

V.A.

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JANUARY 14, 2008**

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

I. PRESENT

Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Ms. Lu Perantoni
Mr. Gene Schenberg
Mr. Michael Watson
Chairman Maurice L. Hirsch, Jr.

ABSENT

Mr. G. Elliot Grissom

Mayor John Nations
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. Mara Perry, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Connie Fults, Council Liaison; Councilmember Bruce Geiger, Ward II; Councilmember Bob Nation, Ward IV; and City Administrator Mike Herring.

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

- A. P.Z. 47-2007 Conway Point Office Building:** A request for an ordinance amendment to amend the legal description, permitted uses, and development criteria for the 1.063 acre parcel of land, zoned “PC” Planned Commercial District, located at 15310 Conway Road, at the southeast corner of the intersection of Chesterfield Parkway and Conway Road.

STAFF PRESENTATION:

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- All Public Hearing notification requirements were fulfilled.
- The current parcel, which is zoned “Planned Commercial”, is 1.063 acres in size.
- The Petitioner is asking to amend the legal description of the site to include St. Louis County right-of-way, which is to be acquired to the east of the site. The Petitioner has petitioned St. Louis County to vacate the subject right-of-way, and the City is in receipt of a letter from St. Louis County indicating their intent to vacate this right-of-way.
- The subject right-of-way would add an additional .43 acres to the site totaling 1.489 acres for the site.
- The Petitioner is requesting several other changes to Ordinance 2361. The following table shows the current language under Ordinance 2361, along with the changes being requested by the Petitioner:

Description	Ordinance 2361	Petitioner Requested Change
Permitted Uses	Offices or Office Buildings and One (1) parking garage	Financial Institution with, or without, a drive-up bank feature
Open Space	45% open space for the site	A minimum of forty-five percent (45%) open space of the total site area identified to be landscaped and maintained is required for this development [a minimum of thirty five percent (35%) for the site area as defined by the legal description, and an additional ten percent (10%) credited to the remaining contiguous R.O.W. site area committed to be landscaped and maintained].

Parking Setback	13 feet from the eastern property line bearing S 04°50'21" E	13 feet from the eastern property line bearing S 04°23'09"W (<i>Request is that the line be measured from the new right-of-way portion vs. the former property line.</i>)
Building Setback	95 feet from the right of way of Conway Road (<i>It was noted that Staff had originally measured this setback incorrectly – the corrected setback should be 85 feet from the right of way of Conway Road.</i>)	50 feet from the northern property line bearing N 83°52'17"E. (<i>Request is for a 50-foot setback from Conway Road.</i>)
Building Setback	60 feet from the western property line bearing N 04°31'39"W	25 feet from the western property line bearing N 04°31'39"W. In addition, 25 feet from any property line adjoining property in the Non-Urban, Park and Scenic, or any Residential District. Any structure whose median height exceeds 30 feet which adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be setback an additional 1 foot for every 2 feet in median height above 30 feet. The western property line is the only condition where this occurs.
Building Setback	20 feet from the eastern property line bearing S 04°50'21"E	50 feet from the eastern property line bearing S 04°23' 09"E (<i>Request is to change the property line to match the new right-of-way line.</i>)

- The Comprehensive Plan shows the subject site to be in the Urban Core.
- Based on Staff's review of the preliminary plan, the following are open issues:
 1. Language requested by petitioner for open space and building setback amendments. *Staff will work with the Petitioner on the proposed language.*
 2. Adherence to the Tree Manual – the site, as shown, is not in compliance with the required 30 foot landscape buffering along collector and arterial roadways. *Conway Road, Chesterfield Parkway, and Highway 40 are considered collector and arterial roadways.*
 3. The plan as proposed does not meet the 45% open space requirement. *The Petitioner is proposing a 35% open space requirement.*

Responding to questions from the Commission, Ms. Yackley stated the following:

- **Regarding Open Space:** Ordinance 2361 requires 45% open space. Assuming the Planning Commission approves the amended legal description (making the site approximately 1.5 acres), the Petitioner is requesting an open space requirement of 35% on the 1.5 acre site. To make up for the additional 10% of required open space, the Petitioner is requesting that they be given credit for the surrounding rights-of-way owned by MoDOT, the County, and the City, which they intend to landscape and maintain.
- **Regarding the Western Building Setback:** It was noted that the property to the west of the subject site is currently zoned "R3". Assuming that the "R3"-zoned property is rezoned in the future to something other than "Residential", the Petitioner is requesting a 25-foot setback at the time the adjacent property is rezoned. If the adjacent property remains "Residential", or if the subject site is developed when the adjacent site is still zoned "R3", the Petitioner is requesting a 25-foot setback plus an additional 25 feet – for a total of 50 feet from the western property line. If the subject building is taller than 30 feet, the Petitioner is proposing an additional setback of 1 foot for every 2 feet the building is over 30 feet in height.
- **Temporary Entry from Conway Road:** The current language allows the Petitioner to have its own entrance off of Conway Road. At such time as the property to the west is developed, the City would like the entrance to align with the currently existing entrance of B. Donovan's Steak House.
- **Parking:** The site meets its parking requirements of 4 spaces per 1,000 square feet of gross building area.

Commissioner Banks stated that one of the reasons for having an open space requirement is to control the density of a site. He expressed concern about using property not owned by the Petitioner to meet the open space requirement.

