PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 14, 2005

The meeting was called to order at 7:02 p.m.

I. PRESENT **ABSENT**

Mr. David G. Asmus — Mr. Thomas Sandifer
Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Ms. Stephanie Macaluso
Dr. Lynn O'Connor
Ms. Lu Perantoni
Chairman Victoria Sherman

Mayor John Nations
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Senior Planner
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Hirsch

III. PLEDGE OF ALLEGIANCE

Chairman Sherman acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Council Liaison; Councilmember Mary Brown, Ward IV; Councilmember Connie Fults, Ward IV; Councilmember Mike Casey, Ward III; and Councilmember Jane Durrell, Ward I.

IV. PUBLIC HEARINGS – Commissioner Asmus read the "Opening Comments" for Public Hearing.

A. P.Z. 2-2005 Briarcliffe Villas (GHH Investment, LLC): A request for a change of zoning from "R-2" Residence District to "R-3" Residence District for a 29.4 acre tract of land located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151)

and

B. **P.Z. 3-2005 Briarcliffe Villas (GHH Investments, LLC):** A request for a Planned Environment Unit (PEU) Procedure within an "R-3" Residence District for a 29.4 acre tract of land located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151)

Senior Planner Annissa McCaskill-Clay gave a power point presentation showing pictures of the subject site and surrounding area. The zonings of the neighboring properties were noted.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO 63005 stated the following:
   - Petitioner is seeking a rezoning from "R2" to "R3" and a PEU to allow some clustering and smaller lot sizes.
   - The minimum lot size in the proposed development is 6300 sq. ft.
   - Under "R3" zoning, a maximum of 114 units could be developed; petitioner is proposing 82 units on 29.4 acres.
   - The petitioner is the owner under contract for two parcels – both the nursing home site and the Hansen site are included in the rezoning.
   - The proposed development is for single family attached and detached – there are 4 detached units and 78 attached units. The 78 attached units are in 39 buildings.
   - The Land Use Maps that they have viewed indicate that Eagle Ridge is zoned "R2" as opposed to "R1", as cited by Senior Planner McCaskill-Clay.

2. Mr. Brett Hardesty, Co-Managing Member of GHH Investments & Managing Member of Hardesty Homes, 232 Chesterfield Industrial Blvd., Chesterfield, MO showed pictures of the site and stated the following:
   - The building has been vacant since 1999 and is vandalized frequently.
   - Petitioner is proposing a development similar to Picardy at Kehrs Mill and Clarkson Road. The average sales price is estimated to be in the $500,000 - $550,000 range.
   - The corner lots will have side-entry garages; the back view of the project will show varied roof lines.

3. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:
   - The development is a gated community with primary access from Olive Street Road. It is designed with a round-about feature and median with a guard house.
   - There is a secondary point of access, as required by the Fire Department, coming off Eagle Manor Court, which would be gated and used strictly as emergency access.
   - Speaker described the topography of the site and how it affects the design of the development.
   - All storm water is being piped down to the lower portion of the site.

- Tree masses will be left undisturbed – they represent 25.5% of the site or 7.5 acres. They are located primarily to the north.
- Terraced retaining walls will be located at the northeast corner.
- Regarding sanitary and domestic water service, the developer proposes putting in a sanitary lift station.
- The units are 56 feet wide; the front yard setbacks are 20 feet.
- The developer is asking for a deviation in the side setback from 8' to 6' – allowing 12' between the units.
- There is a 100' separation from Olive Street to the closest units.
- The streets will be built per City standards – 26' wide concrete streets, 40' right-of way with sidewalks.

Responding to questions from the Commission, the following points were clarified:

- The setback from Eagle Ridge is 75' from the property line to the back of the units.
- Only end units or corner locations are workable for side-entry garages because of the turn-around pad. There must be a minimum of 25' past the garage to turn a car around before it gets into the street. There are approximately 16 units that would have side-entry garages.
- Regarding storm water management during site construction, the developer will over-excavate the ravines, stabilize them, and build a structural 3:1 slope. The drainage swales are presently at 33% - the developer will do a structural fill with a geogrid fabric to stabilize the slope. All the storm water will be piped down parallel to Hog Hollow, with inlets picking up water, and will be discharged into the flat, level bottoms area.
- Comparing the proposed development of Briarcliffe Villas to the Picardy development it was noted that the zoning for Picardy was an "R3" PEU; Briarcliffe Villas is less dense than Picardy; and there is more room in the front and rear yards of Briarcliffe than Picardy.
- Regarding lots 39, 40, and 41 behind the retaining wall, the distance from the back of the units to the wall will be 15'.

Mayor Nations expressed concern about the water drain-off along the eastern boundary line and asked the developer to keep this in mind with the design of the site.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Brian Calsyn, President of the Eagle Ridge Homeowners Association, 545 Eagle Manor Lane, Chesterfield, MO stated that his Homeowners Association represents 30 homeowners and they have the following concerns and questions about the development, which they would like addressed:
   - Can the area support 82 villas and potentially 160 residents utilizing cars?
   - Assuming two cars per villa, can the one entrance on Olive handle all the traffic?

- If the development is constructed as planned, will a stop light be installed to allow for traffic in and out of Olive?
- There is concern that the planned development may be too dense with respect to the number of residents regarding families and the amount of play areas. There does not appear to be any common ground, other than easement-type areas, for residents to share.
- The Homeowners Association would like the Commission to consider whether an additional entry to the development would make sense and whether an access point on Hog Hollow Road would be possible.
- What happens if the fire gate is broken – what is the process for repairs?
- What stops residents of the proposed development from walking around the gate and into Eagle Ridge subdivision?
- How will the villas affect the sewer systems/grinder pumps used by Eagle Ridge subdivision?
- Is it possible/feasible to connect the pump station of the proposed development with Eagle Ridge's grinder pumps/sewer system?
- There is concern that there is no barrier wall proposed between Briarcliffe and Eagle Ridge, other than the fire gate.
- The residents would like to see more of the trees preserved if possible. It appears that only 10 trees out of the 70 on the site are marked for preservation. There is concern that all the trees on the eastern side are marked for removal. There is concern that only 3 of 20 Monarch Trees are marked for preservation.
- There is concern about the layout of the development regarding the straight rows of homes and as to whether this would appear monotonous.

REBUTTAL:

1. Mr. Hardesty stated the following:
   - Regarding the fire gate, the length of the street required the secondary entrance. According to the Fire Marshall, any street longer than 1300' requires a second entrance. The fire gate would be maintained by the Homeowners Association of the community, governed by the Indenture.
   - Research has shown that in villa communities, 30% of the residents are single individuals – divorcees and widows – with only one vehicle.
   - An entrance from Hog Hollow would not be possible because of the topography.
   - Regarding density concerns, the rear yard setbacks and the buffers between Briarcliffe and Eagle Ridge exceed the requirements of the community. The development was laid out in way that was thought best when considering drainage, open space, green space, and distances between units.
   - The trees along the common property line will not be removed. There are some big, mature trees that parallel the property line and they will not be removed.

2. Mr. Doster stated the following:
   - Regarding density, Picardy is at 4.4 units/acre; Briarcliffe is at 2.79 units/acre; and the Paddington development is at 3.46 units/acres.

3. Mr. Stock stated the following:
    - Regarding the sanitary sewer and pump station issue, Briarcliffe's sanitary pump station is located at approximately elevation 620; Eagle Ridge is at 612. It appears that it would be difficult to get gravity drainage; however, the issue will be reviewed.

Responding to questions from the Commission, the following points were clarified:

- The pool/clubhouse at Picardy costs $88-112/month/unit to maintain. It has been determined that villa-type communities do not utilize pool/clubhouse facilities enough to justify the cost. There is common ground located near the entrance – there are no picnic facilities. There are sidewalks on both sides of the street because the empty-nester community does a lot of walking.
- The greenway tying parks and walkways together will be reviewed with respect to this project.

