PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
June 23, 2003

The meeting was called to order at 7:08 p.m.

I. PRESENT

Mr. David Banks
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Rob Heggie, Acting City Attorney
Mayor John Nations
Ms. Mary Brown, Council Liaison
Ms. Annissa McCaskill, Senior Planner
Mr. David Bookless, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Kathy Lone, Planning Assistant

ABSENT

Mr. Fred Broemmer

II. INVOCATION: Commissioner Nolen

III. PLEDGE OF ALLEGIANCE:

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

Mayor Nations presented plaques to Mr. Mike Kodner and Mr. Jerry Right and thanked them for their dedication to the Planning Commission.

IV. PUBLIC HEARINGS:

Commissioner Wardlaw read the first portion of the 'Opening Comments.'

A. **P.Z. 9-2003 Opus Northwest (One Chesterfield Place):** a request for an amendment to City of Chesterfield Ordinance 1660 for the addition of the following use located at 14755 North Outer Forty: Colleges and Universities

Senior Planner Annissa McCaskill gave a power point presentation showing the subject site and surrounding area.

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for and speaking in favor of **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)**, stated the following;

- The existing building has 142,500 square feet;
- There are no changes being proposed to the exterior of the building or on the site plan;
- The University of Phoenix usually locates in office buildings and has another location at Riverport;
- 7,500 square feet are being proposed on the first floor for administrative space;
- The administrative offices would be occupied during regular daily office hours;
- The second floor of the building will have 19 classrooms and use 21,200 square feet;
- Classes would begin at 6:00 p.m. and end at 10:00 p.m. These evening hours allow working adults to attend the night school;
- Over 130,000 students currently attend 104 campuses and learning centers located in over 25 states;
- Average age of student is in their mid-thirties and many receive some type of tuition reimbursement from their employer;
- There would be approximately 100-150 students per night;
- Approval of this permitted use addition is very critical because if the University of Phoenix cannot open classes in September, they will not open at this location;
- Traffic will not be affected due to the evening hours of the classes.

Commissioner Macaluso asked Mr. Doster to provide information to the Commission regarding how the traffic has been impacted and was projected to be impacted at the Riverport location.

Commissioner Nolen asked that the internal lighting in the parking garage be reviewed for the possibility of additional lighting for safety.

Councilmember Brown expressed concern with the lights from the cars in the evening and lights in the parking garage and its impact on the neighboring residents.

Mr. Doster asked the Commission to eliminate the Issues Meeting and vote on this petition at the next Planning Commission Meeting on July 14, 2003 due to the time

constraints of approval of this permitted use addition so that the University could open in September.

2. Mr. John Pitcher, Director of Real Estate Development for Opus Northwest, 14755 North Outer Forty Road, Chesterfield, MO 63017, petitioner and speaking in favor of **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)**:

- Speaker stated that he is only requesting the addition of the permitted use;
- Speaker stated that there are 570 parking spaces in the garage.

3. Ms. Anne Gillespie, Campus Director, University of Phoenix, 3708 Bear Creek Bluff Court, Wentzville, MO 63385, speaking in favor of **P.Z. 9-2003 Opus Northwest (One Chesterfield Place);**

- Speaker stated that there would not be any daytime classes-only evening and Saturday.

3. Mr. Mel Kosanchick, Volz Engineering, 31 Old Ridge Road, St. Albans, MO 63073, engineer and speaking in favor of **P.Z. 9-2003 Opus Northwest (One Chesterfield Place);**

- Speaker stated that he was present to answer questions.

Commissioner Macaluso asked that the permitted use being requested be limited to evening and Saturday hours only.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION –

1. Mr. Jay Kirschbaum, 1520 Woodroyal East Drive, Chesterfield, MO 63017, Trustee for the Royalwood Subdivision and speaking in opposition to **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)**;

- Speaker stated that he opposed this change in use;
- Speaker stated that he opposes more traffic at night and on week-ends;
- Speaker stated that this use will have a negative impact on the residential neighborhoods;
- Speaker stated that he opposes any acceleration in regular procedures for this petition and requested that the Commission not allow a vote at the next meeting.

2. Mr. Lee Wall, 14759 Plumas Drive, Chesterfield, MO 63017, speaking in opposition to **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)**;

- Speaker stated that the photograph for the Public Hearing notice is old thus listing the wrong zoning and asked that this petition be postponed until an updated notice is presented;
- Speaker stated that all Trustees in the surrounding area should be notified;
- Speaker stated that if this proposal is approved, it will exacerbate the whole traffic situation along North Outer Forty, Conway Road and South Outer Forty;
- Speaker asked about the status of the Triple Left Turn and the Texas U-Turn.