Commissioner Schenberg expressed concern that the right-of-way the Petitioner is asking to use to meet its open space requirement could possibly be used for road expansion in the future.

PETITIONER'S PRESENTATION:

1. Mr. Randy Johnston, Principal Owner of Lighthouse Architects, 14323 South Outer 40 Drive, Chesterfield, MO gave a Power Point presentation and stated the following:
 - His firm has been hired to design the subject project.
 - They are proposing to landscape the right-of-way properties owned by MoDOT, St. Louis County, and City of Chesterfield. MoDOT and St. Louis County have indicated their acceptance of such landscaping.
 - When the temporary entrance is changed to a permanent entrance, there will be no net loss in parking spaces.
 - The original presentation of the building showed a partial third story with a proposed roof deck. The current rendering shows the building to have a full third story. Because of the costs involved with gaining the additional property, a full third story was added to provide additional lease space.
 - They feel the proposed building is in line with the City's desire to have the urban core have a more dense development. They also feel the site will provide an attractive gateway into the City.
 - When the subject petition was presented last year to the property owners to the west, they approved the petition because they are desirous of rezoning their property to "Commercial" before it is sold.
 - The property owners to the west are also in agreement with the proposed building setback from the western property line.
2. Mr. Mark Nelson, Conway Point Office Building owner, 127 Grand Meridian Forest, Wildwood, MO stated the following:
 - The proposed building changes have not changed the footprint or the height of the building from the original. The original building had three stories on one side and 2.5 stories on the other side. The building has been changed to have three stories on both sides.
 - When the property was purchased 18 months ago, they understood there could be an issue with the open space requirement. But realizing the site was located in the urban core, they noted that the urban core allows the highest density office use in the City.
3. Mr. Bob McBride, Conway Point Office Building owner, 2135 Schuetz Road, St. Louis, MO stated the following:
 - Speaker addressed the concern raised regarding the possibility of the right-of-way being used for future road expansion. They have basically been informed by MoDOT that MoDOT never intends to use this property, and is very agreeable to giving up the maintenance of it.

- The subject project takes up approximately the same footprint as B. Donovan's but is substantially smaller in scale. The open space around B. Donovan's is considerably less than the 35% open space being proposed for the subject site.
 - Responding to past concerns regarding the height of the building possibly creating a canyon effect, they have lowered the height of the building by 20 feet.
4. Mr. David Bohler, Clayton Engineering Company, 11920 Westline Industrial Drive, St. Louis, MO was available for questions.

Chair Hirsch pointed out that when the petition was previously presented, it was clear that the proposed building could not be built based on the specifications of the Attachment A without the acquisition of the County's right-of-way property. The Commission was under the impression that the current petition would include a change in the legal description and change in the setback to 85 feet from the right-of-way of Conway Road. However, the current petition shows a larger building, less open space, changes in other setbacks, and a different use with drive-thrus that could affect traffic on the site. Chair Hirsch asked the Petitioners to address these concerns.

The Petitioners responded as follows:

- **Regarding Open Space & Parking:** The original project had 37% open space on the site vs. 35% open space currently being proposed. The original project had parking at 3.3 spaces per 1,000 square feet of gross building area vs. the currently proposed 4 spaces per 1,000. The site is currently over-parked by four cars (97 spaces vs. the required 93 spaces.) They feel it is appropriate to allow the owners to claim the 10% right-of-way property for open space as they will be landscaping and maintaining it. The site will be viewed as one parcel from anyone passing the site.
- **Regarding the Financial Use of a Bank:** Retail lending institutions have a substantially different vehicular traffic pattern than commercial lending institutions. The site currently is intending a 3,000 square-foot commercial lending institution on the first floor of the building. With only two drive-up lanes with a single drop in each lane, it is not expected that a retail lending institution would be interested in the site as retail institutions normally have 4-6 lanes. The site would not accommodate the stacking required for multiple drops per lane. It is not anticipated that there will be a lot of use of the drive-up lanes, but the bank still requires them for the convenience of its customers. It was noted that approximately 60% of the banks transactions are digital
- **Regarding the Size of the Building:** The total, rent-able square footage of the building has been increased by the addition of a full third story. This additional square footage requires more parking spaces. However, the footprint of the building, which affects the open space, has not been changed. The additional rent that can be generated by the third floor

square footage will offset the cost of the building and make the project viable. It was noted that the additional square footage was not caused by the acquisition costs of the right-of-way property.

Mayor Nations asked that care be taken with how the open space is calculated. The City has steadfastly maintained the position that a Developer is only entitled to include in the open space calculation the portion of the property that is actually on the site – right-of-way property has not been allowed in open space calculations. If the Commission determines that the plan is appropriate as presented, the Mayor asked that the language regarding the open space be reflected as 35%. The Commission may then require the Developer to maintain the right-of-way adjacent to the property.

The Petitioner stated that they are requesting a variance to the open space to allow 35%. They are demonstrating that they will maintain more than 35% open space but they are asking that the zoning ordinance be written at 35%. It is their understanding that the urban core has many areas that have less than 45% open space.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Gil Sherman, 1895 Schoettler Valley, Chesterfield, MO complimented Ms. Yackley on “her excellent Staff work on this project” and then stated the following:
 - He felt the Tree Manual and 30-foot setback requirements should not be forgotten in the midst of trying to move the project forward.
 - He expressed concern about the amount of traffic that may be generated through the intersection from Highway 40 to Chesterfield Parkway by a banking facility. He referred to a motorist on the south side crossing the bridge going north towards B. Donovan’s, and noted that there is no left-hand turn onto Conway Road. Because of the numerous pending Highway projects on the County’s list, he felt improving the intersection from its current functioning is unlikely. He asked that the Commission look at the impact of traffic generation from the proposed development – specifically egress from the property.

