ms. Kerry Feld, attorney at Jenkins & Kling, 10 South Brentwood, Clayton, MO speaking **in opposition** to **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated she would review the interpretation of Ordinance 1315:
    - Ordinance 1315 states that "Eagle Bluff Court shall be terminated as a permanent cul-de-sac". This statement is clear and unambiguous.
    - The plat incorporates ordinance 1315 by reference, which includes the "terminated as permanent cul-de-sac" language.
    - They have provided numerous definitions to the Commission (including the latest pictorial definition) all of which state – one way in, one way out and not a thoroughfare.
    - Ordinance 1315 also states that "access easement shall be provided to the landlocked property". This statement is ambiguous because it does not specify the use. Uses could be for emergency, construction, common ground access, walking pathway connection, etc.
    - The 1997 minutes show the City Council rejected making this a right-of-way.
    - It also referred to the landlocked property – the property is not landlocked as recently confirmed by the affidavit, signed by the owner of the property in question. The property has access through Griffith Lane and that has been its primary access for fifty-seven years.
    - Therefore, the access easement statement can be interpreted in different ways, but interpretation cannot conflict with the "termination of a permanent cul-de-sac", which is clear.

15. Mr. Steve Kling, attorney representing the Eagle Crest residents, 10 South Brentwood, Clayton, MO speaking **in opposition** to **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated the following:
    - The Eagle Crest residents have filed suit – they have a temporary restraining order restraining the conveyance of any common property.
    - Common property is for the sole use of subdivision residents, as indicated in the Indenture, the Deed and the Ordinance. To convey common property to someone else for a third party is not permissible.
    - The access easement was granted through common property. The subdivision indenture was recorded a few years before Plat Two, which covers the entire subdivision property. Plat Two states that it is subject to the subdivision indenture.

- The Eagle Crest subdivision indenture expressly authorizes residents to disallow the use of any common ground by non-residents through a majority vote. This is a recorded document. The residents held an election on October 24, 2004 and 85% voted to disallow the 50' access easement and any conveyance of common ground for widening Griffith Lane.
- Therefore, the access easement no longer exists, and Griffith Lane cannot be widened either.

Commissioner Macaluso asked for clarification from Mr. Kling that the access, which has been seen all along, is no longer an access. Mr. Kling replied that the language from the indenture states: "Use of common property by non-residents can be disallowed at any time after the recording of the indenture by a majority of the residents." And this is what has happened – over 85% of the residents voted to disallow the use of the easement. An easement is a right to use – it goes through common property – it is not a conveyance.

City Attorney Beach asked if the plat was recorded before the indenture. Mr. Kling replied that the indenture was recorded in 1999 against the entire site; the platting was done in two phases – plat one was done about the same time as the indenture and then plat two. Plat two does contain language in the script that it is specifically subject to the indenture, in addition to the indenture being on two years before plat two.

City Attorney Beach stated that he was not aware of the information presented by Mr. Kling and therefore, has not reviewed it. If this information is correct, it is a legal issue that will have to be dealt with by the developer. He advised the Commission to act on "good planning practices" and let the civil litigation remain between the involved parties.

16. Mr. Nabeel Gareeb, 16830 Eagle Bluff Court, Chesterfield, speaking **in opposition** to **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**, stated he would present some conclusions and then a request:
    - The ordinance clearly states that Eagle Bluff Court shall be terminated as a permanent cul-de-sac.
    - The ordinance ambiguously defines an access easement that is subject to interpretation, and is not connected to landlocked property.
    - The residents will not allow common ground to be conveyed or used by non-residents – either for the access easement, or for any widening of Griffith Lane.
    - The residents have disallowed the use of any common property by non-residents.
    - In their viewpoint, this development cannot move forward – there is no access easement.
    - Their homes are a major investment and they will take whatever measures are necessary to protect their investment - $3 million in premiums.
    - They are not opposed to quality development but the access needs to be through another location.
    - They are continuing to be solution-focused, as they were with the Griffith Lane idea, and they remain willing to cooperate with the City to solve this problem.

- They request that the City do the "right thing" for the majority of its current residents. They request that the Planning Commission not consciously violate the ordinance. Let Eagle Bluff Court stay terminated as a permanent cul-de-sac by not allowing access through this street.
- They request that the City legally record in a document confirming that Eagle Bluff Court terminates in a permanent cul-de-sac to prevent future misunderstanding.
- They would like to cooperate in the development of the subject property but without access through Eagle Bluff Court. They request a reasonable buffer between Eagle Crest borders and any approved development to maintain the hill and trees.

City Attorney Beach asked how the residents of Eagle Crest would cooperate with the development in the future since they have now voted to not grant any common ground. Mr. Gareeb replied that they would grant any common ground required for Griffith Lane improvements. City Attorney Beach noted that such action would require another vote of the majority of the residents approving it.

Commissioner Macaluso asked how many residents are in the subject subdivision. Mr. Gareeb replied that there are 28 occupied households out of 37 lots. Twenty-four (24) households represented the 85% who voted to disallow the use of any common property by non-residents.

Commissioner Broemmer asked if Eagle Bluff Court is considered a private or public street. City Attorney Beach stated that it is his understanding that it is to be a public street, but it has not yet been accepted.

17. Ms. Julie Nolfo, professional traffic operations engineer, Crawford, Bunte, Brammeier, 1830 Craig Park Court, Suite 209, St. Louis, MO 63146, speaking as a **neutral party** regarding **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - Her firm was asked to do a traffic impact analysis for Wild Horse Executive Center.
    - They followed the typical procedures – they looked at the existing conditions without the development and then looked at them with the development.
    - In this particular case, there is a little more than 55,000 sq. ft. of office, which would generate 90 trips in the morning and 85 trips in the afternoon.
    - The access to the development will be via a new driveway that will come in on the north side of Wild Horse Creek Road, opposite the eastern drive to Chesterfield Elementary School where the traffic signal is in operation during school peak periods.
    - There is the future possibility of a road that would run east-west across the property and then across adjacent properties and come into Wild Horse Creek Road opposite Greystone and Wild Horse Parkway. However, the timing of this is unknown and is dependent upon adjacent parcels being developed. In order to be

conservative, they looked at there being only one means of access to the proposed development – that being the one opposite Chesterfield Elementary.

