

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
September 28, 1998**



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

PRESENT

Mr. Fred Broemmer
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
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

INVOCATION: City Attorney Douglas R. Beach

PLEDGE OF ALLEGIANCE - All

Chairman Grant recognized the attendance of Mayor Nancy Greenwood; Councilmember Linda Tilley (Ward IV); Councilmember Barry Streeter (Ward II) – Council Liaison tonight; Councilmember Larry Grosser (Ward II); and Councilmember Mike Casey (Ward III).

PUBLIC HEARINGS:

Chairman Grant noted that the Commission would not vote on the items presented tonight during the public hearings. He invited persons in the audience to move to the front of the room if this makes it easier for them to view the slides presented by Staff.

Commissioner Yaffe read the first portion of the “Opening Comments”.

- A. **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. (Locator Numbers: 19U42-0194, 19U42-0172, 19U13-0068, 19U41-0128, and 19U13-0057). 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

- B. **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. (Locator Numbers: 19U42-0194, 19U42-0172, 19U13-0068, 19U41-0128, and 19U13-0057). Proposed Use: Dormitory or group living facilities for religious, educational or charitable purposes.

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

Mr. Gerry Hempstead, One Metropolitan Square, St. Louis, MO 63102, spoke on behalf of the petitioner noting the following:

- The rezoning request was initiated by the City of Chesterfield to bring the zoning of the parcel into compliance with the City's Zoning Code.
- The use of the property would not change.
- The Conditional Use Permit was also requested by the City in order to bring the existing residence on the property into compliance with the Zoning Code.
- The residence on the property has been a legal, non-conforming use.
- There are no plans to change the use of the existing building.
- There are no plans for additions or alterations to the existing building.

COMMENTS/DISCUSSION

Commissioner Eifler inquired whether or not the petitioner would take advantage of some of the uses listed in their petition (i.e., cultivation and sale of plant crops, commercial vegetable and flower gardening, plant nurseries and greenhouses).

Mr. Hempstead noted that at the present time there is, on a temporary basis, some farming taking place on a portion of the subject site.

Commissioner Eifler asked if the petitioner wishes to commercially sell crops, flowers, etc.

Mr. Hempstead noted he believes a farmer is just leasing the property; it is not a use requested by the petitioner.

Commissioner Macaluso noted the building plans attached to the Public Hearing Notice in her packet depict a proposed building, and asked if this is the reason for the Conditional Use Permit request.

Mr. Hempstead noted the Conditional Use Permit has to do only with the residence; not the school. Submittal of the plans was premature. The plans are for what is being contemplated for the school, there is nothing in concrete that the petitioner is prepared to present to the Commission at this time. When the plans are solidified, they will be presented to the Commission.

Chairman Grant noted the proposed building has nothing to do with the petitions before the Commission tonight.

Mr. Hempstead pointed out the building and residence on the rendering, noting the Conditional Use Permit is being requested for the residence that has been on the site since 1976.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL: - None

REBUTTAL: - Waived

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

- C. **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. (Locator Numbers: 18R110031, 18S320095, 18S320073, 18S320039, 18R110012, 18R110097, 18R110053, 18S320062, 18R110011, 18S320084, 18R110086, and 18S320051). Proposed use: Offices or office buildings.

Planner I Annissa McCaskill presented a slide presentation of the subject site and surrounding area.

Michael J. Doster, Attorney for the petitioner, noted the following:

- He introduced the development team – Alvin D.Vitt, President and John Pitcher, Vice President.
- The Vitt Company would be responsible for all development activities (i.e., land acquisition, planning, financing, land development and eventual building of the development).

- Dick Ansteth, of Holleran Duitsman Architects, Inc., is here to provide answers to some of the questions anticipated by the petitioner.
- Dave Volz, Volz, Inc., is here to provide answers to engineering questions, if required.
- Douglas Shatto, Crawford-Bunte-Brammeier, is here to answer traffic questions, if required.
- He noted several accomplishments by the development team for the proposed development, (i.e., The Vitt Company, Holleran and Duitsman, Volz, Inc., and Crawford-Bunte-Brammeier).
- Conway Land Company is the entity that owns the land under contract.
- He presented the first exhibit (an aerial), and described the subject site and surrounding area for both the Commission and people in the audience.
- The proposal presented to the Commission by Sachs Properties is independent of the subject site.
- Since a number of Commissioners stated they would prefer both sites to be considered simultaneously, Conway Land Company would be willing to cooperate with Sachs in an attempt to coordinate their development efforts.
- He noted the subject site is bound by Conway Road on the north, by North Outer Forty on the south, and the Olive and Clarkson Interchange to the east.
- Access to the subject site would be primarily from North Outer Forty.
- Utilities, generally, would be available for the subject site.
- Stormwater would be collected on the site and channeled through existing piping under Highway 40/61.
- Sanitary sewers and water would be available from the east of the site.
- He presented the Site Plan Exhibit, and described various portions to both the Commission and people in the audience.
- The proposed development would consist of four (4) buildings, having a total of 626,000 square feet of gross floor area.
- The buildings would have from six (6) to six and one-half (6 ½) floors.
- Four (4) parking structures are proposed.
- Fifty percent (50%) of the parking would be structure parking.

- Required parking spaces would be 2,087; 2,520 spaces are provided on the plan. The required parking was based on a calculation of three and one-third (3 1/3) per one thousand square feet.
- Floor to land area ratio is 41.2%, with respect to this site. By comparison: the floor to land area ration for Sachs is 85.2%, and 66.5% for Solomon.
- The Conway Road connection has been reconsidered, and a revised plan will be submitted showing no access to Conway Road.
- The Fire District had indicated they would prefer an emergency access on Conway (i.e., some kind of a gated, emergency entrance); however, they have not indicated that they are requiring this access at this time.
- The site plan rendering depicts approximately sixty percent (60%) of greenspace.
- He referred to a letter written to Mr. Pitcher from Mr. Skip Kincaid (the arborist who worked with the City in the development of the Tree Protection Ordinance).
- Some brochures were given to Chairman Grant to pass-out to the Commission. He noted that most of the exhibits, if not all of them, which are being shown to the audience tonight were reproduced in this brochure. A copy of Mr. Kincaid's letter is also included in the brochure.
- He read the following portion of Mr. Kincaid's letter: "The preliminary development plan provides that approximately 10.7 acres of existing woodland are to be preserved. If the entire tract were to be defined as a woodland, pursuant to the Chesterfield Tree Ordinance, the proposed plan would protect thirty-one percent (31%) of the existing tree canopy. However, my inspection of the site and the aerial photo reveal that portions of this site are not a woodland, as defined by the Ordinance."
- He stated that, in short, what Mr. Kincaid was attempting to do was assume the maximum (i.e., that the entire site as a woodland) and Mr. Kincaid's calculation indicates the petitioner would be preserving more than the required thirty percent (30%).
- Mr. Kincaid also commented about the harvesting that occurred on or about the time the Tree Ordinance was passed. He noted that the vast amount of the harvesting appears to be located on the interior portion of the property, thus retaining most of the tree canopy on the perimeter, including the proposed buffer area at Conway Road. Most of the proposed development activities are on the interior portion of the property as well; therefore, the trees removed in the harvest would likely have been removed as part of the development process.
- He noted that, if this plan is approved, the woodland that would remain is depicted in dark green on the rendering.
- They would maintain the one hundred and twenty (120) foot buffer requirement along Conway Road. In some places, it would be greater than one hundred and twenty feet (120), in terms of its distance from the paved portion of Conway Road to the edge of the proposed parking structures.

