

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
April 10, 2000**



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

I. PRESENT

Mr. David Banks
Mr. Fred Broemmer
Mr. Charles Eifler
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Ms. Victoria Sherman
Chairman Dan Layton, Jr.
Mayor Nancy Greenwood
Mr. Doug Beach, City Attorney
Councilmember Mary Brown, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Jennifer Samson, Planner I
Ms. Mary Claire Goodwin, Planner I
Ms. Kathy Lone, Executive Secretary/Planning Assistant

ABSENT

Mr. Jerry Right

II. INVOCATION: Commissioner Nolen

III. PLEDGE OF ALLEGIANCE: All

Chairman Layton recognized the attendance of Councilmember-elect John Nations (Ward II), Councilmember-elect Charlie Schiedt (Ward IV) and Councilmember Mary Brown (Ward IV) as Council Liaison.

Mayor Nancy Greenwood made the presentation of a plaque to Councilmember-elect John Nations (Ward II) in appreciation for his outstanding dedication and service as a member of the City of Chesterfield Planning Commission.

Councilmember-elect John Nations thanked Mayor Greenwood and the Commission for their hard work on behalf of the people of Chesterfield.

IV. PUBLIC HEARINGS:

Commissioner Banks read the first portion of the Opening Comments.

- A. **P.Z. 06-2000 Chesterfield West Executive Center:** A proposal to amend City of Chesterfield Ordinance Number 773 creating conditions for the "C-8" Planned Commercial District, and to allow "medical and dental offices" and "offices or office buildings" as permitted uses. Said property is located on the north side of Olive Boulevard and immediately west of West Drive.

Project Planner Mary Claire Goodwin gave a slide presentation of the subject site and surrounding area.

1. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, attorney for the petitioner for P.Z. 06-2000 Chesterfield West Executive Center, stated the following:

- Requesting Ordinance Amendment to allow "medical and dental offices" and "offices or office buildings" as permitted uses. In the original ordinance, no uses were specified. To request uses, a Public Hearing is necessary;
- There will be no retail use;
- Site is approximately 2.5 acres;
- There will be two (2) buildings, one with approximately 10,000 square feet and the other will have approximately 20,000 square feet;
- Petitioner has met with Trustees and residents of both Wellesley Place and Braefield subdivisions to discuss their issues and concerns;
- The architecture for the buildings has been designed to blend in with the two (2) subdivisions for a residential-look;
- There will be two (2) entrances: the east entrance is approximately 220 feet from Olive Boulevard, the west entrance is approximately 320 feet from Olive Boulevard;
- The original plan was for one (1) building but the development has been split into two (2) buildings to accommodate the entrances and to break up the development and not make it look so massive;
- The setback at the western edge is 25 feet and expands to 35 feet at the eastern edge;
- Trash enclosure will be completely enclosed and will be constructed of the same materials as the buildings, including the roof of the enclosure;
- Storm water will be underground detention to allow for further green space and the increased setback; will comply with MSD requirements;
- Flow of storm water: approximately 90% will flow to the south. There are various collection points in the parking lot and water will be piped through and will ultimately connect to an existing pipe in the Wellesley Place development which was designed to accommodate the flow from this property;
- Balance of water will drain to the north and there are collection points along the north boundary of this property. The collection points will collect the water and it will flow into a main collection point located in the Braefield Condominiums which was sized to accommodate the flow of water off this property;

- Property will have a sight-proof fence of the same type of material that exists on West Drive. The fence will be approximately 8 feet high;
- Petitioner will hire a lighting expert. Petitioner will submit a Lighting Plan to the City for review and comment. Petitioner will do what he can to avoid any glare or glow that would interfere with the Wellesley Place residents;
- Petitioner proposes to use brick and an EIFS material on the buildings to soften the buildings and give them a residential look;
- Mechanicals will be installed at ground level but screened with landscaping;
- Landscape Plan will be submitted to the City for review and comment;
- Height of the buildings will be approximately the same as the height as the homes in the Wellesley Place Subdivision that abut the proposed site;
- A single hydrant will be required by the Chesterfield Fire Protection District;
- Floor area ratio is 27.5%; green space is 42%.

COMMENTS/DISCUSSION

Commissioner Sherman asked for some background on this property.

Mr. Doster stated that this property was part of the Braefield property. Braefield was rezoned residential and this piece of property was left.

Commissioner Sherman asked about pedestrian access.

Mr. Doster stated that there is a sidewalk in front of the Braefield Condominiums along Olive Boulevard and hopefully there will be a continuation of the sidewalk along the eastern boundary of this development. There is a sidewalk along the northern edge of West Drive. Perhaps there will only be that one sidewalk on the north edge of West Drive and the other side would be green space.

Mr. Doster stated that the original zoning did not have restrictions of hours because no uses were specified.

Commissioner Macaluso stated that she would like to see more brick on the Olive Street elevation for a more residential look.

Commissioner Macaluso asked why there would not be an entrance directly across from the entrance for Braefield.

Mr. Doster stated that one of the concerns of the residents of Braefield was that they did not want their street used as a cut-through to Olive Boulevard. Mr. Doster stated that a concern of Staff was that they thought that there needed to be more stacking and be farther away from Olive Boulevard.

Commissioner Eifler stated that the rendering shows a predominantly brick facade on the west side. Commissioner Eifler asked if the facade would be matched on the Wellesley Place side.

Mr. Doster stated that it would.

Commissioner Eifler asked about the specifics of the material or construction of the sight-proof fence.

Mr. Doster stated that it would be identical to the fence that is on the boundary of Wellesley Place now. The fence would be of the same type, design and materials.

Chairman Layton stated that he was pleased that the petitioner had met with the neighboring residents.

Mr. Doster stated that would be 113 parking spaces.

Mr. Doster stated that medical and dental would not require late hours but limiting the office use to given hours is not appropriate due to working late hours. Mr. Doster stated that hour limitations for these types of uses may not be appropriate.

Commissioner Nolen asked where the trash dumpsters would be located and what time the trash would be picked-up due to noise for the Wellesley Place residents.

Mr. Doster stated that he would look into the hours of pick-up. The location of the dumpster will be designed so that it would be attractive and fit in with the rest of the development.

City Attorney Beach asked about signage since there are a number of potential uses with the only access being off West Drive.

Mr. Doster stated that signage had not been finalized yet but one idea is to have a monument sign that is comparable in design and materials with the one across the street for Braefield.

Mr. Doster stated that a conversation with a resident stated that they felt it was unnecessary to have sidewalks on both sides of West Drive. Perhaps the residents of Braefield would feel differently but they already have a sidewalk on their side. Mr. Doster stated that he is open to the idea of another sidewalk or green space.

SPEAKERS IN FAVOR –

1. Mr. Kevin Crisp, 33 Arrowhead Estates, Chesterfield, MO 63017, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;
- Speaker had left the meeting.

2. Mr. Bernie Schmidt, 857 Braefield, Chesterfield, MO 63017, President of the trustees for Braefield Condominiums, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated that the residents appreciated meeting with the developer to discuss concerns;
- Speaker stated that the residents would like a guarantee that there would not be any construction mud coming down into their basin;
- Speaker stated that the developer is proposing an underground retention tank in the northwest corner that will take about 80-90% of the water away from Braefield which is satisfactory with most of the residents;
- Speaker stated that the two (2) entrances would solve any issues the residents had. Speaker stated that there needs to be stacking along West Drive. Eventually, the residents may be asking for a traffic light at the intersection of West Drive and Olive Boulevard;
- Speaker stated that the sidewalk along West Drive is not an issue. Residents would prefer green space;
- Speaker stated that with the types of uses proposed, hours of operation would not be a problem but obviously anything that happened in the middle of the night would be more detrimental to the residents of Wellesley Place. Speaker stated that the residents would like some type of restriction from midnight to 6:00 a.m.;
- Speaker stated that the residents are pleased with the aesthetics of the building and think that this is a good use for this property.

3. Ms. Rosie Bergh, 28 West Drive, Chesterfield, MO 63017, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated that the sidewalk issue came up with Wellesley Place and the Planning Commission at that time agreed with the residents that the green space was better than sidewalks;
- Speaker stated that she thinks that this is a good use for the property.

4. Ms. Paige Lierman, 34 Arrowhead Estates, Chesterfield, MO 63017, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated that she is in favor of this petition and feels that this is a good solution for the property.

