

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
September 14, 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
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. Sandra Lohman, Executive Secretary

ABSENT

Mr. Allen Yaffe

INVOCATION: Commissioner Charles Eifler

PLEDGE OF ALLEGIANCE - All

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

PUBLIC HEARINGS:

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

- A. **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 presented a slide presentation of the subject site and surrounding area.

Mr. David Volz, Volz Engineering, spoke on behalf of the petitioner (Mike and Christy Miceli), noting the following:

- He described the subject site and surrounding area utilizing a zoning map and aerial photograph.
- A PEU request was not submitted along with the rezoning request because the new Zoning Ordinance does not allow variances in lot sizes, setbacks, etc., on perimeter lots.
- All of the lots proposed would be perimeter lots, 15,000 square feet in size, and would meet all the "R-2" District setback requirements.
- He referred to a site plan and identified the 350 foot long street they propose to extend to the end where it becomes a cul-de-sac.
- The site would drain to the northwest. (He pointed to a spot on the plan where they would place a detention basin.)
- There is room on the proposed site to put in a detention basin that would handle any problem that the proposed development might cause downstream from the subject site.
- The existing house in the center of the subject site would be removed.
- Most of the trees on the perimeter of the site would remain.
- The builder would be Mike Miceli.
- The proposed homes would range in size from 3,500 to 4,000 square feet, and would be priced from \$375,000.00 to \$420,000.00.

COMMENTS/DISCUSSION

Chairman Grant asked Mr. Volz why the Public Works Department has recommended a PEU Procedure for this development.

Mr. Volz noted he wasn't aware of that until about fifteen (15) minutes ago, and he understands there was a concern about downstream stormwater. He further noted that a PEU would enable the Planning Commission to put restrictions/regulations on the proposed development.

Councilmember Brown asked about the width and adequacy of Sycamore Drive.

Mr. Volz noted it is twenty-six (26) feet wide, and would be extended. He further noted the developer would need to acquire a small portion of right-of-way. They would have a fifty (50) foot right-of-way, with a twenty-six (26) foot wide pavement.

Councilmember Brown asked about the plans for the driveway at the end of Sycamore Drive and the status of the existing home.

Mr. Volz noted the circular driveway at the end of Sycamore Drive goes back to serve the existing house that would be removed.

Commissioner Sherman inquired about the houses that abut Sycamore Drive.

Mr. Volz pointed out on the rendering the homes that would front along Sycamore Drive, and those that abut Sycamore Drive from the rear of their property.

Commissioner Eifler asked for a size comparison of the lots proposed and those existing.

Mr. Volz noted that, generally, the proposed lots would be either the same size or larger than existing lots. No lot would be less than 15,000 square feet.

Commissioner Eifler asked about the existing tree canopy and location of proposed homes.

Mr. Volz noted they have a twenty-five (25) foot building line, and the homes would be set-up as closely as possible. He pointed to an area on the rendering where trees would be cleared, noting that anything along the perimeter would be preserved.

Commissioner Nolen inquired about the effect of the proposed detention pond on the size of two (2) lots shown on the plan at the rear.

Mr. Volz noted the lots would be in excess of 15,000 square feet in size. The size of the detention basin hasn't been determined. Based on the proposed development (seven (7) lots in an "R-2" Zoning, they would have plenty of room to put in detention.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION: - None

SPEAKERS – NEUTRAL:

1. Mr. Robert Quinn, 2174 Fairway Bend, Chesterfield, MO 63017, spoke as an individual noting the following:

- His property is to the east of the proposed development (i.e., the cul-de-sac lot).
- People in the audience cannot see the presentation being given to the Commission.
- He said it's a shame the petition can't be presented in a manner so that people in the audience could actually see what is being proposed tonight.

Chairman Grant invited anyone in the audience wishing to get up during the meeting and come forward to see what's being presented to please do so. He noted this offer stands for all public hearings before the Commission. He noted his apology if this has prevented anyone from participating in the public hearing process.

Mr. Quinn noted the following:

- He would like Mr. Volz to present the proposal to the people in the audience noting both what and how the development would occur.
- What is going to happen to the existing road, fence, sidewalk, etc? There are many issues that need to be addressed.
- He signed up as a Neutral Speaker because he didn't believe he could respond as an informed person because of the way the presentation was made tonight (i.e., it was directed to the Commission, not people in the audience).

Chairman Grant noted he would ask Mr. Volz to address Mr. Quinn's concerns when he gives his rebuttal, and asked Mr. Quinn to formulate his concerns at this time.

Mr. Quinn stated that he could not do so, due to the manner of the presentation by Mr. Volz. He further stated his primary concern is what effect the proposed development will have on his lot (i.e., boundary, fence, road, trees, sidewalk, etc.). There is a transition issue regarding the street going north/south, because the petitioner would turn it into a cul-de-sac.

Commissioner Sherman asked Mr. Quinn to point out the location of his lot, the fence and existing trees on the plan.

Mr. Quinn did so, noting the following:

- His lot is located directly to the east of the proposed development. It's the boundary (cul-de-sac) lot.
- He pointed out various items on the exhibit and noted that when they tore-up the old road, the eastern half of it became his back yard and the western half of it became his neighbor's back yard.
- What is going to happen to the road as the proposed development occurs?
- How is the cul-de-sac and sidewalk development going to occur? How will this transition occur?
- There is already a sidewalk on the west side of Sycamore; but not on the east side.
- If there is a sidewalk requirement on the east side of Sycamore, he is concerned about the loss of the existing tree mass.

Commissioner Sherman inquired about the existing trees and visual aspects of the site.

Mr. Quinn noted there are some trees in the transition area. He doesn't know what the plans are for the existing triangle-shaped area of asphalt.

2. Mr. Gregg Peterson, 2211 Hester, Chesterfield, MO 63017, spoke as an individual noting the following:

- His property is located on what would be the northwest corner of the proposed development.
- He described various concerns regarding the following issues:
 - a) retention area (wetlands area, sensitive area- environmentally speaking);
 - b) promised improvements to Sycamore have not yet been accomplished, and he asked if this zoning request could be utilized as a leverage to make this occur in a timely manner; and
 - c) retention of the existing tree/greenery - (possible domino effect of tree removal).

Chairman Grant requested clarification regarding who is responsible for improvements to Sycamore Drive.

Mr. Peterson noted the developer owns half of Sycamore Drive. The City of Chesterfield owns the portion of Sycamore Drive just south of the proposed site. He further noted the developer has an agreement with the City and has money in an escrow account with the City for planned improvements (i.e., widening, lowering of elevation, and maybe sidewalks).

Mr. Broemmer asked if the developer contacted Mr. Peterson.

