

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
October 12, 1998**



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

PRESENT

Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. Allen Yaffe
Chairman Robert Grant
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Reveena Shook, Planner II
Mr. Todd Streiler, Planner II
Ms. Angela McCormick, Planner I
Ms. Annissa McCaskill, Planner I
Ms. Molly Butler-Dunham, Planner I
Ms. Kathy Lone, Executive Secretary, Planning Assistant
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Fred Broemmer

INVOCATION: Commissioner Allen Yaffe

PLEDGE OF ALLEGIANCE - All

Chairman Grant recognized the attendance of Mayor Nancy Greenwood; Councilmember Larry Grosser (Ward II); Councilmember Mike Casey (Ward III) – Council Liaison: Councilmember Mary Brown (Ward IV).

Chairman Grant recognized that many people in attendance were there with respect to P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus). Normally public hearings are held first according to the agenda. He asked for a motion to change the order and have P.Z. 32-98 first. He also mentioned that staff had asked that the matter be held tonight but issues would be presented by Staff. The Staff formulates issues for the Commission to consider. The Commission will not be voting on this petition tonight.

Mayor Greenwood mentioned that many people were in attendance because of the Suburban Journal article. This article was incorrect. The developer has publicly stated there would not

be an exit off Conway Road whereas the Journal article stated there would be. The Mayor reiterated that there would be public comment this evening but no vote. This petition will go back to staff at the direction of the Planning Commission for the issues to be addressed. Then it will come back to Planning Commission and there will be further public comment. From Planning Commission, the petition goes to the Planning and Zoning Committee of the City Council and then to the City Council for their vote and consideration. Tonight it is simply on the agenda as a report from the staff to the Planning Commission. The staff report will be of great interest to residents and then public comments will be held after that.

Chairman Grant moved to change the order of the agenda to allow Item VII-I to be taken out of order – P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus). The motion was seconded by Commissioner Yaffe and **passes by a voice vote of 8-0.**

P.Z. 32-98 Conway Land Company (Chesterfield Corporate Campus); a request for a rezoning from “NU” Non-Urban District to “PC” Planned Commercial District for Twelve (12) parcels of land located at the intersection of Chesterfield Parkway North, Conway Road and North Outer Forty Road. Proposed use: Offices or office buildings.
(Staff requests this matter be held until the October 26, 1998 Planning Commission Meeting.)

Planner I Annessa McCaskill read the issues into the record and advised the Planning Commission that the Planning Department recommends this petition be held until October 26, 1998.

Chairman Grant summarized that there are 27 issues read into the record and 8 Architectural Review Board comments from their October 1, 1998 meeting. All comments will be reviewed by the Planning Commission. He asked the Planning Commission if they had any questions or comments on the issues.

Commissioner Eifler requested, with Planning Commission concurrence, that the traffic study evaluate the impact of an overpass over I-64 connecting the North Outer Road to the South Outer Road. The traffic impact congestion should be measured at North Outer Road and Chesterfield Parkway.

The Planning Commission agreed that this should be an additional issue that is to be considered.

Commissioner Nolen requested clarification on the recommendation from MoDOT that access to Conway Road be provided. Specifically, at what size of development is this access necessary. She also requested clarification on who dictates these conditions – Chesterfield or MoDOT.

Councilmember Brown would like the staff to look at the buffer from the approach of a minimum of 120 feet but work with the land (what’s in the 120 feet, what additional plants would do to the 120 feet).

Commissioner Sherman would like the traffic study to include Conway Road and 141 and White Road.

City Attorney Beach suggested that the developers provide preliminary estimates on the cost of an overpass.