SPEAKERS – NEUTRAL – None

REBUTTAL:

Mr. Doster stated that he will look into the Texas U-Turn.

Ms. McCaskill stated that the aerial used for the public hearing notification was done in March, 2001. The City purchases a new aerial every 2-5 years. Ms. McCaskill stated that public hearing notifications are sent to all subdivision trustees within one (1) mile of a proposal and adjacent properties within 200 feet. Trustees need to make sure subdivisions provide updated information to the City. Ms. McCaskill stated that she will provide the Commission with a list of subdivisions that were notified.

Ms. McCaskill stated that following issues would be reviewed and addressed:

- Impact of the use on traffic in the general area on North Outer Forty, Highway 40 and South Outer Forty.
- Internal lighting of the garage and how the adjacent residents would be affected;
- A sign package was just approved. How will the signage look on the building and the monument sign;
- How many parking spaces would be utilized and if there is adequate parking for the number of students and teachers;
- Possible limitation on the hours for this use listed in Attachment A;
- How many cars are on the road at the time the University would be in session;
- Update on the Texas U-Turn and what, if any, impact of this use on the implementation of the Texas U-Turn;
- Limitation on the permitted use listing the stipulations;
- Will students access the building at different hours for computer use, etc.

Chairman Sherman stated that **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)** would be placed on the July 14, 2003 Planning Commission Agenda for a possible vote.

Commissioner Wardlaw read the closing portion of the 'Opening Comments.'

V. APPROVAL OF MEETING MINUTES

Commissioner Macaluso made a motion to approve the June 9, 2003 Meeting Minutes, as corrected. The motion was seconded by Commissioner Nolen **and passes by a voice vote of 8 to 0.**

Commissioner Banks left the meeting at 7:58 p.m. and returned at 8:01 p.m.

VI. PUBLIC COMMENT -

Commissioner Layton stated that he was excusing himself from the dais and would not participate in any discussions or votes on **P.Z. 29-2002 The Bluffs at Appaloosa Way**.

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker asked the Planning Commission to vote on **P.Z. 29-2002 The Bluffs at Appaloosa Way** this evening;
- Speaker stated that the petitioner has not been able to resolve issues with the neighbors;
- Speaker stated that the requested zoning is in accordance with the Comprehensive Plan;
- Speaker stated that a non-disclosure agreement was signed when the petitioner and the Shearn's and Reuther's entered negotiations;
- Speaker stated that the Shearn's and Reuther's do not want to be part of the rezoning so a portion of the subdivision will remain 'NU Non-Urban.'

2. Mr. Richard Halsey, Hall & Halsey Associates, Inc., 424 South Clay, St. Louis, MO 63122, land planner and landscape architect for and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way;**

- Speaker stated that he was present to answer questions.

3. Mr. Barry Simon, 632A Trade Center Boulevard, Chesterfield, MO 63005, developer and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he was present to answer questions.

3. Mr. Stephen Kling, Jr., 10 South Brentwood Boulevard, Clayton, MO 63105, attorney for the Shearn's and Reuther's and speaking in opposition of **P.Z. 29-2002 The Bluffs at Appaloosa Way;**

- Speaker stated that he believes that this is subdivision destruction;
- Speaker stated that this petition is not good planning and should wait until the whole area is ready to be developed;
- Speaker stated this subdivision was platted and approved before the City had jurisdiction over it;
- Speaker stated that this intensive use is inappropriate and inconsistent with the Indentures;
- Speaker asked the Commission to not recommend this petition tonight.

General discussion followed concerning the roadway and the easement.

4. Mr. Tim Gamma, speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

    - Speaker had left the meeting.

5. Mr. Larry Mintz, 243 Fick Farm Road, Chesterfield, MO 63005, petitioner and speaking in favor of **P.Z. 5-2003 Liberty Homes**;

    - Speaker stated that the driveway issues have been resolved;
    - Speaker gave an overview of his project.

Commissioner Layton returned to the dais.

Mr. Rob Heggie left the dais at 8:20 p.m. and returned at 8:22 p.m.

6. Mr. Kent Kehr, 13334 Fair Field Square, Town & Country, MO, speaking in favor of **Long Road Crossing** and **Long Road Crossing, Lot 1**;

    - Speaker stated that he was present to answer questions.