Mr. Peterson noted he was not contacted by the developer, but received the announcement from the City.

3. Mr. Dan Bosworth, 15595 Meadowbrook Lane, Chesterfield, MO 63017, spoke as an individual noting the following:

- His concerned about the effect the proposed sidewalk and road widening would have on the existing row of Pine Trees.

Councilmember Brown noted that, at the present time, funding for the sidewalk that would have extended to the end of his property has been placed in an escrow account pending future development. She further noted that the requirement for the sidewalk has not been removed; it has been delayed pending further development. This is something she will watch very closely as this zoning moves ahead and will keep him informed regarding the status of the sidewalk.

Mr. Bosworth noted that, if the new subdivision does not need a sidewalk, then the additional sidewalk would be a waste of everyone's money (i.e., the sidewalk would dead-end if it does not continue into the new subdivision).

Councilmember Brown noted it was a requirement of his subdivision, Twin Estates, that the sidewalk be extended.

Commissioner Broemmer asked Mr. Bosworth what his position is regarding the sidewalk.

Mr. Bosworth noted he is not in favor of the new sidewalk. There are existing trees (approximately 30, 40 or 50 years old) in the area of the proposed sidewalk. If these trees are removed his privacy will be affected.

Chairman Grant asked Mr. Volz if the petitioner tried to contact adjacent property owners.

Mr. Volz stated he didn't believe there was contact.

Chairman Grant urged them to do so in the future, because that could have averted some of the questions tonight. He noted that some follow-up contact might be appropriate. He asked Mr. Volz to address, in his rebuttal, issues raised (i.e., sidewalk, street ownership, street improvements, boundary, fence, etc.).

REBUTTAL:

Mr. Volz noted the following:

- The petitioner is not the developer of the property that has an escrow in place for improvements to Sycamore Drive.
- The petitioner has no connection with the improvements to Sycamore, other than they would move the location of the curve in the road. This would alleviate some of the problems mentioned earlier regarding the trees and construction of the sidewalk on the east side.
- If residents don't want a sidewalk on the east side of Sycamore, it really doesn't affect the proposed development and, therefore, would be fine with them.
- The disturbance on the eastern property line of the proposed development would be minimal.
- The developer would be required to go through the process of obtaining permits from the Army Corps of Engineers and Department of Natural Resources regarding wetlands requirements.

COMMENTS/DISCUSSION

Commissioner Layton asked Mr. Volz to respond to the concern expressed about the retention/detention basin next to a home adjacent to the proposed development.

Mr. Volz noted any detention put in by the developer would be 500 or 600 feet away from the nearest, existing home, and located somewhere in the area of the existing pond.

City Attorney Beach asked whether the developer still needed to acquire an easement before the road could be moved, since they don't have the ability to put in the road where it is depicted on the plan.

Mr. Volz pointed to the spot on the plan where the petitioner would need to acquire about a ten (10) foot portion of right-of-way. This would need to be dedicated to the City by the property owner.

Commissioner Broemmer requested clarification regarding the sidewalk issue.

Mr. Volz noted there is already a sidewalk on the west side of Sycamore Drive and they plan to move the road to the west. He further noted the escrow is already set-up for development already occurring along Sycamore Drive. The petitioner would like to pull-back and redesign that end and start the curve of Sycamore Drive to the left a little bit sooner, including the sidewalk parallel to the road.

Commissioner Broemmer asked what the developer would do with the sidewalks for the proposed development.

Mr. Volz noted they would extend the sidewalk along the west side and dead-end it into the cul-de-sac. Connection to power for the proposed site has yet to be determined. The utility lines/poles for the proposed development would be placed under ground.

Commissioner Eifler asked if the developer would place the proposed houses on lots in a manner that would preserve the maximum number of large trees.

Mr. Volz noted that the proposed site would not require a large amount of grading; therefore, most of the existing vegetation would be preserved.

Commissioner Macaluso asked the petitioner to meet with the residents before the next Planning Commission meeting so residents understand what's going on and can ask informed questions.

Mr. Volz said they would do so.

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

Sirman Grant stated there is no public hearing tonight for the Linda Vista project.

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 I Annissa McCaskill summarized the proposed amendment.

Chairman Grant asked Ms. McCaskill to explain the purpose of this amendment.

Ms. McCaskill noted its purpose is to allow condominiums to occupy one (1) floor of office buildings that are three (3) or more stories tall. Currently, in the PC District, apartments are only allowed for those who have some direct involvement with the building (i.e., an apartment manager or someone who works in the building). This amendment would allow occupancy on one (1) floor of an office building by persons who have no direct working relationship to the office uses in the building.

Chairman Grant asked for clarification regarding the authority to have one (1) floor of apartments while still requiring apartment dwellers to have the same connection they have at this time (i.e., have a working relationship to the offices contained within the same building).

Ms. McCaskill noted the apartment dwelling authority would remain as already stated in the Zoning Ordinance (i.e., someone already having a relationship to the uses in the building may reside in an apartment in that same building).

Chairman Grant asked if this language would be applicable to all "PC" Districts.

Ms. McCaskill noted it is in the Zoning Ordinance as a permitted use in all "PC" Districts.

Commissioner Nolen asked for further clarification of the proposed amendment.

Ms. McCaskill noted the proposal is to allow for one (1) story of condominiums in buildings that are three (3) or more stories tall and the residents would not have to have any type of relationship to the commercial enterprises taking place in the building. The **bold print** in the title is what is being added to the existing ordinance. That is, any residents who stay in apartments will still have to have some sort of relationship to the current commercial uses. Regardless of the number of stories [in excess of the minimum three (3) stores] in an office building, only one (1) floor may be utilized for condominium dwellers.

Chairman Grant inquired about the interpretation by Staff of the 800 square feet.

Ms. McCaskill noted it says for the dwelling unit, not for each dwelling unit. She further noted that is something open for discussion and revision by the Commission. The amendment, with respect to condominiums, does not regulate the minimum size of the unit.

Commissioner Broemmer asked if the City had some perspective tenants at this time.

Ms. McCaskill noted that the Department believes this amendment is necessary because there had been interest expressed by an outside party in mixing the commercial and residential uses.

Commissioner Sherman noted it is her understanding that, as it stands today, people may reside in an apartment in an office building if they are in some manner related to the project or a family member (i.e., they are renting this space or that they are entitled to live in that space as part of their job). We are now adding one (1) floor of condominiums that people might purchase and therefore have a deed to part of this property.

Commissioner Nolen asked what prompted the Department to ask for this amendment.

City Attorney Beach noted the next public hearing (P.Z. 30-98) would answer this question. He noted that, for the next petitioner to have approval of their request, this amendment would need to be in place.