PUBLIC COMMENT: (Only on P.Z. 32-98 Conway Land Company)

1. Harvey J. Present, 1073 Appalachian, Chesterfield, MO 63017, President of the Trustees for the Shenandoah Subdivision, spoke in opposition. They are opposed to access on Conway Road.
 2. Fred Byrne, 14308 Conway Meadows Ct. #301, Chesterfield, MO 63017, Secretary of Board of Managers for Conway Meadows Condominium Association, spoke in opposition. They are opposed to this petition.
 3. Michael Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, attorney for the developer, spoke in favor of the petition.
- There will be a revised set of plans available for a meeting in the Council Chambers, Wednesday, October 21, 1998 at 5:30 PM.
 - The developer is looking at maintaining tree canopy, keeping Conway Road visibility to an absolute minimum, maintaining the topography of the site, etc.
 - The developer is looking at a reduction in height to the building closest to Conway Road, possibly lowering the height by 2 stories, increasing the size of the buffer on the north side of the site to more than 120 feet, increasing the setback lines at the northeast corner adjacent to the Steele property, reducing the size of the parking structure for building #4 and relocating the parking for that structure to the south, and reducing the size of the parking for one of the buildings close to Conway Road. The purpose of all of this is reducing the visibility from Conway Road to an absolute minimum.
 - Have approached Sachs Properties to coordinate the two projects. Written correspondence has been sent to Sachs Properties with a conceptual proposal on how this may be done. They have not received a response yet but will continue on working to coordinate the two projects.
 - The developer has looked at all of the issues and will look at the additional issues raised tonight and all will be addressed. Traffic study is underway. Developer hopes that will be completed by the end of the week.
 - Any Trustee who has not heard about the October 21, 1998 meeting with the developer, please give name and address so they may be contacted.

There was general discussion between the Commission and Mike Doster on the traffic study, submittal of a model, reduction in height of building and a new overpass.

4. Rich Drews, 14905 Conway Glen Ct., Chesterfield, MO 63017, Trustee for Conway Glen Subdivision, spoke in opposition and expressed concern about the three (3) remaining lots next to this property. In the future, they would have no choice but to go commercial and there would be additional traffic. He also expressed concern about increased traffic on Roosevelt Parkway (Swingley Ridge Road).
5. Wayne Linder, 110 Conway Cove Dr., Chesterfield, MO 63017, President of Conway Cove Condominiums, spoke in opposition to the petition. In an informal poll of their residents, no one was in favor of rezoning the project.
6. Bill Mannen, 14865 Grantley Dr., Chesterfield, MO 63017. Trustee for the Westchester Place Subdivision, spoke in opposition. He suggested the area remain residential.
7. Matthew Handler, 1320 Amherst Terrace West, Chesterfield, MO 63017, Trustee of Amherst Subdivision, stated that residents in Amherst don't want any view of the development from their homes. They also want the Outer Road to be two-way or another overpass built to handle the traffic.
8. John T. McDonald, 1332 Amherst Terrace Way, Chesterfield, MO 63017, former President and Trustee of Amherst Subdivision, recommended the City of Chesterfield do the traffic study so it is unbiased and suggested the October 21st meeting with the developer be changed from 5:30 PM to 7:00 PM so that working people could attend.
9. Charles Ferguson, 1326 Cherry Glen Ct., Chesterfield, MO 63017, Westchester Manor Subdivision, expressed concern about the value of homes with all of the overpasses and ramps now being built.
10. Mark Tulper, 14024 Conway Rd., stated he is concerned about the added traffic on the quality of life for the residents.
11. Randi Hirsch, 1233 Los Padres, Chesterfield, MO 63017, stated he is opposed to the development. He wants the area to remain residential.
12. Lynne Johnson, 15125 Conway Road, spoke in opposition. She referenced a 1985 Plan done by St. Louis County, which would have allowed a maximum of 1/3 the development of the Sachs and Conway Road development that is being proposed. She indicated that the Old School House may have historical implications and she would like to see it preserved. She is concerned that if Conway Road has to be widened to allow for more traffic, it will take away the country road atmosphere.

City Attorney Beach asked Ms. Johnson to provide a copy of the County study she referenced to the Staff.