REBUTTAL:

Mr. McBride replied as follows:

- The issue of the no left-hand turn has been raised in the past. The third-floor tenant does not have any concern with the no left-turn issue because most of his employees live in West County and would be coming from the other direction. The bank is concerned about not having a left-hand turn.

- Because of the concerns raised, they have had conversations with MoDOT about creating a left turn. They have run into obstacles because MoDOT's jurisdiction stops just short of the signal. MoDOT's concern is the big sweeping turn coming off of Highway 40 going east on Chesterfield Parkway. They feel this is a very dangerous intersection and they would like to eliminate it.
- MoDOT has proposed bringing the exit ramp up straight to Chesterfield Parkway to a stop sign, and then turn left or right. By doing this, the sweeping turn is eliminated, which will allow room to stack cars for the left hand lane at Conway Road.
- With the elimination of the median, you have the same width of street all the way through the intersection.
- The Petitioner has a letter from MoDOT supporting the idea of changing the intersection as long as the Developer pays for it. The Developer is considering the improvements to the intersection and will talk to the other businesses along Conway Road about the issue.

ISSUES:

1. Divide the Petition into two parts: (1) the change to the legal description and the correction of the 95-foot setback to 85 feet; and (2) the additional changes being requested by the Petitioner.
2. Access from Conway Road based on northbound Chesterfield Parkway. *It was pointed out that Chesterfield Parkway is a St. Louis County road. Staff's position is that left turns are restricted, and will continued to be restricted, until otherwise notified by St. Louis County. St. Louis County has been asked to comment on the Petition and Staff is awaiting their comments.*
3. Footprint of the building. *It was noted that the Petitioner has stated that the footprint has not changed. While the corners of the building may not have changed, it was pointed out that a drive-thru and canopies have been added to the plan.*
4. The language for the open space specifying that the open space requirement is for the site only. The open space calculation should not include the adjacent right-of-way property. *Mr. Geisel clarified that the open space calculation is defined as only "the site contained within the legal description of the district". The area outside the property, while it may be considered, will not be included in the open space calculation.*
5. Parking spaces. *It was noted that the plan meets the parking requirements. When the access changes, parking requirements will continue to be met. The parking spaces shown in the access are the future spaces. Mr. Geisel clarified that the four parking spaces shown across the temporary drive are not counted because there are four corresponding spaces where the drive is to be relocated. The total number of parking spaces to be provided before, and after, the relocation is exactly the same and are included in the parking count provided.*

6. Traffic Issues:
 - Left-hand turns;
 - MoDOT issue;
 - How the additional use will affect internal traffic, along with ingress and egress to and from the site.
7. Increase in the building square footage.
8. Setbacks
9. Pedestrian traffic/Sidewalks
10. Thirty-foot landscape buffer requirement
11. Provide information where the City has used easements as part of the open space calculations

B. P.Z. 48-2007 Clocktower Plaza: A request for amendment to City of Chesterfield Ordinance 2247 for the addition of the following use:

~~Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf practices driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~

Said request also includes establishment of hours of operation from 5:00 a.m. until 9:30 p.m. for said use. (17T240243)

STAFF PRESENTATION:

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

- The Requested Amendments are as follows:
 - r. Recreational facilities, indoor facilities, including gymnasiums.
 - c. The hours of operation for use “r” shall be limited to 5:00 a.m. until 9:30 p.m.
- The current uses that are restricted are the “retail” and “restaurant” uses. These uses have a restriction on the hours of operation being from 7:00 a.m. until 9:30 p.m.
- All Public Hearing requirements were met for the subject site.
- The Comprehensive Plan policy calls for this area to be “Mixed Commercial Use” - a Conceptual Land Use category. Appropriate uses in this designation would be retail and office. Depending on location, some areas may combine warehousing and distribution with the office development
- The approved Site Development Plan for the site parks at a “retail” use of 5 spaces per 1,000 square feet of gross building area. The additional “recreational” use has a parking requirement of 3.3 spaces per 1,000

square feet. The Petitioner is well within the parking requirements as established by the Site Development Plan.

- Ordinance 2371 governs the fitness center in the Tech Park along Edison Road. There is no restriction for the uses for this site. The only restriction is that “from 7:00 p.m. to 7:00 a.m., all doors are to remain shut except for ingress and egress”. There is no restriction on the hours of operation.