5. Ms. Sandra Hall, 35 Arrowhead Estates, Chesterfield, MO 63017, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated that she is in favor of this use for the property.

6. Mr. Terry Bond, 231 South Bemiston, Suite 1111, Clayton, MO 63105, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker declined to speak.

7. Ms. Mildred Woodruff, 15346 Olive Boulevard, Chesterfield, MO 63017, speaking in favor of P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated this is a wonderful use for the property;
- Speaker stated that the traffic getting out onto Olive Boulevard from West Drive is bad now. Speaker asked if there would be another exit for the cars from the proposed development.

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL -

8. Ms. Randee Schmittiel, 805 Wellesley Place, Chesterfield, MO 63017, trustee for Wellesley Place Subdivision, speaking neutral to P.Z. 06-2000 Chesterfield West Executive Center;

- Speaker stated that residents in her subdivision have the back view of the proposed development;
- Speaker stated that residents in her subdivision are happy with the use but have some concerns;
- Speaker stated that lighting is a major concern. There can be no lighting coming back onto the properties in the Wellesley Place Subdivision;
- Speaker stated that she hopes there is a lot of landscaping;
- Speaker stated that she is concerned with the location of the garbage;
- Speaker stated that she wants restrictions on the hours of operation;
- Speaker stated that, if there is after hours parking, perhaps the parking could be moved to the front of the buildings;
- Speaker stated that traffic already is bad trying to get out onto Olive Boulevard;
- Speaker stated that the property currently looks bad. The residents had been told that the brush and dead trees would be taken away weeks ago;
- Speaker stated that the old structures on the property need to be removed.

Commissioner Banks stated that he shares the opinion that the property currently looks terrible with the debris and old buildings.

Commissioner Banks asked Ms. Schmittiel which was better: parking behind the buildings or the building at the back of the property line.

Ms. Schmittiel stated that a lot will depend on the landscaping and how much.

Commissioner Eifler asked if the height of the fence is acceptable to the residents of Wellesley Place.

Ms. Schmittdiel stated that, as long as it stays where it is supposed to be, it should be alright.

Commissioner Eifler stated that if Ms. Schmittdiel had a preference on some things, the time to do something is before the Commission votes on the petition.

Ms. Schmittdiel stated that one of the problems is people with 2-story houses. You can't build a fence high enough to block out their view. You don't want a fence too high or it becomes obstructive and lots are small so you could feel closed it.

Chairman Layton reviewed the Public Hearing process.

Commissioner Sherman asked Ms. Schmittdiel for her opinion on sidewalks.

Ms. Schmittdiel stated that she likes West Drive as it is now.

Ms. Schmittdiel stated that she has not as yet seen any Landscaping Plan, only the building plan.

REBUTTAL:

Mr. Doster stated that the petitioner, with the possible users he has talked to, could prohibit use between 11:00 p.m. and 5:30 a.m.

Mr. Doster stated that the petitioner is only proposing two (2) access points off West Drive.

Mr. Doster stated that a lighting expert will be hired and a lighting plan will be submitted to the City for review and comment.

Mr. Doster stated that the petitioner will clear the property. A contractor was to begin clearing the land today but due to wet weather, will not be able to start until Wednesday. Mr. Doster stated that hopefully this situation would be resolved by the end of the week.

Mr. Doster stated that the Wellesley Place side of the two (2) buildings will actually be the entrances to the buildings. The buildings will be accessed from the parking lot side. Mr. Doster stated that there are two (2) items that dictated where the parking would be located: sufficient maneuvering room for emergency vehicles and, because of the sight-proof fence on the south and west sides of the property, there will not be a view of the back of this property, except possibly the roofline, from the first floor of the Wellesley Place homes. From the second floor of a Wellesley Place residence, they will not see much of the parking lot. They will see the landscaping and the entrance ways to the front side of the buildings which face the parking lot side.

Mayor Greenwood stated that she is tired of being told by the petitioner that he going to have the land cleared. Mayor Greenwood stated that this is not a 'good neighbor' attitude to leave this property looking that way all this time.

Mr. Doster stated that he had a letter faxed to him that the land would be cleared this week. Mr. Doster stated that a demolition permit is needed for the structures and this will take some time.

Commissioner Nolen asked the petitioner to check with the residents of Wellesley Place to find out their preference for a taller landscape buffer or a more permanent thicker buffer.

Commissioner Banks stated that the Site Development Plan given to the Commissioners adds up to approximately 22,000 square feet of building and Mr. Doster stated that it would be approximately 30,000 square feet.

Mr. Doster stated that the plan given to the Commissioners was incorrect. Mr. Doster stated the plan does not show a loft area that will be usable space.

Mr. Doster stated that the elevations will be uniform. The back will look like the front and vice versa.

Chairman Layton stated that P.Z. 06-2000 Chesterfield West Executive Center would be reviewed by the Architectural Review Board (ARB). The ARB would be directed to look at the impact on the area, does it architecturally fit into the surrounding area, how do they view the parking and turnaround, dumpster placement and trash disposal, material usage and blending, and what will be seen from the second story of the residents' homes.

Commissioner Banks read the next portion of the Opening Comments.

- B. P.Z. 11-2000 St. Louis Family Church:** A request for a change in zoning from "C-8" Planned Commercial, "NU" Non-Urban, and "M-3" Planned Industrial Districts to "PI" Planned Industrial for a 16.17 acre tract of land located south of Chesterfield Airport Road, west of Valley Center Drive, more commonly known as St. Louis Family Church (Locator Numbers: 17U230298, 17U210179, 17U210168, 17U230201, 17U230221, 17U230111).

Proposed Uses:

- Churches shall be allowed on tracts of land of at least one acre in area.

Project Planner Mary Claire Goodwin gave a slide presentation of the subject site and surrounding area.

1. Mr. Ron Kadane, Clayton Engineering, 11920 West Line Industrial Drive, Maryland Heights, MO 63146, engineer for petitioner of P.Z. 11-2000 St. Louis Family Church;

- Proposed site for rezoning has 6 parcels for approximately 16.17 acres;
- Petitioner wants site improvements and to improve their facilities;
- Staff told petitioner that the 6 parcels had 4 different types of zoning. Staff asked them to rezone to Planned Industrial (PI) and suggested that petitioner do a Boundary Adjustment Plat to negate the lines to end up with one (1) parcel;

- The Boundary Adjustment Plan has been submitted for review by Staff;
- There will be more parking than is required;
- A Landscape Plan will be submitted for review;
- Front entrance will be improved from three (3) to four (4) lanes. St. Louis County Highway concurs with the concept;
- The future use will remain the same. Currently, the south building is the main sanctuary facility, the building to the north is now being used as offices and the children's learning centers.

COMMENTS/DISCUSSION

Councilmember Brown stated that the City's Department of Public Works has vehicles stored in the back on the east side. Councilmember Brown asked if the petitioner had an intention of screening that area for an aesthetic benefit.

Mr. Kadane stated that pavement goes to the east property line. Mr. Kadane stated that where the soccer nets are is the west property line.

SPEAKERS IN FAVOR – None

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL - None

REBUTTAL – None

Chairman Layton stated that P.Z. 11-2000 St. Louis Family Church would not need review by the Architectural Review Board (ARB).

Commissioner Banks read the next portion of the Opening Comments.

C. P.Z. 12-2000 Kramer Assets Group, L.L.C. and Kramer Properties, L.L.C.:

A request for a change in zoning from "M-3" Planned Industrial District to "PI" Planned Industrial District for a 19.8 acre tract of land located south of Interstate 40, north of Chesterfield Airport Road, west of Long Road and east of Goddard.

Proposed Uses:

- Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
- Business, professional, and technical training schools;

- Business service establishments;
- Cafeterias for employees and guest only;
- Child care centers, nursery schools, and day nurseries;
- Dwelling or lodging units, only for watchmen, caretakers, or other personnel whose residence on the premises is essential to the operation of a permitted use or uses;
- Financial institutions;
- Manufacturing, fabrication, assembly, processing, or packaging of any commodity, except:
 - (i) Facilities producing or processing explosives or flammable gases or liquids;
 - (ii) Facilities for animal slaughtering, meat packing, or rendering;
 - (iii) Sulphur plants, rubber reclamation plants, or cement plants, and;
 - (iv) Steel mills, foundries, or smelters.
- Medical and dental offices;
- Offices or office buildings;
- Outpatient substance abuse treatment facilities;
- 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;
- Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities;
- Printing and duplicating services;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids.