Commissioner Banks stated that this project may be close to qualifying as an "R2" project without giving up too many units. It would be more palatable to him at "R2" with a PEU rather than at "R3".

ISSUES:

- Storm water management.
- Setbacks – specifically between units, as well as from adjacent properties and Olive Boulevard.
- Distance from retaining walls of some of the units.
- Water run-off, particularly coming from the eastern developments.
- Whether the area can support a development of the size proposed.
- Traffic concerns generated by the number of units in the development.
- Possibility of a stop light to handle traffic in the area.
- Density of the development.
- The lack of useable common ground or common amenities in the development.
- The maintenance, as well as the possible use, of the fire gate which connects to Eagle Manor Court.
- Possibility of residents of the proposed development walking into Eagle Ridge – basically, security.
- How the development will affect the sewer system in Eagle Ridge subdivision.
- The possibility of whether the Eagle Ridge subdivision could be connected to the pump station proposed for this development.
- Tree issues – no perceived barrier between the proposed development and Eagle Ridge subdivision. Have more trees preserved along the border. The number of trees that are preserved to the east of the development as opposed to the overall section to the north. The number of Monarch trees to be preserved in the development.
- The possibility of providing a trail easement to connect to other trails proposed in the area.

- The use of an "R3" zoning vs. an "R2" zoning. Include how many units would be allowed under "R2". Are there any concepts of good planning practice that would suggest separating "R2" and "R3" further west and using Hog Hollow Road as a separator for maintaining "R2" developments to the east of Hog Hollow Road?
- Information from Public Works regarding problems about the distance between the curb cut for this property and the Eagle Ridge property. What kind of issues will it create for left-hand turns?
- Is there a need for any tree mitigation?
- How any future plans for straightening or widening Hog Hollow Road would impact the layout of the homes in the subdivision.
- Provide a list of similarities and differences between Picardy and the proposed development.
- Verify the zoning of Eagle Ridge.

Commissioner Asmus read the closing comments for Public Hearings P.Z. 2-2005 and P.Z. 3-2005 Briarcliffe Villas (GHH Investments, LLC) noting that the earliest possible date that the Planning Commission could vote on the subject petition would be April 11, 2005.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the February 28, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni **and passed by a voice vote of 8 to 0.**

Commissioner Hirsch made a motion to approve the minutes of the February 28, 2005 Committee of the Whole Meeting, as corrected below:

> Commissioner Broemmer pointed out that when a building is ~~moved~~ enlarged, it affects the green space and number of parking spots.

The motion was seconded by Commissioner Broemmer **and passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

1. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO speaking **for the petitioner** for **P.Z. 08-2004 Bull Moose Tube** stated the following:
   - The petition seeks to add medical and dental use to the proposed building only – not to the existing building.
   - There are some changes in the ordinance that result from this plan. Square footage, overall, is being reduced. The square footage on the proposed building is being reduced and the parking garage is being eliminated.
   - An entity controlled by Dr. Pepose will own the proposed building.
   - Dr. Pepose's business will occupy 85% of the proposed building.

2. Mr. Rich Clawson, ACI Boland Architects, 11477 Olde Cabin Road, St. Louis, MO speaking **for the petitioner** for **P.Z. 08-2004 Bull Moose Tube** stated he was available for any questions.

3. Ms. Julie Nolfo, Registered Traffic Engineer with Crawford, Bunte, Brammeier (CBB), 1830 Craig Park Court, Ste. 209, St. Louis, MO speaking **for the petitioner** for **P.Z. 08-2004 Bull Moose Tube** stated the following:
   - There was a misunderstanding from the last meeting when she made a reference to a conversation with David Bookless. She did speak to Mr. Bookless, who gave her the square footages of the building. She then spoke to the leasing agent or the property manager of each building to learn if there were any vacancies.
   - Regarding the Trip Generation Rates, CBB chose two medical office buildings local to the Chesterfield community to study and get the Trip Generation Rates. Speaker referred to a listing of all the occupants in the subject buildings, which shows a mixture of different uses with reference to medical and dental uses. This is the reason these buildings were chosen to study.
   - Taking the mix of the two medical office buildings, it gave a lower Trip Generation Rate than the ITE Trip Generation Manual. The data in the ITE Trip Generation Manual dates back to 1960 when it was traditional medical/dental types of buildings. Since then, there has been a change in the uses of those buildings where there are commonly group practices that share diagnostics, as well as other facilities in the building, which makes the Trip Generation per square foot lower than using the data from 1960.
   - She would obtain information pertaining to the parking ratio for the building currently occupied by Dr. Pepose, as requested by Commissioner Macaluso.

Responding to questions from the Commission, Ms. Nolfo stated the following:
- At the request of Commissioner Asmus, she would review her previously-stated measurement of 100' between the drive to Bull Moose and the beginning of the median to determine how many cars could be stacked in the area.
- **Regarding the basis for the statement in the CBB report which says: *"However, it was suspected that the ITE rates for medical office use may be overstated due to changes in medical office operations."*** The basis for this statement comes from over ten years of experience in doing traffic studies. When CBB is asked to provide a traffic study for medical office uses, typically the medical professionals themselves state that the medical office operation has changed in that they share more uses and do more diagnostic-type of procedures in an out-patient or non-hospital setting.
- **Regarding more services being offered at a medical office equaling fewer trips**: In the traditional sense of a medical office back in 1960, the patients would visit the office to be seen by the doctor. If any additional procedures were needed, they were sent elsewhere. The current medical industry provides additional procedures on site. Therefore, more of the square footage is dedicated to diagnostics space rather than all doctors' offices. More services are provided but that does not necessarily mean more patients are being seen.

- **Regarding the gap between the number of Trips Generated provided by CBB (74 in the peak hour) and the number of Trips Generated provided by Staff (96 in the peak hour):** Staff used the Trip Generation Manual while CBB went out and gathered local data. The Trip Generation Manual states that if local data can be collected pertinent to the subject use, it is acceptable and encouraged.
- **Regarding pharmaceutical reps contributing to an increase in Trips Generated:** It is presumed they were visiting the two facilities that were counted and would, therefore, have been captured in the Trip Rates.
- **Regarding conducting traffic studies in different locations:** The study would be conducted in the same way regardless of the location. It does not matter if the site is a five-lane section of road; a signalized intersection; or an interchange – there are typical procedures and methodology that are followed and are acceptable practices.
- **Regarding the number of trips during peak hours as the project is currently approved using the worst possible scenario with a medical use:** If the ITE Trip Generation Rates had been used, there would have been an increase in traffic associated with the site overall as compared to build-out as it is currently zoned, which would be 96 trips during the P.M. Peak Hour.

4. Jay S. Pepose, M.D., Founder and Medical Director of The Pepose Vision Institute, 1125 Templeton Place, Town and Country, MO speaking **in favor** of **P.Z. 08-2004 Bull Moose Tube** stated the following:
   - Pepose Vision Institute is a sub-specialty, surgical practice focused on corneal-related surgical procedures, including corneal transplants, laser vision correction, and cataract surgery.
   - He is joined in the practice by one other corneal sub-specialist surgeon.
   - They do not provide non-surgical primary eye care services; they do not treat children.
   - His practice is currently located at the corner of Baxter and Clarkson. The average pre-operative appointment for his patients is 3 hours long. An appointment on the day of surgery is approximately 2 hours long. Therefore, very little in/out traffic is generated.
   - Because of the length of appointments, they expect to see no more than 25 pre-operative, surgical or post-operative patients on a given day. Appointments are not scheduled on weekends.
   - He is pursuing the development of the Bull Moose property as a means of responding to the unique characteristics of his practice. Pepose Vision Institute, or an affiliated entity, will own and control the building. His practice will be housed in the building.
   - He plans on incorporating an ambulatory surgery center to treat cataract and transplant patients on-site. His present location has insufficient space to meet the medical guidelines for such a center. The ASC will be used exclusively by himself and his colleague and will not be open to outside surgeons. It will only be used for scheduled, elective procedures conducted during normal business hours, thereby precluding its uses in an emergency care center. Emergencies will be treated at the area hospitals.