7. Mr. Rich Obertino, 8251 Maryland Avenue, St. Louis, MO 63105, architect and speaking in favor of **Long Road Crossing** and **Long Road Crossing, Lot 1**;

    - Speaker stated that he was present to answer questions.

8. Mr. Mel Kosanchick, Volz Engineering, 31 Old Ridge Road, St. Albans, MO 63073, engineer and speaking in favor of **Reliance Bank;**

   - Speaker stated that he was present to answer questions.

Councilmember Brown left the dais at 8:25 p.m. and returned at 8:27 p.m.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. Chesterfield Business Park: Amended Site Development Concept Plan a 20.23-acre tract of land, zoned "PI" Planned Industrial District, located on the west side of Chesterfield Business Parkway, north of Edison Road.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan for **Chesterfield Business Park.** The motion was seconded by Commissioner Wardlaw **and passes by a voice vote of 8 to 0.**

B. Chesterfield Business Park, Lot 4 (Pichee Office Building): Amended Site Development Section Plan, Architectural Elevations, and Landscape Plan for an office building on a 0.90-acre tract of land, zoned "PI" Planned Industrial District, located on the west side of Chesterfield business Parkway, north of Edison Road.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Architectural Elevations and Landscape Plan for **Chesterfield Business Park, Lot 4 (Pichee Office Building)** with the following two (2) Architectural Review Board recommendations of 1. Increase the landscaping on Chesterfield Business Parkway around the transformer and around the trash enclosure, 2. Metal roof screening to be compatible with the building colors, and a further increase in the landscaping in front of the building on the east side. The motion was seconded by Commissioner Banks **and passes by a voice vote of 8 to 0.**

C. Long Road Crossing: Site Development Concept Plan, Design Criteria, and Sign Package for an approximately 23-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Site Development Concept Plan and Design Criteria for **Long Road Crossing**. The Sign Package will come back for approval at a later date. The motion was seconded by Commissioner Banks **and passes by a voice vote of 8 to 0.**

D. **Long Road Crossing, Lot 1:** Site Development Section Plan, Architectural Elevations, and Landscape Plan for a retail building on a 2.36-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Long Road Crossing, Lot 1** with the following Architectural Review Board's recommendations: 1. Trash enclosure should match the building material, 2. Parapet screening of the rooftop units, 3. Adding additional landscaping to the rear of the property will add to the neighborhood, and 4. If a patio will be added, additional landscaping will be provided for that area. The motion was seconded by Commissioner Wardlaw **and passes by a voice vote of 8 to 0.**

E. **Elbridge Payne Office Park**: Record Plat for a 5.352-acre tract of land in a "C-8" Planned Commercial District located on the northeast corner of Chesterfield Parkway East and Clarkson Road in a subdivision known as "Elbridge Payne Office Park."

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Elbridge Payne Office Park**. The motion was seconded by Commissioner Banks **and passes by a voice vote of 8 to 0.**

F. **Spirit Trade Center, Lot 23 Junior Hawthorne**: Site Development Section Plan, Landscape Plan and Architectural Elevations for a new warehouse/office building on a 1.606 acre tract of land zoned "M-3" Planned Industrial District located south of Edison Avenue, east of Trade Center Drive.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Landscape Plan and Architectural Elevations for **Spirit Trade Center, Lot 23 Junior Hawthorne** with the following Architectural Review Board's recommendations: 1. Substitute parking spaces with additional landscaping, 2. The 45' drive on the east side of building should be reduced to add additional landscaping, and 3. The trash enclosure should be the same as the building material. The motion was seconded by Commissioner Wardlaw **and passes by a voice vote of 8 to 0.**

Commissioner Nolen stated that the Site Plan Committee meeting would continue with discussion on the Site Development Plan, Architectural Elevations and Landscape Plan for **Reliance Bank**.

G. **Reliance Bank:** Site Development Plan, Architectural Elevations, and the Landscape Plan for a bank/office building on a 1.436-acre tract of land, zoned "PC" Planned Commercial District, located on the north side of Wild Horse Creek Road, east of Long Road.

Commissioner Macaluso made a motion to approve the Site Development Plan, Architectural Elevations and Landscape Plan for **Reliance Bank** with the following Architectural Review Board's (ARB) recommendations: 2. Specify evergreen trees in place of crabapple and prostrate evergreens in place of capping stone, 3. Materials that are being shown are to be used, 4. Developer to work on a plan to provide a sidewalk to the north (turning the sidewalk into the island.). The motion was seconded by Commissioner O'Connor **and passes by a voice vote of 8 to 0.**

Chairman Sherman called a recess at 8:44 p.m. and the meeting reconvened at 8:52 p.m.