- The majority of the traffic from the development will go back and forth to and from the east towards Long Road and Kehrs Mill Road. That will result in about 65 trips being added to that section of Wild Horse Creek Road – an increase of slightly less than 5% in traffic volume during the peak times.
- Once this traffic from the development is introduced, the conditions along Wild Horse Creek Road will be relatively unchanged. There were very minor differences in the operations along Wild Horse Creek Road.
- They found no need for an east-bound left turn at the site's entrance because there are 20 vehicles per hour in the peak making that turn.
- They also looked at the traffic signal, which is in operation only during the school's peak times – 3 times during the weekday that it is operating. It does not meet the warrants of permanent operation; however in discussions with MoDot, they may entertain turning it on permanently for consistency in traffic control.
- They did recommend that there be two lanes out of the development – a separate left and a right. With those, the south-bound approach will operate at a level of service E, with about 41 seconds of delay per vehicle. This is less delay than what vehicles coming out of Wild Horse Parkway today are experiencing. They are operating at a level of service F today.

Chairman Sherman stated that there were two phases of the project, and asked if the traffic study is done on the entire project. Ms. Nolfo replied that the study was done on 56,554 sq. ft of office, which she assumes is both phases of the project.

Commissioner Hirsch asked for clarification of what Table 4 of the Traffic Study is projecting. Ms. Nolfo replied that Table 4 is "Forecasted Operating Conditions" assuming that 56,554 sq. ft. of office is put on that parcel.

Commissioner Hirsch asked if the impact has been forecasted for the possibility of all of the bowtie area being developed along the same lines as the proposed development. Ms. Nolfo replied that they used the City's T-model outputs. When this is done, two time periods are looked at: (1) "Zoned but Not Built", which is a five-year horizon; and (2) the Master Plan, which is the year 2040.

Commissioner Hirsch asked what would happen with the traffic signal in front of the elementary school. Ms. Nolfo replied that when traffic is coming out of the school, there will be very little traffic coming out of the office development. It will be up to MoDot as to how they want to time the traffic signal. If they tie in with the north leg, they would have to modify the traffic signal to put up indications to serve traffic coming from the north leg. If MoDot chose to leave the signal operational only during the three time periods as it presently is, traffic would be served by a green indication or a red indication. The remainder of the time, the signal would be on flash. Vehicles approaching from the north or the south – whether from the development or the school –would be faced with a flashing red light. Vehicles on Wild Horse Creek Road would be faced with a flashing yellow light.

Ms. Nolfo further stated that the other option would be to split-phase the two - vehicles coming out of the school would get a green light; all other traffic would be stopped at red unless a demand actuated it across the street. MoDot is also considering leaving the signal on until a designated time each day and then putting it on flash, at which time it would be actuated by a demand on either side of the street.

Commissioner Hirsch asked if more traffic lights would be required along Wild Horse Creek Road - such as in front of Wild Horse Subdivision - if the land along the north side of Wild Horse Creek Road is developed along the lines of the petitioner's request. Ms. Nolfo replied that, in her opinion, more traffic lights would not be needed.

Commissioner Macaluso expressed concern about left-hand turns and school busses coming out and asked how this would be solved in the event MoDot does not use complete signalization of the traffic light. Ms. Nolfo replied that turn restrictions during certain times could be reviewed with MoDot but thought would need to be given to how those individuals who want to go back east would be accommodated. She envisions vehicles turning right and then turning into Greystone Subdivision to turn around to head back east on Wild Horse Creek Road, which she didn't feel was desirable.

18. Mr. D. R. Bowers, 17531 Wild Horse Creek Road, Chesterfield, MO, speaking **in favor** of **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - He is a professional engineer, real estate broker and Chairman of the City's Citizens Public Works Committee and has lived in Chesterfield for 42 years.
    - He and his wife, and several of his neighbors to the west, fully support P.Z. 13-2004. They believe it meets the requirements and intent of an office campus in the Master Plan.
    - People he has spoken to in the designated campus area are in favor of and support the proposed development.
    - The traffic on Wild Horse Creek Road comes from 44, Manchester, 100, Clayton Road, 109, Wild Horse, Long, 40, and 64. Sometimes traffic backs up for a mile from Long Road past his home.
    - Years before Chesterfield was organized, the County notified people of noise, which now excludes residential development.
    - The office campus proposal is a good project and is a good addition to the neighborhood and he asks that the Commission support it.

(Mr. Beach left the meeting at 8:15 p.m.)

19. Mr. George M. Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO 63017 speaking **in favor** of **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - He is the civil engineer on this project.
    - The revised plan that was submitted following the public hearing and both meetings held in June has addressed the majority of the issues.

- There are 4 or 5 outstanding issues to be addressed.

Commissioner Hirsch expressed concern about the amount of parking that comes right up to the proposed entrance off of Wild Horse Creek Road and asked if there is any way to move the parking back further into the development and have more green space upfront. Mr. Stock replied that the original plan had a public road proposed intersecting Wild Horse Creek Road. The plan has been revised removing the public road and creating some additional green space. The ponds are retention basins and wetlands with 18-24" of water in them. The current plan has been re-configured to increase the green area within Phase I. Phase I is two buildings totaling 65 parking spaces. Under this plan, they are at 58.2% green space – they will re-calculate the open space, which will include the common walkways between the buildings and the sidewalks. The open space should be in excess of 60%.

