

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 23, 1993**



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

PRESENT

Mr. Fred Broemmer
Ms. Mary Brown
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Pat O'Brien
Ms. Victoria Sherman
Chairman Barbara McGuinness
Mayor Jack Leonard
Mr. Douglas R. Beach, City Attorney
Councilmember Susan Clarke
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Toni Hunt, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Walter Scruggs

INVOCATION: - Chairman Barbara McGuinness

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Opening Comments were read by Commissioner O'Brien.

- A. P.Z. 16-93 Taylor-Morley, Inc. (Sea Beauty Farm); a request for a change of zoning from "NU" Non-Urban District to "R-1A" 22,000 square foot Residence District for a 26.25 tract of land located on the west side of Wilson Road, approximately 400 feet south of Wilson Farm Drive (Locator Number 20T540480); and

P.Z. 17-93 Taylor-Morley, Inc. (Sea Beauty Farm); a request a Planned Environment Unit Procedure (PEU) in the "R-1A" 22,000 square foot Residence District for the same 26.25 tract of land located on the west side of Wilson Road, approximately 400 feet south of Wilson Farm Drive (Locator Number 20T540480). Proposed Use: Single-Family Residences.

Joe Hanke, Planner II, gave a slide presentation of the proposed site and surrounding area.

Mr. Harry Morley spoke on behalf of Taylor-Morley, Inc., noting the following:

- The parcel is approximately 650 feet from the intersection of Clarkson and Wilson Roads.
- The tract is currently used as a training facility for equestrian riders, and it also houses thirty-two (32) horses.
- The property slopes moderately to the southwest.
- The vegetation is mainly clear, with some tree line along the creek (west), and deciduous trees exist along the southern and western boundaries.
- He identified the surrounding land uses and zoning, noting the handout provided to the Planning Commission with all pertinent information included.
- The parcel abuts Clarkson Valley to the south and west.
- The petitioner is proposing forty-four (44) detached single-family homes.
- Lot Design Criteria:
 - a. Minimum lot area: 14,000 square feet (Lots 1 & 2)
 - b. Minimum lot frontage: 120'
 - c. Minimum front yard setback: 25' from street right-of-way
 - d. Minimum side yard setback: 8'
 - e. Minimum rear yard setback: 15'
- Lot Size Breakdown:

a.	< 14,999 sq. ft.	-	2 lots
b.	15,000 - 17,999 sq. ft.	-	8 lots
c.	18,000 - 20,999 sq. ft.	-	14 lots
d.	21,000 - 23,999 sq. ft.	-	14 lots
e.	> 24,000 sq. ft.	-	6 lots

- The average lot size would be 20,560 square feet. Seventeen (17) lots are under 20,000 square feet in area (39% of total development).
- The typical lot size is 16,800+ square feet.
- There will be a minimum frontage of 120 feet.
- Access to the site will be via a single bi-directional curb cut off of Wilson Road, located directly opposite the approved entrance to Wilson View Estates.
- Street right-of-way would be forty (40) feet. Contained within this forty (40) feet will be a twenty-six (26) foot wide pavement.
- Sidewalks are proposed throughout the entire development, as well as along the improved Wilson Road.
- The proposed development is within the Rockwood School District, Chesterfield Fire District, St. Louis County Water, and Metropolitan St. Louis Sewer District.
- Stormwater detention is located between Lots 17 and 18. There will be stormwater inlets located along the upper portion of the development, below Wilson Farms.
- Sanitary sewers will be hooked-up to the main at the rear of Lot 19.
- The developer wishes to preserve the nature of the parcel, thus naming the development "Sea Beauty Farm" after a famous horse owned by Mrs. Pfeffer.
- Mrs. Pfeffer's home and outbuildings will not be retained.

COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness inquired relative to the price range of the proposed homes.

Mr. Morley noted the following:

- The proposal presented this evening was the same as that presented at a meeting, initiated by Councilmembers Tilley and Hrabko, held two (2) weeks ago with residents of Wilson Farms, with the exceptions initiated and requested by Department of Planning Staff.