VIII. OLD BUSINESS -

Commissioner Layton stated that he was excusing himself from the dais and would not participate in any discussions or votes on **P.Z. 29-2002 The Bluffs at Appaloosa Way**.

A. **P.Z. 29-2002 The Bluffs at Appaloosa Way:** A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 13.5 acre tract of land located north of Wildhorse Creek Road, to the west of the "Appaloosa Way" subdivision (Locator Numbers 18T-42-0194, 18T-42-0161, 18T-44-0059, 18T-44-0015, 18T-42-0039).

Project Planner David Bookless gave an overview of **P.Z. 29-2002 The Bluffs at Appaloosa Way**. Mr. Bookless stated that the following conditions were agreed to by the petitioner and are listed in Attachment A: Tree preservation, tree replacement for trees disturbed by construction of the proposed private road, geo-grid and retaining wall shall be located entirely within the private road easement, and, where topography allows, sidewalks shall meander parallel to Wild Horse Creek Road around existing mature trees or nearly planted trees.

Commissioner Banks made a motion to approve **P.Z. 29-2002 The Bluffs at Appaloosa Way**. The motion was seconded by Chairman Sherman.

Commissioner Macaluso expressed concern with the money required for the two (2) lots not being rezoned if they seek to rezone too, the two (2) lots being left as an island and a second entrance that would be required by the Fire District for access if the rest of the new subdivision is developed, and the destruction of a neighborhood. Commissioner Macaluso stated that this property should be zoned E-3 Acre Residence District.

Commissioner Banks stated that if it was not for the issue that it is a new subdivision and the remaining property owners had wanted this rezoned to E-3 Acre, we would have looked at the Comprehensive Plan, gone through all of the steps that we look at and concluded there is nothing wrong with that. Commissioner Banks stated that he is struggling with how he does not support it when he simply looks at it as a rezoning request.

Commissioner Wardlaw stated that he, too, has been torn over this issue. Commissioner Wardlaw stated that this subdivision is not a 'normal' subdivision in that it is platted by a developer, built by a developer and sold off to individual homeowners. This subdivision seemed to more of a joining up of individual lot owners and the homes were individually built and then agreed to be a subdivision almost after the fact. Commissioner Wardlaw stated that at one time homeowners in the subdivision agreed to change the Indentures to allow changing lot sizes from 3-acres to 1 ½ acres.

Commissioner Macaluso asked the Commissioners to think about how they would react if this was happening in their neighborhood. Commissioner Macaluso stated that she was going to vote according to her own set of morals and ethics.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Macaluso, no; Commissioner Nolen, yes; Dr. O'Connor, no; Commissioner Perantoni, no; Commissioner Wardlaw, yes; Chairman Sherman, yes. (Commissioner Layton abstained from voting.)

The motion fails by a vote of 4-3-1 to achieve a simple majority (5 votes). This petition will be forwarded to the City Council with no recommendation. Passage and approval will require a 'super majority' (6 of 8 votes) by the City Council.

Commissioner Layton returned to the dais at 9:05 p.m.

B. **P.Z. 5-2003 Liberty Homes**: a request for a "Commercial Services Procedure" within an "R3" District for a .36 acre property located at 996 Chesterfield Parkway East, south of Olive Boulevard and North of Interstate 40/64. (Locator Number: 18S-33-0601)

Senior Planner Annissa McCaskill gave an overview of **P.Z. 5-2003 Liberty Homes**. Ms. McCaskill stated that the petitioner will make a correction to his plan at the Site Development Plan stage concerning illustration of the grades on the cross section.

Commissioner Nolen made a motion to approve **P.Z. 5-2003 Liberty Homes**. The motion was seconded by Commissioner Macaluso.

Upon a roll call the vote was as follows: Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Dr. O'Connor, yes; Commissioner Perantoni, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Chairman Sherman, yes.

The motion passes by a vote of 8-0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

A. Committee of the Whole
B. Ordinance Review Committee
C. Architectural Review Committee
D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee
G. Landmarks Preservation Commission

Chairman Sherman stated that she would have the list of new committee assignments at the next Planning Commission meeting on July 14, 2003.

The meeting unanimously adjourned at 9:09 p.m.

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B. G. Wardlaw, Secretary