SPEAKERS IN FAVOR:

1. Mr. Steve Koslovsky, Attorney, 231 South Bemiston, 8th floor, Clayton, MO, spoke on behalf of the petitioner for P.Z. 30-98 Sachs Properties, noting the following:
 - This amendment being presented by Staff is actually at the request of Sachs Properties for P.Z. 30-98, which will be the next public hearing before the Commission this evening.
 - The reason for the request by Sachs for this amendment is that in their petition they are requesting that one (1) floor [the top floor] of their proposed office building be available for use as condominiums.
 - The PC Ordinance adopted last year limits occupancy within the PC District to apartment dwelling units occupied by an owner, manager, etc., and it would make it impossible for Sachs to move forward with their concept of having a floor of an office building utilized for condominium use.
 - Sachs asked Staff to consider amending the PC District to allow the circumstance that they anticipated in P.Z. 30-98 (i.e., high-rise condominiums mixed with office buildings).
 - He suggested an alternative to the language presented by Staff as follows:
 - a) delete the portion of the language in current PC Ordinance that says “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;” and
 - b) Change the first sentence of 4. (2) (c) to read: “Apartment dwelling units in buildings primarily designated for occupancy by one or more of the permitted commercial uses.”
 - This would then allow residential dwelling within the PC District in an office building, and would limit it to someone who is an owner, manager or employee of the permitted use.
 - It would also make the last sentence of the Staff’s amendment request unnecessary.

- By trimming that language, rather than adding, we might get to the same point in a more comprehensive manner.

Chairman Grant noted we would want to state “apartment and condominium dwelling units.”

Mr. Koslovsky noted this is correct. He stated that language including apartment or condominium dwelling units would also be acceptable.

Chairman Grant asked Mr. Koslovsky if he had any objections to the requirement for three (3) or more stories of office building before the condominium floor becomes a possibility.

Mr. Koslovsky noted they have no objections to that or to limiting condominiums to one (1) floor. If this is to be an amendment that has a broader application than just his petition, there may be a situation where two (2) floors are appropriate. For the purposes of P.Z. 30-98, one (1) floor and three (3) stories or more are appropriate.

Commissioner Eifler asked Staff for the reason behind the request for one (1) floor of condominiums for a three (3) story office building, as opposed to two (2) or more stories.

Director Teresa Price noted the reason the Department recommends the minimum of three (3) or more floors for the office building is so that the use would be truly an **office complex** with condominiums allowed only on one floor. She further noted that the Department is required to advertise what it believes would be the absolute minimum to be recommended to the Commission. The Planning Commission could always make it more restrictive.

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

- C. **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 of 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

A slide presentation of the subject site and surrounding area was presented by Planner I Annessa McCaskill.

Commissioner Layton noted the subject site does not touch Conway Road.

Mr. Steve Koslovsky, Attorney for Sachs Properties, 231 South Bemiston, 8th Floor, Clayton, MO 63105, presented the request noting the following:

- He presented a rendering to the Commission depicting the area of the subject site and surrounding area.
- The subject site has approximately 550 feet of frontage along North Outer Forty Road.
- The subject site has approximately 450 feet in depth.
- The distance between the northernmost line of the subject property and Conway Road exceeds 500 feet.
- This property is currently occupied by the Altshuler's home that would be demolished to make room for the proposed development.
- The subject property generally slopes from back to front towards North Outer Forty.
- The Comprehensive Plan Summary, dated 1992, describes the subject area as the East Corridor Office Development. He quoted from the Plan as follows:

“To the east of the Urban Core the undeveloped frontage along the north side of I-64/U.S. 40 and portions of the south frontage is proposed for office use. Office development of this nature is consistent with other development along I-64/U.S. 40 to the east and to the west.”

- The plan presented this evening is consistent with the Comprehensive Plan and also with similar development to the east, within the City, including the Forty West Solomon Development and Timberlake Development.
- Their preliminary plan depicts an eight (8) story building of which seven (7) stories would be office totalling approximately 154,000 square feet.
- One (1) story of condominiums are proposed on the top floor and would be comprised of approximately 22,000 square feet.
- They anticipate approximately four (4) large, luxurious, condominiums on the top floor.
- The eight (8) story office building would be placed towards the front of the property (i.e., near the Outer Road and Highway 40).
- There would be a two (2) level parking structure located to the rear, consisting of approximately 500 spaces.
- Approximately 56 spaces of surface parking would be added.

- The total number of parking spaces proposed would be 556 spaces, which exceeds the required minimum of 517 spaces.
- One (1) entrance/exist is proposed from North Outer Forty – he pointed to a location on the rendering.
- Their original plan was revised to show a connection with another development (Vitt – Chesterfield Corporate Campus) which would come before the Planning Commission for a public hearing two weeks from tonight.
- This revision was done at the suggestion of Staff, since the City had knowledge of the upcoming Vitt proposal.

Sachs met with Mr. Vitt and his partners to discuss the possibilities of putting both proposals together, in the event the City chooses to approve both petitions. The following resulted from these discussions.

- A second access into the balance of that proposed development on the eastern side of the property could be re-routed to enable a better traffic flow pattern throughout the entire development.
- In the event that the City and Commission does not see fit, for whatever reason, to approve the Vitt development, Sachs would revert to their original plan of having the access as shown on their plan presented tonight.
- Sachs would like their development to move forward with or without the development on the surrounding property.
- He put up a copy of the site plan he believes may be before the Commission two (2) weeks from now. He noted this is not for the purpose of discussing Vitt's site plan, but only to illustrate for the Commission what they were able to accomplish at the City's request, in trying to potentially work with the other development.
- In addition to the entrance, as he indicated, they would work together with them for a joint stormwater detention at that location to the west of the subject site.
- In terms of architectural review and coordination, Sachs and Vitt would be willing to work together to coordinate development of the entire property from an architectural and aesthetic point of view.
- In summary, if the Vitt proposal is also approved, Sachs will coordinate with them to make a pleasing development fitting for this property.
- He emphasized that, if the Vitt proposal does not go forward, Sachs would like to have a recommendation made and obtain approval by the City of their proposal (i.e., the Altshuler property). Sachs will then handle the stormwater detention under ground (he pointed to the plan) and will meet all other requirements imposed on this particular site.

- This proposal is consistent with the City's Comprehensive Plan and other similar, major office development along the north side of the Highway Forty Corridor.
- The amendment to allow for one (1) floor of condominiums would not be detrimental to the subject development or development in the surrounding area. He believes it reflects a trend in industry for such luxury, high-rise condominium developments.
- He asked the Commission to favorably recommend both of those requests to the City Council.

