

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 24, 2008**

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

I. PRESENT

Mr. David Banks
Ms. Wendy Geckeler
Mr. G. Elliot Grissom
Ms. Amy Nolan
Ms. Lu Perantoni
Mr. Gene Schenberg
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

ABSENT

Mr. Fred Broemmer

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Director of Planning & Public Works
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Susan Mueller, Principal Engineer
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Watson

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Connie Fults, Council Liaison; Councilmember Bruce Geiger, Ward II; Councilmember Lee Erickson, Ward II; Councilmember Mike Casey, Ward III;; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Perantoni read the “Opening Comments” for the Public Hearings.

- A. **P.Z. 01-2008 Kraus Farm Office Center** : A request for change of zoning from “NU” Non-Urban District to “PC” Planned Commercial District for a 14.414-acre tract of land located at 14730 Conway Road, near the northwest corner of 40/64 and Timberlake Manor Drive. (19R530232)

STAFF PRESENTATION:

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- All Public Hearing notification requirements were met.
- The Comprehensive Plan designation for the subject tract is “Office.” Office is defined as “*A land use for a parcel of land that contains a building or multiple buildings primarily used for administrative, executive, professional, research or similar activities.*”
- The following issues are currently being reviewed by Staff:
 1. Traffic
 2. Consistency of development requirements with others in the area.
 3. Impact on the residential properties in the area

PETITIONER’S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint presentation and stated the following:
 - The Solomon 40 West development is to the far west of the subject site.
 - Solomon 40 West I was approved by Ordinance 1274 on June 2, 1997 and is zoned “C-8”. It consists of 110,000 square feet on 3.6 acres. This acreage includes a 120-foot buffer area on the north, which was required as a condition of its zoning ordinance. The permitted uses included “General and Medical Office”.
 - The site originally known as the “Solomon 40 West II development” was originally approved by Ordinance 1669 on October 3, 2000 and was zoned “PC”. At that time, a 175,000 square foot office building was approved, which included 35,000 square feet on a lower level. The site was on 6.048 acres – not including a one-acre piece to the north that was zoned “R-3” as part of the process. The 120-foot buffer for this site was zoned “R-3”. The permitted uses were “General Offices”. Ordinance 1669 was amended to provide for the current use now on the site, which is the St. John’s Rehabilitation facility.
 - The Kraus Farm Office Center proposes 345,330 square feet on 14.4 acres in two buildings. Total parking on the site is 1,432 spaces, of which 1,369 are in the parking structure to the north of the two proposed buildings. There are no users identified at this time. The permitted uses requested are “General, Medical and Dental Offices”.
 - No access to Conway Road is proposed as a result of the development. There is no direct access proposed to North Outer 40.

- The access points would be the existing access to the east of the St. John Rehabilitation facility and what is now known as Timberlake.
- To the north of the proposed parking structure, the Petitioner proposes to maintain a 120-foot buffer that would be consistent with what has been required for the two Solomon 40 West developments. They are waiting for direction from the City as to how the buffer will be treated. It has been suggested to the Petitioner that the buffer be dedicated to the City as a park, which the Petitioner is willing to do.
- Within the buffer area, the Petitioner is proposing a berm that would average in height – for its full length – approximately 10 feet. At the top, the width would average about 10 feet; at the base, the width would average about 80 feet. A 3:1 slope would be achieved with the berm. There is a retaining wall to the south of the berm that runs from 0 feet in height up to approximately 23 feet in height on the west.
- Speaker then compared the Performance Standards passed under Ordinance 1678 to the Kraus Farm Office Center as proposed:

Performance Standards	Performance Standards under Ordinance 1678	Kraus Farm Office Center as Proposed
Maximum Density	.55 F.A.R.	Complies
Minimum Open Space	45%	Complies
Building Setbacks	70 feet from right-of-way line	Complies
Maximum Building Height	70 feet	Complies
Minimum Parking Requirements	Minimum of 4 spaces for every 1000 square feet of gross floor area	Complies

- The subject site changes in grade as it will exist. The mean sea level on the west end is 578 feet and it drops to 541 feet to the east line. The mean sea level drops from 578 on the north line to 528 on the south line.
 - The proposed grading allows the buildings which are on the southern portion of the site to not be seen from Conway Road to any great degree. It also allows the developer to bury the three-story parking structure on the west end so that it does not come above the ground level.
2. Mr. Doug Bruns, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:
- There are two points of access to the subject site off Timberlake Manor. The northern-most access goes into the garage at the lower level elevation; on the west property line, there is a single point of access off the shared drive. From that access point, there is a drive to the north that accesses the parking garage at the upper elevation.