- He expects to use a minimum of 85% of the space in the proposed building and any remaining space would be leased for non-medical small business office use.

Commissioner Asmus asked if any his patients, after a surgical procedure has been performed, are allowed to drive home. Dr. Pepose responded in the negative.

5. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
   - If the noise contours are not 65 DNL or above, it is her understanding that residential development could be appropriate.
   - She has concerns about a commercial development, with it accompanying parking lots and curb cuts, in the midst of high-end residential communities.
   - She requests a moratorium on the entire bowtie area and the involvement of residents in the area.

6. Ms. Mary Schultz, Attorney, 640 Cepi Drive, Suite A, Chesterfield, MO speaking **for the petitioner** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** distributed hand-outs to the Commission regarding "Municipal Land Planning Law in Missouri – Further Observations and Analysis", which will be made a part of the public record. Ms. Schultz stated the following:
   - The subject property should be rezoned to Planned Commercial consistent with Chesterfield's Comprehensive Plan.
   - The subject property is a 10.243 acre parcel, located north of Wild Horse Creek Road, Missouri Highway CC, 500' west of Wildhorse Parkway, and 1.1 miles west of Long Road, and 1400' south of the main runway for Spirit of St. Louis Airport.
   - The current zoning classification is "NU" Non-Urban and there is a petition for rezoning of the subject property to "PC".
   - Office Campus use of the subject property has been recommended in the Chesterfield Comprehensive Plan, adopted in 1990. The Plan has been revised numerous times and every time the recommendation of the Planning Commission to have the property developed as Office Campus use has been consistent.
   - The Plan was last revised in 2002.
   - The mission of the Planning Commission is to apply the Zoning Enabling Act. The attorney representing the residents has submitted on many occasions information to numerous bodies and the Courts about how the City should follow its Comprehensive Plan.

7. Mr. George Stock, Civil Engineer, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO speaking **for the petitioner** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
   - He received the Attachment A on March 10, 2005 but has not had the opportunity to meet with City Staff.
   - The site is 10.243 acres. It has a limited amount of frontage on Wild Horse Creek Road.

- Petitioner is proposing a single access point that is designed as a three-lane, to be the fourth leg of an intersection, to be signalized and modified along with the Wild Horse Elementary School.
- Attachment A includes the traffic generation assessment provision.
- The subject development is 56,544 sq. ft. and includes 6 buildings - 2 buildings in Phase I and 4 buildings in Phase II. Base on this amount of square footage, the traffic generation assessment would equate to approximately $200,000. If the City feels it is appropriate to put in a left turn lane, there is $200,000 in the TGA contribution that could be used to improve Wild Horse Creek Road, as directed by the City of Chesterfield, MoDot, and St. Louis County.
- The plan will need to be revised. The building, as designed, is 60' from the right of way of Wild Horse Creek Road. There is a condition in the Attachment A that requires 15' of right-of-way to be dedicated. The building will have to be moved 100'. All parking will have to be moved 100'.
- Regarding the driveway, Attachment A is saying it should be built as a road similar to the east-west collector. Meetings with Public Works indicated that this was not required to be a public road but rather a driveway or secondary road and that parking would be permitted perpendicular off the road.
- The properties to the south and to the north are zoned Non-Urban. There is a requirement for a 20' buffer and a 35' building setback. The project is 11' to the buildings and 10' to the parking – property owners are not opposed to these setbacks because the Comp Plan calls for it to be "PC".

Responding to questions from the Commission, Mr. Stock stated the following:

- **Regarding the 100' setback requirement and the school location across the street:** The plan has already been modified to be 50' and 60'. Petitioner was not aware that they would need to double the size of the buffer in the front yard. Petitioner just found out about the 100' setback requirement on March 10, 2005 and tried to find out what had transpired to initiate the change. It was brought to their attention that a setback from residential property requires 100'. However, there is a school across the street from the proposed project, no single-family homes. Petitioner questions whether 60' or 100' is appropriate in this instance.
- **Regarding "visibility of parking should be minimized":** If traveling westbound, about 6 parking spaces will be seen. Parking will always be visible. There is a parking lot across the street for the school. A berm will be built, along with a small settling pool for detention, and grasses will be planted to create a buffer from the parking spaces. Plantings around the perimeter would probably do an insufficient job screening the 15 parking spaces in front of the building. The site has a total of 250 parking spaces, of which 15 do fall within the front of the building. There are no plans to screen the building – the architecture and character of the building are a high-quality design.

Commissioner O'Conner expressed concern about the buildings protruding into the setback areas.

Commissioner Broemmer pointed out that the vision for this area was to maintain a residential look.

8. Mr. Rodney Henry, 17661, 17655 & 17659 Wild Horse Creek Road, Chesterfield, MO speaking **for the petitioner** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
   - He is one of the principal owners of Vision Ventures and the Operating Manager of Vision Ventures and Planned Provision.
   - This project is at its nine-month anniversary.
   - Phase I is being operated as a CSP and Lawns of Distinction, to the west, is also CSP.
   - They had met with the Director of Planning before the property was purchased and were told that no residential or retail would be accepted in this area. They are working within the means and guidelines of the Comprehensive Plan.

9. Mr. Kent Henry, 17661 Wild Horse Creek Road, Chesterfield, MO speaking **for the petitioner** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
   - The property was purchased six years ago and when meeting with the Director of Planning, was told that residential or retail would not be permitted.
   - They began paying commercial taxes to St. Louis County four years ago because County said it had been rezoned commercial since it is a CSP.
   - They are not trying to aggressively push something ahead that is not in the Comprehensive Plan.

Ms. Teresa Price, Director of Planning, clarified the statements regarding residential and retail not being accepted in this area. Staff will always point out to a petitioner how a specific area is designated in the Comprehensive Plan. For this particular area, the Comprehensive Plan designates "Office Campus". A petitioner would be given the definition of "Office Campus" and what the allowed uses are. Residential is not under the definition of "Office Campus". If a petition is submitted for residential for this area, the Department can not turn down any rezoning petition.

Commissioner Broemmer pointed out that "CSP" is not zoned commercial – it is a residential zoning that allows a commercial use in a residential area.

10. Mr. Tim Hall, 17233 Manchester, St. Louis, MO speaking **for the petitioner** for **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He came before the Planning Commission in 1992/1993 for a rezoning of a particular piece of property, which was rejected because it did not meet the Comprehensive Plan.
    - Office Campus has been designated for 15 years.
    - During the nine months this project has been under review, there has not been a discussion about the use. There have been discussions about noise contours, setbacks, landscaping, and density.
    - Speaker feels this is the least dense commercial development in the City – over 60% of the existing tree canopy is being maintained.

- The size and scale of the architecture is much smaller from a sky/plane setback viewpoint than many of the residences along Wild Horse Creek Road. The project is 30' high and 70' back at the highest point. Homes are double that height and sit closer to Wild Horse Creek Road.

11. Mr. Jerry Murphy, Trustee of the Wildhorse Subdivision Homeowners Association, 17633 Lasiandra Drive, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - His Homeowners Association represents 485 homes in the Wildhorse and Wilderness at Wildhorse Subdivisions.
    - The residents in the area have been well-educated on this project.
    - The residents' reaction to the proposed plan has been overwhelmingly negative.
    - The citizens are asking that the Comprehensive Plan be reviewed. The residents feel the Plan is obsolete and needs to be changed to reflect the new realities in the City – the Valley is where business belongs.
    - The residents ask that the petition be rejected.