(Mr. Beach rejoined the meeting at 8:18 p.m.)

Commissioner Hirsch stated that in the original plan there was a building that shielded the parking from view along Wild Horse Creek Road. Now with the elimination of the public street, parking is beginning pretty close to Wild Horse Creek Road. He asked if there was a way to screen the parking from Wild Horse Creek Road. Mr. Stock replied that it may be possible to move one or two cars further back to the north end of the site; however, the parking does need to be kept compatible with the building to minimize the amount of walking distance to the different offices. They do intend to do some berming in order to screen some of the parking.

Chairman Sherman expressed concern about people backing up out of some of the parking spaces which are close to Wild Horse Creek Road where people would be turning into the development.

City Attorney Beach referred to lining up the street across from the traffic light and asked if that is under the new configuration. Mr. Stock replied that the proposed public street in the original plan did not align with the school's driveway. The revised plan has moved that access point further to the west to be aligned and centered within the existing traffic signal.

Commissioner Hirsch expressed concern about the residential neighborhood character of Wild Horse Creek Road and hoped that the character could be retained if the development is approved. He noted that Mr. Stock had partially addressed this issue with the screening and moving of the parking spaces. Mr. Stock stated that they are open to addressing his concerns and will review the parking area again.

Commissioner Macaluso stated that the Issues Report noted the buildings are not meeting the setback and that the petitioner said he would move the northernmost building to meet the 35' setback but there are constraints on the southern building. Mr. Stock stated that the plan has been revised on the northern building to provide the required setback per ordinance. Regarding the southern building, they have met with the adjoining property owners and they are in agreement with the reduced setback of the building and the

reduced setback of the parking adjacent to their property. Mr. Stock noted that they are in excess of the front yard setbacks.

20. Mr. Tim Hall, 17233 Manchester Road, Wildwood, MO 63040 speaking **in favor** of **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - They have letters from the property owners to the west and to the east indicating that the proposed setbacks are acceptable to them.
    - Regarding the issue of possibly creating an additional buffer in the front area, Mr. Hall stated that the buildings have been moved to a 70' setback. There will also be extensive berming and landscaping on the site.
    - They are willing to review relocating the parking spaces in the front.
    - They have achieved a density of 13%, which is less than any other development in the City. For this reason, they are somewhat hesitant to reduce the building sizes.
    - Regarding noise, there is a new Airport Study coming out recommending that the proposed development go forward as planned because it meets the requirements of the Comprehensive Plan and the Airport's recommendations based on their latest noise study.
    - Regarding uses, they are requesting "office" and "professional medical", if the parking is achieved.

Commissioner Hirsch stated that he is a member of the Airport committee involved in the Noise Study and lives on Wild Horse Creek Road on the bluffs above the Airport. It is his understanding from the Airport's sound engineers that sound accelerates going uphill, and from his experience on his property, he knows that the trees mitigate the sound. He asked Mr. Hall if some of the trees in the proposed development will be removed. Mr. Hall replied that the way it was presented to him - trees provide little, if any, noise mitigation. However, they will be retaining 62% of the existing tree canopy on the site.

21. Ms. Renee Heney, 1513 Honey Locust Court, Chesterfield, MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - She had addressed the Planning Commission on June 14, 2004 – twelve days after she had first heard of the City's plan to rezone the property on the north side of Wild Horse Creek Road. She shared her concerns at that time.
    - Since then, she has worked with numerous homeowners to research several different areas – the City's Comprehensive Plan, traffic and airport noise issues, and residential viability of the bowtie property.

Ms. Heney made the following comments regarding the City's Comprehensive Plan:
- It was 15 years in the making.
- Soon after the City was established in 1988, an advisory group was formed, consultants were hired, and meetings were held.

- The first Comprehensive Plan was completed and adopted in 1990. Over the years, it was amended. A West Area Study was drafted. Different advisory committee members were appointed.
- The speaker stated that the City's current Comprehensive Plan, dated February, 2003, is very similar to the original plan – despite the fact that the western part of Chesterfield has changed dramatically. Entire subdivisions have been built along Wild Horse Creek Road. Chesterfield Valley has been developed. Cut-thru traffic from Highway 44 has become more of a problem and airplane noise is less of an issue due to noise abatement programs implemented by the Airport.
- They have been told the Office Campus and mixed commercial use is based on two factors: (1) too much land being zoned "NU" and (2) too many complaints about airport noise. She wonders "if the decision isn't more a factor of who was and who wasn't involved in the Comprehensive Planning process".
- She feels that most of the residents impacted by the zoning change were not involved – based on her review of meeting minutes, attendance rosters, and appointed committee members.
- It is her opinion that several individuals with a vested interest in the re-zoning were involved – including the Director of Aviation for the Spirit of St. Louis Airport and a primary landowner of bowtie property. This landowner was first a Planning Commissioner, then an advisory member.
- In reviewing minutes from various planning meetings she found that:
    - The need for parks and open green space was the #1 comment among citizens and civic leaders who were asked.
    - Three of seven break-out groups at a public forum mentioned they would not want an Office Campus Park on Wild Horse Creek Road.

Copies of the *Presentation to City of Chesterfield Planning Commission*, dated October 25, 2004, from the Wild Horse Creek Road Association were distributed to the Commission and will be made a part of the public record.

22. Becca Sawyer, 1023 Greystone Manor Parkway, Chesterfield, MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - She would address the issue of traffic on Wild Horse Creek Road from a sixteen-year-old's perspective.
    - There have been numerous accidents of teenagers on Wild Horse Creek Road.
    - When making a left onto Wild Horse Creek Road in the morning, she feels it is extremely dangerous and time-consuming. Sometimes she waits 4-5 minutes before she can make a left-hand turn.
    - She has noticed a big increase in traffic on Wild Horse Creek Road in the past five years.
    - She has been made aware of a study from the Missouri Department of Transportation showing that in 1996 there were 11,000 vehicles crossing through the intersection of Wild Horse Creek Road and Long Road. Six years later, a St. Louis County study shows that almost 23,000 vehicles pass through the same intersection. Traffic has more than doubled.