Chairman Grant recessed the meeting at 8:01 PM.

Chairman Grant reconvened the meeting at 8:16 PM.

PUBLIC HEARINGS:

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

- A. **P.Z. 33-98 YMCA**; a request for a change in zoning from "R-6A" Residence District with a (CUP) Conditional Use Permit to a "PC" Planned Commercial District for a 9.0 acre tract of land located on Burkhardt Place, 400 feet West of Chesterfield Parkway. (Locator Numbers: 18T34-0146 & 18T34-0157). Proposed Use: Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.

Planner I Angela McCormick gave a slide presentation of the subject site and surrounding area.

Mr. David Volz, 10849 Indian Head, St. Louis, MO 63132, spoke on behalf of the petitioner noting the following:

- The requested rezoning to "PC" Planned Commercial would allow for a net increase in the existing YMCA building of 7,000 square feet.
- Proposed uses would be the same as the existing uses.
- Two building additions and three additions to the parking area are proposed. The existing parking is for 217 spaces and the proposal would be for 248 spaces.
- The existing detention basin is dry and the entire site drains into it. When Burkhardt Place is extended and connects to August Hill, Burkhardt Place will act as a dam and a lake will be formed. The lake was originally planned in 1971 with the original development and will replace the detention that is on the YMCA property.

Chairman Grant asked for clarification on the permitted uses.

There was general discussion between the Commission and the City Attorney relative to the need for the YMCA to rezone to "PC."

City Attorney Beach stated that there are no funds at this time allocated with the City's current or proposed budget which would complete Burkhardt Place or Lydia Hill.

Mr. Volz stated that Sachs and the City are currently discussing the lake and that it will not affect

the Site Plan of the YMCA.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL: - None

REBUTTAL: - Waived

Commissioner Sherman read the next portion of the “Opening Comments.”

- B. **P.Z. 34-98 T.K. Properties, L.L.C., (Byrne Custom Homes)**; a request for a change in zoning from “NU” Non-Urban District to “PC” Planned Commercial District for a 0.5 acres tract of land located on Chesterfield Airport Road, 400 feet East of the Baxter Road Extension. (Locator Number: 17T22-0036). Proposed Use: Office

Planner I Angela McCormick presented a slide presentation of the subject site and surrounding area.

Karen Byrne, petitioner, gave handouts to the Planning Commission and noted the following:

- Wants to maintain the office as is. There will be one full-time and one part-time employee in the office. All other employees would be off-site.
- Wants to maintain the architectural style of the street.
- Wants to maintain the trees and green space surrounding the building.
- There will not be any storage on site, trailers or equipment.
- There are no intentions to demolish the building to rebuild.
- Sub-contractors are on the job site and would not be using the office building.
- There are enough parking spaces provided.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL: - None

REBUTTAL: - Waived

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

APPROVAL OF THE MINUTES:

Chairman Grant acknowledged the ten (10) years of service of Secretary Sandra Lohman. Ms. Lohman is leaving the employment of the City of Chesterfield.

A motion to approve the September 28, 1998 Minutes was made by Councilmember Eifler and seconded by Commissioner Sherman. **The motion passes by a voice vote of 8 to 0.**

PUBLIC COMMENT:

1. Mr. David Volz, 10849 Indian head, St. Louis, MO 63132, spoke in favor of P.Z. 28-98 Sycamore Cove.
 - In regards to the Staff report, page 5, Recommendation, the list consists of six issues. The first five are already covered by the Subdivision Ordinance of the City and the sixth is covered by the Tree Preservation Ordinance. Therefore, he felt that since they are not requesting a reduction in lot size or setbacks, they did not need a PEU. Mr. Volz said this falls under straight zoning and he is concerned about a time delay if another public hearing must be held.
2. Lauren Strutman, 16120 Walnut Hill Farm, Chesterfield, MO 63005, P.Z. 31-98 Strutman-Busch, was in attendance to answer questions.