- The buffer area contains a large amount of tree mass. Additional landscaping would be provided where there are some gaps and thinning to provide a site barrier the full length of the proposed development along Conway Road.
- The subject site slopes from the north to the south toward the Outer Road, and also slopes from west to east.
- The size and positioning of the buildings and parking structures were dictated, in large part, by the desire to use the existing topography and preserve the existing tree masses.
- The easternmost building of the proposed development would be one hundred and twenty-one (121) feet from the paved portion of the Outer Road. By comparison, the Solomon Building is sixty-five (65) to eighty-five (85) feet from the paved portion of the Outer Road.
- The petitioner prepared three (3) Section Plans for the site: AA; BB; and CC.
- The petitioner attempted to contact many of the Trustees of subdivisions in the area surrounding the subject site, but there are probably some people here tonight who have not yet been contacted.
- The petitioner has arranged a group meeting at which all of the exhibits presented may be looked at more closely.
- The cross sections were prepared to depict the distance of the parking structures and buildings from Conway, the tree masses, and line of sight from Conway toward the parking structure and buildings.
- He presented the exhibit depicting the frontage of the subject site.

COMMENTS/DISCUSSION

Chairman Grant asked if the stormwater detention basin designated on the site plan contemplates the overall site, including Sachs.

Mr. Doster noted that it would service both sites.

Chairman Grant asked to what extent the Vitt and Sachs people have discussed and come to agreements on an overall/integrated development.

Mr. Doster noted that he has not been privy to all of the discussions. There are some issues for the Sachs site that Vitt doesn't believe are relative to their site, and a lot depends upon where they are able to make compromises.

Chairman Grant asked if the petitioner has designated the location of the relocated access on the amended Site Plan.

Mr. Doster noted that it is very preliminary at this point.

Commissioner Nolen noted she has a hard time believing there would be no impact to traffic on Conway Road due to the addition of 2500 parking spaces. She further noted she would like to see some traffic studies performed. She then asked if construction vehicle access to the subject development could be avoided.

Mr. Doster noted he believes that could be worked-out. He further noted the petitioner would prepare a traffic study and submit it to the Commission upon completion.

Commissioner Nolen noted she would like the study to include statistics regarding school bus stops on Conway, the safety issue regarding children being picked-up at these bus stops, and the condition of the road regarding other hazards (i.e., it has no shoulders).

Commissioner Eifler asked Mr. Doster how much time he would need to complete his presentation by giving an explanation of the three (3) cross sections that he referred to earlier.

Chairman Grant asked if any Commissioners objected to allowing Mr. Doster additional time to present the cross sections.

There was no objection.

Chairman Grant invited people in the audience to move to the front of the room if they needed to do so to view the exhibits being presented.

Mr. Doster noted the meeting at which residents, trustees, etc., are invited to meet with the petitioner to view and discuss all of the exhibits presented tonight is set for Thursday, October 1, 1998, at 5:30 p.m., here at City Hall.

Mr. Doster continued his presentation as follows:

Cross Section AA: This is the cross-section at the west end (higher end) of the property, and depicts the full width of the site from Conway to the Outer Road.

Mr. Dick Ansteth, Holleran-Duitsman Architects, noted the idea of six and one-half stories is to terrace the buildings across the site as it slopes from Conway down to North Outer Forty. The advantage of the building going from high on the right to low on the left affords the half level (half of a floor from left to right). This would allow the developer to retain more of the tree mass, natural vegetation and natural slope of the property.

Mr. Doster noted the parking structure, at the north end of the site, is about even with ground level.

Commissioner Broemmer asked Mr. Doster to address the significance of the various shades of green depicted on Cross Section Plan AA..

Mr. Doster stated that the dark green represents mostly the existing tree mass. The light green in the background, he believes, is an existing tree mass, west of this Cross Section.

Commissioner Nolen inquired regarding the view of the development from Conway Road as depicted on the renderings.

Mr. Doster noted that, if there were no trees present, persons in cars on Conway Road could look straight across and view a building of the proposed development.

Mr. Doster presented Cross Section BB: This is a rendering of the middle of the proposed development. He asked Mr. Ansteth to identify the cross-sections on this rendering.

Mr. Ansteth described the elevations going from Conway road on the right and going to the left of the subject site.

Councilmember Streeter noted, for the record, that Mr. Ansteth quoted a "proposed elevation" for the Sachs building, since it hasn't been approved by City Council

Mr. Doster presented the enlarged version of Cross Section BB to the Commission and audience and described it briefly.

Mr. Doster presented Cross Section CC to the Commission and audience, noting it depicts the eastern end of the subject site.

Mr. Ansteth described the elevations going from Conway Road to the eastern end of the subject site.

Commissioner Nolen asked the petitioner to inform the Commission regarding the percentage of deciduous versus evergreen trees existing and proposed for the development.

Mr. Doster stated the petitioner would do this.

Mr. Ansteth noted the point of the Section renderings is to show that the height of the evergreen trees do not have to be very tall if they are planted near Conway Road. He further noted that since the road is high and the structures are down low, the view line would be easily protected with evergreen trees that don't have to be very tall.

Commissioner Nolen noted on Section BB there is approximately a seventy (70) foot difference between the top of proposed office building #3 and Conway Road (i.e., one is 671 and 606). Therefore, she believes seventy (70) feet is a fairly, significant difference.

Councilmember Streeter noted the views from surrounding subdivisions need to be addressed/defined by the petitioner.

Mr. Doster noted the exhibits presented tonight show the sight line from Conway Road, and the petitioner could expand their sight line exhibits to include the line of sight from across the street. He noted the petitioner performed this type of analysis for the Solomon zoning.

Commissioner Layton asked for the height of North Outer Forty Road at the proposed building #4.

Mr. Doster stated it would be between 544 feet to 548 feet.

Commissioner Layton asked what the petitioner has planned for the exterior treatment of the above ground walls for the various parking garages. He noted Maryville Campus is a very good example of what the Commission would like to see.

Mr. Doster noted the intent of the developer is to screen all structures along Conway Road. He further noted some of the parking structures are at ground level. He stated the garage walls behind the screening would probably be blank, concrete walls; however, that detail has not been worked out.

Councilmember Streeter noted that he and Councilmember Grosser met with the development team to view their proposed plans. Both Councilmember Grosser and he had several comments, and he believes these comments were ignored. Councilmember Streeter restated the comments he made during that meeting as follows:

- The Conway Road access concern has been taken care of as of tonight (i.e., it is out of their plans).
- Traffic flow will still be a problem (i.e., people leaving by North Outer Forty to go east on Highway 40, have to cross over the Parkway and go down South Outer Forty. Unfortunately, the people living on the South Outer Forty were not notified of this development. He noted this would be a huge traffic problem and he suggested that the developer should meet with the State Highway Department to consider making North Outer Forty a two-way road.
- He told the developer that most Councilmembers consider the top of the roofline of Bonhomme Church to be the reference point. He noted he stated, very clearly, that he doesn't expect any of the proposed buildings to be above that height (651 feet). He is concerned that the proposed buildings are all above that reference line, and they need to come down.
- The Sachs proposal of a building height of 668 feet has not come through Council, and will be an issue discussed there; therefore, the Vitt development would not be setting a precedent.
- He expressed concern about the proposed stormwater detention. There would be a large amount of impervious surface added. This water would flow down and eventually cross over the creek at the Old Bonhomme Church on Conway, adding to their existing stormwater problems.
- He noted he is disappointed with the buffer from Conway to the Solomon building; it is too close to the road.
- He does not believe the proposed sight line approved for the Solomon would be appropriate for the subject development; it is much too close.

- He noted that Councilmember Grosser concurs with the concerns he has expressed tonight.