- From the cross access drive through the site, there are two points of access to the garage – one at the middle elevation and one at the lower elevation.
- Building A (the west building) has a finished floor of 570 mean sea elevation and a top elevation of 641.
- Building B (the east building) has a finished floor elevation of 556.5 and a second floor elevation of 570, which equates to the first floor of the building to the west.
- Speaker then compared the elevation of the proposed development to surrounding buildings:

Development	Top Elevation
Kraus Farm	641 (western-most bldg)
Kraus Farm	627.5 (eastern-most bldg)
St John's Mercy (west of the site)	611.50
Forty West (west of St. John's)	649
Timberlake Corp. Center (east of the site)	592 (western-most building)

- With respect to utilities, the site is served with sanitary on the south property line. Regarding storm sewer, surface run-off is going to be piped to two separate storm water detention and water quality basins, which are south of the proposed buildings.
3. Mr. Rick Clawson, ACI Boland Architects, Inc., 11477 Olde Cabin Road, St. Louis, MO stated the following:
- The internal connector drive, which comes from the cross access with St. John's Rehab all the way through to Timberlake, is the finalization connection of the internal roadway that is anticipated from 40 West, as well as St. John's.
 - They are working with several prospective tenants for the Class A buildings.
 - An architectural pre-cast exterior façade is currently being proposed. Materials include exterior architectural metal panels and colored glass.

Chair Hirsch stated that the Commission is now including “hours of operation” in all Attachment A's. Noting that “Colleges and Universities” is a requested use, he stated that in the past, residents expressed concern about such a use in the area because of the possibility of night classes and the light and traffic noise associated with it. He asked Mr. Doster to address this concern.

Mr. Doster stated that in terms of “hours of operation” for the proposed uses, office workers might work any time of day or night. “Medical uses” would probably not have extended hours depending on the specific use. Hours of operation for a university use could be restricted, but it would be traditionally longer than the hours for office or medical uses. He indicated that he would discuss the issue with the Petitioner and with Staff to come up with a response.

Chair Hirsch suggested that thought also be given as to when lights on the parking structures and around the property (other than lights for safety) would be extinguished at night.

Commissioner Banks asked whether there were any new traffic studies or updates on the studies that were done earlier on the build-out on North Outer 40. Mr. Doster stated that a traffic assessment has been prepared and submitted by Julie Nolfo of Crawford, Bunte, Brammeier.

4. Ms. Julie Nolfo, Crawford, Bunte, Brammeier, 1830 Craig Park, Suite 209, St. Louis, MO then responded to questions from the Commission as follows:

Chair Hirsch asked whether the shown cross access is consistent with the City’s overall traffic plan. Ms. Nolfo stated this is correct noting that everything west of Bonhomme Church would be able to come across, via the east/west road, to Timberlake.

With respect to the traffic coming back to the east and crossing the bridge, Commissioner Banks asked Ms. Nolfo to compare the original estimates made several years ago to the present proposal. Ms. Nolfo responded as follows:

- In 1999, the City requested a traffic study for the North Outer 40 Corridor which contemplated the build-out of the corridor. From a traffic perspective, this study became a “template” with respect to allowable square footage and uses along the corridor. As new projects come forward, they are compared to the 1999 traffic study.
- The subject site, in terms of size and use, is in keeping with what was considered in the 1999 study. In fact, it is 170 square feet less than what was contemplated so the traffic generation is accurate for what was assumed for the site.
- The traffic generation triggers two road improvements:
 1. A southbound right turn on Timberlake that takes motorists onto the Outer Road; and
 2. A westbound right turn lane on the Outer Road that would predominantly serve morning traffic coming in and turning into Timberlake.

The Petitioner is aware of these two necessary road improvements and has agreed to them.

- The east/west road is a key piece to 40 West I, as well as St. John's Rehabilitation Center, to provide more direct access to Highway 40 via Timberlake.