Project Planner Jennifer Samson gave a slide presentation showing the subject site and surrounding area.

1. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, attorney for the petitioner for P.Z. 12-2000 Kramer Assets Group, L.L.C. and Kramer Properties, L.L.C., stated the following:

- The Preliminary Site Development Plan shows the existing Cambridge Engineering building on the east. Attached to it is the proposed expansion. Two (2) office buildings are proposed to the west. There are two (2) owners: Cambridge Engineering and John (Jack) Kramer;
- Engineer for this project is George Stock of Stock and Associates;
- Rezoning from M-3 to Planned Industrial (PI);
- No retail uses proposed;
- Proposed site is 19.8 acres. All but 3.1 acres are owned and the 3.1 acres are under contract;
- Cambridge Engineering and the proposed expansion comprise 11.7 acres and the proposed office development comprise 8.1 acres;

- The warehouse expansion is 96,100 square feet. The office expansion which is connected to Cambridge Engineering consists of 11,600 square feet;
- The proposed office consists of four (4) buildings, all of them 2-stories; two (2) of the buildings are 36,000 square feet and the other two (2) buildings are 30,000 square feet;
- Cambridge Engineering's existing use would not change. General uses are being sought for the office development;
- On the Cambridge Engineering side of the development, 217 parking spaces are required and 229 spaces will be provided. On the proposed office development, 440 parking spaces are required and 440 spaces will be provided;
- Access to the development from Chesterfield Airport Road is via an existing private drive, part of which is on property owned by one (1) of the petitioners and part is an easement over property owned by Terra Investments, which is the petitioner on the development immediately to the east;
- There will be a connector road going through the developments of Lipton Realty, Terra Investments, the proposed Cambridge Engineering and a soon to be proposed development. There have been discussions among the property owners and developers concerning common infrastructure, sanitary sewer and storm water and attempting to coordinate the development of all of that which they feel is to the benefit of the developers and the City. In the future, the connector road would loop south to Chesterfield Airport Road and line up with a signalized entrance with Spirit Drive. Later there may also be a road coming off Chesterfield Airport Road and T-ing into the connector road. At that time, the private road could be abandoned. The plan will require review by the petitioner with respect to the connector road.

2. Mr. George Stock, Stock and Associates, 425 N. New Ballas, St. Louis, MO 63141, engineer for petitioner of P.Z. 12-2000 Kramer Assets Group, L.L.C. and Kramer Properties, L.L.C., stated the following:

- The developments have storm water, sanitary sewer and road access in common;
- A trend in the requirements of the rezoning is an east-west collector road that is halfway between Chesterfield Airport Road and Highway 40;
- Chesterfield Corporate Park (Lipton Realty) established the east-west collector road and then came the Kramer Assets petition with the master plan for the four (4) building office complex and an east-west collector road that would tie in to the private drive;
- Petitioner is trying to keep the road linear through the properties where this development would dedicate a 40-foot strip at some distance north or south from Chesterfield Airport Road across its property and as it extends to the west, 20-feet of dedication on the north side and 20 feet of dedication would come with future development of this property and then we gain the linear road;
- Points of connection to Chesterfield Airport Road have been discussed with Staff. The one that is set is Chesterfield Industrial Boulevard and Chesterfield Corporate Park (Lipton Realty);
- Another common feature is the sanitary sewer. There have been discussions on how to serve from Long Road west to the nursery property. This was originally master planned with two (2) regional pump stations. MSD and the City have given conceptual approval to eliminate

one (1) pump station and have one (1) regional pump. All five (5) property owners are in agreement to work together and dedicate the necessary easements;

- Storm water – there are certain requirements that have been placed on each individual property relative to conveyance of storm water which starts north of Highway 40, part of the interchange water, and then all of the properties west drain through the Kramer Property and continue on to Long Road to a pump station on the north side and then over the levee;
- The necessary room has been allocated to accommodate a 30-foot wide drainage ditch which is part of the overall master plan;
- The only remaining issue is the driveway that serves the property. It is a private drive which is serving the office complex and would be dedicated in an easement until the connector road and the points of permanent egress and ingress are in place. Then the road could be abandoned;
- The connector road would become a public road.

COMMENTS/DISCUSSION

Councilmember Brown asked if the Department of Public Works would approve a private road now as the only access to the property.

Mr. Doster stated that there have been discussions and feels that they are favorable toward this until such time as alternate access can be established.

Mr. Stock stated that there is a reservoir requirement on the properties to the east and a conveyance requirement of a 30-foot wide channel proposed and going from west to east.

Commissioner Broemmer stated that the east-west road is going to end up in a drainage easement or a sanitary sewer right-of-way. Commissioner Broemmer stated that he hopes a sanitary sewer would not be under a road.

Mr. Stock stated a development plan has been created to the east and one to the west. The basis of this development plan was to utilize the access from Chesterfield Airport Road along the existing drive creating a cul-de-sac.

Mr. Stock stated that the sanitary sewer would be located immediately adjacent to that road outside of the 40-foot easement with an additional 10-foot wide easement.

Chairman Layton and Commissioner Macaluso asked the petitioner to reconsider some of the uses.

Mr. Doster presented a colored rendering to the Commission.

SPEAKERS IN FAVOR –

3. Mr. Peter J. Danna, 1941 Chermore Court, Chesterfield, Mo 63017, speaking in favor of P.Z. 12-2000 Kramer Assets Group, L.L.C. and Kramer Properties, L.L.C.;

- Speaker stated that Jack Kramer and Cambridge Engineering have been a cornerstone and anchor in this area for many years;
- Speaker and relatives own the property between Jack Kramer's property and the nursery;
- Speaker stated that this will be a highly visible area;
- Speaker stated that he is in favor of the overall structure of the area.

SPEAKERS IN OPPOSITION – None

SPEAKERS – NEUTRAL – None

REBUTTAL - None

Chairman Layton stated that P.Z. 12-2000 Kramer Assets Group, L.L.C. and Kramer Properties, L.L.C. would not need to be reviewed by the Architectural Review Board (ARB) at this time.

Commissioner Banks read the next portion of the Opening Comments.

- D. P.Z. 17-2000 City of Chesterfield Planning Commission:** A proposal to amend Section 1005.080 of the City of Chesterfield Subdivision Ordinance to provide for subdivision improvements or guarantees and penalties for the failure to comply therewith.

Project Planner Mary Claire Goodwin gave an overview of this petition and asked the Commission if they had any questions.

City Attorney Beach explained that this originally started as a 'problem developer' ordinance that dealt with the issue of subdivision residential developments in which there were problems with one subdivision not being completed and improvements not being made. The state statutes have changed. When a subdivision is approved, the development puts money in an escrow for the infrastructure improvements to be made and there is a guarantee. Traditionally, 10% of the overall amount had been held. Now with the state statute changes, you must line item and can only keep 5% of each individual line item. This petition is to bring the subdivision ordinance in compliance with the state statutes. This deals with the issue that if infrastructure is not being taken care of, there is an attempt to identify the developer or related entities of that developer so that he can not go out and form a new corporation. This gives the Department the ability to declare them in default so the City can get the money and, if necessary, do the improvements themselves. It also, by ordinance, would be cause not to approve a subsequent development by the same developer or related entity.

Chairman Layton stated that the Issues for this petition would be discussed during the New Business portion of the meeting.

Commissioner Macaluso expressed concern that if one had to go after the escrow amount, is it taken into account that over a two (2) year period of time, expenses may have increased and would the City be able to recur increased costs of the improvements.

City Attorney Beach stated that you could only go after the amount that was escrowed. The Department of Public Works decides the escrow amount and makes an effort to calculate potential.

Commissioner Macaluso stated that this is a long overdue subdivision ordinance revision. Perhaps an ordinance revision for commercial development could be done so that you do not have ordinance violations that are allowed to be approved again in the commercial area.

Councilmember Brown questioned if this ordinance would allow the City to stop a developer who is a problem developer from coming in for zoning on another piece of property.

City Attorney Beach stated that the City Council has the authority to consider the developer's lack of compliance with their earlier activities as a reason for saying no in a subsequent request.

City Attorney Beach stated that this could be referred to the Ordinance Review Committee for commercial development.

Chairman Layton stated that this would not go before the Architectural Review Board (ARB) for review.