Mr. Doster noted the following:

- The petitioner will respond to the concerns expressed.
- The petitioner has contacted the agencies requesting definitive answers.
- The traffic concerns just stated by Councilmember Streeter would not be created by the proposed development.

Councilmember Streeter asked if the 2500 parking spaces would be in addition to parking already proposed by the Sachs Properties proposal.

Mr. Doster stated they would be for the subject petition only.

Mr. Dave Volz, Volz Engineering, responded to stormwater concerns as follows:

- The stormwater will flow to the south side of Highway 40.
- It crosses the site at three (3) locations (there are currently three (3) culverts that go under Highway 40).
- The retention basin for the subject site would be designed in a manner that would not increase the current rate of discharge.

Councilmember Streeter asked for a further explanation of the proposed retention basin.

Mr. Volz noted the basin would collect the water and meter it out at a rate that doesn't exceed the existing condition.

Councilmember Streeter noted there have been problems in that area in the past, and he will be looking at this very closely.

Mr. Volz noted the developer has an opportunity to increase the size of the existing basin due to the large, natural area available on the subject site. He further noted that Volz would provide a study of the stormwater runoff.

Councilmember Streeter requested that the rooftop mechanical equipment heights/numbers be included in calculations submitted for the proposed building heights, and when comparing proposed building heights to the Bonhomme Church roof.

Mr. Doster noted this request.

Commissioner Nolen noted the petitioner stated the subject site slopes to the east and asked why there is no detention area proposed there.

Mr. Volz noted there are three (3) draws that run through the site; therefore, it's not accurate to say the site slopes totally from the west to the east. He further noted the area on the rendering depicting the location of the retention basin is the lowest place on the site. There are three (3) areas where the water goes under Highway 40, and it is collected on the south side in one (1) ditch.

Chairman Grant noted the following.

- It is his understanding that all water for the subject site would not go to the retention basin.
- Water that does not go to the detention basin would be metered so there would be no increase in the rate of flow, no matter what.

Mr. Volz stated this is correct.

Commissioner Broemmer noted a concern regarding maintenance of the proposed retention basin (i.e., overgrowth, clean water, etc.).

Mr. Volz noted it is common for developers to use lakes as retention basins.

Commissioner Broemmer noted that, in looking at the proposed elevations and plans, it appears to him that all of the proposed buildings would be approximately two (2) stories too high.

Mr. Doster noted, with respect to the concern expressed about maintenance of the lake, there would, in all likelihood, be an Indenture recorded against the property. He further noted the Indenture would provide for maintenance and upkeep of the lake. The lake would be, in effect, common ground and a water feature on the subject site.

Councilmember Streeter asked what percentage of stormwater would be directed to the onsite lake, where would stormwater be detained/retained on the South Outer Forty side of Highway 40, and what would the capacity be for that holding pond.

Mr. Volz noted the lake is large enough to provide retention for the entire site. He further noted that they would not increase the discharge rate of water currently going through the pipes under Highway 40. The detention routing has not yet been determined; however, they would take the water from the surface parking and direct it towards the retention basin so that the rate would not increase at the other places where the water discharges on the site.

Commissioner Nolen noted that since the manner in which the creek handles the water is already insufficient, why would they want to put something that's going to continue to put water into that area at the same, current rate. She asked if we could elevate that standard to alleviate the problem downstream.

Mr. Volz noted he believes that due to the location of the lake, there is an opportunity to actually increase the amount of stormwater detention on the site. The stormwater control plan for the site will also take into consideration the property downstream.

Mayor Greenwood asked if the proposed building on the easternmost portion of the site would be lower than the retention basin.

Mr. Volz noted the water in that draw would not be retained. The water in the upper portion of the site (near Conway Road) would be re-directed.

Mayor Greenwood noted she doesn't understand how the stormwater control for the site could be accomplished without a tremendous amount of grading. She noted this aspect of the development will be looked at very closely.

Mr. Volz noted that, if they cannot make the proposed plan work well, they would put another basin on the site.

Commissioner Sherman asked what kind of plans the developer has for internal pedestrian walkways.

Mr. Doster noted they had anticipated this question, but cannot show walkways on the plan presented tonight. He further noted that walkways could go almost anywhere on the proposed office campus (i.e., open space or green area). These walkways might be trail-like or sidewalks.

Commissioner Sherman asked about the possibility of people being able to walk to various places for lunch, etc.

Mr. Doster noted that this pedestrian access was one of the reasons the petitioner originally requested access to Conway Road; however, the petitioner is no longer advocating this access to/from Conway Road. He further noted the petitioner could possibly place a sidewalk on their portion of the property, and will look into pedestrian access more closely.

Councilmember Streeter noted the stormwater issue would be watched very closely. He asked the petitioners talk to the City's Architectural Review Board regarding the water feature to see what can be done to make this development as pleasing as possible.

Mr. Doster noted they would look into this.

Commissioner Eifler asked if the developer anticipates providing any amenities such as cafeterias, drug stores, etc., to encourage workers to remain on the site for lunch.

Mr. Doster noted there are no plans for this by the developer at this point, but it is possible that a large user could come in and say they want the whole building and also a cafeteria to service their employees. He further noted that the petitioner doesn't know what users will be coming on to the subject site at this point.

Commissioner Eifler noted the rezoning petition doesn't anticipate any commercial activities like a restaurant.

Mr. Doster noted this is correct.

Commissioner Broemmer asked if the petitioner has plans to utilize the top floor of any of the proposed office buildings for condominiums.

Mr. Doster stated there were no plans for this in the subject development.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION:

1. Matthew Handler, 13 Amherst Terrace Way, Chesterfield, MO 63017, spoke on behalf of the Trustees of Amherst noting the following:

- His subdivision is located directly across from the subject site.
- No one from the Conway Land Group contacted him or Trustees from many of the subdivisions in the surrounding area.
- Residents are concerned about the proposed development's adverse impact on the Conway Road traffic (i.e., school bus stops, traffic flow in general, etc.).
- He asked if the Commission would allow, for the record, a show of hands, headcount, or some type of indication of how many people here tonight are opposed to the subject development.

Chairman Grant asked all people in the audience opposed to the proposed development to stand up. He noted that, for the record, he could not see anyone who is not in opposition, other than the petitioner's representatives.

Mr. Handler noted he believes it is important that the Commission realizes there is a very large portion of the community opposed to the proposed development. He continued as follows:

- He noted the demographics and geographic layout of Amherst (i.e., 22 homes; approximately 48 young children; ½ acre lots; common ground; property values).
- The proposed development is inconsistent with the Chesterfield Comprehensive Plan.
- The children of Amherst Subdivision play in the common ground area after school.
- This portion of Conway Road that would be affected by the subject development is already very dangerous. It is very winding, has blind turns, and the bus stop for the children is immediately at the corner of Conway and Amherst Terrace Way.
- He believes the added traffic of approximately 3200 cars, or so, including the Sachs development, would dramatically impact the existing traffic patterns.