Commissioner Banks asked if the subject petition triggers anything on North Outer 40 near the Parkway. Ms. Nolfo replied that it does not – but noted that the east/west road would provide some relief by taking some of the traffic generated by 40 West I and St. John's Rehabilitation Center.

Commissioner Banks pointed out that the eastbound traffic crossing Highway 40 at the Timberlake bridge will then turn left and come down South Outer 40 near the entrance to Chesterfield Hill subdivision substantially increasing the traffic near the subdivision entrance. Ms. Nolfo acknowledged that this is a challenge due to the speeds of the road. She stated that it is a concern for a motorist coming out of the subdivision and wanting to access onto eastbound Forty during peak hours. In the past, they have worked with the subdivision looking at the sight distance and separation, and all of it meets access management and is laid out as best can be.

With respect to South Outer 40, Commissioner Banks stated that currently the biggest problem in the evening is the traffic at South Outer 40 and Old Woods Mill Road. He noted that there is a stop sign but asked if there is a potential trigger for a light at this intersection. Noting that it is not related to the subject development, Ms. Nolfo stated various options have been considered for this area including a roundabout and a traffic signal. MoDOT controls this intersection and is aware that it is an area of concern. As of now, she stated that she was not aware of any pending improvement plans.

Commissioner Banks asked if any estimation has been made on how traffic from the proposed development would affect the intersection at South Outer 40 and Old Woods Mill Road. Ms. Nolfo replied that the traffic study would give an indication of how much more traffic is being sent in that direction but this intersection is not part of the North Outer 40 Corridor Study.

5. Mr. Rusty Saunders, Loomis & Associates, 707 Spirit 40 Park Drive, Ste 135, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Ms. Barbara Briggs, representing Cookshire Subdivision, 324 Cookshire Lane, Chesterfield, MO stated she has the following concerns regarding the proposed development:

- The “huge” structure on the Conway Road area and possible future egress to Conway Road.
- The height of the parking structure and buildings because of their “imposing appearance in an otherwise mostly residential area”.
- The 120 foot buffer does not seem to be enough unless there is considerable green space.
- Lighting of the site after dark

Speaker noted that she is concerned about the “continuation of the significant change to the character of Conway Road, which used to be a beautiful stretch of residential property and a great example of our green community.” She feels that one-by-one they have been inundated with huge office buildings that are too tall to be screened by trees. She applauds the development in the City but feels that the City must maintain as much green space as possible and must retain the character of the community as a “great residential community as well as a huge commercial development”.

Chair Hirsch stated that language would be included in the site-specific ordinance with respect to the Conway Road egress and the 120-foot buffer which would, in essence, make the buffer area a park.

SPEAKERS – NEUTRAL:

1. Mr. Lee Wall, Conway Forest Subdivision, 14759 Plumas Drive, Chesterfield, MO stated the following:

- He questioned whether the driveways behind the buildings would be sufficient in the event the driveways are connected to Conway Road in the future.
- He asked whether the construction entrance to the site would be from Conway Road. He has noticed that the gate to the cemetery along Conway Road has been wide open for the last couple of months where in the past it was always closed and locked.
- He has concerns about run-off and has noticed a tremendous amount of water flowing into Creve Coeur Creek.
- He has concerns about the potential of an entrance to or from Conway Road.

Commissioner Banks asked Mr. Wall if he was suggesting that there is more water flowing into Creve Coeur Creek than there should be or if, in general, there is more water than there has been. Mr. Wall replied that he has seen Creve Coeur Creek flood Conway Road. He has concern that the hard surfaces of the driveways, the parking garages, and the buildings will increase the water flow.

Chair Hirsch informed Mr. Wall that his questions will be part of the Staff's Issues Report and will be responded to by both Staff and the Petitioner.

2. Ms. Lynn Johnson, 15125 Conway Road, Chesterfield, MO stated the following:

- She has concerns that the proposed buildings will be taller than the Timberlake buildings and will be seen by motorists driving along Conway Road.
- She questioned whether the parking garage structure is closer to Conway Road than the neighboring two buildings.
- She likes the idea of the berm and the efforts to save the larger trees. She has concerns that the berm will cover up the roots of the older trees making them die.
- She asked that the berm be planted with a diversity of trees along Conway Road – not just white pines.