- a. The petitioner proposed a twenty (20) foot wide street within a forty (40) foot right-of-way, and requested a variance for sidewalks. The purpose for this was the petitioner's interpretation of the ordinance suggested this was in keeping with the provisions of same. Planning Staff advised otherwise; therefore the petitioner adjusted the street size to twenty-six (26) feet. Further, sidewalks were added at the request of Planning Staff. Sidewalks were eliminated from the original proposal, with the intention of retaining the atmosphere of the development by adding more greenery.
 - b. The original site plan did not include a thirty (30) foot buffer, or common ground, bordering Wilson Road. After the presentation to the residents of Wilson Farms, the petitioner found out that such a landscape buffer is a recommendation of the Planning Staff.
 - c. The petitioner would like the thirty (30) foot buffer to be included as part of the properties that border along Wilson Road, indicating maintenance could be controlled through the Subdivision Indentures. The Department Staff recommended the buffer be provided as a common ground area.
- Provision of sidewalks was not a big issue at the time of the meeting with residents of Wilson Farms.
 - Mr. Morley gave a slide presentation of the types of homes to be built in the proposed development.
 - A breakdown of the proposed lot sizes was given by Mr. Morley.

Commissioner Brown inquired about retention of trees on the proposed site.

- Trees along the western and southern boundaries of the property will be preserved, as well as along the creek area.

Commissioner Sherman indicated she would like to see sidewalks in this area.

SPEAKERS IN FAVOR: - None

SPEAKERS - NEUTRAL:

- #1 Bonnie Besterfeldt, 16306 Wilson Farm Drive, Chesterfield, MO 63005, spoke on behalf of the residents of Wilson Farm Estates.

Ms. Besterfeldt pointed out questions/concerns from the residents of Wilson Farm Estates for the Commission to consider:

- Wilson Farm was designed to shed water toward the subject site. Concern was expressed regarding the handling of stormwater for the proposed development.
- Concern about the density of the development, especially due to the eight (8) foot side yard setback requirement. The proposed homes appear to be extremely close. Residents of Wilson Farm Estates would like to see fewer homes developed on the proposed site.
- Residents of Wilson Farm Estates spent a lot of money on its common ground maintenance. The proposed buffer should be made common ground area, because individual homeowners may not be able to afford its upkeep.

COMMENTS/DISCUSSION BY COMMISSION

- Wilson Farm Estates is a development of one-acre lots.

SPEAKERS - OPPOSITION

- #1 Brian K. Stierwalt, 16300 Wilson Creek Court, Chesterfield, MO 63005, on behalf of the Trustees for Manors at Clarkson Valley.

Mr. Stierwalt noted the following concerns:

- Water runoff.
- The existing barbed wire fence along the western boundary.
- Means of dealing with the noise and dust associated with the development.
- The lot densities and configurations of the proposed site versus the existing densities in the Manors at Clarkson Valley that are over one-acre lots.

Mr. Stierwalt asked the City to consider the input/concerns from residents of Clarkson Valley. He made the following suggestions:

- Would like a close scrutiny of the land elevations and proposed use, in view of the past runoffs at the Manors at Clarkson Valley.
- Would like to know what the plans are for the existing barbed wire fence, and the plans for the boundary.
- Would like a temporary barrier to help abate the noise and dust impact to surrounding development.
- Would like a review of the disparity in the land densities between the proposed site and adjacent lands.
- Would like the boundary lines to be redrawn to come closer to the densities of those of the Manors at Clarkson Valley.

COMMENTS/DISCUSSION BY COMMISSION

Mayor Leonard inquired as to the average cost of the homes in Clarkson Valley.

Mr. Stierwalt responded they are running from \$330,000 to \$400,000.

REBUTTAL

Chairman McGuinness requested Mr. Morley to address the following items:

- the drainage problems - how will the petitioner deal with stormwater runoff;
- eight (8) feet either side of house;
- close proximity;
- fewer homes;
- common ground;
- water runoffs because of elevations;
- western boundary barbed wire fence;

- noise and air pollution while the development develops, and an abatement barrier;
- density concerns, the disparity mentioned by Mr. Stierwalt; and
- the scrutiny of land elevation - runoff, etc.