Responding to questions from the Commission, Ms. Yackley stated the following:

- **Regarding the hours of operation for The Commons:** The hours of operation for The Commons are from 7:00 a.m. to 9:30 p.m. except for special occasions. “Special occasions” refers to seasonal times such as Christmas at which time they are allowed to remain open until 11:00 p.m. *Councilmember Fults pointed out that when the proposed development was first submitted, a meeting was held with the Developers. At that time, the Developers were told that the hours of operation were important to the residents who live on the neighboring bluff area. The restricted hours of operation were worked out with the residents for the subject site and for The Commons. Complaints are still received on a fairly regular basis about deliveries and cars that exceed the restricted hours. The residents have expressed concern about changing the restricted hours for the subject site. They are also concerned that a change in the hours could set a precedent for other businesses in The Commons area.*
- **Regarding whether the definition of “recreational facilities” allows for a fitness facility with exercise equipment:** The ordinance is being changed to allow a fitness club. The definition does not include language that specifically states “fitness facility”.
- **Regarding whether the requested use is restricted to a particular percentage of the building:** If the use is approved, it’s possible that the entire building could be used for that purpose. There is no request from the Petitioners for a particular percentage of the building being used for this use.
- **Regarding the language for the hours of operation:** The requested hours are from 5:00 a.m. to 9:30 p.m. There is no restriction requiring the doors to remain shut from 7:00 p.m. to 7:00 a.m. Such restriction is for the Tech Park only at this time.

Commissioners Broemmer and Geckeler were interested in having information on the hours of operation for the fitness center (Wildhorse Fitness) in the Tech Park to determine if they are similar to the hours being requested under this petition.

Commissioner Perantoni expressed concern that if a 5:00 a.m. opening time is allowed, it could set a precedent for other businesses in the area asking for extended hours. Chair Hirsch stated that in order to avoid setting a precedent in the past, the Commission has written very specific language as to why an exception is being allowed.

Councilmember Fults pointed out that the Ordinance for the Tech Park has a separate ordinance from The Commons. The restrictions in The Commons for times of operations were not imposed in the Tech Park because the Tech Park is further away from the residences on the bluff.

PETITIONER'S PRESENTATION:

1. Mr. John Schifano, President of the Clocktower Plaza Shopping Center, 102 Chesterfield Commons East Road, Chesterfield, MO stated the following:
 - He has been approached by a prospective tenant about opening up an executive training fitness center.
 - After examining the authorized uses for the site, it was determined that such a use is currently not allowed.
 - He is requesting approval of the use of "recreational facilities".
 - The business that is interested in the site describes its business as a personal one-on-one training facility. There would be a maximum of six clients, along with six trainers, in the facility at any one time. Training would be done on an appointment-only basis. Parking would be twelve vehicles at peak hours. Such a facility would not have a lot of people coming and going throughout the day. They intend to have a small number of machines and equipment in the facility.
 - The facility is asking for a 5:00 a.m. opening time to attract clients who like to exercise before going to work.
 - The fitness center would be 2,800 square feet compared to 22,000 square feet for the entire center – a percentage of 12-14% of the entire shopping center. It is expected that the fitness facility would remain at this size and would be located at the north end of the building. They have other retail tenants and other uses coming into the center.

Mr. Schifano indicated he would be agreeable to having a specific percentage stated in the Ordinance that would be for use "r". He added that they would give the tenant exclusive rights for a fitness center.

2. Mr. Daniel Bumiller, Owner of Precision Personal Training, 28 Red Cedar Park Court, St. Louis, MO stated the following:
 - The proposed facility is a high-end, one-on-one, by appointment-only facility.
 - The facility is less than 3,000 square feet resulting in very minimal traffic.
 - They do need access to very early morning customers and throughout the day.
 - Their facility would not have unlimited access such as traditional gymnasiums and sports courts.
 - They would like to keep the facility as a six-person model.
 - The appointments are about one hour long. It is anticipated that clients would remain in the facility for about 1.5 hours, which would minimize traffic.

- The facility would be located at the north end of the site.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. C. William Ade, member of the Board of Directors of the Villas at Chesterfield Bluffs, 109 Chesterfield Bluffs Drive, Chesterfield, MO submitted a written statement for the record and stated the following:
 - They object to the proposed expansion of the permitted opening hours for Clocktower Plaza for the following reasons:
 - The existing Ordinance 2247 defines opening hours for businesses in the Clocktower Plaza as 7:00 a.m. Ordinance 2247 was established after much consultation among the Chesterfield City officials, the Clocktower Plaza owner, and the citizens living in the area affected. The Ordinance was written to protect the quality of life of those citizens, and particularly, the citizens living on the bluffs overlooking the area in question.
 - Should any different operating hours for these businesses be proposed, the citizens request the right to be heard about the different operating hours. They would, at least, present to the City officials the same information that led to the passing of Ordinance 2247. They wish to avoid this duplicated effort if they can.
 - Any revision of the opening hours as proposed (5:00 a.m.) would set a precedent. Obviously there are other areas that are restricted in Chesterfield Valley, and that would undoubtedly re-open consideration of the rules affecting the adjacent property or possibly the entire Chesterfield Valley area. The arguments that led to the City officials' original decisions would have to be reheard and re-adjudicated. They feel this process would be wasteful and not productive.

SPEAKERS – NEUTRAL: None

REBUTTAL: None

Councilmember Fults stated that when this project first came in, it was restricted for restaurant use at the northern end of the site only. She asked if the fitness center is taking up the one spot that was designated for restaurant use.

Mr. Schifano replied that his understanding was that there was no specific requirement that a restaurant be placed at the northern end of the site. His recollection was that it should be considered, but that nothing was specifically stated as a requirement. At this time, they do not have any restaurants coming in.