REBUTTAL:

Mr. Mike Doster stated the following:

- Because of the fall-off of the site from north to south and from west to east, and because of the berm on the north end of the property, the parking structure will not be seen from Conway Road. The top of the buildings will barely be visible from Conway Road.
- It was noted that the pictures presented showing the sight line of the buildings were taken by a person standing on the side of the road. He did not feel there would be a significant difference between the vantage point of a person standing on the side of the road or a person sitting in a passing automobile. The closer one gets to the berm, it is felt that the line of sight pitches up and less would be seen.
- Regarding the sight line from the houses along the north side of Conway Road, there may be one house that may be able to see over the berm from a second floor window. Contact has been made with that property owner.
- The 120-foot buffer is consistent with what was required for Forty West I, Forty West II, and St. John's Rehabilitation facility, which is on the old Forty West II site.
- If the berm is dedicated to the City as a park, it will assure that no connection will be made to Conway Road from the proposed site. He noted that the City already owns a piece of property at the north end of the Timberlake stub. If the City so desires, the Petitioner will dedicate the 120-foot buffer with the berm to the City as a park. The City will then control the entire strip from the stub of Timberlake west to the boundary of the subject property. The Petitioner does not intend to have an access to Conway Road, or even a temporary access from Conway for construction purposes.
- The construction access will be off either Timberlake or through the existing access just east of St. John's Rehabilitation facility.

- Regarding storm water drainage, the Petitioner will comply with the requirements from the City and MSD. Under MSD regulations, they are required to not contribute any more water off the site than what it currently contributes. It is felt that storm water drainage will be improved because there are no controls now on the site with respect to the release of storm water drainage. Once the development occurs, there will be controls in terms of the release of the water.

Commissioner Geckeler asked for comments on the preservation of the monarch trees and how the berm would be worked around the existing trees. Mr. Rick Clawson replied by referring to a plan of the site noting that the contours of the berm are brought back away from the area of the ground and the watershed underneath the existing trees. They will not be grading underneath the drip line of trees.

ISSUES:

1. Traffic
2. Consistency of development requirements with others in the area
3. Impact on the residential properties in the area
4. Height of the proposed structures – both the office buildings and parking structure – in comparison to the other developments in the area
5. Hours of operation being proposed for the subject site
6. Hours of operation for the lights on the parking structure, other than lighting for safety
7. CBB Traffic update
8. Impact and necessary improvement on South Outer 40 as traffic will be re-directed off of North Outer 40 and Chesterfield Parkway going across Timberlake onto South Outer 40
9. Conway Road
 - a. access to Conway
 - b. the mass of development along Conway
 - c. the appearance & size of the parking structure & buildings and how they may appear along Conway Road
 - d. the impact of possible lighting spillover to the residences on Conway Road
 - e. any impact or possible changes to the character of Conway Road
 - f. adequacy of the buffer from the site
10. Water run-off from the subject site and possible impact to Creve Coeur Creek because of the amount of pavement necessary to develop the site
11. Location of the construction entrance from the site – Ms. McCaskill-Clay noted that the Petitioner has stated that the construction entrance will not be along Conway Road.
12. Any future improvements that might allow access to Conway Road – Ms. McCaskill-Clay noted that the Petitioner has stated that they are willing to dedicate 120 feet along Conway Road to the City to mitigate this issue.
13. Diversity of materials that would be utilized in the landscape berm

14. Protection of the existing monarch trees
15. Relative location of the buildings and parking structure as compared to the buildings to the east and west – proximity to Conway Road as compared to proximity to North Outer 40
16. Square footage of the three buildings in the Timberlake development and how many parking spaces are provided for it
17. Possibility of a water feature
18. Sufficiencies of the internal driveways between the buildings – sufficiency for future improvements to allow access on Conway Road if the future dictates such access

For those residents who were leaving the meeting after this hearing, Chair Hirsch explained the process of how the issues are addressed and how the residents can check on the progress of this petition.