COMMENTS/DISCUSSION

Chairman Grant noted it has consistently been the policy of the City to not allow access to Conway Road for previous office developments. He asked if Mr. Koslovsky, on behalf of his client, if he would commit to any kind of cooperation between Sachs and Vitt that would result in routing traffic across the subject tract from that potential development on to the Outer Road instead of Conway Road.

Mr. Koslovsky noted they would be willing to work with the City and Mr. Vitt to allow this development to go forward as a comprehensive development and still meet the policies and restrictions of the City with regard to Conway Road, if it works physically and from a traffic and engineering point of view.

Commissioner Layton asked what the above mean sea level of the proposed building would be.

Mr. Koslovsky noted they anticipate that the mean sea level of the top floor of the eight (8) story building would be about 665 or 670 feet, more or less. He gave additional height information as follows: a) the mean sea level of the Solomon Building, when completed, would be approximately 660 feet; and b) the St. Louis Industrial Partners would be approximately 750 feet.

Commissioner Layton noted the difference between the proposed eight (8) story building and the buildings Mr. Koslovsky just quoted is the height of the base of the buildings. He asked Mr. Koslovsky to state the height of the steeple of the Bonhomme Presbyterian Church.

Mr. Koslovsky noted the Church steeple is 715 feet high, and the Church roof is approximately 650 feet high.

Commissioner Layton commented as follows:

1. This project is rather massive, when coupled with its neighbors. He noted concern about this project not being on the same cycle as the upcoming Vitt project. He suggested that both the Sachs proposal and the Chesterfield Corporate Campus projects be considered on the same time cycle so the Commission may view this as an entity, not as two (2) separate developments. It may come to two (2) separate set-ups, but the Commission needs to view it as a whole.

2. As discussed in the work session earlier tonight, this is a prime example of the need to require this to go to the Architectural Review Committee for review before it reaches the Commission.

Councilmember Brown asked what the front yard setback would be for this project (i.e., from the Outer Road).

Mr. Koslovsky noted the front yard setback from the right-of-way would be thirty (30) feet; however, the right-of-way at this point is fairly significant. He further noted the right-of-way varies because of the property line from approximately seventy-five (75) feet to one hundred (100) feet over the front width of the proposed building. Therefore, he noted the effective setback, as of this time, would be in the order of one hundred (100) to one hundred and twenty-five (125) feet, if you take the actual building setback on the property itself, plus the right-of-way from the pavement of North Outer Forty.

Councilmember Brown inquired how this compares to the Solomon Building, which she believes is too close to the Outer Road.

Mr. Koslovsky noted the building setback on the property itself is the same thirty (30) feet; however, the right-of-way setback is on the order of thirty-two (32) to forty-seven (47) feet. This is less than half of the right-of-way that exists between the pavement of North Outer Forty and their property line.

Councilmember Brown asked about the number of parking spaces proposed.

Mr. Koslovsky noted they would be required to provide 517 parking spaces and are proposing 556 spaces [thirty-nine (39) additional spaces].

Commissioner Layton asked how the parking spaces are calculated.

Mr. Koslovsky noted the calculations on the parking are as follows:

- 4 residential units @ two (2) spaces per unit = 8 spaces; and
- 7 floors of office @ 3 1/3 spaces per 1,000 square feet = 509 spaces.

Commissioner Layton noted he believes this is a little less than what commercial typically requires.

Mr. Koslovsky noted they recognize the need to go beyond the actual requirements for parking.

Commissioner Layton suggested they look at four (4) spaces per 1,000 square feet of office space.

Commissioner Nolen inquired about the trees recently removed in the area of the proposed development.

Mr. Koslovsky noted he believes that was on the Senseman property, not the Altshuler's property.

Commissioner Nolen noted that it looks like there is very little greenspace left on this property, with that huge parking garage. She asked City Attorney Beach, as a point of clarification, if the property where these trees were removed is the other property grouping that the Commission would need to review at its next meeting.

City Attorney Beach stated it would be before the Commission at its next meeting. The City has been dealing with the owner of this property and will require them to come in with a Tree Plan as if nothing had occurred (i.e., they will have to account for the trees removed).

Commissioner Nolen asked about the buffer/depth between Conway Road and the Vitt buildings.

City Attorney Beach noted that the buffer would be one hundred and twenty feet (120), except there appears to be a misplaced road going up to Conway.

Commissioner Broemmer noted he would like the whole corporate campus needs to be looked at from a pedestrian standpoint (i.e., provide a means for people to be able to move and walk around on the site).

Mr. Koslovsky noted they would be happy to look at that.

Commissioner Layton noted he would like the petitioners to go to Maryville Campus and see what a coordinated, planned development can do in the way of walkways, landscaping, lakes, etc. This is a marvelous opportunity to view this in total.

Mr. Koslovsky noted he appreciates those comments.

Commissioner Sherman noted she would like the proposed parking structure to be modeled after the one at the Maryville Center Campus.

Mr. Koslovsky noted they will make the appearance of both the building and parking up to the standards that Sachs Properties has built in this community for many years.

Mayor Greenwood noted, due to the slope of the subject property, she would like the petitioner to look at the possibility of making the proposed parking garage three (3) levels instead of two (2) levels; thereby providing more greenspace for that development.

Mr. Koslovsky noted that if it would be feasible and create more greenspace they would be glad to look into that possibility.

Commissioner Sherman inquired about the elevation of the proposed parking structure.

Mr. Todd Scheibe, Volz Engineering, noted the proposed two (2) story parking deck has a slope to it on the southern side, closer to the building, and has an elevation of approximately 569 feet. As you go towards the north it goes up to about 573 feet or so.

City Attorney Beach asked if the Comprehensive Plan addresses height.

Mr. Koslovsky noted it talks about a major office building. It doesn't identify what a major office building is, but has two (2) classes of office buildings: Major Office and Office Campus. He has not been able to find any reference to height.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION:

1. Richard Drews, 14905 Conway Glen Court, Chesterfield, MO 63017, spoke as an individual noting the following concerns:

- lack of sufficient buffer along Conway Road;
- removal of trees;
- traffic safety issues (i.e., school buses, postal trucks, emergency vehicles);
- Chesterfield needs to keep its character;
- Chesterfield should declare another moratorium, just say no and have all development go further east into the Valley.
- the elevation of the proposed building is considerably higher than Conway Road (i.e., the road is at 610 feet and the top of the proposed building is 679 feet;
- the noise blockage would be lost if the trees were removed;
- there would additional light intrusion on residents at night,
- whether it's a residence, condominium, etc., it needs to be part of the larger picture; and
- the request tonight is just the beginning of the crack in the door to get it rezoned.

Commissioner Nolen asked Mr. Drews if anyone from either the Conway Land Company or Sachs contacted any of the neighbors on their side of the road.