Mr. Morley stated the following:

- With respect to the water runoff - all stormwater drainage must be approved by the Metropolitan St. Louis Sewer District. The developer currently plans five (5) inlets along the northern portion of Sea Beauty Farms to pickup the stormwater drainage from Wilson Farms. This will be channeled into the stormwater system and retained, if necessary, in the detention area below Lots 17 & 18.
- With respect to the eight (8) foot side yard - this is a requirement of the City of Chesterfield. This is a minimum, the development will probably have ten (10) to fifteen (15) feet. If you include the driveway, it will be a greater distance. None of the homes will have the minimum eight (8) foot side yard setback.
- The homes will start between \$375,000 and \$400,000.
- The ranch style homes will be a minimum size of 3300 to 3400 square feet; and the two-story homes will be a minimum size of 3500 to 4000 square feet.
- The fifteen (15) foot rear yard is a requirement of the City. The proposed homes, if extended off of the right-of-way of some twenty-five (25) feet, will be three (3) times greater than what the ordinance requires.
- The water runoff and detention must be approved by the Metropolitan St. Louis Sewer District, and appropriate area inlets will be provided and channeled accordingly (as outlined earlier).
- Of the density development - the "R-1A" Zoning requested, in the developer's judgment, is a gradual transition between that of Wilson Farms Estates and development across Wilson Road. The types of homes will represent the character of the area, and their value will be as great, or greater, than that of homes in the surrounding area.

- The developer will be happy to share their development plan with residents of Clarkson Valley and the staging of development.
- The developer will try to reduce the amount of disruption caused by development to an absolute minimum.
- The barbed wire fence will be removed, if it is on the developer's property.

Commissioner Sherman asked for some confirmation (written correspondence) from the developer and residents of Clarkson Valley that their concerns are addressed.

Mr. Morley noted that the developer has worked with the residents of Wilson Farms.

Commissioner O'Brien read the remaining portion of the opening comments.

SHOW OF HANDS

IN FAVOR: 28 IN OPPOSITION: 9 NEUTRAL: 3

Chairman McGuinness recessed the meeting at 8:02 p.m.

Chairman McGuinness reconvened the meeting at 8:21 p.m.

APPROVAL OF THE MINUTES

The minutes from the meeting of July 26, 1993, were approved.

Chairman McGuinness stated the comments from the site plan meeting, held earlier this evening, will be made part of the official minutes of this meeting.

PUBLIC COMMENTS:

- #1. Mr. Jim Larkin, 1521 Hedgeford, Chesterfield, MO 63017, spoke regarding Applebee's.
 - When they moved in to Brandywine two (2) years ago, they were told there will be a restaurant northeast of here, or northwest, if there ever is one. He believes it is a question of intent and good faith.
 - He believes the restaurant, at the proposed location, would pose a drainage problem.

- The quality of life of the residents of Brandywine would be adversely affected by the restaurant.
- #2. Mr. Paul C. Kelly, 1512 Bedford Forge, Chesterfield, MO 63017, spoke regarding Applebee's.
- He expressed concern that the elderly people may not have a voice in this decision.
 - He noted concern about future development of the woods across from his building.

Chairman McGuinness noted that the Commission has not made a decision on anything, and she appreciates his comments.

- #3. Mr. John Green, 14632 Pine Orchard Court, Chesterfield, MO 63017, spoke regarding Applebee's.
- He noted that, in reviewing further the ordinance issued by St. Louis County, it stated that on the southeast property line there would be a buffer to separate this developed site from any residential property. He believes this specifically represents Brandywine Condominiums, which was in existence at that time.
 - The proposed building depicts parking stalls within fifteen (15) feet of the street. The street is approximately sixty (60) feet wide, and the residents in building 1 sit approximately twenty (20) feet from the road. He is perplexed that the ordinance shows a 300 foot setback that isn't reflected in the proposal for the distance between the property line and this building, the buffer that should be created. Yet, with a clear ability to locate the restaurant to the west, closer to Clarkson Road, as he believes was also in this ordinance, here the only acceptable site is right in the face of the residents of Brandywine.
 - Mr. Green handed out five sheets of photos depicting different vantage points of specific buildings in relationship to the proposed restaurant. The last set of photos reflect the drainage problems. Volz Engineering stated that none of the water from this site would flow into Brandywine; yet, looking into their own site drawing, it falls into a pipe underneath Chesterfield Parkway, and flows directly into Brandywine's lake. This is without provision of any detention or retention configuration.

City Attorney Doug Beach stated, for the record, he believes Mr. Green is referencing the landscape buffer, Section 4.I., which indicates a landscape buffer shall be indicated at least along the southeastern and northeastern property lines where subject site adjoins developed residential property. Landscaping shall be provided by means of a combination of deciduous and evergreen trees, and/or earth berms, in a manner approved by the Planning Commission. He noted that, now that the highway has been put in, the issue becomes one of whether the proposed development is adjacent to the residential property.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired how Brandywine is zoned.