- The greenspace buffer being referred to of 125 feet is a very limited space and would not be sufficient.
 - He would like to know what is proposed for this buffer area and believes that evergreens should be required.
 - Residents would be able to see the proposed structures very clearly from the decks of their homes during all seasons of the year.
 - The parking structure near the Bonhomme Church is underground, by design; however, as you look at the site as you travel along Conway it is in plain view.
 - Noise pollution, due to removal of trees, is a concern of residents.
 - The noise and views resulting from the proposed development would directly affect the quality of life in his neighborhood across Conway.
2. Mrs. Jay Umansky, 14919 Conway Road, Chesterfield, MO 63017, spoke as an individual noting the following: (Her husband, Jay Umansky, stood next to her while she spoke).
- Their house is right on Conway Road.
 - She asked everyone in the room to close their eyes and envision how residents in the area would be adversely impacted by the proposed development with regard to their view of office buildings instead of greenery, increased traffic, traffic noises and traffic safety issues.
 - The buffer should be increased to a minimum of two hundred (200) feet along Conway Road to maintain the residential character of the neighborhood.
 - Create parking garages under the proposed buildings to eliminate the need for above ground parking structures.
 - Reduce the density of the proposed office buildings.
3. Dr. Sam Guyer, 436 Conway Meadows Drive, Chesterfield, MO 63017, spoke on behalf of Conway Meadows Condominiums noting the following:
- Many residents of Conway Meadows Condominiums are retired.
 - Emergency vehicles need to have immediate access.
 - He suggested the possibility of building an overpass that would go onto the South Outer 40 Road, or that the North Outer 40 Road be converted to a two (2) directional roadway.
 - As stated by previous speakers, residents of Conway Meadows Condominiums are opposed to the proposed height of buildings and increased traffic.

4. Mr. Hefty Hoffman, Trustee and Vice-President of Conway Meadows Condominiums Association, 14308 Conway Meadows Court, Chesterfield, MO 63017, spoke on behalf of the Association noting the following:

- Conway Road is a work of God and a magnificent street that would be overrun with workman and automobiles.
- He suggested to Councilmember Streeter that the petitioner develop a smaller complex on the subject site so they do not destroy the existing greenspace.
- Conway Road is more important to the residents who live in that area than it is to the City of Chesterfield as a source of tax revenue.

5. Jerome F. Steele, 14920 Conway Road, Chesterfield, MO 63017, spoke as an individual noting the following:

- He has been a resident here for thirty-one (31) years.
- The garages proposed for the subject development should not be like Solomon's. They should strictly be below ground level.
- He restated concerns expressed by previous speakers regarding the view of the proposed development from Conway Road and residences and making the North Outer 40 Road two-way traffic.
- There are restrictions on Highland on Conway that state it should remain residential until the year 2000. The only other type of structure allowed would be a school, church or other residences, - no office buildings.
- Vitt has sent a notice around that they want to change these restrictions to allow commercial.

Mayor Greenwood asked about the restriction on the Highland on Conway parcel.

City Attorney Beach noted that years ago he was a Trustee for the Highland on Conway Subdivision, and it is his understanding that with the number of parcels acquired, they would probably have the majority of votes necessary to change the Indenture. Typically, the City does not deal with Indentures, as they are considered to be private between the owners of the subdivision itself. It would just be a matter of votes, based upon the number of lots in the subdivision that are part of this project versus the remaining lots.

6. Art Weiss, 1399 Regency Estates Court, Chesterfield, MO 63017, spoke as an individual noting the following:

- The City's Mission Statement notes the intent of enhancing property values and encouraging a partnership between business and people in the community.

- An article in the St. Louis Business Journal states: "They expect final approval by year end." He believes this is arrogance on the developer's part.
 - He stated concerns expressed by previous speakers regarding the height of proposed buildings, inadequate tree buffer, and traffic safety.
 - He noted the builder has indicated to him that the adjacent property immediately to the east of the subject site (approximately 4 to 4 ½ acres) may be developed. There could be a little stub road coming out onto Regency because the Planning, Council and the City were very concerned about having another entrance to Conway because it's already over burdened. He stated that if a little development of ten (10) or twenty (20) houses causes concern, the 2,000 to 3,000 cars that would result from the proposed development would be beyond belief.
 - He is concerned about the height/distance that light would transmit in the dark from the proposed development.
 - He urged the Commission to hold the line with this developer and make them build a complex that they would be proud to live across the street from.
7. Suzanne S. Hoffman, 14308 Conway Meadows Court, Chesterfield, MO 63017, spoke as an individual noting the following:
- They moved to Chesterfield because of the country-like atmosphere.
 - Conway Road should be left as it is today.
8. Emanuel Frank, President of Baywood Villages Condo Association, 200 Ambridge Court, Chesterfield, MO 63017, spoke on behalf of the Association noting the following:
- The residents of Baywood are comprised of approximately 265 voting residents of the City.
 - All structures should be limited to four (4) stories, regardless of what, when, how or why.
 - The one hundred and twenty (120) foot buffer utilized for the Solomon and Timberlake developments should be maintained, or made more, for the subject development.
 - There should be no access of any kind to Conway Road. If an emergency access road is required it can and should be provided for from the Outer 40 Road.
 - There shall be no connecting roadway or access of any kind to the driveway or driveways of Delmar Gardens West.
 - The proposal presented would ruin the residential character of Conway Road, as well as all streets and subdivisions off of Conway Road.

9. Lynne Johnson, 15125 Conway Road, Chesterfield, MO 63017, spoke as an individual noting the following:
- She gave a packet of photos to the Commission of all homes located along the north side of Conway Road, which will face the proposed development.
 - Her home was recognized last November as the fourth (4th) oldest in the City of Chesterfield.
 - The one hundred and twenty (120) foot buffer seems to be used as a standard along Conway Road, because of the two (2) previously approved office developments.
 - The major differences between these previously approved developments and the current proposal are:
 - a) There are no homes across the street from them.
 - b) The one hundred and twenty feet is, basically, where the present homes are situated along Conway Road.
 - c) Some of the homes that would be demolished are further than one hundred and twenty (120) feet from Conway.
 - d) There is a major difference in looking at homes spaced one hundred and twenty feet (120) apart and a parking garage located one hundred and twenty (120) feet from the road.
 - e) The cross-section shown earlier tonight depicting the parking garage as level with Conway Road was taken at a spot on the parcel where there is a deep ravine; .
 - f) She questioned how much ground moving would need to take place to keep the parking garages at ground level due to the topography of the land;
 - g) Much of the buffer shown on the east side of the proposed development along Conway Road belongs to a neighbor, Mr. Steele, and she doesn't believe the developer should claim this area as part of their development;
 - She gave some historical background of the area with regard to the creation and intent of the City's Comprehensive Plan, noting the following:
 - a) It encourages preservation of existing residential neighborhoods.
 - b) It suggested there be single-family attached homes on Conway Road, not commercial.
 - c) There should be a major buffer between these homes and any commercial built along the Outer Road.
 - d) Office Campus development has been defined by the Planning Commission as "low-rise appearance."

- She noted she would write a letter that would address additional concerns and suggestions regarding the proposed development and send it to the City.
10. Scott Johnson, 15125 Conway Road, Chesterfield, MO 63017, noted his wife has already expressed his concerns.
 11. Dr. & Mrs. Milton P. Reiser, 207 Ambridge Road, Chesterfield, MO 63017, waived their turn to speak.
 12. Dr. Mark Belew, Trustee for Regency Estates, 1390 Regency Estates, Chesterfield, MO 63017, spoke on behalf of the Subdivision Association noting the following:
 - His residence is across the street from the proposed development.
 - The homeowners of Regency Estates are strongly opposed to this proposal, essentially for the same reasons as have been brought-up by previous speakers tonight.

Dr. Belew asked if there could be discussion regarding the Sachs Properties development that is being proposed adjacent to the subject site.

Chairman Grant noted he could bring up any concerns he wishes to express.

Dr. Belew noted some concerns regarding the following:

- He objects to the language/terminology of P.Z. 29-98 regarding changing the use to a mixed-use pattern (i.e., apartment dweller compared to a condominium owner).

Chairman Grant noted that the Commission would address this issue at a later time this evening.