- Current traffic back-up from the stoplight at Chesterfield Elementary sometimes extends past the entrances to both Wild Horse and Greystone. It is very difficult to get into or out of these subdivisions during school arrival or dismissal times.
- She has concerns that traffic will increase if the proposed rezoning of the bowtie development is approved.
- She asks that the Planning Commission deny the rezoning request and re-evaluate the best use of this property.

23. Mr. Dick Sawyer, 1023 Greystone Manor Parkway, Chesterfield MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - Traffic has more than doubled in recent years – it has increased by more than 15% per year, which causes him great concern.
    - Accidents have been more frequent.
    - He asks the City to carefully evaluate the impact of an Office Campus development.
    - Regarding the petitioner's traffic study, he made the following statements:
        - The petitioner used Crawford, Bunte, Brammeier, engineering firm, which is the same firm that the City used when developing the Comprehensive Plan. He feels the report is misleading.
        - The trip generation figures are lower than in 2002.
        - The Level of Service is more than counting cars. To be accurate, one must factor in delay times, speed, line of sight, pedestrians, bikers, etc.
        - The report states that peak periods are from 7:30 am to 8:30 am and 5:00 pm to 6:00 pm. Homeowners know that peak hours include before and after school, as well.
        - The report states that peak volume is greater than 1200 vehicles per hour. However, peak volume was more than 2800 vehicles per hour in 2002.
        - For homeowners in the area, peak traffic is not the two hours identified – but any time it takes 2 minutes or more to make a right or left turn out of their neighborhoods.
        - Whatever the increased traffic turns out to be for the first 10-acre phase of development, it can be multiplied by a minimum of 10 to estimate the total increase for all the bowtie development.
    - He requests that the Planning Commission re-evaluate the entire proposal for the best use of this property.

Commissioner Macaluso asked Mr. Sawyer if he would be willing to share with the Planning Department the 2002 traffic figures to which he referred. Mr. Sawyer replied that it is in the information distributed.

Commissioner Broemmer asked if Mr. Sawyer had any suggestions as to how this property should be used. Mr. Sawyer replied that a lot of people have suggested a park or residential.

Commissioner Broemmer referred to the traffic growth cited by Mr. Sawyer and asked if it related to the residential growth in the area. Mr. Sawyer replied that it did. Commissioner Broemmer then noted that if the subject site were used as residential, it would be continued growth in that area.

24. Mr. Jim Clay 17675 Bridgeway Circle Drive, Chesterfield, MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** said he would be talking about the traffic study and stated the following:
    - The CBB Study estimated "in excess of 1200 vehicles" in the 7:30-8:30 am peak period. The fact is there are 2800.
    - The CBB Study estimates another "in excess of 1200" in the 5:00-6:00 pm peak period. The St. Louis County Study shows 2080 cars in that time period.
    - During the 6:00 am – 6:00 pm time, there are 14,675 vehicle movements in the CBB Study compared to 21,385 vehicle movements cited in the St. Louis County Study.
    - He projected data for 2004 for traffic using the same growth factors that were mentioned earlier and estimated conservatively that there is about 30-31,000 vehicle movements in a 12-hour period, which would be 104-111% under-estimation of traffic.
    - Regarding average trip generation, the CBB study says there are 85 vehicles in the peak period entering and exiting the subdivision. The speaker stated that potentially there are another 617-2023 vehicles in that period.
    - The speaker stated that the Level of Service has been significantly skewed in the CBB Study because they were using under-forecasted traffic.
    - In summary, the speaker stated that there are many research studies that indicate the Level of Service problem associated with locating business developments in a predominantly residential area are not solved by widening highways, adding right/left turns and adding signalized-controlled intersections. These actions do not necessarily improve overall Level of Service, make the highway safer or reduce speeding.
    - The CBB Study says 85% of the vehicles were driving in excess of 50 mph, which is above the speed limit for that road.

25. Ms. Stacy Rolfe, Trustee for the Wilderness at Wild Horse neighborhood, 1116 Wilderness Bluff Court, Chesterfield, MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** said she would be addressing the school and safety issues and stated the following:
    - Traffic is already a concern for this area. There have been flashing caution lights installed with reduced speed zones. The residents have a vested interest in obeying the reduced speed zones since they have children in the area. With traffic coming in and off of Wild Horse Creek Road going to appointments, there is concern that they will be less likely to take the reduced speed zones into consideration.

- Due to school events occurring at all different times of the day, there is limited parking available at the school. Residents are currently forced to park on the shoulder of Wild Horse Creek Road. With traffic coming in and off of Wild Horse Creek Road into an office park, it will become even more difficult and dangerous.
- The playground at the school is shared with the City of Chesterfield. The playground is for school use during school hours, but it is available to any public resident at any other time, and therefore, would be unmonitored during those times. She requests that consideration be given to the children who may be playing very closely to a 45 mph road.
- She requests that consideration be given to those families who currently live directly across the street from Chesterfield Elementary. They currently have a crossing guard who escorts children across the road. The residents who live in this area are aware of the children crossing the road but have concern about people who are unfamiliar with the area.
- She asks that consideration be given to denying the proposal for commercial zoning.

