

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 13, 2005**

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

I. PRESENT

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

ABSENT

Ms. Lu Perantoni

Mayor John Nations
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Mr. Dan Kaline, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE

Chair Sherman acknowledged the attendance of Mayor Nations, Councilmember Mike Casey, Council Liaison; Councilmember Bruce Geiger, Ward II; and Councilmember Mary Brown, Ward IV.

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

- A. P.Z. 5-2005 Winter Wheat Place (Dollar Building Company): A request for a change of zoning from “NU” Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)**

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

- The preferred density for this area, as shown on the Conceptual Land Use Plan, is one acre. The petitioner proposes an E-One Acre zoning.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint presentation showing photographs of the site and stated the following:
 - The zoning on the surrounding properties include R-1, R-1A, E-3, and NU. The subject site is currently zoned "NU".
 - The site comprises 4 acres and the proposal includes 3 lots of single-family detached dwellings.
 - Regarding the subdivision issue discussed at the previous Work Session, Speaker stated that this tract is not part of a platted subdivision. It is a separate tract. Its legal description is phrased in "metes and bounds". The adjoining lots are not in a platted subdivision. It is not subject to any Indenture.
 - Up to recently, the area was subject to a Road Maintenance Agreement, which expired in the fall of 2004.
 - Showing a photograph of the City's subdivision map, Speaker stated that the site is not identified as being part of any subdivision.
 - Regarding the existing vacant house on the site, the City of Chesterfield has issued a letter to St. Louis County authorizing the obtaining of the Demolition Permit. The permit has not yet been applied for.
 - There are no active utilities serving the site.
 - The site will be less dense than most of the surrounding recently-approved subdivisions.
 - The Comprehensive Plans calls for one-acre density for the site and the petitioner complies in this regard.
 - Speaker displayed a photo of a sample home being considered for the site.
 - The price range for the proposed homes starts at \$1.3 million. Each proposed lot is over one acre – 1.3 to 1.4 acres.
2. Mr. Mel Kosanchick, Volz Engineering, Engineer for the Petitioner, 31 Old Ridge Road, St. Louis, MO stated he would summarize the civil engineering on the project:
 - The infrastructure is being upgraded in the area. The site currently has a well and septic tanks. The site will be upgraded to underground, central utilities – central sewer, water, fire protection, and a pool drainage system.
 - The road system will also be upgraded. The upgrades will not affect the buffered tree area against the subdivision. All the improvements are made into the subdivision lot. The pavement is being upgraded to a 24' standard with a 150' radius and good sight distance.

3. Mr. Ken Dollar, 1078 Keystone Trail, Chesterfield, MO was available for questions.

Responding to questions from the Commission and City Attorney, the following points were clarified by the Petitioner's representatives:

- **Regarding the unimproved road that links up to Bentley Place:** Mr. Doster stated that the road is fairly unimproved but large enough to handle the additional traffic from the proposed three lots. The road in front of the proposed lots will be improved but there is no present plan to improve the stretch of road from the three lots down to Bentley Place. The section of road in front of the proposed lots would be maintained by the three lot owners. It will be paved and upgraded to City of Chesterfield standards.

The Road Maintenance Agreement, which was originally recorded in 1974, expired last fall and is no longer enforceable. Mr. Doster stated that the Petitioner is interested in contacting the homeowners serviced by the unimproved road to discuss maintenance of the road so that everyone does their fair share. He further stated that under the law, as he understands it, anyone using a road has an obligation to pay his fair share, which is normally determined on a case-by-case basis. Since the Road Maintenance Agreement has expired, the obligation of maintaining the road needs to be defined. Mr. Doster stated that the Petitioner, Mr. Dollar, has met with a representative of the homeowners, but he didn't think any specifics had been discussed with respect to a Road Maintenance Agreement.

- **Regarding utilities for neighboring lots:** Mr. Kosanchick stated that the sewer and water line extensions are considered public improvements so it would be possible for anyone to tap into the utilities. These will not be private utility extensions – there will be a public water main and public dedicated sewer. Natural gas lines will also be provided. The utilities would be extended from an adjacent subdivision down MSD's public utility easements to a dedicated sewer and dedicated water.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Ken Aston, 17058 Rooster Ridge, Chesterfield, MO stated the following:
 - Rooster Ridge is one of the streets coming off of Winter Wheat.
 - He is opposed to the development as presented.
 - Speaker stated that the homeowners consider themselves a subdivision. They have acted and functioned as a subdivision since it was developed in the mid-seventies.
 - The developer had originally planned to build one home on the site but was unsuccessful in the marketing and sale of it.

- If the project is approved, Speaker felt a precedent would be set allowing other lot owners to rezone their property to one-acre lots and possibly build homes in the \$250,000 range.