Commissioner Sherman inquired whether, in planning terms, roads are considered buffers.

Commissioner Broemmer noted concern about the drainage problems. He inquired whether Mr. Green was opposed to **any** type of building on this piece of property, or just the proposed restaurant.

Mr. Green stated that, in specific regard to this drainage issue, it is his understanding that two (2) buildings were approved for those two (2) parcels that the singular building now represents. If two (2) office buildings were built there, the drainage would still be a major concern for two (2) reasons: 1) the amount of water that runs from that property today, and taxes the pond over in Brandywine's development, of which Brandywine is solely responsible for the maintenance and care; and 2) Brandywine incurred a cost of in excess of \$40,000 to repair the damage done to the pond when Sachs built a building there the last time. Therefore, no matter what structure goes up, the drainage is a very large concern.

Commissioner Broemmer asked if the residents of Brandywine would agree to another office building, if drainage problems are addressed.

Mr. Green stated that the concern would remain regarding the drainage problem.

City Attorney Doug Beach noted that, according to the ordinance, there is a requirement that no building or off-street parking stall shall be located within the following setbacks: It shall be seventy (70) feet of the existing southeast property line. The referenced map that uses the property line references, basically, that the property line is the Brandywine side of the highway. Therefore, the seventy (70) foot is met by the current proposal. The road would be included.

Mr. Green believes its intent would not be followed if, in fact, the building were allowed in its current location. If its intent was to create space between residential and commercial, the proposed location would violate the spirit of that term of the ordinance.

Director Duepner stated that Brandywine is zoned a combination of "R-2" 15,000 square foot Residence District and "R-5" 6,000 square foot Residence District, as approved under a Planned Environment Unit Procedure ordinance allowing for the multi-family units. He further stated that a road could serve as a buffer, a separation and transition between developments. Director Duepner noted that, in reference to the question about setbacks, building locations, etc., this a copy of the original concept development plan approved by St. Louis County, dating back to 1979. At the time, they depicted an area identified as a future Chesterfield Village road in this area, showing setbacks. However, the new location of Chesterfield Parkway shows a fifteen (15) foot building setback and a fifteen (15) foot parking setback on the proposed lot. Also, there is the buffer area being depicted on the Brandywine side of the Parkway.

- The dimensions/elevations of the proposed Chesterfield Parkway were not exactly known at the time of the original development of Brandywine.

Mr. Green referenced Section 4(c)(1), where the discussion of a buffer is described as a landscaped buffer. He would like to make that point to differentiate it from a concrete road, which is difficult to landscape.

#4. Mr. Ralph Hampton, 15631 Hedgeford Court, Chesterfield, MO 63017, regarding Applebee's.

- In 1978, Sachs talked to Brandywine residents and they agreed to the proposed development because they thought he was an honorable company man.
- Meetings were held with persons from eight (8) buildings, and resulted in 160 Brandywine people in support of the development. At that time, the signed agreement stated there would be no restaurant, except on the northern part on Clarkson Road.
- Brandywine residents believe Sachs has violated a legal agreement. In the April 17, 1978 Minutes, it was reported by Mr. Meisel that the St. Louis County Council incorporated everything that was in Brandywine's agreement with Sachs, except one thing. They wanted two (2) restaurants, and they agreed to one (1). How can they get two (2) restaurants now, after fifteen (15) years? How can they move it from one location to another?

- His understanding is that, if this had still been in St. Louis County, Ordinance 2D 1003.145-5, says that, if there is a substantial change in the original intent of the use of the property, that the St. Louis County Planning Commission could request St. Louis County Council to order a public hearing. He indicated that no one in Brandywine was notified of the hearing, no notice was on the property, they did not hear until about twenty-five (25) days after the hearing. They are upset over the entire matter. They don't believe Sachs has lived up to their responsibilities, and the interpretation of the Zoning Ordinance is incorrect.
- There are nineteen (19) bedrooms facing the proposed development. He believes the smells from the order of cooking will be distasteful to these people.
- He requested the Planning Commission to deny the request before them tonight.

#5. Mr. Norman Wolff, 15640 Hedgeford Court, Chesterfield, MO 63017, regarding Applebee's.