ISSUES:

1. Provide the hours of operation for the fitness centers in the Tech Park.
2. Review the Attachment A to determine whether the location of a restaurant is restricted to the northern end of the site.
3. Work with the Petitioners to develop a maximum percentage (approximately 15%) that would be allowed for use "r" keeping in mind that there would be parking criteria that would need to be met.
4. How would the requested hours of operation impact the residences on the bluffs, and the area in general, considering the restrictions placed on the development to the west of the property?
5. Is the Petitioner agreeable to placing the fitness center at the north end of the property?

- C. P.Z. 49-2007 Chesterfield Blue Valley, LLC:** A request for consolidation of two "PC" Planned Commercial Districts located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road. Total area proposed to be consolidated: 130.9 acres. (17W540078, 16W230053 part of, 17W520025, 17W530123, 16W210022 part of, 16W210033 part of, 16W230042 part of)

STAFF PRESENTATION:

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

- The Petitioner's request is to consolidate the two properties of Blue Valley I and Blue Valley II.
- Blue Valley I (P.Z. 28-2004) is governed by Ordinance 2236, which approved a change of zoning to "PC" Planned Commercial. The acreage for this project is 55.8 acres.
- Blue Valley II (P.Z. 41-2007) is currently under review by City Council, which is a request for a change of zoning to "PC" Planned Commercial for 75 acres.
- The request is the consolidation of the two districts under one set of governing conditions. The total acreage is 130.9 acres.
- Public Hearing notices were posted on each of the subject parcels and frontages.
- "Mixed Commercial Use" is the designation for the site from the Comprehensive Plan - a Conceptual Land Use category. Appropriate uses in this designation would be retail and office. Depending on location, some areas may combine warehousing and distribution with the office development.
- The subject site is in Sub-Area 2 of the Comprehensive Plan.

Responding to questions from the Commission, Ms. McCaskill-Clay stated the following:

- **Regarding the Attachment A:** If approved, the Attachment A for this petition would replace the Ordinance for Blue Valley I and any Ordinance that may be passed for Blue Valley II.

PETITIONER'S PRESENTATION:

1. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The petition is to consolidate an existing "PC" Planned Commercial District and an impending "PC" Planned Commercial District.
- In November, 2007, they requested consideration of the rezoning for Blue Valley II, which is a 75.06 acre tract. They received an unfavorable recommendation from the Commission.
- They then moved forward to the Planning & Public Works Committee, where they received a favorable recommendation. They were before the City Council January 7th for the rezoning, at which time it received its first reading.
- They feel the proposed project has a unique opportunity to create a village of mixed uses within the western corridor of the Chesterfield Valley.
- Blue Valley I was approved and adopted as Ordinance 2236 on February 6, 2006 for 55.8 acres.
- Between the Blue Valley I and II sites, there is an existing Ameren transmission easement. Back in November, 2007, they were unable to combine the two properties because they did not have an agreement with Ameren UE to vacate the transmission easement.
- Between the easement issue and contractual agreements, they were unable to show the Commission a combined drawing at its November presentation.
- When the presentation was made to the Planning & Public Works Committee, they had prepared a combined drawing which linked the two properties (the 75 acres and 55 acres) into one 130 tract.
- The current proposed plan fully integrates road improvements that were outlined in a Traffic Study, which CBB had previously presented to City Staff, MoDOT, and St. Louis County.
- **Road Improvements:** The road improvements include the widening of Olive Street Road and the relocation of Olive Street Road to Chesterfield Airport Road. Olive Street Road will be improved to a five-lane section. There will be a primary loop road through the development that would be designed as a four-lane road with a fifth lane in the center for left-turns.
- **Square Feet:** The project, as planned, would allow the development of 1,267,560 square feet. Blue Valley I had provided for 437,550 square feet, and Blue Valley II is proposing 830,000 square feet.
- The Planning Commission raised issues with Blue Valley II with respect to the buildings, building heights, and drive-thru facilities.

- After the unfavorable recommendation from the Planning Commission, the Petitioners relooked at the plan and the height of the buildings. (*Mr. Stock displayed a 3-D model of the site showing a demonstration of the building locations.*) The Petitioners have reduced the height of the buildings and reduced the number of tall buildings.
- **Six-story Buildings:** The buildings now being proposed are a maximum of six stories, or 75 feet – whichever is less. These six-story buildings have been limited to three buildings within the development. The location of one of these taller buildings is at the northern portion of the development, adjacent to the levee, and a minimum of 250 feet west of the I-64 ramp. The other two six-story buildings are located a minimum of 300 feet to the north of Olive Street Road and 250 feet west of I-64.
- Interest in the development has been shown for hotels and office buildings, which would take advantage of certain amenities that this property has – such as the extreme highway exposure along I-64, the overlooking views onto the Missouri River, and the close proximity to the Airport.
- Because of the flat topography of the site, the Petitioners are trying to create some vertical elevation through the development and some sight lines.
- The plan is developed to have office and hotel uses along the highway frontage; retail commercial uses along Olive Street Road; and a village of mixed uses within the center, which would include retail, office, and a number of other uses.
- **Road Network:** The road network system would include a new signalized intersection at Chesterfield Airport Road; a new signalized intersection 800 feet west at Olive Street Road; and the boulevard road that goes through the development and extends to the site's far western property line. It is intended that this road would be picked up with future development to the west and carried through those properties out to Eatherton Road – providing a relief road to accommodate the subject development and increased background traffic.
- **Reliever Road:** The reliever road has been set up so that there could be a future ramp for east-bound movements coming from St. Charles County, which need to either enter the development or continue through the development and continue west through Eatherton Road south and up to Highway 109.
- In addition, the Petitioners have accommodated a future ramp that would extend from the subject development and accommodate movements going west-bound into St. Charles County - thus providing relief for about 1500-1700 vehicles in the peak hours.
- **Drive-thru Facilities:** Language in Blue Valley I allowed 30% of the buildings to have drive-thru facilities. The proposed language now allows a total of seven drive-thrus for the 130 acres.