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

- **Regarding the existence of indentures or recorded agreements between the lot owners:** Mr. Aston stated that the only available document they have is the Road Maintenance Agreement.
 - **Regarding the number of residents in the area:** There are 9 residents and 13 lots. All 9 residents oppose the development.
 - **Regarding the name of the subdivision:** Wild Horse Ridge
2. Colonel Lee McKinney, speaking for Bentley Place Homeowners Association, 1323 Bentley Place Drive, Chesterfield, MO stated the following:
- Speaker submitted a petition from residents opposing the proposed project, which will become a part of the public record.
 - Speaker expressed concern about this project setting a precedent for other properties in the area, which would change the rural nature of the area.
 - Speaker expressed concern about increased drainage and runoff problems in the event the entire 60 acres on Wild Horse Ridge were rezoned. The majority of the runoff would go into Caulks Creek, which is already experiencing erosion problems from the existing topography.
 - Speaker referred to the road running immediately west of Bentley Place Drive and noted that the eastern half of the road is owned by the Bentley Place property owners, making it a private road. None of the property owners on Bentley Place would agree to selling their rights to the property for road improvements.

Responding to questions from the Commission, Col. McKinney stated the following:

- **Regarding possible runoff problems from the proposed three lots with respect to 30 of the 50 existing trees being removed:** This would exacerbate the runoff. With the removal of the existing turf, vegetation and shrubbery, along with the addition of streets, driveways and sidewalks, the runoff would be increased even more because hard surfaces do not allow water to soak into the ground. Speaker noted that the plans do not show a storm water detention basin.
- **Regarding existing runoff problems from the ridge:** The current runoff that goes into Caulks Creek causes severe erosion in Caulks Creek. If the runoff is exacerbated, it could cause flash flooding affecting the back yards of homes in the area.

3. Ms. Lori Aston, 17058 Rooster Ridge, Chesterfield, MO 63005 stated the following:

- She enjoys the rural, quiet setting of the area.
- She feels she is part of a subdivision – there is a subdivision sign and four different school buzz books denote the area as Wild Horse Ridge subdivision.
- She feels that the proposed housing would not blend into the current character of the area.

- She asked that only one home be approved for the subject site.
4. Ms. Shirlene Pickle, resident of Wild Horse Ridge, 444 Winter Wheat, Chesterfield, MO stated the following:
- She moved to Wild Horse Ridge because of the large-lot character and privacy of the neighborhood.
 - She also purchased the 4.5 acre lot next to her home to protect the quiet lifestyle of her home.
 - She is interested in seeing the park-like setting leading back to her home preserved and is opposed to the zoning change.
5. Mr. Tom Fleming, Trustee of Wild Horse Ridge, 17067 Rooster Ridge, Chesterfield, MO stated the following:
- He has been a resident of Wild Horse Ridge Road for 29 years and was surprised to hear that his subdivision doesn't exist.
 - He receives mail every year from the City of Chesterfield as Trustee of Wild Horse Ridge Subdivision.
 - The area has been reimbursed for snow and ice removal on the roads.
 - Speaker submitted a Road Maintenance Agreement filed in St. Louis County on July 29, 1986, which will become a part of the public record. He noted that if the Agreement is in effect for 30 years, it has not yet expired.
 - Speaker submitted a written statement dated June 13, 2005, which will become part of the public record. Speaker read the statement noting the following:
 - Wild Horse Ridge is a registered private subdivision within the City of Chesterfield and dates back to 1975 containing approximately 60 acres, 13 lots and 9 homes on 3+ acre parcels with well and septic systems.
 - Dollar Building has not yet met with residents of the subdivision to present their proposed development plan. He received a copy of the plan and request for comments through placement in his mailbox.
 - 100% of the residents are opposed to rezoning to E-1 and the construction of three homes on the subject site. (A signed petition was submitted for the public record.)
 - The residents are not opposed to one home on the subject lot.
 - The residents oppose the proposed development for the following reasons:
 1. They enjoy the existing character of the neighborhood.
 2. The proposal calls for spot zoning of 1 of 13 lots for the construction of 3 homes instead of 1 home.
 3. They want the green space preserved.
 4. They have concerns that this proposal would set a precedent for the 4 remaining undeveloped lots. This could possibly add 20 homes to the subdivision.
 5. Wild Horse Ridge has only one access route into and out of the subdivision, providing inadequate service ability to emergency vehicles. Higher density development could put the residents at risk in an emergency situation.

6. Higher density development could create storm water and water shed issues for Caulks Creek, as well as Chesterfield Estates Subdivision to the east.
 7. The proposed development makes no provision for the building of a city-quality subdivision street from the development site out to Bentley Place.
- Speaker referred to the Comprehensive Plan and noted the following under “Policy Element”:
 - 1.1 Purpose of the Plan: The purpose of the Plan is to ensure high quality of life for the residents of Chesterfield.
 - 1.4 Quality of New Development: Given the existing development and the pressure for additional development, high-quality design and development standards should be maintained within the City of Chesterfield.
 - 2.0 Residential Development Policy: Chesterfield is recognized by the character of its neighborhoods. Plan policies are meant to support neighborhood preservation and historic preservation.
 - 2.1.1. Conservation of Existing Quality of Life: Preserve and enhance the quality of life in Chesterfield exemplified by existing neighborhoods and the development that now exists.
 - 2.1.6 Reinforce Existing Development Pattern: New residential development should reinforce existing neighborhood patterns by continuing to enforce high quality site and subdivision design, layout and planning practices.
 - 10.1 Open Space Preservation and Creation: Open space plays a major role in making the City a more desirable place to live. Preservation of open space should be encouraged.
 - Speaker invited City Staff to tour the neighborhood.
 - Speaker stated that he plans on submitting to the City an Application for Change of Zoning.