12. Ms. Renee Heney, 1513 Honey Locust Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - If the City agrees to commercial development on Wild Horse Creek Road, it will compromise the safety of area residents. Commercially developing 100 acres of bowtie property will create major traffic issues.
    - The proposed project will change the character of Wild Horse Creek Road. Residents bought homes in this area because of its country-like setting.
    - Many residents in the past voiced opposition to Office Campus development along Wild Horse Creek Road.
    - Regarding airport noise, homeowners have lived in the bowtie area for many years with very few complaints. If the Airport does its job with noise abatement efforts - such as hush chambers, engine-testing times, and aircraft restrictions – then homes are viable in the bowtie.
    - Speaker feels the Commission has reason to deny the petition because the Comprehensive Plan is flawed as it pertains to the bowtie property; because the developer's plan does not meet the City's criteria for Office Campus; and because rezoning the first parcel will set a negative precedent for the rest of the bowtie property.

13. Mr. Howard Curtis, 1035 Greystone Manor, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He has concerns about the current volume of traffic on Wild Horse Creek Road and the resulting safety concerns.
    - He has concerns about the frequency of accidents occurring in the area of Chesterfield Elementary School and down to the Long/Wild Horse Creek Road intersection.

- He has concerns about the traffic safety regarding school busses and parents and children on their way to and from Chesterfield Elementary School. Gateway Academy has recently hired a Traffic Guard to allow vehicles to make a left out of their school in the afternoon.
- The intersection of Long and Wild Horse Creek Road is very difficult during peak times. Over 200 accidents occurred on Wild Horse Creek Road in 2003 from 109 to Airport Road with many in the Long Road, Kehrs Mill, Wild Horse Creek Road intersection area.
- Speaker stated that there was an increase in traffic volume of 10.8% per year during 1996-2002 at Long Road and Wild Horse Creek Road. Speaker presented a chart showing a continuous growth from 2004-2009 using the same model used for 1996-2002. At present, approximately 26,000 vehicles go through this intersection during a 12 hour period from 7:00 am to 7:00 pm. In 2009, 38,000 vehicles may go through this intersection. The intersection is already rated "D".
- Speaker requests that the Commission vote "no" on the petition.

Mayor Nations pointed out that a lot of the increase in traffic along Wild Horse Creek Road is not from the residents in Chesterfield – it is caused by people trying to get through Chesterfield; specifically, from Long Road to Highway 109. Mayor Nations stated that he has worked with the past and current Mayors of Wildwood to address this situation. One way to address the issue would be to connect 109 to Highway 40 in the western end of Chesterfield Valley. MoDot believes that there is strong opposition to that connection from the citizens of Wildwood. Mayor Nations encouraged Wildwood residents to express to their representatives how important such a connection would be in relieving the traffic along Wild Horse Creek Road. As an interim measure, the City has been working on the redevelopment of the jail site in the Valley. As the City moves towards the redevelopment of the jail site, one of the things that has been researched is putting an interchange at Spirit of St. Louis to help move the traffic as far west as possible to keep it off Wild Horse Creek Road.

14. Mr. Earl Ray, 2100 Union road, St. Louis, Mo speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He is a professional engineer in Missouri and Illinois and a professional traffic operations engineer. He is employed as a traffic engineer for St. Louis County Department of Highways and Traffic, Operations Division.
    - He has been retained by the residents to provide a traffic projection from the existing Wildhorse Executive Center as proposed; to provide a traffic projection if half of the project was medical and half was office space; and to project what kind of traffic would be generated from the entire bowtie area using the same density of use as the first phase.
    - Speaker presented Tables showing total vehicle trips to the proposed project:

100% Office Use:	AM – 120;	PM – 145
50% Office/50% Medical/Dental:	AM – 130;	PM – 165

    - If the entire bowtie area is developed commercially, speaker projects the following:

100% Office Use:	AM – 990;	PM – 945
85% Office/15% Medical/Dental:	AM – 1070;	PM – 1150

- A copy of his report will be made available for the public record.

15. Mr. Jim Clay, 17675 Bridgeway Drive, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He would be addressing the funding issues for road improvements and presented charts showing funding sources:
        - Widen Long Road to 5 lanes: St. Louis County indicated this would have to be reviewed and would require a Public Hearing.
        - Some money is allocated for Bonhomme Creek Bridge.
        - Resurfacing Wild Horse Creek Road: Funding thru MoDot - $800,000 remains out of the $1 million allocated to Kehrs Mill/Long Road exit but has not been specifically allocated.

Mayor Nations referred to the Long Road improvements and stated that they are part of a couple of proposed transportation development districts in Chesterfield Valley, neither of which have received final approval – both are on the drawing board. St. Louis County has indicated that there is no money allocated for this project. There are proposals for a Transportation Development District in the Valley and the Long Road Improvement is a substantial portion of those Transportation Development Districts. So money could become available.

16. Mr. Dick Sawyer, 1023 Greystone Manor Parkway, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - Gateway Academy currently has 400 students and anticipates having 800 students.
    - Speaker stated that when Gateway Academy asked the City of Chesterfield for help in hiring a crossing guard, they were told there weren't any funds available.
    - The proposed development will magnify the problems at the school entrance and elsewhere.
    - The built-out bowtie area will create dangerous traffic levels all along Wild Horse Creek Road.
    - No money has been budgeted for the road improvements which causes more safety concerns.
    - The Comprehensive Plan calls for low density Office Campus. The proposed 56,000 sq. ft. of office buildings, along with 250 parking spaces, located on 10 acres does not fit the speaker's definition of low density.
    - In the event the entire bowtie area is developed commercially, there would be more parking spaces than all of the garages in Wild Horse, the Highlands, and Greystone subdivisions combined.
    - Speaker requests that the Commission vote "no" on this proposal.

17. Ms. Joan Smith, 17818 Keystone Trail Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - The residents want to maintain the residential character and safety of their neighborhoods.

- Noise abatement procedures will have to be followed regardless of how the area is developed.
- Aircraft engines are becoming quieter; homeowners have lived happily on the bowtie property for many years.
- Speaker believes the area is residentially viable.
- Speaker believes the proposed plan is too dense; the setbacks are not being met; there is no landscaping throughout; and there are no berms up front. The plan does not meet residential characteristics.

18. Mr. Bob Nation, 17669 Bridgeway Circle Drive, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - With respect to parking, speaker pointed out that the 3 subdivisions mentioned by Mr. Sawyer (Wild Horse, the Highlands, and Greystone) encompass approximately 900 acres while the bowtie area is only 115 acres.
    - Speaker quoted from the original Comprehensive Plan of 1998 regarding the description of the airport noise level: *"Noise levels above 65 DNL are considered by FAA to adversely affect noise-sensitive land uses. . . . The year 2000 DNL is used as a noise constraint for the Comprehensive Plan."* Speaker pointed out that this was the standard used and is not sure if the standard has been changed.
    - The noise contour lines only approach the railroad tracks within the bowtie area. Noise is a consideration because the bowtie area is immediately adjacent to the airport. While speaker sees the two issues of residential zoning and airport noise as related, he sees them as two separate issues.
    - FAA describes the noise levels over 65 DNL and states they would allow and recommend residential zoning to occur in the louder areas if a noise-level reduction is achieved through construction methods.

19. Ms. Candy Citrin, 17892 Bonhomme Fork Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - She recently spoke with Charles Shipman, principal of Coldwell-Banker-Gundaker, New Homes Division regarding the bowtie area. Speaker presented an email, dated 3/14/05, from Mr. Shipman stating that he is very interested in developing the bowtie area for residential use.
    - If the bowtie were zoned for residential use, speaker feels there would be no problem locating developers for the project.
    - Regarding the close proximity of the bowtie area to the airport, speaker noted that all persons moving into Chesterfield are required to sign a Special Disclosure informing them of the potential for future and nearby land use by the airport. It also informs them of the potential airport noise.
    - The homes near the bowtie area have no problem reselling when they come on the market. In the last year, 8 homes have sold in the Greystone subdivision with an average of 75 days on the market. In the last year, 45 homes have sold in the Wildhorse subdivision with an average of 46 days on market.