- B. P.Z. 05-2008 Double Tree Inn (Ecclestone Organization):** A request for a change of zoning from “C8” Planned Commercial District to “PC” Planned Commercial District for 23.98 acres of land located 1,200 feet west of Swingley Ridge Road and Chesterfield Parkway. (17S110136)

STAFF PRESENTATION:

Ms. Aimee Nassif, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Nassif stated the following:

- All Public Hearing notification requirements were met and the site was posted on March 7, 2008.
- The request for rezoning is being done so that additional uses can be added to the site. Some of the requested uses are not available under the current zoning.
- No exterior, expansion, or additions of any type are being proposed.
- Following are the uses presently allowed under the existing governing ordinance for Double Tree Inn, which was written by St. Louis County in 1984. Those uses shown in **bold** are the uses being requested at this time. Since the publication of uses, Staff has worked with the Petitioner to modify some of them – those uses that are “struck out” are uses that the Petitioner has agreed to eliminate.
 1. Auditoriums, ~~churches~~, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
 2. **Barber shops and beauty parlors.**
 3. **Child care centers, nursery schools, and day nurseries.**
 4. Hotels and motels.
 5. **Offices or office buildings.**
 6. **Parking areas, including garages for automobiles,** ~~or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess 72 hours.~~

7. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts and gymnasiums, and indoor theatres, ~~including drive-in theatres.~~
 8. Restaurants, sit down.
 9. 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.
- The proposed site is in the “Urban Core” according to the City’s Comprehensive Land Use Map.

PETITIONER’S PRESENTATION:

1. Mr. Mel Kosanchick, Volz Engineering & Surveying representing Double Tree Inn, 10849 Indian Head, St. Louis, MO stated the following:
 - The existing zoning is the old St. Louis County “C-8” zoning.
 - The zoning change is being requested to allow the use of a proposed spa, which is not allowed under the current zoning.
 - The project involves only interior remodeling and reconstruction modification of some of the racquetball courts to the proposed spa. There are no external modifications.
 - The Petitioner is in full concurrence with eliminating the uses shown in Staff’s presentation.

Commissioner Banks asked if the uses of “*Barber shops and beauty parlors*” and “*Child care centers, nursery schools, and day nurseries*” relate only to persons using the facility. Mr. Kosanchick replied that this is correct noting that the daycare is a customer service provided to clients of the health club and hotel.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Can the uses of “*Barber shops and beauty parlors*” and “*Child care centers, nursery schools, and day nurseries*” be designated as ancillary uses vs. main permitted uses?
Mr. Kosanchick indicated that the Petitioner is agreeable to having these uses designated as ancillary uses.

- C. **P.Z. 09-2008 Friendship Village of West County (15201 Olive Blvd)**: A request to amend City of Chesterfield Conditional Use Permit #2 to expand the boundary covered by the conditional use permit and to amend the number of units allowed. (17S320126, 18S640283)

STAFF PRESENTATION:

Project Planner Charlie Campo gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Campo stated the following:

- All Public Hearing notification requirements were adhered to in this petition.
- The site is zoned “NU” Non-Urban District and is governed by the terms of Conditional Use Permit-2 issued by the City of Chesterfield,
- The site was originally authorized by St. Louis County Conditional Use Permit-264 approved in November, 1973 through petition P.C. 164-1973.
- The Comprehensive Plan shows the site to be bordered by “Single Family Residential” to the north and south across Olive Boulevard, and partially to the west; bordered by “Park/Recreation” to the east, and “Urban Core” to the southwest.
- Issues identified by the Department to be addressed:
 1. Clearly define the maximum number of residential units needed on the site.
 2. Adherence to the City of Chesterfield Tree Manual.

PETITIONER’S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint presentation and stated the following:
 - The purpose of the request is to add property already owned by Friendship Village, which is approximately 6/10 of an acre. They are asking that this property be added to the legal description for the existing Conditional Use Permit
 - The Conditional Use Permit allows a total of 300 units, apartments, and villa units, along with 117 beds in the nursing facility.
 - The 6/10 of an acre that they are seeking to add would allow them to build three (3) more villa units. With these three units, the existing units, apartments, & villa units, and the units that are under construction, the total would be 295 units – 5 less than the permitted number of units under the existing Conditional Use Permit.
 - Regarding future plans for Friendship Village, a Board Meeting is scheduled for April 14th to interview national architectural design firms with experience in developing senior housing. A firm will be hired to develop a total Master Plan for Friendship Village. It is anticipated that Friendship Village will be presenting an Amended Site Development Plan to the City sometime in the future.