- **Open Space:** Blue Valley II has different performance criteria from Blue Valley I – 30% open space vs. 40%. They are trying to create certain elements within the development that offset the open space. They have a lot of right-of-way dedication that needs to be done along Olive and a reservation that takes from their space so they are asking for a reduction in the open space requirement. They believe the vertical relief in the buildings and the architecture would offset the need of the additional 10% open space. Sculptures, landscape gardens, and water features have been incorporated within the plan.
- Their goal is to have the Blue Valley II ordinance drive the development as opposed to the Blue Valley I ordinance. They also want to incorporate an identification marker for the City within the development.
- **Uses:** The development has included new uses within the development from the original plan for Blue Valley I. The new uses are:
 - a. Animal hospitals, veterinary clinics, and kennels
 - b. Arenas and stadiums
 - f. Broadcasting studios for radio and television
 - g. Broadcasting, transmitting, or relay towers studios, and associated facilities for radio, television, and other communications
 - m. Hospitals
 - o. Local public utility facilities, provided that any installation, other than poles and equipment attached to the poles, shall be:
 - (i) Adequately screened with landscaping, fencing or walls, or any combination thereof; or
 - (ii) Placed underground; or
 - (iii) Enclosed in a structure in such a manner so as to blend with and complement the character of the surrounding area.

All plans for screening these facilities shall be submitted to the Department of Planning for review. No building permit or installation permit shall be issued until these plans have been approved by the Department of Planning.
 - t. Mortuaries
 - y. Research facilities, professional and scientific laboratories (excluding facilities that generate hazardous, environmental waste, liquid, solid or gaseous waste.)
 - hh. Vehicle service centers for automobiles.
 - ii. Vehicle washing facilities for automobiles.
 - jj. Zoological gardens.

The following uses have been deleted from Blue Valley I:

- a. Animal hospitals, veterinary clinics, and kennels
- b. Arenas and stadiums
- i. Colleges and universities

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

- **Regarding the setback of the buildings from the ramp:** The buildings are set back approximately 150 feet from the ramp. The distance from I-64 is 700-800 feet. The ramp is elevated so the view lines are obstructed – as a result, the tall buildings are not seen. They are trying to create some vertical relief through the development as one comes from St. Charles County over the bridge.
- **Regarding the lot locations of the tall buildings:** The tall buildings are located on lots 2, 7, and 11.
- **Regarding Highway 109/Olive Street Road:** There are no plans at this time for Highway 109. It has been indicated that the extension of Highway 109 may be pushed back to the year 2035. The Developer is trying to improve Olive Street Road to accommodate the traffic. By relocating it further to the west, they are able to improve the intersection and create the left-turn lanes on Chesterfield Airport Road. It was also noted that St. Louis County declassified Eatherton Road in the last few years from a five-lane road section to a three-lane road section. Once one gets west of Blue Valley, it's a three-lane road section all the way through Chesterfield Valley up to 109. The Petitioners are working within the parameters of what is known today and have been meeting with MoDOT and St. Louis County. They feel they have a solution to accommodate today's needs and up through 2020.

Mr. Mike Geisel added that East-West Gateway, the official "Metropolitan Planning Authority", created and approved the MTIA (major transportation investment analysis) for the Daniel Boone Corridor. And, in fact, they required a separation, and the extension of Olive Street Road was not where the ramps for 109, or the access from and to Highway 40, was to be added. The intersection at Chesterfield Airport Road and Olive Street Road, at the seven-lane section, could simply not support the additional traffic from the access from and to Highway 40 so a reliever road was created. The same movements that were created and approved in the Daniel Boone MTIA in 2000, are provided for in this development proposal. In essence, the existing ramp from Chesterfield Airport Road on to west-bound Highway 40 was to be replaced by a cloverleaf-style intersection. And then there was going to be an elevated ramp over the highway where the turns would be reversed and motorists would access the highway via the future collector distributor roads. But they were never to be combined with Olive Street Road – at five lanes, the intersection cannot handle the additional traffic and additional infrastructure is required at a reasonable separated distance to disperse the traffic.

2. Mr. John King, Attorney for the Petitioner, 7701 Forsyth Avenue, Clayton, MO was available for questions.
3. Mr. Dean Wolfe, Chesterfield Blue Valley, LLC, 1600 South Hanley Road, Richmond Heights, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Ms. Julie Nolfo, Traffic Engineer for Crawford, Bunte, Brammeier, 1830 Craig Park, St. Louis, MO was available for questions.

REBUTTAL: None

ISSUES:

1. Traffic
2. Infrastructure improvements
3. Distances of the 3 tallest buildings from Highway 40
4. Sites of the 3 tallest buildings
5. Pedestrian traffic with respect to hotels and retail use; the location of restaurants in relation to the hotels with respect to pedestrian traffic
6. Provide the Traffic Study that was done for the development

Commissioner Schenberg read the Closing Comments for the Public Hearings.