Dr. Belew noted the following:

- The proposed height of the Vitt development appears to exceed almost every other office complex along the I-40/64 Corridor.
- The Corporate Campus concept places the construction towards the perimeter of the subject site, thereby limiting the buffer area.
- The trees extracted (somewhere between one hundred (100) and one hundred and eighty (180) years old) have already changed the noise level in the surrounding neighborhoods.
- Proposed parking structures would have peripheral parking lots containing light standards that would probably be clearly visible from Conway.
- The development would have trash dumpsters, delivery trucks going to and from the site throughout the day.

- With access to Conway being denied, the traffic would be funneled to Chesterfield Parkway, a double light intersection.
- He has knowledge of at least three (3) accidents at this intersection during the past nine (9) months.
- Residents object to the proposed use of the retention pond/lake. The water from the Sachs property, essentially, would not be contained within their property.
- He noted many of the concerns of residents of his subdivision have already been raised tonight.
- Residents want the Commission to act as selective guardians for the use of the proposed site and other properties as it produces standards for future developments.

13. Joseph M. McHugh, 1343 Amherst Terrace Way, Chesterfield, MO 63017, spoke as an individual noting the following:

- His residence is at the corner of Conway and Amherst Terrace Way.
- Since the trees have been removed on the property to the south of his home, they now have tremendous noise coming from Highway 40.
- With the addition of the very large buildings, the noise reverberation could be enhanced.
- The remaining trees are sparse in many areas along Conway.
- During the winter months there is no cover whatsoever (i.e., there would be no buffer between the proposed development and his residence, with regard to visualization and noise).
- Pedestrian traffic that would be generated by individuals walking along Conway Road would destroy the nature of the Road itself.
- He would prefer not to have any kind of access for the new tenants to Conway Road.
- The proposed development would be detrimental to the value of his property.
- He noted some of the concerns raised by previous speakers in opposition to the proposed development.

14. Mr. David Copeland, 15128 Amhurst Green Court, Chesterfield, MO 63017, noted he is in opposition but would like to waive his turn to speak because previous speakers have raised his points.

15. Alan Carter, 15109 Amherst Green, Chesterfield, MO 63017, spoke as an individual noting the following:

- Previous speakers have raised most of his points.

- He has already perceived an increase in traffic on Conway Road just from the development occurring at this time.
 - He urged the City to look at the current traffic patterns, particularly during rush hours, resulting from the development to the west and new development to the east.
16. Mark Koritz, 14412 Valley Meadow Court, Chesterfield, MO 63017, filled-out a card but had to leave the meeting earlier. He had someone in the audience state, for the record, that he is opposed to the proposed development.
17. Wayne Linder, 110 Conway Cove, Chesterfield, MO 63017, spoke on behalf of Conway Cove Condominiums noting the following:
- A couple of years ago when Applebee's was developed residents were told that traffic would not get worse. It has gotten tremendously worse (i.e., more difficult to get in and out of their driveway).
 - Giving consideration to the two (2) buildings under construction at this time, there could be approximately 4,000 additional cars going through the intersection of Conway and Chesterfield Parkway.
 - Conway Cove currently has three hundred (300) to four hundred (400) feet of tree buffer, and in the Winter months you can see right through this buffer and the noise comes through. Evergreen trees might make a difference.
 - Everyone he has spoken with in the Conway Cove Complex was totally opposed to this project, strictly because the traffic in that area cannot handle it.
 - Noise and light pollution are already a problem for residents of Conway Cove from the Applebee's across the street.
18. Laura Lueking, 15021 Conway Road, Chesterfield, MO 63017, spoke as an individual noting the following:
- Her residence is directly across the road from the proposed development site.
 - Prior to purchasing their home in August of this year, they asked questions of the developer, seller and City of Chesterfield regarding plans for the surrounding area.
 - The City told her that the land was zoned "NU" Non-Urban Residential, and no proposals were before the City for this property and, therefore, the City could not comment.
 - They asked about the development along Timberlake Manor Parkway, and how this would affect the Highway 40 Corridor. They were told this was zoned commercial back in 1990 or 1991, long before the developers currently building there had presented their plans. She then confirmed this with one of the developers of that property.

- They had an associate who used to be very affiliated with the City Government of Chesterfield request information. It appeared that the phrase “no proposals on the table at this time are before Chesterfield” was a little questionable. This associate found out that there were no proposals on the table at this time but the Comprehensive Plan called for single-family attached or detached homes up on the Conway Road site and commercial only down in the Highway 40/64 Corridor. They were going to maintain the residential character of Conway Road.
- This information was used as the basis for the purchase of their home.
- Due to the fact that there was a Moratorium here, they believed they were moving to a fairly responsible area.
- She noted she is appalled at the overall density proposed, lack of sufficient buffers, and planning for this beautiful site.
- She noted some concerns expressed by previous speakers tonight.
- She strongly urged the City to reject this proposal as well as the other two (2) proposals sitting before this Commission.

Councilmember Streeter noted that on his way to work this morning he was listening to his radio and heard “and the Vitt Company expects approval of this development on Conway later this year.” He further noted his disappointment that there was also an article in the St. Louis Business Journal regarding approval of this development.

Commissioner Nolen asked for, and received, a copy of the Business Journal article mentioned previously.

18. Dean Mutter, 456 Hunters Hill, Chesterfield, MO 63017, noted he is opposed but waived his turn to speak.
19. Ursula Smith, 1158 Dutch Hollow Drive, Chesterfield, MO 63017, spoke as an individual noting the following:
 - She has lived here with her family for thirteen (13) years.
 - She is concerned that even if traffic for the proposed development would be prohibited from Conway Road, traffic from Olive headed for this development would probably be diverted to White Road.
 - White Road is already a hazardous roadway.
 - Her husband spoke recently with the Fire Marshall, and he stated that a development such as the one being proposed would require an emergency access. It could be a limited access (i.e., a remote control, gated,, etc.).

- If an emergency access is required, this would create a gap in the tree buffer.
 - Part of her routine requires driving carpool for her children, and she considers it a pleasure to drive along Conway Road as it is today (i.e., beautiful trees, wildflowers, etc.).
 - She asked the Commission to consider the small pleasures in life, like enjoying the drive along Conway Road, as this was one of the main reasons many people voted to incorporate the City of Chesterfield.
21. Richard Drews, 14905 Conway Glen Court, Chesterfield, MO 63017, noted he is in opposition but will pass on speaking tonight.
22. Alan Epstein, 1336 Conway Oaks, Chesterfield, MO 63017, noted he is in opposition but will pass on speaking tonight.
23. Patrick Nickens, 14880 Conway Road, Chesterfield, MO 63017, spoke as an individual noting the following:
- Previous speakers stated many of his issues.
 - He and his family have lived at this residence for over twenty-five (25) years.
 - He expressed concern about the developer's statement that something will be "primarily" this.
 - When Delmar Gardens was proposed the developer stated they were "primarily" not going to have an access onto Conway Road. There have access now. Was this just a promise that was not kept?
 - Dirt is piled around the buffer trees at the Solomon project; they will be dead by next Spring.
 - The buffer to Mr. Steele's house is twenty-five (25) feet.
 - He stated that the developer should provide an Environmental Impact Study to the City.
 - He asked if he could yield some of his speaking time tonight to his neighbor, Mr. Jim Walsh, because he was not here tonight in time to sign-up to speak.
 - There seems to be a question of the legality of whether the subdivision of Highland on Conway exists now. When the owner of the land began buying it all up, he called the meeting himself and said this subdivision is defunct. He has called for another meeting and there is something legal going on at this time. That covenant is supposed to exist until the year 2000.

Chairman Grant asked Mr. Walsh to fill-out a Speaker's Card if he wishes to speak.