- The residents of Brandywine believed that the Ordinance the County passed did not permit this kind of development. He feels the people on the Planning Commission did not have this Ordinance in front of them when they made their prior decision.
- A restaurant, open all hours of the night, is not compatible with residential development. He requested consideration on this matter, and the support of the City.

City Attorney Beach noted, for the record, his purpose in reading parts of the Ordinance was to make a record, and was not to indicate that people were not aware of it. For the record, he indicated that the Planning Department should attach a copy of Bill No. 145, Ordinance No. 8800, of 1978, which was the Zoning Ordinance which approved commercial development and all the parts therein.

#6. David M. Hayman, 15631 Hedgeford Court, Chesterfield, MO 63017, regarding Applebee's.

- He noted that having a bar and grille open well past midnight would not be conducive for quite living for people who are along in years. He noted complete agreement with Mr. Hampton and Mr. Green, as do all the other residents at Brandywine. He donated his remaining comment time to Mr. Hampton, should he need it for further comment.

Chairman McGuinness noted he had about 1 1/2 minutes left.

- #7. Roberta Hayman, 15631 Hedgeford Court, Chesterfield, MO 63017, donated her time to Mr. Green.

Chairman McGuinness noted this amounted to a total of 4 1/2 minutes.

- #8. Mr. Steve Perl, 2322 Blue Hill Road, Chesterfield, MO 63017, regarding Marquette High School.

- He expressed concern about safety at the intersection at Clarkson Road turning on to Kehrs Mill Road.
- He would like special consideration be given regarding development of the vacant strip at that intersection.

- #9. Mr. Kevin Ohlendorf, 1657 Baronet, Ballwin, MO 63021, regarding the Wildhorse Springs Sign.

- He noted he is representing the County Kelly Residential Group.
- They are proposing an 8' x 8' sign in order to be competitive and attract buyers to their area.
- He provided photos of signs for Commission review.

- #10. Ms. Kathy Higgins, Vice President of Sachs Properties, 400 Chesterfield Center, Chesterfield, MO 63017, on behalf of Applebee's.

- She provided a petition sign by 600 office tenants (many of them are residents of Chesterfield). The tenants have been asking for good, family style restaurants in Chesterfield.
- Sachs has turned down numerous fast food type restaurants because they want something special in Chesterfield. They feel Applebee's is a special, good, family style restaurant to have in Chesterfield, and hope the Commission will approve it tonight.
- The original road system back in 1978, included the Clarkson interchange. The elevated roadway was a part of this.

#11. Roberta Hayman, 15631 Hedgeford Court, Chesterfield, MO 63017, regarding Applebee's.

- The residents of Brandywine have no objection to Applebee's Restaurant, they just don't want it in their back yard.
- She stated that Mr. Sachs spoke earlier this evening about how Sachs has done everything they said they were going to do. Both she and her husband have been residents of Brandywine for twenty (20) years, and the berm that Mr. Sachs said was put up in back of Building 1 is not there. Building 1 is almost adjacent to the Chesterfield Parkway, and will be exposed to the proposed restaurant. The safety of residents of Brandywine is important.

OLD BUSINESS - None

NEW BUSINESS

- A. **P.Z. 11-93 City of Chesterfield Planning Commission**; a proposal to amend Sections 1003.020 Definitions; 1003.101 "FP" Flood Plain District Regulations; 1003.103 "PS" Park and Scenic District Regulations; 1003.107 "NU" Non-Urban District Regulations; 1003.111 "R-1" Residence District Regulations; 1003.112 "R-1A" Residence District Regulations; 1003.113 "R-2" Residence District Regulations; 1003.115 "R-3" Residence District Regulations; 1003.117 "R-4" Residence District Regulations; 1003.119 "R-5" Residence District Regulations; 1003.120 "R-6A" Residence District Regulations; 1003.120A "R-6AA" Residence District Regulations; 1003.121 "R-6" Residence District Regulations; 1003.123 "R-7" Residence District Regulations; 1003.125 "R-8" Residence District Regulations; 1003.131 "C-1" Neighborhood Business District Regulations; 1003.133 "C-2" Shopping District Regulations; 1003.135 "C-3" Shopping District Regulations; 1003.137 "C-4" Highway Service Commercial District Regulations; 1003.141 "C-6" Office and Research Service District Regulations; 1003.143 "C-7" General Extensive Commercial District Regulations; 1003.151 "M-1" Industrial District Regulations; 1003.153 "M-2" Industrial District Regulations; 1003.168 Sign Regulations - General; 1003.168A Sign Regulations for "FP", "PS", "NU", and All "R" Districts; 1003.168B Sign Regulations for All "C", "M", and "MXD" Districts; 1003.168C Subdivision Information Signs; and, 1003.168D Temporary Signs of the City of Chesterfield Zoning Ordinance relative to sign regulations.