Commissioner Banks read the closing portion of the Opening Comments.

V. APPROVAL OF MEETING MINUTES

A motion to **approve** the March 27, 2000 Meeting Minutes, as corrected, was made by Commissioner Eifler and seconded by Chairman Layton. The motion **passes by a voice vote of 7 to 0**.

Chairman Layton recessed the meeting at 9:00 p.m. The meeting reconvened at 9:14 p.m.

VI. PUBLIC COMMENT:

1. Ms. Karyn Griffin, 16657 Chesterfield Manor Drive, Chesterfield, MO 63005, trustee for Chesterfield Farms Subdivision, spoke in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;
- Speaker stated that two (2) issues were identified during the lighting work session: glare to the

residents on the bluff and light level ordinance violation;

- Speaker asked the Commission to deny this petition until the 360-degree shields are installed on all of the lights in Chesterfield Commons to take care of the glare issue;
- Speaker stated that the petitioner has assured them that they comply with the City's lighting requirements. Maximum luminants in the Commons parking lot measure approximately 16 foot-candles and the City's requirement is 8 foot-candles;
- Speaker stated that she has talked to Mr. Randy Burkett, a lighting expert, about the feasibility of testing an area of the parking lot by reducing the number of lamps.

Chairman Layton asked Ms. Griffith about the lighting tests in the Valley.

Ms. Griffin stated that the flat lens full cut-off fixtures were wonderful and made a huge difference. The partial shielding helped a little bit but there was still a lot of glare.

Commissioner Sherman asked what 'the average initial level' means. This reference is made on page 33 of the City's Subdivision Ordinance.

Commissioner Broemmer stated that the average initial level was taking multiple readings on the parking lot and taking their average. The initial level is when they are first installed before they get dirty.

Chairman Layton suspended the rules to allow Mr. Randy Burkett, a lighting expert, to speak.

Mr. Randy Burkett, Randy Burkett Lighting Design, Inc., 127 Kenrick Plaza, St. Louis, MO 63119, stated that an average foot-candle is taking an average of light levels (points) on a surface. The average of all of the points would give you the average light level or foot-candle. A maximum would be the highest level one can find in that same field of measurement.

Commissioner Macaluso asked if Mr. Burkett took an average for the Commons.

Mr. Burkett stated that an average requires a lot of points to be done accurately and he just did point measurements. Points ranged from a low of 4 or 5 near the perimeter of the property up to 16 under one of the poles. This was not an average because not enough points were taken.

Mr. Burkett explained that, on page 33 of the City of Chesterfield Subdivision Ordinance, there is a table for the illumination standards in foot candles for structures and their parking areas. The minimum initial level at any point on the parking area for commercial is 0.5. Mr. Burkett stated that that means that you should find no measurable point on the parking lot below 0.5. This normally is put in ordinances for safety issues. The intent is to avoid dark spots. The average initial level for commercial is 1.0. This is an average of all of the points on the parking lot. The average for the Commons is in the range of 7 to 10. The maximum initial level 5 feet from the base of a light standard for commercial is 8.0. Mr. Burkett stated that if you stood under a pole, walked 5 feet away and put your meter out, you would measure no greater than 8 foot candles. Mr. Burkett stated that the highest level at the Commons measured between 15 and 16 foot candles.

City Attorney Beach asked Mr. Burkett how there would be an average of one (1) foot candle.

Mr. Burkett stated that it is a little extreme and quite low. Mr. Burkett stated that, in his opinion, he would not recommend a one (1) foot candle in a commercial development with a parking lot this large. It is not safe or secure.

Commissioner Nolen asked Mr. Burkett what the minimum foot candle average is for safety in a parking lot the size of the Commons.

Mr. Burkett stated that the base line that they use for recommendations for an enhanced and secure parking lot is an average of 2.5 foot candles.

Commissioner Nolen asked about reducing the bulb wattage to 400.

Mr. Burkett stated that one can not just change the wattage, but must change the fixture. Each fixture is designed for a specific wattage.

Commissioner Macaluso stated that a minimum standard in the Subdivision Ordinance should be 1.5 foot candles and the lowest standard that Mr. Burkett could measure was four (4) foot candles. According to the Subdivision Ordinance, the maximum foot candle should be eight (8). Unless permission is given by the Director of Planning to exceed that number, they are not in compliance with the ordinance.

Mr. Burkett stated that it is a trend in this country that there are higher light levels in parking lots mainly because, with feedback from customers, higher light levels are safer and make for more secure environments.

Councilmember Brown asked if the lights were not shielded but the foot candles were reduced, what would be the effect be on the glare on Chesterfield Farms.

Mr. Burkett stated that there would be no effect. The issue on the bluffs is mainly glare. The Illuminating Engineering Society of North America (IESNA) stated that eighty percent (80%) of sky glow or atmospheric light pollution is caused by direct light coming from a light fixture. At the Commons, the portion of the fixture that drops down with the glass is causing some atmospheric light pollution. The glare shield would also eliminate that. Shields are the only things that will solve the glare problem.

Commissioner Nolen asked what the cost would be for new fixtures.

Mr. Michael Staenberg, developer for the Commons, stated that the cost would be approximately \$350,000. That would include 4 fixtures per pole, 100 poles for a total of 400 fixtures.

Commissioner Eifler asked Mr. Burkett if the numbers in the table on page 33 of the Subdivision Ordinance were familiar to him.

Mr. Burkett stated that he did not recognize the numbers in the Subdivision Ordinance as being standard numbers. Mr. Burkett stated that in regards to the Commons, in his opinion, the minimum is too low, the average is too low but the maximum is alright by today's standard design practice. Mr. Burkett stated that this was a good attempt at the ordinance to try to develop a number that could be used to measure existing and new developments but it could be improved.

Commissioner Macaluso asked Mr. Burkett who was paying him for his time and appearance at the meeting.

Mr. Burkett stated that THF Realty is his client.

Commissioner Eifler asked if the voltage went from 1000 to 400, would more fixtures be needed to get the proper uniformity.

Mr. Burkett stated that due to the current pole spacing, you could use 400 watts but all new fixtures would be needed. The fixture is too large and the reflector is too big to handle that. Mr. Burkett stated that this is not a simple change-out but something that would have to be looked into because this is a high voltage system.

Chairman Layton thanked Mr. Burkett for providing information to the Commission.

Commissioner Macaluso asked Ms. Griffin if she was aware of any other ordinance violations that are occurring in the Commons at the present time.

Ms. Griffin stated that the trash behind Wal-Mart and the signage is the same as it was a month ago.

2. Ms. Jeanne Tevlin, 16705 Chesterfield Farms Drive, Chesterfield, MO 60005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;
 - Speaker stated that the Chesterfield Commons lighting exceeds the City ordinance and is obtrusive to the daily lives of the residents;
 - Speaker stated that the trash pile-up behind some buildings is a concern.
3. Mr. Donald R. Kern, 16807 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;
 - Speaker stated that he strongly urges the Commission to review the suggestions of the residents for modification of the Attachment A;
 - Speaker suggested that the fast food use be eliminated;
 - Speaker asked that both nuisance glare and light trespass be addressed in Attachment A;
 - Speaker asked that the enforcement language by their attorney be included in Attachment A.

4. Mr. Donald Katt, 16869 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker stated that if parking is permitted behind the shops, there will be more noise, lighting and car pollution;
- Speaker urged the Commission to amend Attachment A to prohibit parking between the building structures and the adjoining residential properties to the south.

5. Ms. Mary Purvines, 16863 Chesterfield Bluffs Circle, Chesterfield, MO 63005, speaking in opposition to P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker presented slides showing violations of outside storage and trash;
- Speaker urged the Commission to prohibit any outside storage, whether fenced or not.

6. Mr. Mike Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, attorney for petitioner of P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;

- Speaker stated that the Commons is not before the Commission but rather P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.;
- Speaker stated that they have submitted a response to the submittal proposed by the resident's attorney to find a compromise but there are some restrictions the developer can not agree to, particularly the deletion of certain uses;
- Speaker stated that he feels that the lighting has been addressed with the new proposal before the Commission tonight;
- Speaker stated that the parapet has been painted;
- Speaker stated that he does not want landscaping included as a mandatory measure in the ordinance because he is not sure how it would work. Speaker stated that he would rather go to each resident and attempt to solve their problem;
- Speaker stated that reimbursement has been authorized to the association for plantings they have done;
- Speaker asked the Commission to discuss with Mr. Burkett the incompleteness of the ordinance in regards to lighting. It is not a very workable ordinance.