20. Mr. Joey Suter, Chesterfield, MO had signed up to speak **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** but was not available when called.

21. Mr. Tim Hunt, 16648 Anna's Way, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He is a Trustee representing the residents of Anna's Way, who are 100% against the proposed development and want to see the area developed as residential.

22. Mr. Rick Robertshaw, 1610 Highland Valley Circle, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - The majority of the 138 homeowners of The Highlands at Wildhorse oppose the proposed development along Wild Horse Creek Road.

23. Ms. Cheryl Meier, 17975 Bonhomme Ridge Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - She a Trustee for the Greystone Homeowners Association.
    - The residents of Greystone request that the Commission vote "no" to the request for the rezoning of the area referred to as the bowtie.
    - The residents want to maintain the residential character and harmony of Wild Horse Creek Road, which includes the bowtie area.
    - There are already sufficient commercial and office park development opportunities in established corridors of Chesterfield.
    - The residents request that the development remain residential to minimize traffic flow into and out of the subdivisions.
    - They are concerned about the safety and quality of life of the residents and school children in their neighborhood.
    - They want the City to represent the residents to help mitigate and reduce noise generated from the County-owned and operated Spirit of St. Louis Airport. Zoning commercial is not a noise-abatement solution.
    - The citizens of Chesterfield recently approved Proposition P, a tax increase for more green space. Proposition P was advertised as a $25 million bond issue for the operation of existing parks and recreational facilities and land acquisition for parks. This should be considered as an alternative for the bowtie and an alternative for airport noise abatement.

(Vice-Chair Hirsch took over the meeting at this point during the absence of Chair Sherman.)

24. Mr. Steve Kinstich, Chesterfield, MO had signed up to speak **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** but was not available when called.

25. Mr. John E. Drake, 962 Tara Oaks Drive, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - He is the Director of Tara at Wildhorse Homeowners Association, which includes 34 homes.
    - Their subdivision lies on the north side of Wild Horse Creek Road, just south of the mid-point of the main runway at Spirit of St. Louis Airport. His home is about 650 yards from the runway.
    - The homeowners concur that the location of their homes near the Airport does not create any undue noise abatement concerns and that the noise abatement procedures already implemented are well-managed by Airport officials.
    - Based on information available to date, the airport noise characteristics of the western bowtie area – including the subject property – have similar characteristics to their subdivision. Much of this area may be suitable for residential development.
    - The real concern is not the airport – but rather, safety issues resulting from the growth of traffic on Wild Horse Creek Road. They have concern over a reduction in the quality of life due to the consideration of commercial development in a residential and rural neighborhood.
    - The residents of Tara at Wildhorse are opposed to the Office Campus development and request that the petition be denied.

(Chair Sherman took over the meeting at this point.)
(Commissioner Macaluso left the meeting at this point.)

26. Ms. Stacy Rolfe, 1116 Wilderness Bluff Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - She is a Trustee for the Wilderness subdivision.
    - Speaker gave a slide presentation showing pictures along Conway Road and Schoettler Road, which speaker felt are very similar in nature to homes and characteristics of Wild Horse Creek Road.
    - Speaker noted that no commercial developments are being built along Conway or Schoettler. All the new development is in the form of home sites and high-end villas.
    - Pictures of Chesterfield Valley were shown with "for lease" and "for sale" signs noted.
    - Pictures of Wild Horse Creek Road were also shown.
    - Speaker feels that commercial development belongs in the Valley.

(Commissioner Macaluso returned at this point.)

27. Mr. Walt Czaicki, 17821 Wilderness Cliff Court, Chesterfield speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - The Comprehensive Plan does not reflect the opinion of the majority of the citizens who will be most impacted by the proposed development. Nor does it reflect the changes that have occurred in this section of the City in recent years.
    - The developer's plan fails to meet the City's Office Campus criteria in areas of building size, type, extended parking, setbacks and green space.
    - A precedent will be set with this rezoning.
    - The residents formed an organized committee as soon as the proposal became public. Standing room crowds have been at all of the meetings.

28. Mr. Jeff Citrin, 17892 Bonhomme Fork Court, Chesterfield, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - When Chesterfield was incorporated in 1988, one of the main impetuses for incorporation was to take control of its own destiny. Speaker feels that the residents who live in the area know best what is needed for their neighborhoods.
    - Speaker disagrees that the bowtie property should be developed as Office Campus. Residents agree that airport noise is an important issue but for them it is not the main issue. They are concerned about the issues of traffic safety - of turning on to Wild Horse Creek Road from their subdivisions.
    - Speaker feels that adequate consideration has not been given to the needs and wants of the residents of the Wild Horse Creek Road area. The majority of the residents are opposed to commercial development in the bowtie area.

Mayor Nations stated that when the review and revision of the Comprehensive Plan was undertaken from 2001-2003, one of his prime motivations was the bowtie area. When the process was started, there were approximately 60 citizens involved. When the Plan was put together, it was a two-year process and a very-involved process. Every piece of the Plan got a lot of review and a lot of input from a lot of people.

29. Ms. Kerry Feld, Jenkins & Kling, PC, 10 South Brentwood, Clayton, MO speaking **in opposition** to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** stated the following:
    - She is an attorney working with Steve Kling, who is the lead attorney representing the resident group opposing the proposed development. Mr. Kling was not able to attend tonight's meeting.
    - They do not feel that the Comprehensive Plan reflects the proper zoning for this residential area.
    - No case in Missouri Courts gives a landowner a vested right to have his property zoned as recommended in the Comprehensive Plan.
    - The Comprehensive Plan is a guide and should be a significant factor in any rezoning decision unless there is a mistake or a change in circumstances. Speaker feels both exist with respect to the bowtie properties.
    - Rezoning decisions are also based upon the character of the area, zoning of nearby properties and public vs. private detriment.

- Her clients recommend a denial of the pending zoning request.

Chair Sherman made a motion to change the agenda by reviewing the items in the following order: - VIII. B; VIII A; and then VII A-C. The motion was seconded by Commissioner Hirsch **and passed by a voice vote of 8 to 0.**

VIII. OLD BUSINESS

B. P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC): A request for rezoning from "NU" Non-Urban to "PC" Planned Commercial district for a 10.243-acre parcel located north of Wild Horse Creek Road, approximately 500' west from Wildhorse Parkway. (Locator Numbers 18V51-0040, 18V51-0095, 18V51-0017)

Project Planner Christine Smith Ross stated the following:

- She has prepared an Issues and Vote Report for the Commission and will address issues.
- She will address the Comprehensive Plan definition of "Office Campus" and compare the project to the definition – point-by-point.
- She will address three other open issues.

She then introduced Ryk Dunkelberg with Barnard Dunkelberg to address the airport noise issues.

Mr. Ryk Dunkelberg stated that he is the consultant for the Spirit of St. Louis Airport Far Part 150 Study, which is an aircraft noise and land use compatibility study. He had been asked to provide information about particular questions that concerned the following issues:

- Building Code Type questions
- Measures to Reduce Inside Noise Levels
- Effective Grading and/or Tree Removal Plans on Sound Transmission
- A Background on the Part 150 Study – where we are, what's going on with that study, what does it mean?
- Past History of Previous Noise Contours – have they changed?
- The Part 150 Land Use Guidance Chart Questions – where it came from and how it was developed

Mr. Dunkelberg then provided information on the following specific questions:

Do local or national building codes regulate what sorts of structures may be within areas at varying noise levels or require sound-proofing based on noise levels?

- These are national guidelines developed by the FAA. They are not requirements.
- There is no federal land use control authority. The FAA does not control land uses. So they are guidelines.