- They do not anticipate a significant increase in the number of units unless additional property is acquired around the existing site.
- They do anticipate significant improvements to the existing buildings.
- The rain events over the last 7-10 days have sorely tested properties around the area. Representatives of Friendship Village have been in contact with some of the Trustees of Arrowhead Estates regarding the storm water drainage and erosion issues that continue to exist in Arrowhead Estates.
- Friendship Village is in compliance with the erosion controls approved by the City and MSD – but the recent rain events have tested those controls. The controls that existed prior to the rain events have been restored and upgraded. The controls have been inspected, on more than one occasion, by representatives of the City as recently as today. As a result of today's inspection, there will be an upgrading of these controls.
- Speaker distributed to the Commission photographs taken today representing the storm water controls that are now in place.

Chair Hirsch asked Mr. Geisel, Director of Planning & Public Works, if he agreed with the representations made by Mr. Doster regarding the storm water controls. Mr. Geisel replied in the affirmative.

Mr. Doster continued with his presentation stating the following:

- Regarding the storm water drainage and erosion in Arrowhead Estates, he noted that there is more than one watershed that contributes to the water flowing into Arrowhead Estates' lake. A total of approximately 218 acres drain to the lakes – of which only 30 acres are Friendship Village acreage.
 - Friendship Village is willing to work with the Trustees and the City in controlling its storm water as best it can. They feel they are in compliance with the erosion control plan that was approved by the City. Missouri Department of Natural Resources (MDNR) now has jurisdiction over the dam for Friendship Village's retention facility as a result of a change in MDNR's regulations. Friendship Village expects to receive a letter from MDNR approving the dam modifications proposed by Friendship Village.
 - They are willing to keep a dialogue going with the residents of Arrowhead Estates to assure them that Friendship Village is not contributing to their problem.
2. Mr. Tim Cain, 1356 Westhampton Woods Courts, Wildwood, MO was available for questions.
 3. Mr. Bill Mitchell, Friendship Village of West County, 4315 Tangle Brook Drive, Florissant, MO was available for questions.
 4. Mr. Todd Watkins, 6014 Delmar Blvd., St. Louis, MO was available for questions.

5. Mr. Paul Boyer, Civil Engineering Design Consultants, 11402 Gravois Road, Suite 100, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Richard K. Mersman III, Stolar Partnership, Attorney representing the Trustees of Arrowhead Estates, 911 Washington Avenue, St. Louis, MO stated the following:
 - He would be addressing issues regarding erosion and siltation of the downstream detention basin in the Arrowhead Estates subdivision.
 - They hope to amicably resolve the issue between Friendship Village and the residents of the subdivision.
 - The most recent incursions of erosion, and a massive amount of the siltation, occurred from January, 2008 thru the most recent heavy rains in March.
 - Initial storm water protection of siltation barriers was not adequate. They washed out initially and were only recently replaced one week ago. This has caused substantial damage downstream and siltation to the lake. The lake serves not only as a water feature but also serves as the detention for the subdivision.
 - Those persons representing Arrowhead Estates are speaking neutrally – they do not oppose the Conditional Use Permit – but they do want the issues of storm water – run-off, erosion, and siltation – to be addressed by Friendship Village as a condition of them proceeding forward.
2. Mr. Robert J. Falk, Trustee of Arrowhead Estates Homeowners Association, #6 Arrowhead Estates, Chesterfield, MO displayed photographs of the water run-off and stated the following:
 - Arrowhead Estates abuts Friendship Village to the west and is down slope from Friendship Village.
 - The residents of the subdivision have been concerned about run-off from the most recent construction taking place at Friendship Village. Construction started approximately two months ago.
 - They are particularly concerned about run-off from the back side of the detention pond, which is a very steep slope and was clear-cut for approximately 100-125 feet as part of the requirement to strengthen the structure to accommodate run-off. The residents were concerned about run-off from the construction and clear-cutting because not much is growing in January thru March.
 - Speaker then referred to the displayed photographs:
 - Referring to the first photograph, the clear-cut slope of the back side of the dam was pointed out. Speaker noted the “failed silt fences and hay bales”, which were photographed a week ago

during the significant rainfall. They see the results of this in their lower lake. The lower lake has turned yellow a number of times since construction began.