24. Erwin Jaffe, 208 Ambridge, Chesterfield, MO 63017, spoke as an individual noting the following:

- The proposed development would require 2500 spaces for cars; 3,000 to 4,000 people would be utilizing the site; and he wonders how many of them would be living in the City of Chesterfield.
- He asked what right do these people have to tell citizens of Chesterfield what we should or should not be doing with Conway Road.
- Residents of Baywood are currently dealing with a dangerous traffic situation in trying to get out of their subdivision. Adding 2500 more cars would be suicide.
- He asked the Commission to look at Conway Road, just east of Old Woods Mill Road, and you will notice the traffic now, without any additional cars, is backed-up to 141. How would additional traffic be handled?
- He suggested such a complex should be put over on the north side of Olive where there is more room.

25. Joe Schiro, 330 Cookshire Lane, Chesterfield, MO 63017, passed.

SPEAKERS – NEUTRAL:

1. Richard L. Pearce, 14237 Woods Mill Cove, Chesterfield, MO 63017, spoke as an individual noting the following:
 - He has lived in his residence for approximately six (6) years.
 - He is here to gather information for the Terraces Homeowners Association and then, subsequently, the Chairman of the Association would meet with residents/trustees of other subdivisions/condominiums in the area and respond back to the Commission and Council.
 - The Terraces Subdivision is located at Conway Road and South Woods Mill Road.
 - They recently sent letters to the City and St. Louis County about the traffic at the intersection of South Woods Mill Road and Conway because of the potential accidents due to increased traffic resulting from the office building adjacent to the Temple on South Woods Mill Road.
 - The Association got a letter back that went to Mr. Geisel, and in this letter he cited the accident statistics on Conway, particularly the peak loads going west in the morning. He read the following paragraph from the letter:
 - “Based upon the foregoing, a left-turn arrow indication will be installed for westbound Conway Road. Since there is no left turn lane, this arrow will be in operation only during the morning peak periods. Additionally, it is expected that delays and other approaches will be slightly increased.”

- Mr. Pearce noted this letter was before the potential traffic that would result from proposed expansions. He continued quoting from the letter as follows:
 - “Further, since the installation of a left turn arrow without a left turn lane, is not an ideal solution, because it is impossible to detect left turning vehicles, problems still may occur for westbound Conway Road.” Mr. Pearce noted that this statement refers to the fact that there is a lot of traffic that backs up because they can’t get through the left turn on the green light. This is only going to be complicated further.
- He gave a copy of this letter to Chairman Grant.

(ADDITIONAL) SPEAKER IN OPPOSITION:

26. Mr. Jim Walsh, former President of Trustees for Highland on Conway, 14850 Conway Road, Chesterfield, MO 63017, spoke on behalf of the Highland On Conway noting the following:
- He restated the concern raised earlier tonight regarding the visibility of the Solomon parking structure and buffer zone.
 - He referred to a letter to St. Louis County, written by City Attorney Douglas R. Beach ten (10) years ago when he was on the Board of Trustees for the Highland on Conway. He noted this letter listed ten (10) reasons why they felt the Brown Group should be denied their request to rezone their parcel to commercial.
 - St. Louis County responded that changing the zoning on this property would ruin one of the crown jewels of St. Louis County, and they voted it down.
 - He noted that Mr. Steele, whose property is adjacent to the subject site, would have a parking garage twenty-five (25) feet from his property line.
 - The City needs to designate a certain, foot boundary between residential and commercial areas.
 - There are deed indentures on this property to the year 2000, which prohibit commercial development. There are also Subdivision restrictions that have been totally ignored, that prohibit commercial building in their subdivision.
 - If the subject development is approved, make sure it has a greater buffer area.

NEUTRAL SPEAKER – Continued:

2. Sharon Rothmel, Planning Director for the City of Town and Country, 1011 Municipal Center Drive, Town and Country, MO 63131, spoke on behalf of the City of Town and Country noting the following:
- She read a letter she sent to Mr. Robert Grant, noting they urge the Commission to prohibit any new access to Conway Road east of Chesterfield Parkway.

- For the record, she gave this letter to Chairman Grant.

(ADDITIONAL) SPEAKER IN OPPOSITION: (Filled-out a card to be speaker #18, waived his turn to speak when called, but changed his mind.)

18. Dean Mutter, 456 Hunters Hill, Chesterfield, MO 63017, spoke as an individual noting the following:

- He is a resident of Conway Meadows.
- He stated an Environmental Impact Study must be done for this project.
- The development would include approximately 625,000 square feet of offices, and approximately 3,000 new cars impacting the roads.
- After listening the people speak tonight, he noted it is very clear to him that the people who live in Chesterfield don't want this project.
- He restated the traffic problems already existing at the corner of Conway and Old Woods Mill Road.

REBUTTAL

Mr. Doster noted the following:

- The Comprehensive Plan shows the subject site divided in two (2); the southern portion is proposed for major office and the northern portion is mentioned as having single-family attached. He stated that, if there would be major office on the southern portion of the site and single-family attached on the northern portion, then where does the single-family development exit the site. To him this presents an issue of access.
- Single-family attached presents a development issue. Generally speaking, when you do single-family attached developments you cannot preserve as much of the greenspace. He questioned whether or not it would be wise to mix those two (2) uses on the site.
- Their Traffic Engineer will do a study and they will cooperate with all agencies involved in this project. He noted the various issues that would be addressed in the traffic study.
- The buffer along Conway Road has been established at one hundred and twenty (120) feet. The petitioner will honor that and, in some places, would do better than this requirement.
- The developer will, again, look at their cross sections and determine where they could plant more, larger trees to abate the noise and light impact issues.

- The positioning and height of the proposed buildings is dominated by three (3) factors: 1) they know they have to preserve many trees on the subject site; 2) they want to preserve the topography; and 3) economics.
- The petitioner attempted to set-up a meeting with residents last week, but that didn't work out because the Chamber Room wasn't available. They are going to have a meeting this Thursday, and he assumes residents will provide further comment to the petitioner and Commission.
- He doesn't have personal knowledge regarding some restrictions stated by previous speakers. He noted the developer informed him that those single-family restrictions were removed in 1996. Those restrictions terminate, by their terms, on January 1, 2000, and there is a process underway to remove the restrictions entirely. This is all he knows about the restrictions, but would be happy to look into it and report on it in greater detail.
- There will be no access to Conway Road for vehicular traffic or pedestrian traffic, unless the City requires it in some fashion.
- He is not sure of what the scope of the direction for an Environmental Impact Study would be, but they are willing to listen to Staff as to what they think they are being asked to do, and will cooperate.
- The developer will look at the buffer mentioned for Mr. Steele's property, and will try to find a way to provide his property more shielding and buffering.

COMMENTS/DISCUSSION

City Attorney Beach asked the developer to include in their traffic study the potential effect of the development at Highway 141 and Conway.

Councilmember Streeter asked the developer to include in their traffic study the impact of crossing over Highway 40 and going on South Outer Forty Road.

Commissioner Sherman asked the developer to include the potential impact on White Road in their traffic study.

Commissioner Nolen noted the following:

- MoDOT submitted eight (8) points regarding the subject site, one point was that they would not be responsible for, nor take part in any funding for noise abatement benefitting this development along Route 40.
- She noted concern and dismay about the statement in the Business Journal Article presented to the Commission tonight.
- She questioned the reasons stated by the developer regarding the economic feasibility of the project, noting the impact on residents is of greater importance.

Mr. Doster noted the economic feasibility of this project is totally with the developer. He further noted that the petitioners will listen to citizens and, if they can respond to the concerns of the citizens, they will do so.

Commissioner Eifler noted he would like the Traffic Study to include an analysis of the potential of increasing accidents, as it relates to increasing traffic volume, rather than just level of service.