Mr. Drews said they did not.

Commissioner Broemmer quoted a section of the Comprehensive Plan (as revised May 29, 1991) relating to the East Corridor Office Development.

Chairman Grant noted Staff would address the Comprehensive Plan with respect to both the current proposal and all future proposals.

2. Stephanie Adzima, 1349 Conway Oaks, Chesterfield, MO 63017, spoke as an individual noting the following:
- the development would take away many of the trees;
 - where will the animals go to live?
 - her school is near this site;
 - if offices are built on this land, the street where children catch their school bus will get too busy; and
 - the land we have is the only land we will ever have, so please vote wisely.

SPEAKERS – NEUTRAL:

1. Ms. Shawn Epstein, 1336 Conway Oaks Drive, Chesterfield, MO 63017, spoke as an individual noting the following:
- Their school bus already refuses to go down Conway Oaks, they feel it's too narrow; therefore the school children have to be let off on Conway Road.
 - Even though the project before the Commission tonight isn't asking for access to Conway Road, she would like them to get together with the other developer to work this out.

Ms. Epstein inquired about the rendering.

Chairman Grant responded.

Ms. Epstein noted residents were told in the past, when developers came in with requests, that there would be a wonderful buffer of trees; however, that didn't occur.

Commissioner Sherman asked Ms. Epstein to point out on the map where she lives and where the children get on the bus.

Ms. Epstein did so.

Chairman Grant noted she pointed, basically, directly north of the subject site. There are three (3) bus stops on Conway Road.

Commissioner Layton noted the roads on the rendering do not exist at this time. They are roads that would be built in connection with the Vitt proposal for Chesterfield Corporate Campus.

Chairman Grant noted the cardboard rendering that is labeled the Altshuler Tract is just the tract proposed by Sachs. The sketch of a road that goes around it is their concept, at this point, of what possibly could be a road in that other development. That is not Conway Road.

2. Mr. Ed Levinson, 1301 Amherst Terrace Way, Chesterfield, MO 63017, spoke as an individual noting the following concerns:

- The Commission is looking to vote on the hole of the donut, not the donut itself.
- The petitioner is asking for 37,000 square feet of office space per acre.
- The subject parcel is getting the bulk of the density of the project, and does not have a detention basin.
- There is no greenspace shown on the site.
- The traffic circulation is horrible unless you add the Vitt project to it.
- Neighbors are upset that the additional project would necessitate a connection to Conway Road.
- In the past developments (i.e., Timberlake) the City fought to prevent connection to Conway Road.
- He doesn't understand why is this parcel should be considered separate from the adjoining Vitt parcel.
- The setbacks for the remaining piece of property have not been presented.
- He believes the public hearings for both parcels should be held together.
- He noted examples of past studies (i.e., the Chesterfield Valley Master Plan and Chesterfield Historic District).
- The traffic patterns of both sites have to be coordinated, particularly if the bulk of the square footage would be on the Vitt site.
- It hasn't been made clear regarding what portions of the site might/would be shared.
- The Commission needs to look at both sites simultaneously.

Commissioner Nolen asked Mr. Levinson what he believes the effect of the proposed development would have on the traffic on Conway Road.

Mr. Levinson responded as follows:

- Highway 40 in that area and the 2 or 3 lanes on the Outer Road are built with that in mind (i.e., it is part of the Comprehensive Plan).
- He doesn't believe that eight (8) stories, 176,000 square feet of office space for every four (4) acres is in keeping with the Comprehensive Plan.

Commissioner Nolen noted she believes the entire project would be about 600,000 or 700,000 square feet, and many people living in the area use Conway Road daily to avoid the congestion on Highway 40. She further noted that the Commission should look at this project very closely with regard to traffic impact.

Mr. Levinson noted the entire project would be 800,000 square feet, and he has not reviewed numbers relative to what the actual impact would be on traffic. He further noted there is a difference between traffic generated by houses, subdivisions or apartments and traffic generated by commercial and strip centers. Chesterfield has a shortage of office space; therefore, many residents need to travel the highways/roads to get to work. If they would be convenient, it would alleviate the traffic impact. He noted his major concern is that the whole picture has not been presented and, therefore, the petition tonight should not be considered by itself.

Chairman Grant noted he is not aware of the timing of filing of the petitions by Sachs and Vitt, but it would be illegal for the City to force a developer not to develop a piece of property because a surrounding parcel had not filed a petition to rezone. He stated he believes it is in the best interest of the City to try to coordinate all these proposed uses.

Mr. Levinson noted the overall development (i.e., what is being proposed tonight and what will come before the Commission at its next meeting) is a major, significant impact that cannot be considered until both parcels are brought forward. He stated that he believes the developer (Sachs) knew that the other request was coming in; otherwise, they wouldn't have designed their parcel without a detention basin.

Commissioner Layton noted that he believes Mr. Levinson is a residential builder and developer of some repute, and that would add more merit to some of his remarks.

Councilmember Brown noted she believes that this project, just like any project in Chesterfield, would have to maintain the required setbacks and landscaping. To a great extent, the amount of greenspace is determined by the size of the setbacks.

Mr. Levinson noted that, regarding the density, the petitioner hasn't even shown the detention basin that is usually part of the greenspace.

Councilmember Brown noted the City would like to see a shared detention, if possible. She further noted that, apparently, until the other project comes in, some of the co-sharing of plans cannot be fully implemented.

Mr. Levinson noted the problem is that if you look at the use of the density of just this particular four (4) acre tract, he doesn't believe it complies with any of the greenspace requirements (i.e., stormwater, etc.). He noted he doesn't believe the request is proper as it stands tonight; but it may be in the overall package.

Councilmember Brown noted she believes this parcel should be reviewed and considered along with the other project, so that a better determination could be made as to how it fits.

3. Randee Shenkel, 14901 Conway Glen Court, Chesterfield, MO 63017, spoke as an individual noting the following:

- Keep the Conway Road area a desirable place to live.
- In driving her daughter to school located at Mason and Conway, it frequently takes her twenty-five minutes; therefore, there is already a traffic situation on Conway Road that the Commission should take into consideration.
- In terms of what the previous speaker said about the need for more office space in Chesterfield, she asked if the City performs formal/statistical studies regarding the demand for office space to justify this demand.
- If we don't perform such studies, we should do so.
- The proposed garage should not be visible from Conway Road.
- Even if access, in terms of a street, is not on Conway Road when the actual building is done, will the trucks, etc. be knocking down trees in order to build the parking garage?
- How will construction vehicles access the site for development?
- When Regency Estates was developed last year, she remembers there were approximately one hundred (100) trees behind her house that were marked with something indicating they were not going to be removed. The people who bought the property did not expect the trees to be removed. The builder had implied that they would only remove what was absolutely necessary. She came home from work one day and, virtually, all the trees were gone. She is glad and hopes everyone will very seriously attend to the Tree Ordinance to make sure it is followed.