- The second photograph showed a 48-inch overflow pipe from the lake surface, which relieves pressure on the detention pond when it reaches a certain point. Speaker noted “the significant amount of outflow from the pipe along with mud that’s washing down from the dam itself”. The photograph was taken after the recent significant rains but Speaker stated that they’ve “seen the results of this numerous times since construction began”.
 - The third photograph showed “failed silt fences and the mud in the water”.
 - The next photograph showed “a couple failed silt fences in a ravine that leads from the base of the dam into a pond that’s owned by Mr. Harold Lewis. That pond goes directly into the subdivision’s lower lake.”
 - The next photograph showed “the ravine exiting into Mr. Harold Lewis’s pond.” Mr. Lewis called the Speaker “two weeks ago and said his lake used to be 14 feet deep – it’s 14 inches deep now”. Speaker noted that Mr. Lewis’s pond is “almost completely silted up”.
 - The next photograph showed Mr. Lewis’s pond and a spillway that goes into the subdivision’s lower lake. “The spillway has been eroded by storm water to the side of it so water no longer goes over the spillway – it actually goes around the side. It’s about 5-6 feet deep now.”
 - The next photograph showed the subdivision’s lower lake “clearly showing where it is yellow from silt. The lower lake was yellow, and has been yellow a number of times from run-off and silt.”
- The residents do not consider silt fences and hay bales to be a permanent solution to the problem, nor even adequate, when they have significant rainfalls.
 - They are seeking the City’s assistance in helping Friendship Village understand its responsibility as a good corporate citizen and good neighbor.

Chair Hirsch asked that the photographs be left with the City.

Commissioner Watson asked if a survey had been done on the subdivision’s lake prior to any siltation to determine the actual depth of the lake and how much the siltation has impacted the lake.

Chair Hirsch asked Staff if such a survey was required in this instance on a pre-and post-construction basis. Mr. Geisel replied that if this was a new zoning petition, the City would have included such a requirement, but the operations are not being processed under a new zoning so they are operating under the prior

standards. For the buildings that are now under construction, there is no pre-imposed requirement.

Mr. Mersman stated that the siltation and erosion occurred when the Braefield subdivision was constructed in the early '90s. An agreement between Arrowhead Estates and the Braefield developer, Missouri Builders, was reached in 1997. A survey was completed and the lake was excavated and dredged back to its original depth. The 1997 depth surveys are available; they have not engaged an engineer at this point to conduct a new survey.

Commissioner Watson asked if any other construction, besides Friendship Village, has occurred around Arrowhead Estates. Mr. Mersman replied that no other construction has taken place to his knowledge. He added that the real issue is not the actual construction along Olive Street Road or in the internal components of Friendship Village. The large detention pond at the rear of their property has a steep hill – much more than a 3:1 slope – that goes into a ravine and into a natural stream, which continues down and eventually flows to the Missouri River. As part of a DNR requirement, Friendship Village stripped and de-foliated the entire hill. DNR requirements are that one needs to put in erosion control. For this type of de-foliation, thatch and/or straw cover or mulch needs to be put in within two weeks of commencement of construction. This has not happened and previous attempts at storm water control have been unsuccessful. They believe that because of the extent of the slope and the size of the de-foliation, Friendship Village needs to take extra measures to protect the downstream residents.

3. Mr. Jim Granger, Trustee of Arrowhead Estates, 4 Arrowhead, Chesterfield, MO stated the following:
- Arrowhead Estates is one of the oldest subdivisions in Chesterfield and includes trees close to 300 years old.
 - It is difficult to see the erosion and its effect on the lakes. Some of the trees are falling into the lakes.
 - With the amount of water flow that comes down, it can cause these types of problems.

REBUTTAL:

Mr. Doster stated the following:

- They believe they are in compliance with MDNR regulations and they believe they are on the verge of receiving a letter of approval of the dam modification plan from MDNR.
- They feel they should determine with the Trustees and the City exactly what the regulations are and what Friendship Village needs to do to bring itself into compliance if not already in compliance.
- It is his understanding that MDNR has jurisdiction over the dam that creates the retention pond so MDNR is the regulatory authority that Friendship Village is subject to.

- They are continuing to dialogue with the City and are happy to dialogue with Mr. Mersman and his clients.

Chair Hirsch asked if Mr. Doster will have met with Mr. Mersman prior to the subject petition coming backing on the Commission's agenda and if he would be addressing the DNR and City requirements at that time. Mr. Doster indicated this would be the case.