Mr. Doster stated they would do so.

Commissioner Eifler asked the developer to provide information on the impact of noise from the proposed development to the residents north of Conway (i.e., transmission from Highway 40). He noted he has questions regarding whether the proposed development could shield noise because of the building rise from Highway 40, or noise could revert off the buildings.

Mr. Doster noted Mr. Volz believes there would be some shielding of noise by the proposed buildings.

Commissioner Eifler noted he would like a definitive estimate.

Mr. Doster noted the petitioner will find someone to give some definition on this issue.

Commissioner Eifler asked the petitioner to address the issue raised about light pollution.

Mr. Doster noted he believes this is an item that could be appropriately conditioned as the petitioner's request moves forward (i.e., the height of light standards, type of light, shielding). He noted he believes the developer is looking at a shoe box type of light that would cast the light downward, not out. He further noted the developer could look at the types of light, height and intensity that would prohibit light pollution.

Commissioner Eifler it would seem that the surface of the parking lot could also affect light pollution, in terms of either absorbing it or reflecting it.

Mr. Doster noted this is something the developer could look at.

Commissioner Yaffe noted he believes that often times newspaper articles contain things not necessarily said. He further noted that he wasn't with Mr. Vitt when he was with the author of the article referred to earlier tonight. No one here knows what he said to the author. He noted that the sentence says he expects final approval from the City's Board of Aldermen by the end of the year. Mr. Yaffe noted he doesn't believe the City has a Board of Aldermen; therefore, we don't know what else is, or is not accurate in that article.

Commissioner Yaffe read the final portion of the "Opening Comments."

Chairman Grant recessed the meeting at 9:54 p.m.

Chairman Grant reconvened the meeting at 10:01 p.m.

APPROVAL OF THE MINUTES:

A motion to approve the September 14, 1998 Minutes was made by Councilmember Layton and seconded by Commissioner Right.

Commissioner Broemmer noted there were a couple of small items in the minutes that he has highlighted. **The motion passes by a voice vote of 9 to 0.**

PUBLIC COMMENT:

1. Jade Gardner-Bute, 15593 Bedford Forge, Chesterfield, MO 63017, spoke as a neutral party regarding P.Z. 24-98 Central Missouri Pizza, Inc.

- She noted examples of developments she believes are too close to the Parkway.
- Concerns were expressed regarding signage; building materials and traffic.
- She complimented the Planning Commission for their thoughtful comments and careful consideration of the issue that came before them in the public hearing.
- She complimented the audience for doing their homework and their concern about preserving the residential character of Conway Road.
- She noted that if we would have listened to Mayor Nancy Greenwood who wanted a moratorium in 1996, to include the Conway Road area, but was turned down by the Council at that time; perhaps the guidance that moratorium would have provided would have helped both residents and petitioners as they come before the City in this area.
- She also complimented the petitioners for providing duplicate copies of their plans so the audience could see what was being presented.

2. Mr. Greg Peterson, 2211 Hester, Chesterfield, MO 63017, spoke in favor of P.Z. 28-98 Sycamore Cove.

- He stood before the Commission at the last meeting regarding this matter as a neutral party. After speaking with the developer and his engineers, he now is in favor of the proposed development. They answered his concerns regarding water retention and outflow, trees and development of the area.
- The three (3) neighbors who were here during that meeting are also satisfied with the development and are now in favor.

Chairman Grant noted the Commission appreciates his taking the time to come back.

Commissioner Macaluso asked when and with how many neighbors, the developer met.

Mr. Peterson noted they met immediately following the Commission Meeting. He has been out of town subsequent to that meeting, so he doesn't know of any other activities that may have taken place.

3. Dick Ansteth, 1350 Elbridge Payne Road, Chesterfield, MO 63017, spoke in favor of P.Z. 24-98 Central Missouri Pizza.

- He introduced Mr. Greg Neichter of Greater Missouri Pizza.
- The developer has worked with the City and Staff to resolve all of the issues regarding the development of the site and look forward to any comments or questions brought forward.

Chairman Grant asked if Commission Members had questions.

Commissioner Eifler asked if the developer has any problems with the cross easement they have been requested to grant.

Mr. Ansteth noted the cross access will be to the property that is not yet developed to the east. There will be a shared access (he pointed this out on the rendering before the Commission).

Commissioner Macaluso asked from what side of the development the large delivery trucks would be coming.

Mr. Ansteth noted the designated parking spot is at the back corner of the bakery. He pointed this out on the rendering. He noted the deliveries would take place on the west side of the building, and described various maneuvering possibilities for the trucks.

Commissioner Macaluso asked what approximate time those large delivery trucks would visit the site.

Mr. Ansteth noted the approximate delivery times would be between 9:00 a.m. and 3:00 p.m. on Tuesdays, Thursdays and Saturdays.

Commissioner Sherman asked if the development would have any internal walkways.

Mr. Ansteth pointed out the sidewalks on the rendering. He noted that access for pedestrians from the parking lot to the buildings is the extent of the sidewalks at this time.

Commissioner Sherman asked if he would be willing to consider connecting the sidewalk in front of the bakery.

Mr. Ansteth noted they would do this.

Commissioner Sherman asked if the developer could work-out pedestrian accesses on the back side of the development.

Mr. Ansteth noted that since the bakery is in front of the proposed development, the pedestrian access, from a safety point of view, ought to be from sidewalks developed along the Parkway, rather than across the fields.

Commissioner Sherman noted she would look at this a little closer.

Chairman Grant noted we could look at this during Site Plan Review.

Commissioner Broemmer stated he agrees with Ms. Sherman on connection of the sidewalk to the bakery.

4. Mr. Steve Koslovsky, 231 S. Bemiston, 8th Floor, Clayton, MO 63105, spoke in favor of P.Z. 30-98 Sachs Properties.

- Their proposal is a separate rezoning petition and project and they ask that the Commission consider it at the appropriate time, separately from the proposal that they just had before them at a public hearing.
- As suggested by Staff, they will continue to work with the Vitt developers and attempt to integrate those developments, if that's what the City deems appropriate.
- The City Ordinance currently requires 3.3 parking spaces per 1,000 square feet; the developer would be providing 3.6 parking spaces per 1,000 square feet of office buildings.
- The developer will comply with the Tree Ordinance and any other applicable ordinances.
- There was a comment from the Architectural Review Board regarding whether or not the building should be further back from the Highway and Parking Garage in front of the building. The developer would be happy to consider that, if it is what the Commission recommends; however, given development along the Highway and appearance of a parking garage rather than a building from the Highway, the layout they proposed is more appropriate and preferable.
- If the access to Conway Road is not totally put to rest, at this point, he suggested one (1) way of addressing that issue as follows:

An entrance to this development off of Conway Road could be provided by way of a T-Entrance that could then be routed across a bridge on Highway 40. This would gain access to South Outer Forty, which would then allow traffic to move along East 40 without continuing to traverse further east on Conway.

He noted this is looking at this issue strictly from a traffic point of view.

- He noted the petitioner will submit further comments as they go through the process.

COMMENTS/DISCUSSION

Chairman Grant noted it is imperative that we determine as quickly as possible, to what extent there is going to be an integrated development, or not. He further noted this would be necessary in order to address issues such as stormwater, vehicular traffic, etc. The circumstances change dramatically, depending upon whether or not the two (2) developments are integrated.

Mr. Koslovsky noted there have been extensive efforts to coordinate development efforts of both sites. He also noted that, if there are problems with regarding the Vitt development, they don't want to be prejudiced by that. The Sachs people will continue to meet and cooperate on the possibility, at least, of an integrated development.