Commissioner Domahidy made a motion to table this item. The motion was seconded by Commissioner O'Brien and approved by a voice vote of 8 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. P.C. 38-78 Sachs Properties, Inc. (Elbridge Payne Office Park/Applebee's Restaurant); "C-8" Planned Commercial District Site Development Section Plan, Landscape Plan and Architectural Elevations; southeast quadrant of I-64/U.S. Highway 40-61 and Clarkson Road.

Commissioner Sherman reported that the Site Plan Review Committee reviewed this matter earlier this evening and did not come up with a recommendation to bring forward to this Commission tonight.

Senior Planner Laura Griggs-McElhanon reported on the matter (4 proposals were identified), noting the Department's recommendation of approval of Proposal number 4, as stated in the report. Samples of building materials were shown to the Commission.

COMMENTS/DISCUSSION BY COMMISSION

- There was discussion regarding moving the building closer to Clarkson Road, and the possibility of adding only one (1) restaurant, instead of two (2).
- There was concern that, if the restaurant were moved to the middle of the parcel, the parking could be a great distance away.
- It was suggested that the development could be more desirable if there was the ability to place one (1) restaurant as far as possible towards Clarkson Road, and toward the north as far as possible. Also, to place another restaurant on the eastern part of the property, possibly a little back from Clarkson Road.
- There was discussion regarding creation of a new ordinance.
- The petitioner, Mr. Grewe, stated earlier that he felt there is sufficient landscaping now, i.e., a berm adjacent to Building 3, and landscaping. He offered to do a 50/50 match with residents of Brandywine for additional landscaping on that side.

City Attorney Beach stated the Commission must consider the Site Plan before them. The existing ordinance allows for one single restaurant. The petition before the Commission meets the technical requirements of the current ordinance.

- There was disappointment expressed regarding having to place Sachs and the people in Brandywine in this situation. Appreciation was expressed for the people in Brandywine.
- The Commission, in acting to consider this as revision of a concept plan, was acting under the provisions of the governing ordinance.
- There was disappointment expressed over the fact that Applebee's would not consider an alternate location on the site.
- Photos of the proposed building exterior were shown to the Commission.

Commissioner Sherman made a motion that the Planning Commission accept the Site Development Plan with the locations of the buildings and parking lot on the Applebee site, P.C. 38-78, not the landscaping and architectural elevations, as recommended by the Department. The motion was seconded by Commissioner Kirchoff.

COMMENTS/DISCUSSION BY COMMISSION

Director Duepner noted that, if the intent is to provide for additional landscaping in areas as part of the landscape plan, it may be that landscape islands increase, or decrease, in size to accommodate additional landscaping. Therefore, this would be an issue to deal with at the landscape phase. He further noted that, if there is a desire to increase landscape areas, the Commission might want to deal with both the landscaping and the site plan, as parking, circulation, etc. would all be affected.

- There was concern that parking would be objectional, unless the number of landscape islands are increased.

Commissioner Sherman withdrew her motion.

Commissioner Sherman made a motion to approve the footprint of the building, as presented. The motion was seconded by Commissioner Kirchoff.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Brown stated her objection to the motion. She feels an Applebee's might work on the site, at a different location. She doesn't believe enough information had been presented regarding alternate locations. She noted there are too many unanswered questions regarding the original Ordinance concerning setbacks, buffering, road as a buffer, etc., and not enough information to approve the restaurant as proposed.

Chair McGuinness summarized the motion. A yes vote would mean that the Commission agrees that the proposed plan is where the building should go. Then we develop the site, parking, landscaping, and architectural elevations.

Upon a roll call the vote was as follows: Commissioner Broemmer, no; Commissioner Brown, no; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner O'Brien, no; Commissioner Sherman, yes; Commissioner McGuinness, yes.

The motion fails by a vote of 5 to 3.

Director Duepner requested some direction from the Commission, in terms of where the building should be located, or some perimeters in which the Commission would like to see it relocated.