Commissioner Sherman asked Mr. Doster how many parking spaces there are with this project and how many are required.

Mr. Doster stated that 1,360 parking spaces are required and 1,368 will be provided. There will be 60 to 70 parking spaces behind the building.

VII. NEW BUSINESS

- A. **P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.**: A request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a 52.6 acre tract of land located south of Chesterfield Airport Road, east of Boones Crossing and north of the St. Louis, Kansas City and Colorado Railroad.

Proposed Uses:

- Associated work and storage areas required by a business, firm, or service to carry on business operations;
- Barber Shops and beauty parlors;
- Bookstores;
- Cafeterias for employees and guests only;
- Colleges and universities;
- Dry cleaning drop-off and pick-up stations;
- Filling stations, 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;
- Film drop-off and pick-up stations;
- Financial institutions;
- Hotels and motels;
- Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - Placed underground; or
 - Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning or review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.

- Medical and dental offices;
- Offices or office buildings;
- Public utility facilities;
- Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith;
- Restaurants, fast food;
- Restaurants, sit down;
- Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training;
- Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craftpersons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and

services associated with these uses may be sold or provided directly to the public on the premises;

- Permitted signs (See Section 1003.168 'Sign Regulations');
- Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises;
- Vehicle repair facilities for automobiles;
- Vehicle service centers for automobiles;
- Vehicle washing facilities for automobiles.

Chairman Layton stated that previously the residents had provided the Commission with a list of concerns. P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. was held to allow the Commission time to review this information. Chairman Layton stated that Staff has come up with ten (10) separate issues. The Commission has received a report from Staff that states the Resident's Request, the Petitioner's Response and Department Input.

Chairman Layton stated that for purposes of procedure and to move P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. forward, a motion is needed to proceed with Attachment A. Then each of the ten (10) issues will be addressed.

Commissioner Banks made a motion to approve P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. as presented in Attachment A. The motion was seconded by Commissioner Sherman.

Project Planner Jennifer Samson gave an overview concerning Issue #1. Permitted Uses.

Commissioner Banks stated that he has a concern with the vehicle repair and service as a use in this location whether it is free-standing or inside a large building due to the noise and the closeness of the neighbors.

Commissioner Macaluso stated that she would like the use of restaurants and fast food omitted. Commissioner Macaluso stated that she feels there will be too many chains of fast food restaurants so close to the residents.

Chairman Layton stated that most of the outlots at the Commons will be restaurants and fast food. Chairman Layton stated that he was not sure how you could give the Commons this use and not this petition.

City Attorney Beach stated that uses are not something that one can consider because you feel that there already are too many. City Attorney Beach stated that if you believe that the fast food restaurant is too close to residential in this particular area, that is a concern that can be expressed and voted on. The use issue is not in terms of competition.

Commissioner Eifler made an amendment to the motion to remove the following uses: #6. Dry cleaning drop-off and pick-up stations, #7. Filling stations, 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; #15. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith; #24. Vehicle washing facilities for automobiles, from the Permitted Uses Section. The amendment to the motion was seconded by Commissioner Broemmer.

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

The amendment to the motion passes by a vote of 7 to 0.

Commissioner Banks made an amendment to the motion that would eliminate uses: #22. Vehicle repair facilities for automobiles and #23. Vehicle Service centers for automobiles, in the Permitted Uses Section. The amendment to the motion was seconded by Commissioner Nolen.

Upon a roll call, the vote was as follows: Commissioner Broemmer, no; Commissioner Eifler, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Sherman, no; Commissioner Banks, yes; Chairman Layton, yes.

The amendment to the motion passes by a vote of 5 to 2.

Commissioner Macaluso made an amendment to the motion to eliminate ‘#16. Restaurant, fast food’ from the Permitted Uses Section. The amendment to the motion was seconded by Commissioner Banks.

Upon a roll call, the vote was as follows: Commissioner Eifler, no; Commissioner Macaluso, yes; Commissioner Nolen, no; Commissioner Sherman, no; Commissioner Banks, no; Commissioner Broemmer, no; Chairman Layton, no.

The amendment to the motion fails by a vote of 1 to 6.

Commissioner Sherman stated that she voted for this amendment because she does not feel that fast food makes that much of a difference over just any restaurant since there will be other restaurants in the Valley.

Commissioner Eifler made an amendment to the motion to allow ‘#8 Film drop-off and pick-up stations’ but not as free-standing businesses. The amendment to the motion was seconded by Commissioner Sherman.

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

The amendment to the motion passes by a vote of 7 to 0.

Project Planner Jennifer Samson gave an overview of Issue #2. Building Materials for P.Z. 37-1999 THF Chesterfield Development, L.L.C. (Chesterfield Valley Plaza).

Commissioner Eifler made an amendment to the motion that non-reflective black or earthtone colors shall be used for all roofing materials. The amendment to the motion was seconded by Commissioner Broemmer.

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

The amendment to the motion passes by a vote of 7 to 0.

Commissioner Macaluso made an amendment to the motion that the same guidelines that were used for Chesterfield Commons also be used for this development for the building materials for exterior facades. The amendment to the motion was seconded by Commissioner Eifler.

Chairman Layton stated that the Architectural Review Board (ARB) does address this matter.

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

The amendment to the motion passes by a vote of 7 to 0.

Project Planner Jennifer Samson gave an overview concerning Issue #3. Parking Behind Building.

Councilmember Brown stated that if parking were prohibited behind the building, could the petitioner provide the required number of parking spaces on site elsewhere.

Commissioner Nolen stated that her concern with parking behind the building is that this requires another surface space that has to be lighted safely. Therefore the lighting would be closer to the residents. Commissioner Nolen stated that there is also the noise factor with the doors.

Commissioner Nolen made an amendment to the motion that parking not be allowed behind the anchor building. The amendment to the motion was seconded by Commissioner Macaluso.

Commissioner Eifler stated that if parking is prohibited, the only alternative would be to redesign by either cutting back on the square footage of the building or reconfiguring the building so it takes up the parking space. Commissioner Eifler stated that the point is that it is doable.

Commissioner Sherman stated that another possibility would be to eliminate an outlot.

Ms. Samson stated that, Attachment A, Floor Area Height and Building Requirements, A. 2. States, "The square footage constructed shall be based on the development's ability to comply with the parking and storm water regulations of the City of Chesterfield."

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

The amendment to the motion passes by a vote of 7 to 0.

Ms. Samson gave an overview of Issue #4. Landscaping. Ms. Samson stated that the Department of Public Works will not support (iv) of the resident's request which states: ' (iv) In detention areas and along existing water courses, trees (Bald Cypress, Canadian Hemlock, Leatherleaf Viburnum or Nannyberry) shall be planted.'

Councilmember Brown stated that the Department of Public Works generally would not allow trees to be planted in a detention area due to possible damage by tree roots.

Commissioner Nolen made an amendment to the motion that since the petitioner has agreed to plant trees behind the individual residents, it be required if the residents ask. The amendment to the motion dies due to a lack of a second.

Commissioner Macaluso made an amendment to the motion that, in Attachment A, a landscape buffer be on the south side of the building. The amendment to the motion dies due to a lack of a second.

Commissioner Macaluso stated that her amendment to the motion was asking that, even though landscape buffers are on the plan, that it be part of the ordinance so that we can keep better records of it.

Director of Planning Teresa Price asked for clarification as to whether they meant the south side of the building or the site.

Commissioner Macaluso stated that she was talking about the site.

Commissioner Eifler stated that landscaping at the south of the building is currently shown on the plan but is not mentioned in Attachment A.

Ms. Price stated that she did not know if it could be put there because of the toe of the levee. She stated that it could say there would be a landscaping buffer between the bluff and the building.

Commissioner Macaluso made an amendment to the motion that there will be a landscape buffer between Edison Avenue and the building. The amendment to the motion was seconded by Commissioner Nolen.

Commissioner Eifler asked Ms. Price if, when the City builds Edison Avenue, would it be landscaped.

Ms. Price stated that there would not be trees because Edison Avenue is on the levee.

Commissioner Banks asked if a Landscape Plan would be submitted.

Ms. Price stated that there is a requirement for a Landscape Plan to be submitted with the Site Development Plan.