Commissioner Macaluso left the meeting at this time.

REBUTTAL

Mr. Koslovsky noted the following:

- When he previously quoted the mean sea level of the proposed office building as being approximately 665 to 670 feet in height, he omitted the mechanical equipment on top of the building. With the addition of this mechanical equipment, it may take the elevation up to 679 feet above mean sea level.
- Residents north of Conway road were not contacted by the petitioner.
- Sachs did meet last week, for the first time, with Mr. Vitt who is the owner under contract of the property surrounding the subject parcel.
- Sachs didn't think it was necessary to meet with the residents because of the distance between the subject tract and the subdivisions on the north side of Conway Road; however, he assumes that Mr. Vitt will attempt to contact them.
- If it is appropriate for Sachs to be involved in those conversations, since they have been asked to work with the Vitt development, in the event of its approval, Sachs will be happy to do so.
- The top deck of the proposed parking garage is at least fifty (50) feet below the level of Conway Road and, therefore, is not visible from Conway Road.

Commissioner Macaluso returned to the meeting at this time.

- Sachs requests this proposal be considered on its own merits, apart from the Chesterfield Corporate Campus, that will be before the Commission in two (2) weeks.
- The site plan for the subject site depicts thirty percent (30%) of greenspace, and the petitioner is willing to increase that amount (i.e., they may raise the height of the parking deck to allow for greater greenspace).
- The petitioner will meet all City Ordinance requirements in order for this project to go forward on its own.
- Sachs was asked to look at the possibility of a joint stormwater detention facility if both of these projects would be approved as a comprehensive development; however, he also stated that, in the event that the City sees fit not to approve the Chesterfield Corporate Campus, Sachs would provide for underground stormwater detention, all of which would be subject to the requirements of MSD.

Councilmember Brown asked about the view from Conway of the top of the proposed building.

Mr. Koslovsky noted the elevation of Conway Road is just below 610 feet. The top of the deck is approximately 570 feet. With the mechanical equipment on top, the building would be approximately 679, or 69 feet above the elevation of Conway Road.

Commissioner Broemmer noted, from a planning standpoint, he would like to see this back as a whole corporate plan for this campus (from the Department and developer). This wouldn't preclude Sachs from developing their tract first; but he believes the Commission needs to see the whole picture to effectively begin the review and recommendation process.

Mr. Koslovsky noted Sachs Properties purchased this property and moved forward with the zoning completely independent and without his knowledge of what Mr. Vitt was doing with the surrounding properties. Sachs is happy to follow the suggestions of the City to try to develop these sites comprehensively. There was not some grand scheme, as was suggested earlier, whereby Sachs would get their foot in the door first and the other development would follow with the remaining portion.

Commissioner Broemmer noted the Planning Commission and Planning Department would just like to see this as a whole plan/development.

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

- D. 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.

Planner I Molly Butler-Dunham gave a slide presentation of the subject site and surrounding area.

Mr. Dick Busch spoke on behalf of the petition noting the following:

- The subject building is the oldest commercial building intact in the City of Chesterfield, although it's never been zoned commercial.
- Representatives are here from the Chesterfield Historical Commission to explain their position on this building and its historical significance.
- He described the subject site and surrounding area.
- During the early design phase of the New Baxter Road Extension, which is nearing completion, the road was moved in order to avoid demolition of this building.
- The property being rezoned involves two (2) parcels of land.
 - 1) The parking lot that was in front of the building (owned by Charlie Fawcett) was taken by the County Highway Department and made part of the new intersection.

- 2) The second parcel is the excess land that the County Highway Department, at the completion of the roadwork, is deeding to Charlie Fawcett to replace the property that was taken from the front of the building. This excess land created an area for a new parking lot to the rear of the building, along the edge of Baxter Road.
- The site would have parking to the rear and two (2) parking spots along the east side of the building.
 - The parking lot to the rear is buffeted from the sidewalk along Baxter Road, because it has sunken approximately eight (8) feet.
 - The County Highway Department is building a Versa-lok retaining wall and metal railing along the edging to achieve this.
 - The County Highway Department has installed Stormwater drainage inlets along the Baxter Road and Chesterfield Airport Road frontage of the building.
 - The County Highway Department installed a new entry and curb cut at the location shown on the site plan.
 - The petitioner will try to maintain as much greenspace as possible, while achieving the required parking spaces.
 - Trees and greenspace will be along Baxter Road frontage, Chesterfield Airport Road frontage, and the east side of the building.
 - The building itself will undergo a major renovation.
 - They have researched the building and intend to restore it to its original façade from the early 1900's which is shown in the rendering. He gave a rendering to the Commission.
 - All alterations done to the front of the façade will be removed and replaced with the original historic store front.
 - The original front entry doors are still present on the building, behind aluminum storm doors, and will be restored.
 - The apartments and other alterations on the interior will be removed to create a large open space.
 - The building will be used as an architect's office.
 - The small house at the rear of the property will be used as office space. It will be renovated on the exterior to harmonize with the colors of the building in the front.

- They hope to make this historic structure an asset to the City of Chesterfield and the surrounding neighborhood, by restoring to its original appearance and using it as professional office space.
- They would be happy to answer any questions the Commission may have about the project.

Chairman Grant inquired about the wrought iron fence on the rendering just given to the Commission.

Mr. Busch noted it would be a wrought iron railing that's required, and will be put in by the Highway Department on top of their retaining wall.

COMMENTS/DISCUSSION

Commissioner Macaluso asked if both the building and outbuilding would be used exclusively as architectural office space.

Mr. Busch said they would both be used for architectural office space, no space will be leased out.

SPEAKERS IN FAVOR:

1. Jane Durrell, 177 Gunston Hall Court, Chesterfield, MO 63017, spoke as Chairperson of the Chesterfield Historical Commission noting the following:
 - The Commission has reviewed the site plan, plans for remodeling, rezoning proposed for this building, and wishes to express their strong support for this project.
 - Several years ago, just before the Flood of 1993, the Chesterfield Historical Commission wrote a letter to the St. Louis County Highway Department with regard to the Baxter Road Extension.
 - At that point in time, the original road plan would have included the demolition of this bank building.
 - The Commission requested, in their letter, that they slightly realign the road to save this building.
 - Six (6) months or so after the Flood of 1993, at the request of the Historical Commission, the Council Liaison followed-up, in person, on that letter. Ultimately, they were successful in their effort to save the building.
 - The Chesterfield Historical Commission, again, wishes to express its complete support for this project, and urges the City Planning Commission to support it and treat it as a special project which possibly may not meet every standard or code imposed on new construction.