(The meeting recessed at this point for a 10-minute break.)

V. APPROVAL OF MEETING MINUTES

Commissioner Watson made a motion to approve the minutes of the **December 10, 2007 Planning Commission Meeting**. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 5 to 0**. (Commissioners Banks and Schenberg were not available for the vote.)

VI. PUBLIC COMMENT

RE: P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.)

Petitioner:

1. Mr. Mike Doster, representing Sachs Properties, 17107 Chesterfield Airport Road, Chesterfield, MO complimented Mara Perry on her work on this project.

Referring to the Staff Report dated January 9, 2008, Mr. Doster noted the following open issues:

1. Staff was asked to look at the use of fishing tackle and bait shops. This is a use that can be asked for under the Planned Commercial District. The petitioner has stated that this is a use that they would like to keep based on the proximity to the Lakes and ability for visitors to fish in those lakes.
2. Staff was asked to review the proposed "Minimum Building Height". A current review of standards from across the country shows a range of 25-45 feet and 2 to 3 Stories for the Minimum Building Height in mixed use or Downtown regulations. Sometimes it was required in feet, sometimes in stories or a combination of both feet and stories. In this Attachment A, we have removed the redundancy of using both stories and feet and have left a Minimum Building Height in feet. Both Wapango and the Cheesecake Factory at the Mall are currently 36 feet in height.
3. Staff was asked to look at the issue of integrating green building/ environmentally friendly design into the development requirements. Staff and the petitioner are researching the issue. This is a design issue that normally would be addressed through Architectural Review and during Site Plan review.
4. Staff and the Petitioner were researching and reviewing the issue of the parking requirements for the site in regards to proposed parking reductions or shared parking for the overall development. Exact numbers based on that review have not been determined at this time.

Mr. Doster stated that the Petitioner agrees with Items 1 and 2 and did not feel they needed to remain open. They agree that items 3 and 4 are still open and noted that they are working with Staff on them.

Also from the Staff Report are the following issues that are covered in edits to the Attachment A or for informational purposes:

1. One of the adjacent property owners is currently disputing the location of one of the property lines for the rezoning. This issue is currently in court and should there be a decision that the boundary is not correct, the legal description for this rezoning will be amended at that time.
2. Staff was asked to review how the integration of adjacent parcels with the proposed development would be addressed. The development is required to be reviewed by the Architectural Review Board. The current City of Chesterfield Design Guidelines has a section in regards to the

“Relation to Adjacent Development” which is to be addressed in their submittal.

3. Staff was asked to look at the wording for “antique salespersons”. The listing in the use category includes titles of professions for individuals. There is not another title that can be found to cover this type of profession without changing the meaning of such or having to provide a new definition in the zoning ordinance.
4. Staff was asked to look into the issue of hazardous waste in conjunction with the “Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith.” The use has been made ancillary and any use such as this will have to follow federal regulations in regards to hazardous waste.
5. The hotel use as defined in the zoning ordinance would allow for bed and breakfast type facilities under this use. No additional use would need to be added to this section.
6. New language has been inserted into the Miscellaneous section to allow for Kiosks in the streetscape which limits the number, size and location.
7. Staff was asked to look at the issue of deliveries being made along the street frontage and blocking the street. A new item in the Miscellaneous section has been added to address the location of where deliveries can be made and the location of service entries.

The Petitioner is satisfied with Items 1-5. They request that items 6 and 7 remain open issues.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Fox Hill Farms:** Record Plat for a 39.301 acre parcel zoned "E-1/2AC" Estate District (one-half acre) located on Griffith Lane, south of the terminus of Eagle Bluff Court, approximately 1,500 linear feet from Wild Horse Creek Road (18U32-0015, 19U64-0028, & 19U64-0017).

Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Banks and passed by a voice vote of 7 to 0.

- B. Elliott Data Systems (Spirit Trade Center, Plat 2, Lot 7):** An Amended Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan for a 1.176-acre tract of land zoned "M-3" Planned Industrial District located west of the intersection of Trade Center Boulevard and Edison Avenue.

Commissioner Broemmer, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Landscape Plan, Architectural Elevations and Lighting Plan with the condition that (1) the north face of the building be constructed without the "notch" now shown on the plan, and (2) the concrete block be an integral color to match the existing masonry. The motion was seconded by Commissioner Banks and **passed by a voice vote of 7 to 0.**

VIII. OLD BUSINESS

- A. P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.):** A request for a change of zoning from "M-3" Planned Industrial District to "PI" Planned Industrial District for a 23 acre tract of land located on the north side of Chesterfield Airport Road, one half mile west of the corner of Long Road and Chesterfield Airport Road. (17V510016).

Mr. Charlie Campo, Project Planner, stated that the Public Hearing for the project was held on June 11, 2007. An Issues Meeting was held on August 13, 2007. Planning Commission held the petition at its September 24th meeting to allow the Petitioner to work on some joint access possibilities with the adjacent properties. All of the issues have now been resolved to the satisfaction of the City.

Commissioner Perantoni expressed her objection to the over-parking of the site as she did not see a necessity for it. She also pointed out a discrepancy between the Attachment A and the drawing for the proposed building with respect to the finished floor requirements. It was noted that the Attachment A is what will be approved and the plan will have to conform to it.