Commissioner Sherman had a question concerning the internally illuminated sign. She would like the sign to go before the Architectural Review Board.

Councilmember Brown asked if the reason this project was being held was because of the possibility of going before the Board of Adjustment. Ms. Strutman stated it was. Ms. Strutman gave the Director of Planning a previously approved parking lot layout for that building that was signed in 1990 approving a similar setback on the parking lot and would prefer not having to go before the Board of Adjustment.

3. Mr. Steve Koslovsky, 231 S. Bemiston, Clayton, MO 63105, P.Z. 29-98 City of Chesterfield and P.Z. 30-98 Conway Land Company:
 - P.Z. 29-98 – Staff has proposed new language and it is acceptable to the petitioner.
 - P.Z. 30-98 – Speaker wanted to clarify that there have been oral discussions with the Vitt developer and they will be getting with them formally within the next couple of days. If both parties come to a mutually accepted plan, they would consider being a part of the meeting on October 21, 1998.

OLD BUSINESS: - None

NEW BUSINESS:

- A. **Forty West Office Building;** Request for amendment of City of Chesterfield Ordinance Number 1274, the governing "C-8" Planned Commercial District Ordinance for Forty West Office Building; located on the North side of North Outer 40 Road, East of the intersection of Chesterfield Parkway North.

(At the request of the petitioner, this matter is to be held until such time as they have an opportunity to re-submit.)

Chairman Grant noted Staff has advised the Commission that, at the request of the petitioner, the matter is to be held.

Chairman Yaffe made a motion to hold this matter. The motion was seconded by Commissioner Macaluso and passes by a voice vote of 8 to 0.

- B. **P.Z. 25-98 Mobil Mart;** a request for a change in zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 1.7 acre tract of land located at the intersection of Clayton and Baxter Roads. (Locator Number: 21R41-0960) Proposed uses: Filling station, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours; restaurant, fast food; and vehicle washing facility for automobiles.

(Staff requests this matter be held until all comments have been received and evaluated.)

Assistant Director Laura Griggs-McElhanon stated that the Commissioners have letters from MoDOT and St. Louis County Highway Department. Staff still has not received the official correspondence from the Highway Department (only the faxed copy) and Staff has not had an opportunity to evaluate this information. Staff will request additional information on their traffic study; specifically, the date it was prepared and Staff will provide them counts from the State concerning the evening peak times.

Chairman Grant asked if the information would be ready by the next meeting. He also has questions concerning the County report in regards to the widening of a barrier to a point 75 feet north of the existing drive making Baxter Road a right in/right out only entrance --what is the recommended way for traffic to enter? Also does Baxter Road prohibit U-turns?

Ms. Griggs-McElhanon stated that concern had already been risen by residents and she would follow up on this.

Commissioner Sherman would like clarification on what came first – the Mobil station or the condominiums.

Ms. Griggs-McElhanon stated that the vacant lot behind the gas station has always been part of the Mobil station and part of the rezoning with the County.

Commissioner Layton mentioned that the County ordinance was from approximately 1983 and that during the public hearing speakers had mentioned living there for 20 years so he thinks the condos came first. The County was very specific with what could be built there.

City Attorney Beach stated that if the **businesses** accepted the conditions in 1983 perhaps they have foreclosed some of their constitutional rights.

A motion to hold was made by Commissioner Sherman, seconded by Chairman Right and passes by a voice vote of 8 to 0.

- C. **P.Z. 28-98 Sycamore Cove;** a request for a change in zoning from “NU” Non-Urban to a “R-2” 15,000 square foot Residence District for a 3.2 acre tract of land located on Sycamore Drive, 300 feet South of Country Ridge Drive. (Locator Number: 20S11-0040). Proposed Use: Single Family Dwellings.

Planner I Angela McCormick summarized the request and recommendation of approval of the request subject to conditions contained in the staff report.