26. Ms. Joan Smith 17818 Keystone Trail Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - She has reviewed the Part 150 Airport Noise Compatibility Study for the Spirit of St. Louis Airport. The speaker referred to charts and maps that indicate the bowtie area falls within the acceptable range for residential living. The referred-to information may be found at the Noise Study website or in the official Airport Noise Study Handbook.
    - The Day/Night Noise Level (DNL) index measures the overall noise experienced during a 24-hour day. The FAA uses it for airport noise assessment. A more detailed explanation from the Noise Study is included in the handout previously referred to.
    - The FAA has established guidelines for local authorities to determine acceptable and compatible land uses. The Land Use Compatible Matrix shows that anything below a 65 DNL rating is residential compatible. Included in the handout are two maps showing the DNL contours for Spirit Airport – one showing the existing contours and the other showing the future contours for 2009. The speaker stated that there is virtually no difference between the two maps.
    - Both DNL contour maps place approximately 99% of the bowtie area outside the 65 DNL line, which means it is residentially viable because it is less than a 65 DNL. The speaker stated that a good portion of the land falls in a 55 DNL rating where many existing homes are already built.
    - Airplanes are continually becoming quieter thereby producing less noise.
    - The speaker said the referred-to maps show the bowtie area to be in a noise level that is acceptable for residential living.
    - She requests that the zoning request for commercial development be denied.

(Mr. Beach left the meeting at 8:50 p.m.)
(Mr. Banks left the meeting at 8:51 p. m.)

27. Ms. Ingrid Stoffel, 17732 Birch Leaf Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - When researching noise complaints for 2004, it was learned that 78% of the complaints came from only 3 households. They were not in the bowtie area – they were at Ossenfort Valley, Greenfield Village (between Ladue and Olive), and County Lakes Subdivision (off of Kehrs Mill).
    - She has concern that if this proposal is approved, office campuses will continue to grow.
    - She has questions as to whether the office campus will be viable rental space if the parking lots are hidden.
    - She and the residents in the area feel that the noise abatement program is successful.
    - She would like to see the land used for residential, community centers, churches or green space.

(Ms. Macaluso left the meeting at 8:54 pm.)

28. Mr. John E. Drake, 962 Tara Oaks Drive, Chesterfield, MO 63005 speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - Tara is located on the north side of Wild Horse Creek Road and immediately west of the Gateway Academy. It borders Spirit of St. Louis property.
    - The City's Comprehensive Plan designates the western portion of the bowtie from the proposed West County Christian Church property eastward to the driveway on the eastern boundary of the proposed PZ 13-2004 for business campus development. The reason given for this designation is airport noise.
    - As noted in the recent Airport Noise Compatibility Study, the threshold noise level is 65 DNL. Below this contour, residential development is acceptable – above this contour, it is not acceptable. The Tara at Wild Horse subdivision lies at and below the 60 DNL contour level. When recommended noise abatement procedures are followed, residents are not bothered by airport noise.
    - On August 16, 2004, the City Council approved Ordinance No. 2119 permitting construction of Tara Estates. This development - on the northwest corner of Tara at Wild Horse and bordering the airport property – has noise level characteristics similar to the Tara at Wild Horse subdivision. By affirmation of this ordinance, the speaker stated that the City Council has confirmed that properties with these noise level characteristics are suitable for residential development.
    - The speaker stated that the residents find it difficult to understand why airport noise is identified by the City, as well as noted in the Comprehensive Plan, as the reason why the western portion of the bowtie area is unsuitable for residential development. This area has similar noise level characteristics to Tara at Wild Horse and Tara Estates. It lies below the 65 DNL threshold noise level, with most of it below 60 DNL.

- The speaker requests that the Planning Commission re-evaluate the best use of the entire western portion of the bowtie property, including the subject property, and that it deny the petitioner's request for rezoning.

(Mr. Banks rejoined the meeting at 8:55 p.m.)
(Mr. Beach rejoined the meeting at 8:56 p.m.)
(Ms. Macaluso rejoined the meeting at 8:57 p.m.)

29. Mr. Vic Turvey, 17903 Bonhomme Ridge Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** said he would be speaking on the question of suitability of the bowtie area for purposes of residential construction and stated the following:
    - He has spoken to Bill Schierholz, a Chesterfield area developer who has built much of Greystone. The speaker stated that Mr. Schierholz feels the bowtie area properties – especially the area now under review for commercial development – would be most appropriate for a mix of high-end condos, detached villa-style units and individual homes. The speaker stated that Mr. Schierholz believes the high-end condos could appeal to residents who like the Wild Horse Creek surroundings but wish to avoid the maintenance of properties with large yards.
    - Speaker stated that Mayer Homes has also reviewed the property adjacent to Lawns of Distinction and they believe that there is significant potential for residential development.
    - Speaker stated that he has spoken to Dennis Hayden of Hayden Homes and Mr. Hayden has a similar view to Mr. Schierholz's view as far as the economic viability for residential development and he also favors the similar mix as proposed by Mr. Schierholz. Speaker stated that Mr. Hayden suggested that the current proposal in favor of commercial vs. residential development is more reflective of the higher prices that commercial developers would pay for the land in question rather than any lack of suitability of the land for residential purposes.
    - A fourth prominent builder was also contacted who indicated he had an interest but who was told by the City that the proposed development was a "done deal".
    - Speaker requested that the Commission consider denying the proposed office campus.

30. Mr. Matthew Jacober, attorney with Jenkins & Kling, PC, 10 South Brentwood, St. Louis, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - His firm represents the Wild Horse Association of area homeowners.
    - Speaker stated he would be presenting evidence which they feel is compelling that the Wild Horse Executive Center property is viable, desirable and more appropriate for residential use.
    - Prior to the current applicant's acquisitions of the subject properties, the majority of the site was continuously and actively sought to be developed as single family residential. In the fall of 2001, a residential developer drew up preliminary plans for an eight-lot subdivision to be known as Chesterfield Landing. The developer and his investment partners acquired the property.