Councilmember Brown stated that when this plan was originally submitted to the Commission, there were going to be trees on both sides of Edison Avenue. When the plan was submitted to City Council, the City found out that the Levee District would not allow it. Therefore, the trees that were going to be required along Edison Avenue were moved to the north. Councilmember Brown stated that perhaps the amendment to the motion could be worded that whatever is required here could be consistent with the Commons.

Chairman Layton stated that he thought that the wording was flexible enough to do that.

Ms. Price stated that, with the Commons development, they had to come back in and build the berm up more between the building and the retention area.

Commissioner Macaluso stated that she felt that the way the amendment to the motion is stated gives enough flexibility so that when the Commission looks at the Landscape Plan, they will remember that there is to be a buffer.

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

The amendment to the motion passes by a vote of 7 to 0.

Ms. Samson gave an overview of Issue #5. Lighting. Ms. Samson stated that a Lighting Plan would be required to be submitted in conjunction with the Site Development Concept Plan noting foot-candles and fixture information.

Commissioner Macaluso stated that the only difference between the Resident's Request and the Petitioner's Response was in the Resident's Request: "d....Maximum 7.5 foot-candles, except that the maximum at the property line adjacent to the residential area shall be 0.5 foot-candles." The resident's have agreed to the horizontal illuminance that the petitioner has requested.

Ms. Price stated that Mr. Randy Burkett, a lighting expert, came up with the wording change.

Chairman Layton suspended the rules to allow Mr. Randy Burkett to answer questions.

Mr. Burkett stated that the basic differences in wording: The original wording was "Horizontal illuminance (measured in a vertical plane...) is not possible. Horizontal illuminance means horizontal facing up. Mr. Burkett stated that his interpretation is that it meant that it is five feet off the ground, measured horizontally. Mr. Burkett stated that the issue, ..."except that the maximum at the property line adjacent to the residential area shall be 0.5 foot-candles." This issue is addressed in more specific language in '#5. Lighting b. (i) e. Lighting shall not create disabling glare presenting a hazard to drivers or pedestrians, shall not generate nuisance glare and shall not produce light trespass on neighboring devices.' Mr. Burkett stated that it was suggested to eliminate the first wording to avoid confusion.

Mr. Burkett stated that it is his opinion that the thrust is similar. Mr. Burkett stated that these are maintained levels.

Commissioner Broemmer stated that the Commission could not dictate to the engineer what kind of light bulbs to use, only the results they need to perceive.

Commissioner Nolen asked the Commission if they were comfortable with a 42-foot overall height when it was stated that between 30 and 40 is acceptable for those types of parking lots.

Commissioner Broemmer stated that the height seems fine. The critical thing is the type of fixture. That would be the flat lens type fixture and not positioned to where it is sitting at an angle where it will give off that glare. It will be positioned so that it is flat coming out.

Commissioner Eifler made an amendment to the motion that, in regards to lighting, Attachment A be modified to include the Petitioner's Response for c.1. Parking Lot Lighting and c.2. Building Lighting. The amendment to the motion was seconded by Commissioner Broemmer.

Upon a roll call, the vote was as follows: Commissioner Eifler, yes; Commissioner Macaluso, yes; Commissioner Nolen, no; Commissioner Sherman, yes; Commissioner Banks, yes; Commissioner Broemmer, yes; Chairman Layton, yes.

The amendment to the motion passes by a vote of 6 to 1.

Commissioner Eifler questioned the Resident's Request and the Petitioner's Response for 3. Maintenance, '...acceptable illumination levels and glare control.' Commissioner Eifler asked what 'acceptable' means.

Mr. Burkett stated that the Resident's Request, "All lighting installations shall be regularly cleaned and relamped or repaired as necessary to maintain acceptable illumination levels and glare control.' Mr. Burkett stated that 'regularly cleaned' does not define how often. Mr. Burkett stated that to maintain the levels, you might need to clean them once a month to keep them from having the levels fall below the minimums.

Commissioner Eifler stated that he questioned the word 'acceptable' because he does not know how to inspect for performance.

Commissioner Eifler made an amendment to the motion to modify Attachment A regarding lighting to include c.3. Maintenance to read: "All lighting installations shall be relamped or repaired as necessary to maintain prescribed illumination levels and glare control." The amendment to the motion was seconded by Commissioner Broemmer.

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

The amendment to the motion passes by a vote of 7 to 0.

Ms. Samson gave an overview of Issue #6. Trash Enclosures.

Commissioner Nolen stated that the petitioner has been warned of violations. Commissioner Nolen stated that the intent with the Commons was to be a 'good neighbor.' Commissioner Nolen stated that the visual sight at the back of the Commons is a visual pollution that is not acceptable. Commissioner Nolen suggested putting a brick enclosure and having a reference to maintenance.

Commissioner Macaluso stated that a sight-proof fence could be a fence wrapped with poly.

Commissioner Broemmer made an amendment to the motion to accept the Resident's Request: "A masonry enclosure two (2) feet higher than the dumpster and/or trash compactor equipment. The gate to the masonry enclosure shall be located away from abutting residential property." The amendment to the motion was seconded by Commissioner Macaluso.

City Attorney Beach stated that he would like the last sentence of Attachment A added: "The location, elevation and material of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan."

Commissioner Nolen stated that she would like 'and repaired as necessary to maintain.'

These additions to the amendment to the motion were accepted by Commissioner Broemmer and Commissioner Macaluso.

The amendment to the motion shall read: "A masonry enclosure two (2) feet higher than the dumpster and/or trash compactor equipment and shall be repaired as necessary to maintain. The gate to the masonry enclosure shall be located away from abutting residential property. The location, elevation and material of any trash enclosures shall be as approved by the Planning Commission on the Site Development Plan."

Upon a roll call, the vote was as follows: Commissioner Nolen, yes; Commissioner Sherman, yes; Commissioner Banks, no; Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Macaluso, yes; Chairman Layton, no.

The amendment to the motion passes by a vote of 5 to 2.

Director of Planning Price stated that she had just been informed by a representative for the residents that they will accept what is in the existing Attachment A for Issue #7. Commercial Vehicles.

Chairman Layton stated this item would be passed on discussion.

Ms. Samson gave an overview for Issue #8. Site Maintenance. Ms. Samson stated that Staff does not object to this item being added to Attachment A.

Commissioner Macaluso made an amendment to the motion that Attachment A be amended to add, "All site maintenance, including parking lot cleaning, sweeping in front or behind stores, maintenance and/or repairs of parking areas shall be done only between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday." The amendment to the motion was seconded by Commissioner Sherman.

Commissioner Banks stated that this amendment would force people to clean the parking lots when cars are on the parking lot. It does not give them time to do this outside of business hours.

Upon a roll call, the vote was as follows: Commissioner Sherman, yes; Commissioner Banks, yes; Commissioner Broemmer, no; Commissioner Eifler, no; Commissioner Macaluso, yes; Commissioner Nolen, yes; Chairman Layton, no.

The amendment to the motion passes by a vote of 4 to 3.

Commissioner Broemmer and Chairman Layton stated that they voted against this amendment to the motion due to a practical standpoint since the cleaning needs to be done after the cars are off the lot.

Commissioner Macaluso stated that the stores are not open and the parking lot would be vacant from 7:00 a.m. to 9:00 a.m.

Ms. Samson gave an overview of #9. Storage.

Chairman Layton stated that the Resident's Request should state: 'No retail sales, storage or displays are permitted outside the building.'

Commissioner Eifler made an amendment to the motion to amend Attachment A in regards to Storage to read: 'No retail sales, storage or displays are permitted outside the building.' The amendment to the motion was seconded by Commissioner Macaluso.

Councilmember Brown asked Commissioner Eifler if his amendment to the motion is to prohibit garden centers.

Commissioner Eifler stated that his intention is to prohibit the violations seen on the slides this evening and, if that includes garden centers, it includes garden centers.

Councilmember Brown stated that she understood the issue to be to allow the garden center for Wal-Mart and then ended up with the enormous storage area behind Lowe's. Councilmember Brown wanted clarification that this would prohibit both.

Commissioner Eifler stated yes.

Commissioner Nolen questioned if Storage includes the outside storage of carts.

Commissioner Eifler stated that the intent of his amendment to the motion did not include the storage of carts. Commissioner Eifler stated that the Commission could vote on his amendment and then vote on another amendment specifically relating to carts.

Chairman Layton stated that the way the amendment was made, storage could be interpreted very broadly.