Councilmember Brown would like to see how the widening of the road is going to impact the property on the west, particularly the corner house, when this petition goes to the Planning & Zoning Committee.

Commissioner Layton made a motion to approve this matter with recommendations of the Staff. The motion was seconded by Commissioner Yaffe and passes by a vote of 8 to 0.

- D. **P.Z. 29-98 City of Chesterfield;** A proposal to amend Section 1003.140 “PC” Planned Commercial District of the City of Chesterfield Zoning Ordinance to allow condominiums on one floor of multi-story (three or more) office buildings as a permitted use and to read as follows: 4. (2)(c) Apartment dwelling units in buildings primarily designated for occupancy by one or more of the permitted commercial uses, wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment. **This is not to exclude one floor of multi-story (three or more) office buildings being developed for condominiums.** (Additional language has been provided in bold.)

Planner Molly Butler-Dunham summarized the request to amend the zoning ordinance to allow condominiums on one floor of multi-story (three or more) office buildings as a permitted use.

Commissioner Yaffe made a motion to approve the request. The motion was seconded by Commissioner Layton and passes by a vote of 8 to 0.

- E. **P.Z. 30-98 Sachs Properties, Inc.;** a request for a change of zoning for a 4.7 acre tract of land from "NU" Non-Urban District to "PC" Planned Commercial District on North Outer Forty Road (Highway 40), 500 feet South of Conway Road (Locator Number 18R110020). Proposed Uses: Cafeterias for employees and guests only; offices; office buildings; apartment dwelling units in buildings primarily designated for occupancy by one or more of the permitted commercial uses wherein occupancy of the dwelling unit shall be limited to the owner, manager, or employee of the permitted use or uses and their respective families. A minimum of eight hundred (800) square feet of contiguous open space for the dwelling unit, protectively screened from commercial activities and directly accessible to the dwelling unit, shall be provided on the premises for the exclusive use of the occupants of such apartment. This is not to exclude one floor of multi-story (three or more) office buildings being developed for condominiums; and parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours
(Staff requests this matter be held until the October 26, 1998 Planning Commission Meeting.)

Chairman Grant noted this matter to be held until the October 26, 1998 Planning Commission Meeting.

- F. **P.Z. 31-98 Strutman and Busch;** a request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a .39 acre tract of land located at 16676 Chesterfield Airport Road. (Locator Number: 17T22-0278) Proposed uses: Offices or office buildings.

Chairman Grant noted this matter is to be held at the petitioner's request.

Commissioner Yaffe made a motion to hold this matter. The motion was seconded by Commissioner Eifler and passes by a voice vote of 8 to 0.

- G. **P.Z. 26-98 St. Mary's Institute of O'Fallon, Inc. (Linda Vista School);** a request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 68.59 acre tract of land on Kehrs Mill Road. Proposed Use: Schools, public or private, including kindergarten, elementary, secondary and collegiate; cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses, but excluding any structure used as a salesroom.

AND

- H. P.Z. 27-98 St. Mary's Institute of O'Fallon, Inc. (Linda Vista School); a request for a Conditional Use Permit in the "LLR" Large Lot Residential District for a 18.4 acre tract of land located on Kehrs Mill Road. Proposed Use: Dormitory or group living facilities for religious, educational or charitable purposes.
(Staff requests P.Z. 26 & 27-98 be held until the October 26, 1998 Planning Commission Meeting.)

Planner I Angela McCormick referenced the issues contained in the meeting packet and inquired if the Commission had additional issues. The Department recommends these petitions be held until October 26, 1998.

Commissioner Macaluso stated that one of the lots for this petition is in the Pacland Place Subdivision and she would like to make sure that any changes made will not have any effect on Pacland Place. The subdivision could have two different zonings.

Commissioner Macaluso made a motion to hold this matter. The motion was seconded by Commissioner Sherman and passes by a voice vote of 8 to 0.