- On December 10, 2002, the investors – through a professional appraisal required by their lender – stated that the area has a predominantly-residential character and the current highest and best use of the property is for residential building sites. Unfortunately, for the investors, their builder took their money and the investors sought and obtained a judgment against the builder for actual and punitive damages. The investors then put the property back on the market.
- On May 28, 2003, a Coldwell-Banker real estate agent sent a letter of inquiry to the owners regarding the purchase for a homebuilder client of the agent.
- In August 2003, another homebuilder, a client of Mr. Doster's, submitted a contract to buy and develop the property for eight single family residential homes. Mr. Jacober's firm was the investor's attorney at that time and they have personal knowledge of this contract.
- The property was purchased by the applicant, without zoning contingencies, as evidenced by the application.

31. Mr. Jeff Citrin, 17892 Bonhomme Fork Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - He feels the proposed development will destroy the residential character of his community. Wild Horse Creek Road is a country-type road. It is his opinion that the proposed development will dramatically alter and negatively impact the residential character and feel of the neighborhood.
    - He is not anti-development. The speaker stated that less than five minutes away, there is Chesterfield Valley with numerous office buildings, restaurants, retail shops, movie theaters, etc. He questions why the Wild Horse Creek Road area needs to be zoned commercial when the Valley is less than five minutes away.
    - He has concerns that whatever is approved on the subject property will establish a precedent for developing the other 90+ acres in the bowtie area. The speaker stated that the overall impact and the aesthetic effect of a commercial development will be devastating to the pastoral character of Wild Horse Creek Road.
    - The speaker suggested the installation of bike paths from Long Road up Wild Horse Creek Road up to 109.

Chairman Sherman stated Proposition P would include monies for trails and bike paths. Mayor Nations further stated that funds from Proposition P on November's ballot would be used for paths along Wild Horse Creek Road.

(Mr. Asmus left the meeting at 9:08 p.m.)

32. Ms. Judi Hart, 17631 Bridgeway Drive, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - She and her husband have lived in the Wild Horse subdivision for the last 15 years and also own a business in Chesterfield.

- She was a member of the committee that successfully promoted passing the tax levy allowing the purchase of the first parks in Chesterfield.
- While the Comprehensive Plan was being developed, she and others attended various Council and Planning meetings but she didn't feel their concerns were heard.
- The speaker stated it appeared to them that decisions were made that were influenced by people who stood to gain financially some way from the proposal.
- Speaker stated that to her knowledge, no subdivision resident ever had an opportunity to serve on any of the committees developing the plans. Her recollection is that her appointed representative was a long-time resident, who owned multiple acres and whose aspirations were not necessarily the same as the other residents.
- Speaker stated that she feels the proposed plan should be re-evaluated. The vast majority of residents impacted by the zoning change disapprove of the rezoning. Speaker stated she has a petition with about 1200 signatures of area residents who oppose the rezoning.
- Speaker stated that the vast majority of homeowners in the area were unaware of the City's Comprehensive Planning process. Their research indicates that they were excluded from mailing lists. The lack of attendance at previous public meetings reflects this.
- Speaker stated that the vast majority of homeowners were unaware of the application to rezone the first 10-acre parcel of the bowtie property. The sign was not continuously posted for 10 days prior to the public meeting. An incorrect property location for the proposed rezoning was listed on the City's website until the week before the public hearing when one of their representatives pointed it out. Wild Horse Creek Road was not mentioned – the site indicated the property was off Chesterfield Airport Road.
- Only one homeowner in all of Wild Horse, including Highlands and Greystone – a total of 710 homes - received a notice from the City.
- The speaker feels the bowtie area is residentially-viable and asked the Commission to reconsider.

(Mr. Asmus rejoined the meeting at 9:11 p.m.)

33. Ms. Rebecca Kling, real estate attorney with Jenkins & Kling, PC, 10 South Brentwood, St. Louis, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - Her firm represents the Wild Horse Association of various homeowners.
    - Speaker read a letter from Steve Kling of Jenkins & Kling:

      Tonight you have heard several speakers regarding the Wild Horse Executive Center application. This application is critical and will set a precedent for the approximately 100 acres of property along Wild Horse Creek Road, commonly referred to as the bowtie.

While our clients recognize that the applicant's property and the bowtie properties are recommended for office campus use under the City's Comprehensive Plan, they do not understand why and believe any such recommendation is inappropriate.

A comprehensive plan is a community visioning document providing recommendations for future land use. Community participation is a hallmark of a comprehensive plan. Section 89.350 of the Missouri Revised Statutes requires a comprehensive plan to be made pursuant to careful and comprehensive surveys and studies and to promote the general welfare. Normally the recommendations of the comprehensive plan should be followed unless there are good reasons for not following them. Typical reasons include mistakes, significant changes in circumstances, or undue political influence in the plan process.

Our clients feel that there has indeed been a mistake and have tonight presented substantial information to support that position. They also feel stakeholders and airport representatives had an unfair and undue influence in the plan preparation. They do not understand how the City's Comprehensive Plan can be a community visioning document when it failed to involve and engage them in the process or study or survey their vision of development of Wild Horse Creek Road.

Our clients request that you deny this application and recommend to the City Council that a Wild Horse Creek Road sector or district plan be immediately authorized as a supplement to the Comprehensive Plan to more fully review and recommend appropriate development of Wild Horse Creek Road. This sector or district plan would consider all positions, particularly those of area residents and better map out appropriate uses or mix of uses for this area.

The huge attendance at this meeting demonstrates that, without a doubt, community visioning did not happen in the Comprehensive Plan for this critical area of the City. It can be achieved, however, by an appropriate sector or district plan.

34. Mr. Rollie Johnson, 17708 Horse Creek Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - He has five children who live in the area and 17 grandchildren who have involvement with Chesterfield Elementary School. He is aware of the traffic problems connected with the school at this time.