Commissioner Broemmer made a motion to approve **P.Z. 24-2007 Mark Andy Inc. (18081 Chesterfield Airport Rd.)**. The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner Geckeler, Commissioner Perantoni,
Commissioner Schenberg, Commissioner Watson,
Chairman Hirsch**

Nay: None

The motion passed by a vote of 7 to 0.

B. P.Z. 45-2007 Downtown Chesterfield (Chesterfield Village, Inc.):

A request for a change of zoning from “R-8” PEU Residence District with a Planned Environmental Unit Procedure, “R-5” Residence District, “FPR-5” Residence District, “R-6A” PEU Residence District with a Planned Environmental Unit Procedure, “C-8” Planned Commercial District, “NU” Non-Urban District and “M-3” Planned Industrial District to “PC & R” Planned Commercial & Residential District for a 98.10 acre tract of land located at the southwest corner of the intersection of U.S. Highway 40/I-64 and Chesterfield Parkway West.

Ms. Mara Perry, Senior Planner, stated that a Public Hearing was held on the petition on November 15, 2007. At that meeting, it was suggested that a Committee of the Whole meeting be scheduled to review a draft of the Attachment A. The Committee of the Whole met on January 3, 2008. Many of the issues raised at both the Public Hearing and at the meeting of the Committee of the Whole have been integrated into the Attachment A. Because there were a number of changes, the Attachment A shows in *italics* those items that have been changed. Items that were moved to a different location in the Attachment A are shown as ~~stricken~~.

ISSUES:

Ms. Perry commented on the following open issues:

- There was a question about “fishing tackle and bait shops” as to whether or not it should be removed. The Petitioner has stated that they would like to keep it as a use due to the proximity of the lakes that are being constructed and the ability to fish in the lakes. This use has been incorporated into the draft Attachment A by being left exactly where it was with no changes being made to the language.

Chair Hirsch suggested that the language be modified stating that the fishing tackle and bait shops can only be constructed in proximity to the lakes.

- There was a request to review the proposed minimum building height. Research was done both on other communities, as well as the height on some of the key restaurants as requested in the Committee of the Whole meeting. It was agreed that there was a redundancy in specifying both “stories” and “feet”. It is being suggested that “feet” be used instead of

“stories”. Twenty-five feet is the minimum height. Examples of restaurants given were ones at the Mall, which are currently 36 feet in height. It is not felt that any restaurants coming into the downtown area would have an issue meeting the twenty-five foot minimum height.

- There had been a discussion about integrating green building requirements. Normally this would take place during Site Plan review and Architectural Review. Staff suggests that it remain at that place.
- Staff has received information from the Petitioner regarding parking calculations related to “mixed use”, as well as shared parking and parking reductions. This issue is still being worked on for exact numbers.
- **Kiosks:** Staff has spoken briefly with the Petitioner regarding the “kiosk” section. Language has been included that limits the number and location of the kiosks on the blocks. Language is still being reviewed for this item.
- **Deliveries:** Deliveries were limited to not being on street frontages, but would be allowed on side connections, alleys, and from the rear of the building. Discussion was also held on whether there would be a limit placed on the time deliveries could be made. Commissioner Banks expressed concern about the current language stating that “Deliveries **should not** be made from the street frontage.” He felt “should not” is not as restrictive as “will not” and asked that this language be reviewed. He also pointed out the hours of when deliveries are allowed will be important because there will be residences above the retail uses.

Film Processing:

Commissioner Perantoni stated that “film processors” is listed as a Permitted Use under Retail Commercial Uses, and is also listed as an Ancillary Use. She asked if it should be removed from the Retail Commercial Uses. Ms. Perry replied that the Ancillary Use is for “film drop-off and pick-up stations”, while the “film processors” is part of the Retail Use. “Photographic processing laboratories” are also allowed as an Ancillary Use in conjunction with “research facilities, professional and scientific laboratories”.

Lighting:

Commissioner Broemmer did not feel the Developer should be restricted to conforming to the existing standards for some of the lighting codes and light fixtures. He would want the Planning Commission to review the lighting for the development but he feels the Commission should be open to different styles of fixtures.

Ms. Perry stated that the language presently refers to fixture types of ones that have already been approved for Chesterfield Village.

Commissioner Banks felt that the lighting standards should be tied to City Code rather than Chesterfield Village.

Chair Hirsch stated that the language should specify that there be consistency within this development rather than going back to the old Chesterfield Village development.

Chair Hirsch acknowledged Ms. Perry's excellent work on the project, and expressed the Commission's appreciation for having it brought up-to-date so quickly after the Committee of the Whole meeting.

- C. **P.Z. 48-2007 Clocktower Plaza:** A request for amendment to City of Chesterfield Ordinance 2247 for the addition of the following use:

~~Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf practices driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.~~

Said request also includes establishment of hours of operation from 5:00 a.m. until 9:30 p.m. for said use. (17T240243)

Because of open issues on the project, Chair Hirsch asked for a motion to hold.

Commissioner Banks made a motion to hold P.Z. 48-2007 Clocktower Plaza until the next meeting of the Planning Commission. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

IX. **NEW BUSINESS** - None

X. **COMMITTEE REPORTS** - None

XI. **ADJOURNMENT**

The meeting adjourned at 9:30 p.m.

Gene Schenberg, Secretary