City Attorney Beach stated the ordinance would have to be changed in order to change the size of the restaurant.

Director Duepner stated this could be in the form of an ordinance amendment, which would not require a public hearing.

Chairman McGuinness stated she believes the people would want a public hearing.

Director Duepner noted that it is up to the Planning Commission to determine whether or not a request is substantial enough to warrant holding of a public hearing.

Commissioner Brown noted that, if this comes back to the Commission, she will make a motion to hold a public hearing on the matter.

Commissioner Kirchoff stated he would like to see the proposal for one building near Clarkson and the second building further east.

Director Duepner noted it would be up to the petitioner to submit another proposal.

City Attorney Beach stated that, until there is another proposal submitted, the Commission cannot move ahead.

Director Duepner stated that it is his understanding that the Commission is looking for a site plan that is more like Alternative 1, which proposed the building much closer to Clarkson Road.

Commissioner Domahidy stated Alternative 2 might have some merit.

Commissioner Sherman stated that, even though she voted in favor of the footprint, as submitted, her real concern is the Brandywine building. She stated that she believes wherever that building, or any proposed building is positioned, the Brandywine building is very close to the Parkway. The Brandywine people need to think about how they can buffer their own building from the road and whatever is proposed across the street in the future.

Commissioner Kirchoff stated he agrees with Commissioner Sherman, and further stated that, if he were a Brandywine resident, he would develop a proposed landscape improvement for that area between Building 1 and Chesterfield Village Parkway. Then he would take this plan to the developer, who suggested they would be willing to participate on a 50/50 basis, or greater.

Commissioner Domahidy stated that a lot of what is being discussed this evening could have been resolved before coming before the Commission.

Commissioner O'Brien stated that, if Applebee's comes back to the Commission with a proposal depicting the building facing Clarkson Road, she would be in favor of outdoor seating.

Director Duepner noted, just for clarification, the current ordinance does not prohibit outdoor seating.

Commissioner Sherman noted, for the record, she likes the idea of outdoor seating.

Commissioner Domahidy stated there needs to be some more communication between the Applebee's representative and the people who live in Brandywine. The residents of Brandywine were there **first**, its not as though we are moving a residential development into a commercial area. She feels that the Commission has expressed concerns from the beginning, but no one was listening to those concerns.

- B. P.C. 38-78 Sachs Properties, Inc. (Elbridge Payne Office Park/Applebee's Restaurant); "C-8" Planned Commercial District Freestanding Business Sign; southeast quadrant of I-64/U.S. Highway 40-61 and Clarkson Road.

This matter was **held** due to the vote against the site development plan for this site.

- C. P.Z. 9-91 JPR Corporation (Sachs Maintenance Facility); "M-3" Planned Industrial District Landscape Plan (Phase 1); north side of Chesterfield Airport Road, east of Old Olive Street Road.

Commissioner Sherman, on behalf of the Site Plan Committee, recommended approval of this plan as presented by the Department. The motion was seconded by Commissioner O'Brien and **passed** by a voice vote of 8 to 0.

- D. P.Z. 27 & 28-92 Buchholz Mortuaries, Inc.; Conditional Use Permit (CUP) in "R-1" One Acre Residence District Site Development Plan; west side of Clarkson Road, south of relocated Wilson Road.

Commissioner Sherman, on behalf of the Site Plan Committee, recommended approval of this plan as presented by the Department. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 8 to 0.

- E. Church of The Incarnate Word; Conditional Use Permit (CUP) in the "R-3" 10,000 square foot Residence District; Freestanding Information Sign; south side of Olive Boulevard, east of Woods Mill Road.

Commissioner Sherman, on behalf of the Site Plan Committee, recommended approval of this sign, as presented by the Department, except that a landscape plan be submitted at a later date to the Department, and that the Department be given the authority to approve that landscape plan. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 8 to 0.

- F. P.Z. 14-90 Storage Masters; Amendment of "M-3" Planned Industrial District Site Development Plan; south of Chesterfield Airport Road & west of the intersection of Old Olive and Chesterfield Airport Road.

Commissioner Sherman, on behalf of the Site Plan Committee, recommended approval of this plan as presented by the Department. The motion was seconded by Commissioner Dalton and **passed** by a voice vote of 8 to 0.