- He agrees with the speaker who lives on the north side of Wild Horse who indicated that there isn't anyone there who is opposed to commercial use of the bowtie area. The speaker stated he feels this is because their property would have more value as a commercial development than as a residential development.
- Regarding the comments made from the traffic engineer indicating there are no safety issues associated with the proposed intersection by the school, the speaker stated that there is always a safety issue at any school, especially if there is a commercial development emptying into it right in front of the school.
- Regarding the speaker who stated that the trees themselves do not provide any sound abatement, Mr. Johnson stated that any time the site of sound is blocked, it is dampened. He lives in a house facing north with a large hill behind it. When his window is open in the winter, the hill amplifies any sound coming from the airport. In the summer, when the leaves are on the trees, the sound is dampened.
- With all the development in the Valley, the speaker stated he does not understand why the residential community is being faced with a commercial development.

35. Mr. Ray Manton, 17700 Birch Leaf Court, Wildwood, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC)** stated the following:
    - He has been a resident of the Wild Horse Subdivision for over 12 years.
    - He is opposed to the proposed rezoning because:
        - He feels it is the first big step in ruining the residential character of the neighborhood. It goes counter to his concept of a planned community, which would include residential, school and church in close proximity with business and other use a little further away.
        - He believes the proposed project belongs in the Valley.
        - He is concerned about safety issues with the school that would come with any additional traffic in the area.

(Chairman Sherman called a recess at 9:18 p.m. The meeting re-convened at 9:31 p.m.)

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. **Archiver's (Westfield Shoppingtown Chesterfield)**: An amended architectural elevation for a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Hirsch, representing the Site Plan Committee, made a motion, at the Developer's request, **to hold** the Amended Architectural Elevation until the next meeting. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

B. **Delmar Gardens Amended Lighting Plan**: Amended Lighting Plan for an 8.48 acre "PC" Planned Commercial District located on the north side of North Outer 40 Road, east of Delmar Gardens at 14825 and 14805 North Outer 40 Road. (18S320194)

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

C. **Long Road Crossing, Lots 2, 3, & 4**: A Record Plat for a 17.53 acre tract of land, Parcel "A" of Long Road Crossing, zoned "PC" Planned Commercial District, located north of Chesterfield Airport Road and west of Long Road.

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

D. **Shenandoah Plat Seven, Lot 585:** An Amended Site Development Section Plan and Architectural Elevations for a 3.1 acre parcel zoned R-1A Planned Environment Unit.

Commissioner Hirsch, representing the Site Plan Committee, made a motion **to approve** the Amended Site Development Section Plan and Architectural Elevations with the recommendations from the Architectural Review Board which include minimal tree removal from the north side of the site; a step retaining wall, as presented by the petitioner; the landscaping for wall screening, as presented by the petitioner; all structures being at least 1-1/2 story; and consistency in total quality, proportion, and general ambience of the adjoining buildings. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 1.** (Commissioner Broemmer voted nay.)

E. **Wehrenberg 14 Cine (50 THF Boulevard) Light Approval:** A request for approval of the use of L.E.D. lighting for four (4) attached wall signs for a 21.57-acre tract of land zoned "PI" Planned Industrial, south of Chesterfield Airport Road and east of Public Works Drive at 450 THF Boulevard (17U240055)

Commissioner Hirsch, representing the Site Plan Committee, made a motion, at the Developer's request, **to hold** the request for approval of the use of L.E.D. lighting for four wall signs until the meeting of November 8, 2004. The motion was seconded by Commissioner Macaluso and **passed by a voice vote of 9 to 0.**

F. **Chesterfield Commons 6 (Lot 7) Lot Split:** A Lot Split for a 4.035 acre tract of land zoned "C-8" Planned Commercial District located south of U.S. Highway 40-61, north of Chesterfield Airport Road, west of Boone's Crossing, east of Long Road.

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

VIII. OLD BUSINESS

A. **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms):** A request for rezoning from "NU" Non-Urban to "E-Half-Acre" Estate district for a 40.1-acre parcel located on Griffith Lane, south of the terminus of Eagle Bluff Court, approximately 1500 feet from Wild Horse Creek Road. Locator Numbers (18U32-0015, 19U64-0028, 19U64-0017)

Project Planner Christine Smith Ross stated she was available for any questions.

Commissioner Macaluso asked where Mr. Simon's water features and entrance way are specifically referred to in the Attachment A. Project Planner Smith Ross replied that the water features and entrance way are not in the Attachment A as it would need a motion to include them.

Chairman Sherman stated that, if the proposal is approved, she would prefer that the water feature not be included in Attachment A as the residents may want to reconsider it and include trees in that location instead. Commissioner Macaluso stated that she thinks the Attachment A should provide a choice for the residents to insure that the developer is required to include what the residents would prefer.

Commissioner Broemmer pointed out that page 4 of the Attachment A needs to be corrected so that the wording "*E-One Acre*" in items a. b. c. and d. is replaced with "***E-One-Half Acre".***

City Attorney Doug Beach referred to the legal issues raised by the residents of Eagle Crest. He has questions as to whether the activities of the subdivision are controlling. Nevertheless, if it is the Commission's desire to move this project forward, he stated that this would not prohibit a vote and decision by the Commission in using their best judgment as it relates to good planning.

Commissioner Macaluso felt it would be best to hold the vote until more information was presented. City Attorney Beach stated that he would not be giving any different legal opinion two weeks later in terms of the legality of considering the proposed project.

Commissioner Hirsch made a motion **to accept P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)** with the corrections, as noted, on page 4 of the Attachment A. The motion was seconded by Commissioner Broemmer.

Commissioner Macaluso stated she is having difficulty with voting on this project at this time knowing it will result in a lawsuit, which will require the City's funds to defend any decision made by the Commission. She would prefer that the parties work out the problems between them. In view of the access issue, she did not feel that she could vote for this project at this time.