- There are no national building codes associated with the federal government on how aircraft noise levels are associated with different types of land uses. Again, it's a local question for local jurisdictions.
- Any land use decision is a local decision.
- However, for aircraft noise level, Congress has delegated to the FAA certain authority to regulate the type of noise determination that is used to identify aircraft noise levels.
- There are no national regulations. The land use chart contained in the regulations is just a guideline. The footnote at the bottom of the chart says that each community can develop its own land use compatibility guidelines.

What measures can be taken to reduce sound transmission from an airport aircraft to the inside of a noise structure?

- These are called sound reduction techniques.
- Generally, they consist of acoustically-treated windows, which are usually three-paned windows with air trapped in between those panes; solid core doors; double venting in both the kitchen and the bathroom; enclosed heating and air-conditioning units; attic insulation; and sometimes inside or outside wall treatments.
- The wall treatments are usually only required when in very high, intense noise levels – a 70 or 75 DNL or greater.

What effect will grading and tree removal have on sound transmission from the Airport or aircraft operating at the Airport to the site adjacent to or across from the proposed development?

- Generally speaking, vegetation has minimal sound reduction effect. It has a lot of psychological sound reduction effect, but the actual noise levels are not really reduced significantly by vegetation. This is especially true when aircraft are in the air operating.
- It does have some reduction effect if the aircraft is on the ground and the vegetation is adjacent to that aircraft on the ground. It also has some effect if it is very close to the source of the noise.
- The closer you are to the sound source, the more noise reduction you get - especially, if it's a dense, evergreen-type vegetation.
- In this part of the country, wind breaks were developed many years ago to stop the dust from blowing. Those wind breaks usually are two or three different types of vegetative material, staggered with different heights and densities. Those types of vegetation barriers can reduce ground-generated noise levels. However, they don't affect airborne-generated noise levels.

Provide some background on the Part 150 Study. What is it? Why is it changing? When will it be complete?

- Generally, a Part 150 Study is a voluntary aircraft noise and land use compatibility study. It's not regulated. There are no requirements mandating any airport to develop a Part 150 Study. It's totally voluntary on the part of the airport and the airport sponsor.
- A Part 150 Study generates aircraft noise contours. The statute requires us to generate those noise contours in a DNL metric.

- The DNL metric is an annual, average cumulative noise level, which is based on the number of aircraft operations, the type of aircraft operations, and the time of day that aircraft operates.
- Generally speaking, the more aircraft operations you have, the larger the noise contour. The more night-time operations you have, the larger the noise contour.
- The FAA defines "night-time" from 10 p.m. to 7 a.m. Any aircraft operation that occurs during this time period has a ten decibel penalty attached to it. This means that the aircraft is assumed to be ten decibels louder than it actually is because noise is more intrusive at night than it is during the day.
- The noise contours are average cumulative noise contours. They are not what a person hears. A person hears a single aircraft fly-over, or single event noise level, as opposed to the cumulative noise levels.
- There is a lot of discrepancy and argument in the industry - among citizen groups, among land use planners - about whether the DNL metric is the right metric to use for land use compatibility. However, the DNL metric is the one that has to be used based on federal statute.
- A Part 150 Study makes land use an operation of recommendations to reduce, abate or mitigate existing and future noise levels.
- It's a short-time planning horizon. The statute requires us to look at a five-year planning horizon, which is basically no good to land use planners. Land use planning looks at a ten, fifteen, twenty-year planning horizon. This is one of the reasons why the Part 150 Study is updated.
- The Study is updated to reflect changes in aircraft operations, changes in aircraft types, changes in numbers, and changes in flight paths.
- The Part 150 Study was supposed to have been done several years ago. A problem has occurred in that the FAA does a national forecast every year. That national forecast is called a Terminal Area Forecast, which forecasts aircraft operation levels for every airport in the United States. There is also a policy that says any future forecast number has to be within 10% of the national FAA forecast. As a result of 9/11, the FAA's forecast took a nosedive The FAA's forecast is about two years behind what's happening in reality.
- The noise analysis was just completed last year and the FAA developed their new Terminal Forecasts. However, the future forecast numbers were more than 10% less than the forecast that was used to generate the future noise contours. The future forecasts had to be re-evaluated, which has been done.
- The forecasts have just recently been approved and accepted.
- They are now in the process of re-doing and re-generating all the future noise contours based on the re-evaluated forecast of operations. The noise contours will be somewhat smaller than they were.

Why is it taking so long?

- It has taken a long time to get the FAA to approve the new forecast.
- Then the new contours had to be re-generated.

What's the past history?

- This is an update of a previous noise study. Speaker indicated that he does not have much background on how the previous noise study was done.

- The previous study did generate noise contours and those noise contours were used for land use planning purposes.
- In the updated study, the contours have changed – they are somewhat smaller.
- The reason the contours are smaller is because aircraft engines are getting quieter. The business jet fleet, which dominates this airport, is phasing out its old noisier business jets and phasing in the new quieter business jets.
- However, there is no regulatory mechanism to require the old aircraft to be phased out. At most airports, there is going to be some percentage of the old, loud business jets because they are cheap to operate.
- But, overall, aircraft are getting quieter. To an extent, even as aircraft operations increase, the contours will reduce at some point.
- However, at some point in the future, aircraft operations are going to go back to a level that they had previously attained 10-15 years ago. When they do, the noise contours will grow proportionately to that growth in operations.
- The airport has received numerous noise complaints beyond even the 55 DNL noise contour - way outside on the periphery of the environs of the airport. They realized that those noise complaints were beyond the 65, which is the traditional land-use compatibility guideline.
- Because there are a lot of noise complaints beyond that, the speaker felt it was reasonable to expect noise complaints through additional residential development close to the Airport.

Is the chart provided by the FAA of various lane uses noted as suitable or unsuitable for various DNL levels? Is this the most current? What's the basis for this chart? Are they considered minimum requirements? Do communities place stricter requirements in some case?

- This is the most current land-use chart. It's the only land-use chart available that the federal government recognizes as it defines land use compatibility and aircraft noise contours.
- The purpose of the chart is to define a relationship between compatibility and noise contours.
- The chart was based many years ago on community surveys, which were conducted in urbanized areas.
- It's a chart that relates land use compatibility and the probability of litigation to the airport from compatible land uses based on surveys taken in dense urban areas.
- It reflected that, at about the 65 DNL level, there is strong resentment to aircraft noise levels. At this level, a threat of litigation to the airport and the airport sponsor is very strong.
- That's where the land use compatibility guidelines came from and that's how they were developed. They are minimum standards recommended by the FAA. Many communities adopt those same standards.
- However, communities can adopt any standard they want. It's up to the community to do what they want.

Mr. Dunkelberg then responded to questions from the Commission:

Why is this called Part 150?

- About 1979, Congress passed the Aviation Safety Noise Abatement Act. In that particular Act, they directed the FAA to develop guidelines for land use compatibility, aircraft noise levels and the relationship between the two. FAR stands for Federal Aviation Regulation, Part or Chapter 150. Since then, all those have been codified as part of the Federal Code of Regulations.

What is your expectation in terms of the contours 5-10 years from now – especially in the particular area of the bowtie?

- It is fairly certain that the contours will increase. They will get larger than they are today because there'll be more traffic at the Airport. The more traffic there is at the Airport, the greater the size will be of the noise contour.
- The traffic will probably be high-end business jets and large turbo-prop twin aircraft, which would dominate the noise contour.

Regarding the direction of those kinds of increases in the contours – would they tend to be moving parallel to the runways or would they expand on the ends of the runways?

- Normally, what is being seen with the new aircraft engines is a greater extended center line of the runway contours as opposed to a larger sideline contour.

Would the extensions be, basically, east and west rather than south and north?

- The growth in the size of the contour will be greater east and west than north and south. But there would be north/south growth also.

As you move further away from the actual runway, do you anticipate that the noise level would go down?

- Yes.