- G. P.Z. 3 & 4-93 DLC Development Company (Wildhorse Springs); Planned Environment Unit (PEU) in the "R-2" 15,000 square foot Residence District Site Development Plan; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

Commissioner Sherman, on behalf of the Site Plan Committee, recommended approval of the plan, subject to the Missouri Highway and Traffic comments regarding construction of a left turn bay on Wild Horse Creek Road. The motion was seconded by Commissioner Brown and **passed** by a voice vote of 8 to 0.

- H. P.Z. 3 & 4-93 DLC Development Company (Wildhorse Springs); Planned Environment Unit (PEU) in the "R-2" 15,000 square foot Residence District Subdivision Promotion and Future Use of Site Sign; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

Commissioner Sherman noted the Committee did not get to this item at the Site Plan Meeting.

Commissioner Domahidy made a motion to approve the sign, as recommended by the Department. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION BY COMMISSION

- It was noted that the sign is a temporary sign, and the Department is recommending low lying evergreens placed at the base of the sign.

The motion passed by a voice vote of 7 to 1.

Chairman McGuinness and Commissioner Domahidy complimented Commissioner Sherman on her first performance as Site Plan Committee Chairman.

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 & Planning Committee** - No report.

Chairman McGuinness noted that, with regard to the report from Commissioner Scruggs regarding the City Center Task Force, she wanted it inserted into the record

that she would like the police department not to consider moving out of the Valley.

Commissioner Dalton inquired whether the police department would be separate from city hall.

Mayor Leonard stated the City is trying to convince people to remain in the Valley. He further stated that, if we move our police department from its location in the Valley, we are sending the wrong message to the people.

Chairman McGuinness noted she always felt the police department should be separate from city hall.

Mayor Leonard stated that, if there is a new city hall, the police department and administration building, as well as the administration portion of the public works department, will be in the same building. The public works facility will be in a different location.

Commissioner Dalton suggested the City pursue the Kangaroo Building as a future site for city hall. He inquired whether this would be something the Planning Commission would like to address.

City Attorney Beach noted there has been a City Task Force appointed by the Mayor. The report of Commissioner Scruggs was presented to the Commission for review and comment at its last meeting.

Director Duepner stated that Commissioner Scruggs took the previous comments back to the Council, and asked if the Commission wished to send additional comments forward.

Chairman McGuinness indicated we have a whole new set of circumstances here.

Chairman McGuinness noted that all Committee meetings will be put on hold another month.

Director Duepner noted the Smoke House is very interested in rebuilding and expanding. They are, at this time, contemplating filing a petition for rezoning. There might be a public hearing as early as September 13th, action by the Commission that same night, and it could be forwarded on to City Council. This depends upon whether or not they file the petition, as they are still looking at the financial aspects. The City would waive a filing fee, and assume this same approach for any other businesses down in the Valley that would be in a similar situation (i.e., the Wedge, Chesterfield Airport Road Cafe, the Fina Station, etc.).

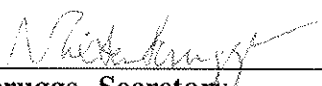
Mayor Leonard stated that anything the Commission can to expedite the process of rebuilding in the Valley is greatly appreciated.

Commissioner Kirchoff reported that the Corps of Engineers expects to have an on-site meeting with prospective contractors to perform the permanent rebuilding of the western incoming breach some time this week. Bids, hopefully, will be due the first part of next week. If everything falls into place, they may be able to start work toward the end of next week on what will probably be a two (2) to three (3) week project. This is the anticipated time period to complete rebuilding of the inlet breach. In about three (3) weeks from now, or sooner, they hope to award a contract for the remainder of the levee work down in that area, which would be Phase 2. There could be a problem with the financial aspect of Phase 2.

Mayor Leonard stated the 20% of the cost of the entire project is to be financed locally. He understands that local means the State of Missouri, St. Louis County, and the City of Chesterfield.

Commissioner Kirchoff reported that the Levee District has the 20% covered, as far as Phase 1 is concerned; but, the 20% with respect to Phase 2 is a possible problem at this time. We have overcome financial obstacles in the past, so we hope to continue to overcome same in the future. Phase 2 would be rebuilding the levee to its original configuration everywhere except for the 1800 foot long breach. There are twenty-four (24) outgoing breaches.

The meeting adjourned at 10:05 p.m.



Walter Scruggs, Secretary

[MIN8-23.093]