Commissioner Broemmer asked Mr. Koslovsky to comment regarding the height of the proposed buildings.

Mr. Koslovsky noted that he is not in a position to say whether or not Sachs would be willing to reduce the proposed height of their building.

Commissioner Layton noted he was present at the Architectural Review Board meeting at which they expressed concern about the height of the proposed building. He noted that one member pointed out that not only is it an eight (8) story building, but it is on top of a twenty-four (24) foot hill above North Outer Forty. He believes the height of the building should show up in the ARB written comments as a major point.

Commissioner Broemmer noted he believes the height of the building would be a prime issue, and he thinks the petitioner needs to seriously take that into consideration.

Mr. Koslovsky noted they will do that.

5. Lauren Strutman, 16120 Walnut Hill Farm, Chesterfield, MO 63005, noted she is here for any questions regarding P.Z. 31-98 Strutman Busch.

No questions were asked.

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 Grant made a motion to hold this matter. The motion was seconded by Commissioner Eifler and passes by a voice vote of 9 to 0.

B. P.Z. 24-98 Central Missouri Pizza, Inc.; a request for a change from "R-3" 10,000 square foot Residence District to "PC" Planned Commercial District for a 0.64 acre parcel of land located on Chesterfield Parkway North, 400 feet South of Olive Boulevard, 600 feet North of Swingley Ridge Road (Roosevelt Parkway). (Locator Number 18S52-0712). Proposed Uses: Corporate Office and Restaurant, Fast Food.

Planner I Annessa McCaskill summarized the request and recommendation of approval of the request, subject to conditions in Attachment "A", as amended in the handout given to the Commission during the Work Session earlier tonight.

Chairman Grant made a motion to amend Attachment "A" to add a restriction to the type of use. That would basically state that the restaurant use would be restricted to a use that would have no sit down facilities, have no drive through facilities, and that would basically be a use compatible with the use that is found in a bakery. The motion was seconded by Commissioner Broemmer.

He asked if the Commission had anything to add.

Commissioner Layton asked for clarification of the motion.

Chairman Grant noted that paragraph B. of Attachment "A" now has one restriction: The requirement of simultaneous construction. The second restriction, he added in his motion, would address the type of use. He stated that use, as he stated, is consistent with what this proposal

The motion passes by a voice vote of 9 to 0.

Chairman Grant made a motion to approve the request, as amended. The motion was seconded by Commissioner Layton.

City Attorney Beach asked, as a point of order, if the motion to approve, as amended, includes the handout dated September 28, 1998. Therefore, what was passed included both the 9-28-98 handout and the amendment just passed.

Chairman Grant asked if there was any other discussion.

There was no more discussion.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Chairman Grant, yes.

The motion passes by a vote of 9 to 0.

Chairman Grant asked Vice Chairman Layton to Chair the meeting at this time.

Acting Chairman Layton asked the Planning Department to make its request.

- C. **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 noted that Staff requests this matter be held, as we are still awaiting comments from the Highway Department.

A motion to hold was made by Commissioner Broemmer, seconded by Chairman Grant and passes by a voice vote of 9 to 0.

- D. **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.

(Staff requests this matter be held until the October 12, 1998 Planning Commission Meeting.)

Planner I Angela McCormick stated the issues being reviewed by the Department, in addition to agency comments and requested this matter be held until the October 12, 1998 Planning Commission Meeting.

A motion to hold was made by Commissioner Sherman, seconded by Commissioner Macaluso and passes by a voice vote of 9 to 0.

Chairman Grant resumed the meeting as Chairman.

- E. **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.)
(Staff requests this matter be held until the October 12, 1998 Planning Commission Meeting.)

Planner Molly Butler-Dunham stated the issues being reviewed by the Department and noted the Department requests this matter be held until the October 12, 1998 Planning Commission Meeting.

A motion to hold was made by Commissioner Broemmer, seconded by Commissioner Yaffe and passes by a voice vote of 9 to 0.

- F. **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 12, 1998 Planning Commission Meeting.)

Planner I Annessa McCaskill stated the issues being reviewed by the Department in addition to the agency comments attached, and noted the Department requests this matter be held until the October 12, 1998 Planning Commission Meeting. She asked if the Commission had items to add.

Commissioner Eifler noted that the Architectural Review Board talks about the setback of the building and would like to see the building brought back further from the road in consideration of the height of the building. There is a reference in the Zoning Ordinance to Sky Exposure Plane

Guideline, which is also tied into something called the Setback Plane. He asked Staff to show the relationship of the height of the building to these two Planes when they submit their Departmental analysis to the Commission in relation to the setback of the building. He noted it is very confusing to him, so he would like to see it on a diagram or something like that.

Commissioner Layton noted he realizes that P.Z. 30-98 Sachs Properties and P.Z. 32-98 Conway Land Company are separate, individual petitions from separate, individual petitioners, with their own rights and privileges. They are adjacent properties with a common purpose, and common facilities (drainage and road system), and as it appears tonight, have common problems in both building height and Parkway. Because of this he makes a motion that these two (2) projects come forward together for Commission consideration.

This motion was seconded by Commissioner Broemmer and passes by a voice vote of 7 to 2, with Commissioners Right and Yaffe voting no.

A motion to hold this matter was made by Chairman Grant, seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

Chairman Grant noted this matter is held subject to the motion approved requiring bringing the two (2) projects forward together.

- G. 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.
(Staff requests this matter be held until the October 12, 1998 Planning Commission Meeting.)

Planner II Todd Streiler summarized the issues being evaluated by the Department and noted that Staff requests this matter be held until the October 12, 1998 Planning Commission Meeting.

Commissioner Layton noted the Architectural Review Board stated they like this project, but we should probably give some consideration to performing zoning protection for the adjoining property. He further noted that there are some conditional contracts out on five (5) of the houses located near the subject project.

City Attorney Beach noted the City would need to initiate the rezoning of these parcels.

Planner II Streiler noted the comment by the ARB wasn't intended to slow this process down, it was just an observation on their part.

Commissioner Layton noted the ARB is just looking for a means to protect the subject project.

A motion to hold this matter was made by Chairman Grant, seconded by Commissioner Macaluso and passes by a voice vote of 9 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **Rombach Farms**; a request for a storage barn located to the rear of the already existing structure in the "NU" Non-Urban District; located on Olive Street Road in the Chesterfield Valley. (Locator Number: 17W53-0024).

Commissioner Layton, on behalf of the Site Plan Committee, recommends approval. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

- B. **P.Z. 25-94 Jewish Community Center Association**: A Site Development Section Plan for an outdoor pool in the "R-2" Residential District, governed by City of Chesterfield Conditional Use Permit Number 16 located at the corner of Baxter and Wildhorse Creek Road.

Commissioner Layton noted this was discussed by the Site Plan Committee and returned to the petitioner for further study and possible changes. It would be resubmitted in the future.

- C. **P.Z. 20-97 Spirit Airpark**; Resubdivision of a tract of land in part of St. Louis Airpark governed by amended Ordinance Number 1378, the governing "M-3" Planned Industrial District Ordinance for Spirit Airpark; east side of Goddard Avenue, south of Chesterfield Airport Road (relative to setback at 660 Goddard).

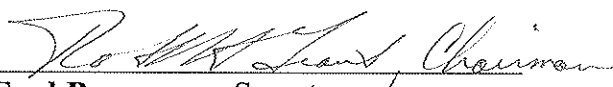
Commissioner Layton, on behalf of the Site Plan Committee, recommends approval. The motion was seconded by Commissioner Sherman and passes by a voice vote of 9 to 0.

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 9 to 0.

The meeting adjourned at 10:58 p.m.

for 
Fred Broemmer, Secretary

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