Is there a distance on either side of the noise contour line that could be the same amount of noise?

- Yes, the noise contours are not something you can go out and survey. They're not an exact line on the ground. The model probably is accurate plus or minus 100 feet either way.
- It's also based on generalized flight tracks. Flight tracks are how an aircraft flies. You have to generalize those and put them in the model, which is why it's an annual average cumulative noise level.
- It must be taken into consideration that aircraft do not fly a straight line in the air. They veer both ways back and forth.
- It must also be taken into consideration that the guidelines were developed for dense, urban environments around larger airports. Experience has shown that at general aviation airports, like Spirit, people react about 5 DNL lower than they do at large commercial service airports.

- Because the noise levels are not as constant, people react more strongly to those individual aircraft flyovers. Therefore, the 60 DNL is a better predictor at general aviation airports than the 65 DNL used at commercial service airports.
- Experience has shown that a general aviation airport, the number of concerns and complaints relates to the 60 DNL in the same manner that a commercial service airport would relate to the 65 DNL.

Is there are a reason why the DNL stops at 55 and doesn't go to 50 or 45?

- Normally, 55 is about as accurate as you can get the model for this type of environment.

This "type" being the general aviation area?

- General aviation, and what would be called a more rural-type of environment, as opposed to a dense, urban-type of environment.
- The further away you go from the runway complex, the less accurate the noise modeling becomes.

Regarding the numerous complaints made to the Airport, can you look at the map and tell me whether they were outside of the 55 DNL or just below the 70 DNL?

- Yes - a year's worth of noise complaints were mapped several years ago and many of them were in the "yellow area".
- Many of them were beyond into Wildwood.
- Some of them were off to the west of the Airport and some of them were off to the east of the Airport. Hardly any of them were to the north.

In the future, do you see that the acceptable standard of the DNL is going to go up? Is it going to go down?

- There's a tremendous amount of discussion regarding the standard. One reason why the standard has stayed at the 65 DNL for the past 10 or 15 years is because that standard also equates to eligibility for federal funding for sound attenuation for existing structures and/or acquisition. And that sets the limit for federal participation.
- Realizing the scarcity of federal funds, there's a strong inclination not to move the 65 DNL out to the 60 because it would then equate to funding for those same properties inside a different noise contour. This would have a tremendous impact on the FAA's budget.
- At the same time there is a lot of discussion to use something other than the DNL metric. What the speaker thinks may happen is that there will be a recognizable different standard for non-dense, urbanized communities than there is for dense, urbanized communities.
- The background noise levels in a dense, urbanized community are higher than the background noise levels in an area like Chesterfield. Because the background and ambient noise levels are higher, the noise levels are not as great and they don't affect people to the same extent that they do in a quiet environment affected by the same noise levels.
- Speaker felt the standards would be reduced for non-urban areas quicker than having the DNL go away.

So in the future, the noise level in our area may go down from 65 to 60?

- It might. There are discussions of that going on in different industry groups right now.

Regarding noise from a road – what kind of levels of noise would that be?

- It all depends on vehicles per day. Highway traffic is measured in a different metric than DNL because they don't have the 10 night-time penalty for night-time traffic.

At the conclusion of Mr. Dunkelberg's presentation, Chairman Sherman thanked him for his expertise and conveyed the Commission's appreciation for his time.

Project Planner Christine Smith Ross continued her presentation by comparing the proposed project to the definition of "Office Campus", as cited in the Comprehensive Plan.

- **The project should be low-rise:** The Comprehensive Plan defines "low-rise" as: *45 feet or less in height for the structures.* P.Z. 13-2004 proposes 30 feet.
- **The project shall emphasize open space:** P.Z. 13-2004 proposes 50% open space in Phase I; 64% open space in Phase II; and an overall of 61%.
    - Per Ordinance 1678, which set performance standards for office development in commercial – 45% is considered the minimum. This project provides somewhat more open space than the minimum standard.
- **The preservation of natural features to serve as a buffer and transition to the residential:** P.Z. 13-2004 at the southern edge, specifically along Wild Horse Creek Road, proposes a buffer of about 24-30 feet and a landscape berm of about 4 feet in the area closest to the parking area.
    - The Department is proposing a landscape buffer of 100 feet. In addition to the use criteria, the preservation of the residential character of Wild Horse Creek Road should be used in evaluating the petition. As the first proposed rezoning, the project will, to some extent, establish a precedent for future commercial development of Office Campus in this area.
    - At this location, Wild Horse Creek Road is at approximately the same elevation as the front area of the site. The 24-30 foot setback, with a low berm on one side and a depression on the other, will not appear to provide much buffer from Wild Horse Creek Road. The buildings and the parking will be visible, particularly from westbound Wild Horse Creek Road.
    - The City's Zoning Ordinance adopted the Tree Manual last year. The Tree Manual would require a 20-foot landscape buffer adjacent to the non-urban properties to the east and west of this property. P.Z. 13-2004 proposes some planting along the edge but nothing that actually constitutes a buffer.
    - Natural vegetation remaining on site will be mostly to the north of the proposed buildings. P.Z. 13-2004 proposes to include one existing tree at the front of the site.
    - Staff's suggestions would affect the proposed parking and building footprint.

- A 35' building setback is required on the east and west because the project is adjacent to non-urban. This setback would remove some more of the southernmost building.

- **Consideration should be given in Office Campus to the utilization of structured parking to facilitate open areas:** The petitioner states that consideration has been given and that it was found to be inappropriate at this location.
  - Staff notes that the only design submitted to the Department of review was the current design with all-surface parking. The Department has not reviewed any structure parking plans.
- **Visibility of parking areas should be minimized.** The petitioner states that parking has been placed to the rear and side of the proposed buildings in Phase I.
  - There is also some parking in front of the southernmost building adjacent to Wild Horse Creek Road.
- **Permitted uses include institutional uses, such as colleges, schools and churches.** These uses do not apply to this petition.

Ms. Smith Ross then responded to questions from the Commission:

Why is the Attachment A written at "45' in height" when the petitioner requests buildings at 30' in height?

- To permit the petitioner flexibility of possibly increasing the size of the buildings in order to meet the buffering and setback requirements, which are not able to be adjusted. This could allow for a level of parking beneath the building.

What is the combined open space calculation through Phases I and II for the developable land – excluding the unbuildable bluff?

- This was an issue raised at the last meeting and was requested from the petitioner. The petitioner has declined to provide this calculation and Staff has not done any such calculation.

In a typical residential subdivision, what would be open space?

- Typically, open space is not computed for residential subdivisions.

What was the open space on Phase I?

- 50%

Define open space.

- Not the building, not any area for vehicular circulation.
- It is sidewalks, landscaped areas, detention areas

Regarding the entrance road into the site, is there some specific language in Attachment A that makes some criteria about this road?

- Public Works has provided for that to be a roadway. They have not stated whether it will be public or private but they require a right-of-way with a dedication for maintenance along the sides.

- At this point, they are requesting that no parking be allowed on either the north/south roadway or the east/west roadway.
- This criteria is part of Attachment A.

Does Attachment A address the request that the buildings be residential in character or is that addressed in the Site Plan?

- This is not addressed in Attachment A.

Commissioner Broemmer made a motion to approve the rezoning request of **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** in accordance with Attachment A. The motion was seconded by Commissioner Banks.

Commissioner Banks stated that he feels the 100' setback has made a big improvement in the plans of the proposed project and would set a precedent for any future development. He then expressed concern over the issue of building height, particularly the closer it gets to Wild Horse Creek Road. He has concern that two-story buildings are included in Phase I, which he feels will then be included in every site to the west of this development.

Commissioner Banks made a motion to restrict the buildings that are within 400' of Wild Horse Creek Road to one story. (It was noted that 400' would include all of Phase I.) The motion was seconded by Commissioner Macaluso.