- This structure must be saved.
2. Mr. Dan Rothwell, 15720 Calender Court, Chesterfield, MO 63017, spoke as a member of the Chesterfield Historical Commission and author of a recently published book entitled "A Guide to Chesterfield's Architectural Treasures" noting the following:
 - His book devotes approximately eight (8) pages to this particular building (i.e., its historical usage, etc.)
 - This structure is the only surviving rural bank building left in St. Louis County, and is the oldest surviving commercial building that is still in tact in the City of Chesterfield.
 - This building marks the center of the rural settlement in the City of Chesterfield.
 - According to our St. Louis County Preservation Historian, Esley Hamilton, the building dates back to 1900.
 - This building was home to three (3) early businesses: 1) a post office from the early 1900's until 1967; 2) the Farmer's State Bank of Chesterfield from 1914 until 1955; and 3) during the history of this building there was also housed a local telephone switchboard in its upper level.
 - The façade of this building is very unusual (i.e., store fronts were manufactured in St. Louis from 1890 to 1910).
 - There is only one (1) other similar store front on a building in South St. Louis County.
 - This building is number one (1) on the list of Historically Significant Chesterfield Buildings the Historical Commission is interested in saving,
 3. Mr. Don Wiegand, 16705 Chesterfield Airport Road, Chesterfield, MO 63005, spoke as an individual noting the following:
 - In 1965 he began restoration of the old "Andy Kroeger Slaughterhouse" for use as his business (Wiegand Studios).
 - Saving the bank is important for our community (i.e., showing the longevity of this community, good memories, and strength in time).
 - The subject building should definitely be saved, and he complimented Dick and Lauren's efforts in restoring it to its original state.
 4. Mr. Thom Sehnert, 16806 Chesterfield Airport Road, Chesterfield, MO 63005, spoke as an individual noting the following:
 - He is the co-owner and operator of "The Old Smokehouse."
 - He is excited and elated about this development for three (3) reasons:

- 1.) Community – The community would benefit from this development (good feeling of seeing something saved in Chesterfield). The people (Busch's) who are working on this project have great credentials. He noted some examples of their work.
 - 2.) Business – They have both outgrown their current location and want to make, not only a financial commitment to Chesterfield, but also continue to operate their business in Chesterfield.
 - 3.) Personal – In 1993 he came before the Commission to ask for help to rennovate The Smoke House Market and Annie Gunn's, and allow them to continue to be part of the fabric of the Chesterfield community. The Commission allowed them to renovate a sixty (60) year old building, and set the tone for the entire area. Due to the petitioner's financial, physical and psychological commitment, the Chesterfield area would be greatly complemented by the proposed project.
- He and Mr. Busch grew up in Chesterfield in the 1960's and have seen many changes. He urged the Commission to approve this petition and allow this project to become an important/significant part of this growth and change.

Council Liaison Mary Brown noted she remembers the public hearing in 1993, as she was a member of the Planning Commission at that time. She stated that the 1993 public hearing and the one tonight have been, by far, the two (2) most pleasant public hearing's she has ever attended. She further noted her appreciation of the Historical Commission.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL – None

REBUTTAL – Waived

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

APPROVAL OF THE MINUTES:

A motion to approve the August 24, 1998 Minutes was made by Councilmember Layton, seconded by Commissioner Right and passes by a voice vote of 8 to 0.

PUBLIC COMMENT: None

VII. OLD BUSINESS:

- A. **Wildwood Center (Fitz's Restaurant);** "C-2" Shopping District Increase of Sign Face on Existing Pole Sign; located on Clayton Road, 400 feet east of Baxter Road.

Chairman Grant noted the following:

- At the last Planning Commission Meeting, when the full Commission was considering this matter, there was a motion made to approve the Planning Department's recommendation, which was to allow a fifty (50) square foot sign, but not to allow a smaller sign on the sign pole.
- There was also a second to that motion.
- During discussion on this motion, Commissioner Broemmer asked to amend the motion to allow a twenty-five (25) square foot sign.
- He, mistakenly, did not allow Commissioner Broemmer to go forward with that amendment. He stated he would like to apologize for that.
- The original motion was then approved by a vote of 6 to 3.
- In order to make the record perfectly clear regarding the intent of the Commission, he would, at this point, entertain a motion to reconsider that matter. This motion would need to come from someone who voted in favor of the motion. At that time the Commission may have appropriate discussion and make whatever motions the Commission deems appropriate.

Commissioner Layton, as a member who voted affirmative on the previous vote, made a motion to reconsider. The motion was seconded by Commissioner Right and passes by a voice vote of 8 to 0.

Commissioner Broemmer made a motion that the sign for Fitz's be twenty-five (25) square feet, leaving available twenty-five (25) square feet for a third party. The motion was seconded by Commissioner Nolen.

COMMENTS/DISCUSSION

Chairman Grant noted the following as his reasons for voting in favor of the requested forty-one (41) square foot sign for Fitz's:

- Even though he fully sympathizes with the thought that maybe we are getting into a situation where we have a larger sign than might be desirable, Fitz's made a very good case to have that sign at approximately forty-one (41) square feet.
- Because the existence of the Blockbuster sign at fifty (50) square feet, he believed it would not be unreasonable to allow Fitz's to have the forty-one (41) square foot sign.

- He took into consideration the possibility that another major tenant might come forward and ask for another sign of similar size, but his thoughts were that this is speculative (i.e., we don't know that is going to happen).

Commissioner Macaluso stated some of the objections and reasoning for downsizing the size of this Fitz's Sign from the fifty (50) square foot to the twenty-five (25) square feet as follows:

- The vacancy appears to be pending at the Sofa and Chair Company.
- The Sofa and Chair Company have never requested a sign, except for that which is on the building.
- The owner of the subject site told the tenant, Sofa and Chair Company, that it would not be part of their lease agreement to be able to have a sign.

Commissioner Sherman noted the following:

- She would like Fitz's to be very popular, but she believes they have a lot of visibility.
- We should try to keep signs smaller and enable buildings, rather than signs, to stand out.
- Signs on buildings can be the identification.
- The twenty-five (25) square foot size sign would serve the purpose and would allow for another company/user to put up an additional twenty-five (25) square foot sign.
- Her thinking is that she doesn't just want to make sure there's more square footage for someone else. If the signage remains for just Blockbuster and Fitz's, it's fine with her, as it keeps the visual clutter down.