Commissioner Geckeler asked if Friendship Village would entertain any kind of mitigation for what has occurred. Mr. Doster replied that first a cause of relationship has to be established. It is his understanding that there are multiple watersheds that contribute to the water flow into Arrowhead Estates with Friendship Village being only 30 acres out of a total of 218 acres that drain into Arrowhead. They are happy to abide by the erosion control plan that has already been approved. They will comply with MDNR regulations and MSD regulations but mitigation is another issue, particularly in light of the magnitude of the amendment that is being requested. Friendship Village is asking for the addition of 6/10 of an acre, which is up on Olive Street Road and has no bearing on this issue.

ISSUES:

1. DNR letter
2. DNR regulations
3. City regulations
4. Erosion and siltation with respect to the retention pond

Commissioner Perantoni read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Watson made a motion to approve the minutes of the **March 10, 2008 Planning Commission Meeting**. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Baxter Bend Development (14866 Clayton Road)**: A request for approval of a monument sign for a 1.13 acre tract of land zoned "C-2" Shopping District, located south of Clayton Road and east of Baxter Road.

Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the monument sign for **Baxter Bend Development (14866 Clayton Road)** with the condition that (1) the base of the sign be reduced by one foot thereby reducing the overall height of the sign by one foot; and (2) the width of the base be reduced to only allow that the masonry wrap the posts. The motion was seconded by **Commissioner Watson** and **passed** by a voice vote of 7 to 1 with **Commissioner Perantoni** voting "no".

- B. **Chesterfield Village/Altschuler Tract (P.Z. 34-2001 Time Extension)**: A request for an eighteen (18) month extension of time for submittal of a Site Development Plan for a 5.29-acre "PC" Planned Commercial-zoned parcel located on the north side of North Outer Forty Road, east of its intersection with Chesterfield Parkway West.

Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the eighteen month extension of time for submittal of a Site Development Plan for **Chesterfield Village/Altschuler Tract (P.Z. 34-2001 Time Extension)**. The motion was seconded by **Commissioner Watson**.

Commissioner Banks expressed his concern about continually extending site plan requirements. He noted that it is six years for this particular petition.

Chair Hirsch stated that at the prior Site Plan Committee meeting, he made the motion to approve under the condition that it meets the current Performance Standards. It was also noted that the Petitioner has agreed to notify adjacent property owners when the Site Plan is presented.

The motion to approve **passed** by a voice vote of 7 to 1 with **Commissioner Banks** voting "no".

- C. **Hog Hollow Office Center (13990 Olive Boulevard)**: A request an Amended Site Development Plan for placement of a monument sign for a .76 acre tract of land zoned "C8" Planned Commercial District, located on the south side of Olive Boulevard, east of its intersection with Olive Boulevard.

Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Plan for the location of a monument sign for **Hog Hollow Office Center (13990 Olive Boulevard)**. The motion was seconded by **Commissioner Grissom** and **passed** by a voice vote of 8 to 0.

- D. **Spirit Trade Center Lot 25 (Experitec)**: An Amended Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a 5 acre lot of land zoned "M-3" Planned Industrial District, located at 504 Trade Center Boulevard.

Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for **Spirit Trade Center Lot 25 (Experitec)**. The motion was seconded by **Commissioner Perantoni** and **passed** by a voice vote of 8 to 0.

- E. **9 Georgetown Road (Georgetown Estates)**: A request for an increase in building height for new residential construction at 9 Georgetown Road, located in the "NU" Non-Urban District-zoned Georgetown Estates Subdivision.

Commissioner Schenberg, representing the Site Plan Committee, made a motion recommending approval of an increase in building height for new residential construction for **9 Georgetown Road (Georgetown Estates)**. The motion was seconded by **Commissioner Watson** and **passed** by a voice vote of 8 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

On behalf of the Planning Commission, **Commissioner Watson** congratulated Chair Hirsch on receiving Chesterfield's "Citizen of the Year" award.

X. COMMITTEE REPORTS

A. Ordinance Review Committee

Commissioner Banks noted that there are still some outstanding issues that need to be addressed by the Ordinance Review Committee and suggested a meeting be scheduled.

Ms. Nassif stated that Staff is waiting for comments from an outside Agency before the report can be finalized. Once the comments are received, a committee meeting will be scheduled.

XI. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Gene Schenberg, Secretary