Chairman Sherman informed the audience that the Commission's vote is reviewed by the City's Planning & Zoning Committee, and then it is forwarded to City Council.

Upon roll call, the vote was as follows:

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

Nay: **Commissioner Macaluso**

The motion passed by a vote of 8 to 1.

B. P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wild Horse Executive Center LLC): A request for rezoning from "NU" Non-Urban to "PC" Planned Commercial district for a 10.243-acre parcel located north of Wild Horse Creek Road, approximately 500 west from Wild Horse Parkway Locator Numbers (18V51-0040, 18V51-0095, 18V51-0017)

Project Planner Christine Smith Ross took note of the following issues:

- Referring to the comments from Ms. Hart regarding specifics, listen to the tape in terms of what was said and look into the statements which she made relative to the notices of the signs and whether people were notified or not.
- Regarding the traffic study from Crawford, Bunte, Brammeier – reference was made to 1200 cars vs. 2800 cars – would like more clarification from Julie Nolfo.
- Look into the issue of parking taking place on Wild Horse Creek Road.
- Keep Issue #6 open regarding noise control because the petitioner's response does not meet concerns regarding noise control.
- Keep Issue #8 open regarding surface parking – this was discussed extensively during Mr. Stock's presentation.

- Assertions made regarding the Part 150 Noise Contours and the particular levels of DNL on the bowtie area – those Part 150 Noise Contours are out there on the website and are available from the Airport – look at those and look at the current noise level from the current Noise Study.
- Look at the minutes of the Comprehensive Plan and see what they reflect as being the discussion of DNL for both the original 1990 Plan and the subsequent discussions leading up to the 2003 Comprehensive Plan.
- Many years ago with respect to commercial development opposite Faust Park, residents made the statement that the County prohibited commercial within a certain number of feet of the park entrance. Since the City has adopted the County Codes, research whether or not the City has an ordinance restricting commercial development in front of the park that is next to the elementary school in Wild Horse.
- Clarification from the Traffic Report – Table 5 – if the numbers reflect an entire build-out of the whole bowtie area or just the 10 acres - and the traffic issue.
- In terms of the appearance of the density - the parcel is an L-shape - show the numbers of the density in the one leg of the L vs. the other leg of the L.
- Issue #19 remains open - See if the petitioner would consider lowering the number of buildings as a way of dealing with not being able to meet the setback requirements.
- Issue #24 remains open – Would like to see the information regarding Historic Places. Contact Mark Leech on the Landmarks Preservation who has a lot of information about artifacts.
- Would like to see a landscape plan and a tree overlay.
- Regarding Issue #19 relative to the setbacks – the issue is the size of the buildings – the size of the buildings would need to be reduced to comply with the setback requirements.
- Commercial vs. residential – from a comparison standpoint. Have Ms. Nolfo look at it – if the site were to be built out as a residential, what would be the impact of that from a traffic standpoint?
- Regarding information from the Airport relative to water fowl and other wildlife that are prohibited from the Airport, would like information on the wetlands and how mosquitoes are stopped from breeding – how water movement can be kept so it's not a breeding ground.
- Off of Long Road there is a road that goes up into the bowtie and it goes through those homes, is there any way that we can look at how that road could be extended in the future to incorporate egress and ingress on the bowtie area and get it off of Wild Horse Creek Road? City Attorney Beach referred to the Comprehensive Plan that talks about internal drives and said that consideration should be given to either creating a trust area or some sort of a viable alternative so that all future land development – if it is going to be office campus – would be required to work towards getting that traffic to where it is being suggested.

- Regarding the statements made about the real estate being viable for residential, Mr. Schierholz and Mayer Homes were both quoted as saying that this is viable. City Attorney Beach said the Comprehensive Plan for this area calls for one house per acre, which would allow 100 units maximum without a rezoning. Is this viable from Mr. Schierholz's and Mayer Homes' viewpoints or were they thinking the property could be rezoned to allow two homes per acre? What was their thinking?
- Include the issue regarding the entrance and the berming to hide the parking.
- The safety of the parking spaces being so close to the entrance for backing out.
- A specific response from Ms. Nolfo as to what seems to be a huge disparity between her numbers and the numbers presented by the residents. Why the numbers were there – if she agrees, doesn't agree – what her basis would be – so that we are comparing the factual basis of what was presented.
- Regarding the idea of an internal road, how we would deal with that in an Attachment A. If it does get zoned, when that would trigger. Think about some of the language to help us have the best options available for that area.
- Would we need permission from the Airport for the wetlands because of any issue about migrating birds or geese?
- Regarding mosquitoes, City Attorney Beach stated that this should be reviewed very carefully because within every subdivision that is being built, the City is requiring detention or dry basins. So if there are issues with mosquitoes, it's not just unique to this site. This issue will have to be looked at as being an overall policy that needs to be addressed.
- If this were to be zoned for the office campus, should the Commission require the building materials to be such as to reduce the noise level?
- Would like some word from MoDot on the light signalization and the issue with the school. Either some assurance that that would happen if the development were to go forward or how MoDot plans to address the safety of the school entrance.

IX. NEW BUSINESS

X. COMMITTEE REPORTS:

A. Committee of the Whole – No report.

B. Ordinance Review Committee

Commissioner Banks reported that the Ordinance Review Committee met last week and left about four issues with the Department to research. One of the issues was the E-district question.

C. Architectural Review Committee – No report

D. Landscape Committee – No report

E. Comprehensive Plan Committee – No report

F. Procedures and Planning Committee – No report

G. Landmarks Preservation Commission – No report

XI. ADJOURNMENT

The meeting adjourned at 10:05 p.m.

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Lynn O'Connor, Secretary