Commissioner Hirsch expressed concern that a lower height would put an emphasis on spreading out, which would create a higher density. He stated that he already has concern that the project is too dense.

It was pointed out that the Attachment A includes a standard for the floor/area ratio, along with a standard for the square footage amount. The floor/area ratio is a maximum of 13%. Commissioner Banks stated that if these standards are met, he felt the project would be less dense.

Upon roll call, the vote on the building height restriction was as follows:

Aye: Commissioner Macaluso, Commissioner Perantoni, Commissioner Banks, Chairman Sherman

Nay: Commissioner Broemmer, Commissioner Hirsch, Commissioner O'Connor, Commissioner Asmus

The motion failed by a vote of 4 to 4.

Before the vote on approval of this petition, Commissioner Macaluso reminded the Commission of the following points:

- The project includes 250 parking spaces. If this is multiplied by 10, it would amount to a possible 2500 parking spaces in the bowtie area.
- The project includes 6 buildings. If this is multiplied by 10, it would amount to a possible 60 buildings in the bowtie area.

- She does not feel the project is living up to the City's standards on green space or parking.
- She does not feel the layout of the project is correct.

Commissioner Macaluso stated that the Commission needs to think long and hard on the future of this whole area. She hopes that Councilmember Geiger will take the message to City Council that the whole bowtie area needs a better definition – on what is expected and on what is wanted. When she voted on the Comprehensive Plan, she had an entirely different vision of what was going to happen in this area. She does not feel that the definitions are clear. She hopes that City Council will review the matter and recommend to the Planning Commission that a moratorium be put on the whole bowtie area.

Upon roll call, the vote to approve was as follows:

Aye: Commissioner O'Connor, Commissioner Perantoni, Commissioner Banks, Commissioner Broemmer, Chairman Sherman

Nay: Commissioner Hirsch, Commissioner Macaluso, Commissioner Asmus

The motion passed by a vote of 5 to 3.

Chairman Sherman reminded the audience that the vote is a recommendation that now goes forward to the Planning & Zoning Committee who will review the work that has been done. The Planning & Zoning Committee may approve, change or deny the petition.

A. P.Z. 08-2004 Bull Moose Tube: A request to amend the City of Chesterfield Ordinance 1218 for Bull Moose Tube Holdings, Inc., zoned "C-8" Planned Commercial district located at the west side of Clarkson Road, south of Baxter Road and north of Forest Meadows Drive at 1815, 1819 and 1855 Clarkson Road. (Locator Numbers 19T 34 0345, 19T 34 0367, 19T 32 0468)

Project Planner Kyle Dubbert stated that the request is to amend Ordinance 1218. Mr. Dubbert re-capped the changes made to Ordinance 1218:

- Medical and dental office has been added as a use for Lot 1 only.
- The parking garage has been removed from the permitted uses for this development.
- Language regarding height of the structures has been clarified.
- The maximum allowable square footage has been reduced by 11,500 square feet.
- Language regarding parking has been changed to reflect the current conditions of the existing building and the current standards for the proposed building.
- Language has been added providing for cross access between Bull Moose Tube and the School for the Deaf.
- Language has been updated to allow for review for compliance with all current and applicable standards, such as the Tree Manual and Lighting Ordinance.

Commissioner Macaluso referred to Page 6 of Attachment A, Items VII.A.1.b) and 1.d) regarding Structure Setbacks and noted that they both referred to "west" limits. After review of the plan, it was noted that Item VII. A. 1.b) should be corrected as follows:

> *b.) One hundred twenty (120) feet of the ~~west~~ east limits of this development.*

Project Planner Dubbert then responded to questions from the Commission:

Why we are waiting on Lot 2 until a tenant change before we require the petitioner and their interest to upgrade to current parking standards?

- There is no current problem with the way the first built-out building is parked. There are no parking violations that would necessitate a change in the parking standards.
- If so instructed, the change can be made in the Attachment A.

Director of Planning, Teresa Price, stated that once there is a change in tenancy, the entire site would be required to be brought up to the new standards of the Zoning Ordinance. The concept of the "change of tenancy" has previously been done in other ordinances. It was noted that the Department tracks the tenant change through the Re-Occupancy Permit.

Commissioner Asmus felt that the petitioner is seeking to take the benefit and not the burden of the City's Ordinances and requirements - taking the benefit in allowing a certain structure and use; and not the burden of parking the original Lot 2 up to current City standards.

Commissioner Banks observed that there is a trade-off in green space by not adding parking. In the absence of any evidence which shows the petitioner is under-parked, he did not see a reason to increase the parking requirement.

Commissioner Broemmer asked if Building 2 is adequately parked for its usage. Project Planner Dubbert responded that it is, but it is parked at a lesser standard. He noted that parking has not been an issue at this site.

Commissioner Asmus felt that there was a disconnect between the traffic study done by the Traffic Professional and the data provided by Staff, which showed a greater safety risk by more than 20% additional trips in the P.M. Peak period. Project Planner Dubbert stated that he had only one source as a resource to complete a task requested by the Planning Commission. This request was prior to the petitioner being asked to complete a traffic study.

City Attorney Doug Beach pointed out that petitioners hire experts and the City doesn't. The staff are not traffic experts so if the Commission wants traffic information, then the Planning Commission needs to request a traffic study at the expense of the developer.

Commissioner Hirsch made a motion to accept **P.Z. 08-2004 Bull Moose Tube.** The motion was seconded by Commissioner Macaluso.

Upon roll call, the vote was as follows:

Aye: Commissioner Macaluso, Commissioner Perantoni, Commissioner Banks, Commissioner Broemmer, Commissioner Hirsch, Chairman Sherman

Nay: Commissioner O'Connor, Commissioner Asmus

The motion passed by a vote of 6 to 2.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

It was noted that the petitioner for Item B, Conway Heights, was still present. It was agreed that Item VII.B. would be voted on first.

B. Conway Heights - Lot 585 of Shenandoah Plat 7: A record plat for an approximately 3.109 acre tract of land zoned R-1A Planned Environment Unit located north of Conway Road and West of Bayle Lane.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Perantoni **and passed by a voice vote of 8 to 0.**

A. Bluestone Commons LLC: An Amended Site Development Section Plan, Lighting Plan, Architectural Elevations and Landscape Plan for a 2.6 acre development zoned "C-8" Planned Commercial District located north of Chesterfield Airport Road and east of JW Drive.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Lighting Plan, Architectural Elevations and Landscape Plan, with the condition that in the striped area for "no parking", there will be planters, the amount of which to be determined by Staff. The motion was seconded by Commissioner Hirsch **and passed by a voice vote of 8 to 0.**

C. Gundaker Office Building, Chesterfield Business Park Outparcel B: Lighting Plan, Architectural Elevations, Landscape Plan and Site Development Section Plan for a 4.28-acre parcel zoned "PI" Planned Industrial located south of Chesterfield Airport Road, east of its intersection with Chesterfield Business Parkway.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Lighting Plan, Architectural Elevations, Landscape Plan and Site Development Section Plan with two additions – the stamped concrete be included with

pedestrian walkways on both the south and the north side entrance ways as presented; and the sidewalks from both the north and south side entrances be extended out to Chesterfield Business street sidewalk. The motion was seconded by Commissioner Broemmer.

Commissioner Banks voiced his objection to the internal circulation of the project.

The motion passed by a voice vote of 7 to 1. (Commissioner Banks voted "no".)

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

A. Committee of the Whole - None

B. Ordinance Review Committee - None

C. Architectural Review Committee - None

D. Landscape Committee

Commissioner Macaluso stated that the Landscape Committee would meet on Thursday, March 17, 2005 at 3:30 p.m.

E. Comprehensive Plan Committee - None

F. Procedures and Planning Committee - None

G. Landmarks Preservation Commission - None

XI. ADJOURNMENT

The meeting adjourned at 11:40 p.m.

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Lynn O'Connor, Secretary