Chairman Grant noted he thought the Staff had pointed out to the Commission that a forty-one (41) square foot sign was not out of line with similar signage in the area, namely the Shell Station, Phillips 66 Station, etc. This is why he believed that the forty-one (41) square foot sign was fair.

Commissioner Broemmer noted he doesn't believe the forty-one (41) square foot sign is unfair, but believes we need to be considering this request from a planning standpoint. He further noted we should be looking at the big picture and leave some space available for the next tenant.

Commissioner Nolen noted that, as the Commission looks at signage and related matters, we should not only look at what's typical for that area, but also look at the congestion of signs already in the area. She noted that other people have been able to piggy-back onto borders of smaller signs, but that area is also extremely, visually, almost congested and polluted at this point. She believes twenty-five (25) square feet is an ample size for the sign, regardless of whether or not someone new comes on the site.

Chairman Grant made a motion to amend Commissioner Broemmer's motion to allow the forty-one (41) square foot sign, as recommended by the Staff, not including that smaller sign. The motion was seconded by Commissioner Layton.

The roll call vote on the motion, as amended, was as follows: Commissioner Broemmer, no; Commissioner Eifler, no; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, no; Commissioner Right, yes; Commissioner Sherman, no; Chairman Grant, yes.

The motion fails by a vote of 4 to 4.

Chairman Grant asked for a vote on the original motion to authorize the twenty-five (25) square foot sign.

The roll call vote on the original motion was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, no; Commissioner Macaluso, no; Commissioner Nolen, yes; Commissioner Right, no; Commissioner Sherman, yes;

Chairman Grant asked City Attorney Beach what the alternatives would be if he votes no, and neither motion passes.

City Attorney Beach noted there could be other motions made, or it could be held until the next Commission Meeting due to the lack of reaching a conclusion tonight.

Chairman Grant voted no.

The motion fails by a vote of 4 to 4.

Chairman Grant asked if there were any alternative motions at this time.

The Commission made no motions.

Chairman Grant asked if it would be appropriate to suspend the rules and ask the people from Fitz's if they had any suggestions. He asked if Commissioner Macaluso would rather go ahead with her motion at this time.

Commissioner Macaluso noted she would rather hear from Fitz's for a possible solution to this matter.

Chairman Grant made a motion to suspend the rules to allow the representative, Mr. Alter, to address this issue. The motion was seconded by Commissioner Eifler and passes by a voice vote of 8 to 0.

Mr. Michael D. Alter, Principal for Fitz's Restaurant, Inc., noted the following:

- He proposed a thirty (30) square foot sign (i.e., 6' x 5'), that he and his partner could live with.
- He thanked the Commission for their patience with this issue; noting they didn't believe it would be so difficult to resolve.
- Fitz's came to Chesterfield because they enjoy the community, want to thrive in the community, and don't want to be the source of any consternation in the community.
- With this in mind, they are willing to compromise and put this proposal before the Commission (i.e., a thirty (30) square foot sign).

A motion to approve a thirty (30) square foot sign for Fitz's was made by Commissioner Right and seconded by Commissioner Broemmer.

Commissioner Layton noted, as a point of order, that sign number two (2) was rejected permanently, unless brought forth again.

COMMENTS/DISCUSSION

Commissioner Sherman noted she is in favor of the thirty (30) square foot sign. She also inquired about the landscaping.

Chairman Grant noted he assumes that the required landscaping is not going to change.

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

The motion passes by a vote of 8 to 0.

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.

Chairman Grant made a motion to hold this item. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

- B. **P.Z. 24-98 Central Missouri Pizza, Inc.**; a request for a change of 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.
(Staff requests this matter be held until the 9/28/98 Commission Meeting.)

Chairman Grant made a motion to hold this item. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

- 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 review comments have been received and evaluated.)

Chairman Grant made a motion to hold this item. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION

Commissioner Sherman noted that, at some time in the future, she would like the Commission to discuss the letter from the Missouri Department of Transportation.

Chairman Grant noted we would discuss the letter at a later date.

The motion to hold this item passes by a voice vote of 8 to 0.

Commissioner Layton left the meeting at this time.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **P.Z. 25-97 John and Caroline A. Williams (Chesterfield Valley Motor Sports)**; "C-8" Planned Commercial District Site Development Plan, Architectural Elevations and Landscape Plan; north side of North Outer Forty Road, west of Boone's Crossing Street.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the request subject to the addition of vertical landscaping between the windows of the service area. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 7 to 0.

- B. **Baxter Pointe Villas, Plat 2**; “Planned Environment Unit (PEU) District Procedure in the “R-5” Residence District Record Plat; south side of Wild Horse Creek Road, west of Baxter Road.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner Macaluso and passes by a voice vote of 7 to 0.

- C. **Whitestone Farm**; a Site Development Plan and Landscape Plan in the “R-2” 15,000 square foot Residence District, Planned Environmental Unit (PEU) procedure; west side of White Road and South of Olive Boulevard. The site plan proposes twenty-three (23) single-family lots.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the request subject to the addition of a note that the Site Plan Committee encourages the developer to install subdivision monuments in accordance with conceptual drawings. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 7 to 0.

Commissioner Layton returned to the meeting at this time.

- D. **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, south of Edison Avenue extension.

Commissioner Eifler noted he has been informed that Insituform has requested that items D. and E. be withdrawn to enable them to re-evaluate their requests.

- E. **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 Eifler, on behalf of the Site Plan Committee, made a motion to withdraw, without prejudice items D. and E. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 8 to 0.

- F. **Chesterfield Village Apartments**; Planned Environment Unit (PEU) procedure in the “R-6A” Residence District Record Plat, north side of Swingley Ridge Drive, west of Olive Boulevard.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the request. The motion was seconded by Commissioner Right and passes by a voice vote of 8 to 0.

- G. **P.Z. 3-98 G.H.H. Investments / Chesterfield Industrial Park, Lot 2;** "PI" Planned Industrial District Site Development Plan and Architectural Elevations for Lot 2, Chesterfield Industrial Park, located on the southwest corner of Chesterfield Airport Road and Chesterfield Industrial Boulevard. Use: Office and warehouse.

Commissioner Eifler, on behalf of the Site Plan Committee, made a motion to approve the request, with the condition that it be subject to compliance with the requirements of the St. Louis County Department of Highways and Traffic regarding a ditch along Chesterfield Airport Road. The motion was seconded by Commissioner Broemmer and **passes** by a voice vote of 8 to 0.

COMMITTEE REPORTS:

- A. **Ordinance Review Committee** - No report

Chairman Grant noted a meeting of the Ordinance Review Committee needs to be scheduled as quickly as possible. He asked all members of this Committee to get together after tonight's meeting to set-up a meeting.

- 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 9:59 p.m.


Fred Broemmer, Secretary

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