- J. P.Z. 3&4-93 DCL Development Co. (Wildhorse Springs); a request for amendment of City of Chesterfield Ordinance Number 787 providing for an increase in the number of lots from 30 to 31 in Wildhorse Springs Subdivision; located on the north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

And

- K. P.Z. 3&4-93 DCL Development Co. (Wildhorse Springs); a request for amendment of City of Chesterfield Ordinance Number 879, providing for a First Amendment to Indenture of Trust and Restrictions of Wildhorse Springs Subdivision; located on the north side of Wildhorse Creek Road, east of the intersection of Wildhorse Creek Road and Wilson Road.

Planner I Annissa McCaskill summarized the requests to amend the PEU ordinance and subdivision indentures to allow an additional house to be built on the existing common ground.

Commissioner Layton questioned whether the residents were notified of this change.

Planner I Annissa McCaskill noted that notification is not necessary unless there is a public hearing.

Commissioner Layton is very concerned whether a legal precedent is going to be set if the

Commission allows this subdivision to sell their common ground.

City Attorney Beach stated that setting a precedent is a possibility.

Commissioner Layton asked the Commission to vote no on this issue.

Councilmember Brown stated that the property they are selling off is an abandoned storm water basin that they don't need any more and is not attractive common ground.

Commissioner Sherman made a motion to hold this matter. The motion was seconded by Commissioner Right and passes by a voice vote of 8 to 0.

Staff was directed to notify the Trustees, residents and adjacent property owners of this request and also to provide a map on the location. City Attorney Beach will also supply legal wording.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **P.Z. 5A-98 Swingley Ridge Development:** A Resubdivision Plat in the PC, Planned Commercial District, governed by the City of Chesterfield Ordinance # 1413. Located on the North side of Swingley Ridge Drive, West of Olive Boulevard.

Commissioner Eifler, on behalf of the Site Plan Committee, recommends approval. The motion was seconded by Commissioner Layton and passes by a voice vote of 8 to 0.

- B. **Picardy Record Plat II;** a Record Plat for a Planned Environment Unit (PEU), in the "R-3" 10,000 square Foot Residence District for a 6.455 Acre Tract of Land, located at the northeast corner of the Clarkson Road and Kehrs Mill Road intersection.

Commissioner Eifler, on behalf of the Site Plan Committee, recommends approval. The motion was seconded by Commissioner Grant and passes by a voice vote of 8 to 0.

- C. **D.L. 2-49 Spirit of St. Louis Airport (Insituform – North of Edison Avenue);** "M-3" Planned Industrial District Amended Site Development Plan; East of Goddard Avenue, North of Edison Avenue Extension.

Commissioner Eifler, on behalf of the Site Plan Committee, recommends approval. The motion was seconded by Commissioner Grant and passes by a voice vote of 8 to 0.

- D. **D.L. 2-49 Spirit of St. Louis Airport (Insituform – South of Edison Avenue);** "M-3" Planned Industrial District Amended Site Development Plan; East of Goddard Avenue, South of Edison Avenue Extension.

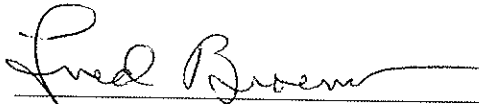
Commissioner Eifle on behalf of the Site Plan Committee, ommends approval. The motion was seconded by Commissioner Grant and passes by a voice vote of 8 to 0.

COMMITTEE REPORTS:

- A. Ordinance Review Committee - No report
- B. Architectural Review Committee - No report
- C. Site Plan/Landscape Committee - No report
- D. Comprehensive Plan Committee - No report
- E. Procedures and Planning Committee - No report

A motion to adjourn was made and seconded by all Commissioners. The motion **passes by a voice vote of 8 to 0**.

The meeting adjourned at 9:45 p.m.


Fred Broemmer, Secretary