Commissioner Broemmer asked if this prohibits the garden centers.

Chairman Layton stated yes.

Commissioner Macaluso withdrew her second of the amendment to the motion.

The amendment to the motion was seconded by Commissioner Nolen.

City Attorney Beach stated that the retail sales are what are prohibited at the garden center.

Upon a roll call, the vote was as follows: Commissioner Banks, no; Commissioner Broemmer, no; Commissioner Eifler, yes; Commissioner Macaluso, no; Commissioner Nolen, yes; Commissioner Sherman, no; Chairman Layton, yes.

The amendment to the motion fails by a vote of 3 to 4.

Commissioner Nolen made an amendment to the motion that no retail sales, storage or displays are permitted outside the building. Garden centers are permitted if attached to the building with a black wrought iron fence. The amendment to the motion was seconded by Commissioner Macaluso.

City Attorney Beach suggested changing the wording 'wrought iron' to 'black ornamental iron.'

Commissioner Nolen and Commissioner Macaluso both accepted this change to the amendment.

Commissioner Banks stated that there may be good and sufficient reason to store certain items outdoors if for no other reason than the Fire Marshal may not want baled cardboard sitting in the back room. Commissioner Banks stated that there are ways to screen outside storage much better than has been seen exhibited at Lowe's. Commissioner Banks stated that there are different types of fencing that could be used.

Commissioner Eifler stated that the violations have been seen repeatedly.

The amendment to the motion shall read: No retail sales, storage or displays are permitted outside the building. Garden centers are permitted if attached to the building with a black ornamental iron fence. The amendment to the motion was seconded by Commissioner Macaluso.

Upon a roll call, the vote was as follows: Commissioner Broemmer, no; Commissioner Eifler, no; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Sherman, yes; Commissioner Banks, no; Chairman Layton, yes.

The amendment to the motion passes by a vote of 4 to 3.

Chairman Layton stated that there currently is an interpretation that no exterior cart storage is allowed anywhere.

Commissioner Broemmer made an amendment to the motion that exterior cart storage is permitted in the parking lot without advertising signage attached to them. The amendment to the motion was seconded by Commissioner Eifler.

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

The amendment to the motion passes by a vote of 7 to 0.

Project Planner Samson gave an overview of #10. Enforcement and stated that this item has been submitted to City Attorney Beach for review.

Commissioner Nolen stated that she needs to understand how the enforcement works.

Commissioner Nolen made an amendment to the motion to hold the final approval of Attachment A until City Attorney Beach has an opportunity to review the enforcement and help the Commission offer an appropriate amendment to this section.

Chairman Layton clarified that the motion is to hold voting on this item pending City Attorney Beach's review of the enforcement provisions.

City Attorney Beach stated that since both attorneys were present, each of them could explain their section.

Chairman Layton suspended the rules to allow the attorneys for the residents and petitioner to speak.

Ms. Shu Simon, 7700 Bonhomme, Suite 450, Clayton, MO 63105, attorney for the residents, stated that the reason they are recommending a clause in the reciprocal easement agreement (REA), is that it focuses on making the developer spell out in detail the operation and maintenance of the parking areas, lighting, landscaping and all of the common area. It is also suggested that the provision should also specify the party whom the City can contact in the event of any problem and someone who can be served if there are any prosecutions for violations in the common areas only. Ms. Simon stated that they are recommending that these provisions not be amended without the prior written consent of the City. The last provision that has been suggested is that there are a number of conditions and the owner of the property should accept, in writing, those conditions so that you do not hear later that they did not know about it. It would be binding on the owner and successors in ownership.

Commissioner Eifler stated that in (ii) concerning "... the designation of the party responsible for the supervision of the operation, management and maintenance of the common areas...", he has a concern that the statement would be stronger if you eliminated 'supervision of the' and just say 'designation of the party responsible for the operation, management and maintenance...'. Commissioner Eifler stated that he does not care about the supervision but the people who are going to get it done and are responsible for it.

Ms. Simon agreed.

Commissioner Eifler asked if two was not inherent in one. If you eliminate the supervision part of it and somebody is responsible for the operation, management and maintenance of the common area, wouldn't they be the people that you would serve the judicial process on without even saying that.

City Attorney Beach stated not necessarily.

Mr. Michael Doster, attorney for the petitioner, stated that what is happening right now is that there is a new, large center with multiple tenants and many of the tenants are not doing what they are supposed to do under the terms of the lease and under the terms of the City's own ordinances. The petitioner does what he can in terms of sending out letters and calling these people and trying to get them to toe the line. Most violations (about 95%) are resolved by the defendant doing what they are supposed to do. Mr. Doster stated that no prosecutions have been brought to the court yet. At this stage, it is enough to say that there must be a reciprocal easement agreement in recordable form acceptable to the City. We need to take a look at what the reciprocal easement agreement provides, what kinds of obligations it is imposing and who ought to be responsible for them. Mr. Doster stated that if it is in the Zoning Ordinance, it applies to the property. Mr. Doster stated that if a landlord leases to tenants and the landlord repeatedly tells the tenant to clean a situation up and they do not do anything, the landlord's option is to try to declare a breach under the lease which is a pretty dramatic declaration and most are disinclined to do that. Prosecute the tenant and not the landlord.

Commissioner Eifler stated that it seems like the intent of the Resident's Request is to address the common ground as opposed to the individual leased properties. We already know whom to go after when the leaseholders are in violation.

Director of Planning Price stated that one (1) summons has been issued in the Commons, several notices of violations have been issued and the area has been cleaned up several times.

Commissioner Sherman stated that, due to wanting an opinion from the City Attorney on Issue #10 Enforcement, she would like Planning & Zoning Committee look at it and, if they feel that it needs to go forward with something added, then they can work it out and add it.

Chairman Layton stated that he prefers not to have this held.

Commissioner Nolen stated that she would like to make some kind of motion and vote on it so that the Planning & Zoning Committee has some idea of where the Commission stands on this item. Commissioner Nolen stated that if something is put in writing, one may not say that they did not know there was a problem. The landlord needs to be responsible.

Commissioner Nolen made an amendment to the motion to approve the Resident's Request with Commissioner Eifler's recommendation to eliminate, in (ii) ...~~supervision of the~~ operation, management and maintenance of the common areas. The amendment to the motion was seconded by Commissioner Macaluso.

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

The amendment to the motion passes by a vote of 7 to 0.

Chairman Layton stated that there would be discussion on the motion to approve P.Z. 37-1999 THF Chesterfield Two Development, L.L.C., as amended.

Chairman Layton repeated the motion, as amended: Commissioner Banks made a motion to approve Attachment A as recommended by the Planning Department for P.Z. 37-1999 THF Chesterfield Two Development, L.L.C. The motion was seconded by Commissioner Sherman. Subsequently, the motion was amended several times.

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

The motion, as amended, passes by a vote of 7 to 0.

Chairman Layton expressed thanks to the Department of Planning for a job well done concerning P.Z. 37-1999 THF Chesterfield Two Development, L.L.C.

Chairman Layton called a recess at 11:40 p.m. and reconvened the meeting at 11:50 p.m.

- B. P.Z. 02-2000 Fischer & Frichtel, Inc. (Windgate); A request for a change in zoning from "NU" Non-Urban District to "E-2" Estate One Acre Residence District for two areas of land totaling 15.894 acres located on the east side of Kehrs Mill Road, north and south of Jeffrey's Crossing Lane. (Locator Numbers: 18U14-0011, 18U14-0055, 18U14-0099, and 18U14-0101).

Assistant Director of Planning Laura Griggs-McElhanon gave an overview P.Z. 02-2000 Fischer & Frichtel, Inc. (Windgate). Ms. Griggs-McElhanon stated that she would like to add the issue of the request to look at the continuation of landscaping purposed along Jeffrey's Crossing Lane into the existing Crossing at Chesterfield Subdivision. Ms. Griggs-McElhanon stated that the developer is aware of this suggestion and the logistics of any additional landscaping would be resolved in the future since this is a standard rezoning and an Attachment A is not required. Ms. Griggs-McElhanon stated that the developer is aware that there was a request to look at that. It would include another subdivision so there could be issues that would need to be resolved. Ms. Griggs-McElhanon stated that Staff is of the opinion that the petitioner's proposal will continue the development pattern established in the area and is in concert with the Comprehensive Plan; therefore, Staff recommends approval of P.Z. 02-2000 Fischer & Frichtel, Inc. Windgate). Ms. Griggs-McElhanon stated that the Commission received an amended preliminary plan that reflected the widened pavement width of 26 feet which resulted in the Fire Department backing down on their request to prohibit parking on one side of the street.

Commissioner Macaluso asked where there are two 2-acre lots in the City.

Ms. Griggs-McElhanon stated that the 2-acre designation that came out of the west area study is on the north side of Wild Horse Creek Road, starting at Gateway Academy and going to Highway 109. The Tara at Wild Horse Subdivision is in the 1-acre and not in the 2-acre area.

Ms. Griggs-McElhanon stated that this request was for 1-acre density and supports the Comprehensive Plan. The petitioner chose to do a standard rezoning which states that every lot is at least 1 acre.

Commissioner Macaluso asked if there does not need to be some kind of monetary establishment for the widening of Kehrs Mill Road and Wild Horse Creek Road since this is a straight zoning.

Ms. Griggs-McElhanon stated that there is no Attachment A that goes along with a standard zoning. Because of that, there is not a requirement for Trust Fund contributions. They will be responsible, though, for adjacent Kehrs Mill Road improvements (widening and right-of-way dedication) as directed by the County Highway Department.

Commissioner Macaluso asked for clarification that the trust escrow account for the widening of the Kehrs Mill Road and Wild Horse Creek Road intersection would not be a financial responsibility from the petitioner.

Ms. Griggs-McElhanon stated that the washing out of Kehrs Mill Road during the 1993 flood and the removal of the hump at Pacland Place helped deplete the fund. With standard zoning, they are not required to contribute money because there is no Attachment A. At this point, there will not be any direct contribution for this intersection from the developer although he will be required to do some work on Kehrs Mill Road.

Commissioner Broemmer made a motion to accept the Department of Planning's recommendations for approval of P.Z. 02-2000 Fischer & Frichtel, Inc. (Windgate). The motion was seconded by Commissioner Banks.

Commissioner Macaluso asked the Commission to consider seriously about approving any more traffic in an area where the traffic is already horrendous. Commissioner Macaluso told the Commission that they need to think about this intersection and that there is not a plan of improvement for a minimum of ten (10) years and approval of this petition will add a minimum of 26 cars, school buses, and dump trucks that will mitigate the population that lives on this road already. Commissioner Macaluso asked what is the benefit that the residents in this area are going to obtain from approving this zoning change.

Upon a roll call, the vote was as follows: Commissioner Sherman, yes; Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Macaluso, no; Commissioner Nolen, no; Chairman Layton, yes.

The motion passes by a vote of 5 to 2.

- C. **P.Z. 05-2000 THF Chesterfield Development L.L.C. (Chesterfield Commons);**
An amendment to the City of Chesterfield Ordinance Number 1344, as amended, revising the permitted uses to include financial institutions in the "C-8" Planned Commercial District; located between the Sachs Electric Facility and the McBride Building on the north and south side of Chesterfield Airport Road.

Project Planner Mary Claire Goodwin gave an overview of P.Z. 05-2000 THF Chesterfield Development L.L.C. (Chesterfield Commons). Ms. Goodwin stated that there were no issues presented at the last meeting and, if there are no issues now, Staff recommends approval of this petition.

Chairman Layton stated that this was to amend the wording to allow financial institutions in the Chesterfield Commons.

Commissioner Eifler made a motion to approve P.Z. 05-2000 THF Chesterfield Development L.L.C. (Chesterfield Commons). The motion was seconded by Commissioner Sherman.

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

The motion to approve this ordinance amendment passes by a vote of 7 to 0.

- D. **P.Z. 17-2000 City of Chesterfield Planning Commission:** A proposal to amend Section 1005.080 of the City of Chesterfield Subdivision Ordinance to provide for subdivision improvements or guarantees and penalties for the failure to comply therewith.

Project Planner Mary Claire Goodwin asked the Commission if they had any issues that they wanted Staff to review.

The Commission had no issues for Staff to review. The Commission will have an opportunity to vote on this petition April 24, 2000.

- E. **St. Luke's Hospital CUP Amendment;** An amendment to the City of Chesterfield Conditional Use Permit (CUP) Number 10 for St. Luke's Hospital located on land at the northeast corner of Conway Road and Woods Mill Road commonly known as 232 South Woods Mill Road. The subject property is zoned "NU" Non-Urban and "FPNU" Flood Plain Non-Urban.

Project Planner Jennifer Samson gave an overview of this CUP Amendment.

Commissioner Eifler made a motion to approve the Conditional Use Permit (CUP) for St. Luke's Hospital. The motion was seconded by Commissioner Broemmer.

Ms. Samson stated that the 600 feet was the setback and is assuming that it was set at that because that is where the building was proposed. There are residents next door are in unincorporated portions of St. Louis County.

Chairman Layton asked if these residents had been notified of this CUP Amendment and if there had been any postings.

Ms. Samson stated no because there is not a change in use and the area is unincorporated.

Chairman Layton expressed concern that the residents have not been notified that there would be a parking structure 200 feet from them.

City Attorney Beach stated that there would be a landscape buffer.

Ms. Samson stated that there presently is a parking lot within 100 feet of the residents.

Chairman Layton expressed concern about notifying the residents and allowing them input on this.

Chairman Layton stated that the neighboring residents are not citizens of Chesterfield and they are owed a greater responsibility than the citizens of Chesterfield. Chairman Layton stated that he has a very strong obligation to non-residents because they have no options or defense. They have no way of arguing or voting anyone out of office. They are absolutely helpless.

Commissioner Sherman made a motion to hold St. Luke's Hospital CUP Amendment until the next meeting after the adjacent property owners to the east and the north of St. Luke's Hospital have been notified. The motion was seconded by Commissioner Banks.

City Attorney Beach stated that a motion to table takes precedence over other motions.

Upon a roll call, the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, no; Commissioner Macaluso, no; Commissioner Nolen, yes; Commissioner Sherman, yes; Commissioner Banks, yes; Chairman Layton, yes.

The motion passes by a vote of 5 to 2.

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

- A. **Friendship Village:** A request for an Amended Site Development Plan, Architectural Elevations, and Landscape Plan for a 34-acre tract of land. This property is zoned "NU" Non-Urban District and is located at 15201 Olive Boulevard.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Plan, Architectural Elevations and Landscape Plan for Friendship Village. The motion was seconded by Chairman Layton and passes by a voice vote of 7 to 0.

- B. **Spirit Trade Center Plat II Lot 14- Spirit Corporate Center;** A Site Development Section Plan, Architectural Elevations, and a Landscape Plan for 3.838 acres in the "M-3" Planned Industrial District, governed by City of Chesterfield Ordinance Number 656. Located on the south side of Chesterfield Airport Road, west of Long 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 subject to the Departmental approval of a Lighting Plan and that the sculpture be moved to the middle of the plaza in front of the building for Spirit Trade Center Plat II Lot 14-Spirit Corporate Center. The motion was seconded by Commissioner Broemmer and passes by a voice vote of 7 to 0.

- C. **Voice Stream Wireless**: Screening materials for cell tower cabinet in the "M3" Planned Industrial District, located on the north side of Chesterfield Airport Road, west of Spirit 40 Park Drive.

Commissioner Nolen, on behalf of the Site Plan Committee, made a motion that the screening materials for the cell tower cabinet be approved with the gray split block option. The motion was seconded by Commissioner Macaluso **and passes by a voice vote of 7 to 0.**

IX. COMMITTEE REPORTS:

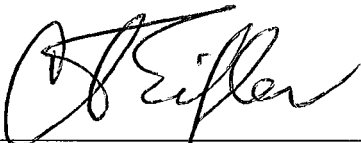
- A. **Ordinance Review Committee** – No Report
- B. **Architectural Review Committee** – No report
- C. **Site Plan/Landscape Committee** – No report
- D. **Comprehensive Plan Committee** – No report
- E. **Procedures and Planning Committee** – No report

Commissioner Nolen stated that she would like the Ordinance Review Committee to look at a similar Good Neighbor Ordinance for the commercial sector that we are making for residential.

X. ADJOURNMENT

A motion to adjourn was made by Chairman Layton and unanimously seconded. The motion **passes by a voice vote of 7 to 0.**

The meeting adjourned at 12:16 a.m.



Charles Eifler, Secretary