Responding to questions from the Commission and City Attorney, Mr. Fleming stated the following:

- **Regarding the “NU” zoning category allowing one house/three acres and whether this is an appropriate zoning category for the subject area:** Mr. Fleming stated that he had been under the impression that “NU” was a three-acre zoning category. Had he known it was not, he would have applied for E-3 rezoning for his subdivision. He feels the area should be developed with only 1 house/3 acres.
- **Regarding whether the Road Maintenance Agreement calls out the name of the subdivision:** There is a road easement agreement with Bentley Place that was submitted and filed with St. Louis County, and possibly the City of Chesterfield, in 1995. This agreement does show the name of the subdivision – Wild Horse Ridge Road.

- **Regarding road access to the properties:** All properties are accessed off an asphalt road, which has to be repaired almost annually. The road is only about 16' wide making it difficult for emergency vehicles.

Commissioner Macaluso requested that Mr. Fleming submit letters or envelopes he has received from the City showing instances where the City has recognized him as a subdivision Trustee.

6. Ms. Mitch Fleming, 17067 Winter Wheat Road, Chesterfield, MO read a letter to the City of Chesterfield from Maria Wilmas, which will become a part of the public record. The letter stated the following:

I am the property owner since 1979 of the 4 acre lot and home located at 17050 Cripple Creek in the Wild Horse Ridge Subdivision. My home and lot is east and contiguous to the proposed development of Winter Wheat Place. My daughter Kelly and her family are currently living in my home. I am opposed to this development because it would change the character of our subdivision which is one house per 3 acres. I purchased this property 26 years ago because of the large lot rural character of the subdivision.

7. Mr. Michael Jette, 17070 Rooster Ridge Road, Chesterfield, MO stated the following:
 - He and his family enjoy the park-like, wooded setting of their home.
 - He feels that the area is a subdivision. There is a monument sign for Wild Horse Ridge.
 - He expressed concern that this proposal could set a precedent for the area.
 - He desires only one home on the subject site and opposes the current proposal.
 - He asked the Commission to consider how rezoning would affect the existing residents and the character of the area.

SPEAKERS – NEUTRAL: None

(Commissioner Sandifer left the meeting at 8:08 p.m.)

REBUTTAL:

Mr. Doster stated the following:

- Regarding the 1986 Road Maintenance Agreement, the title does not show the recording of this document against this property. The only document the Title Company found was the 1974 Agreement, which expired in the fall of 2004. He will ask the Title Company to conduct another search.

(Commissioner Sandifer returned to the meeting at 8:11 p.m.)

- Speaker stated that the City's subdivision map does not show the subject property as being part of any subdivision. The property is a tract of ground described by metes and bounds. "Metes and bounds" has a legal description: it does not refer to

a lot; it does not refer to a subdivision; nor does it refer to a record plat. Legally, there is no subdivision which this tract is a part of.

- Regarding the issue of spot zoning, Speaker does not consider the proposal “spot zoning” – it is in accordance with the Comprehensive Plan. The proposed plan is less dense than a number of subdivisions around the site that have recently been approved by St. Louis County or the City of Chesterfield.

Responding to questions from the Mayor and the Commission, the following was clarified:

- **Regarding whether the Title Company provided a title abstract showing the succession of title:** The Title Company did not provide an abstract but would have had to review one in order to issue the Commitment. Mr. Doster indicated that they would get the abstract.
- **Regarding whether there are any requirements by MSD to force contiguous property owners to join the sewer system if the project is approved:** Mr. Kosanchick stated that there is a requirement for property owners, who have a failing system and are within a certain distance of a central sewer, to tie into the sewer system. They would not be required to tie in unless they have a failing septic system.

Mr. Doster then requested a copy of the 1986 Road Maintenance Agreement, which he will give to the Title Company.

(City Attorney Beach left the meeting at 8:15 p.m.)

ISSUES:

1. Describe what is happening with the road before the entrance to the subdivision from Bentley Place. Provide history of the road; provide information as to who owns the road; provide information about the road agreements and how they work.
2. Who maintains the section of the road?
3. Will there be provisions for sewer, water, and gas to neighboring lots? Will natural gas be brought to the area?
4. The origin of the road – how many properties are served by the road now?
5. Regarding the Road Agreement – the rights and responsibilities of the property owners to maintain the road.
6. How long is it from the public road to the last property?
7. Was the Maintenance Agreement with Bentley Place?
8. How are utilities getting to the subject site?
9. Will the street be paved?
10. What property owners have the petitioner met with – Bentley Place or the surrounding area?
11. Clarify the subdivision map - explain the map section surrounding area 129 where the City boundary line is. What does “129 Wild Horse Ridge” stand for? What do the dotted lines denote on the map?
12. Is there an MSD requirement that would force owners to join MSD sewer?

13. The subject site is not on the subdivision map shown in blue with Wild Horse Ridge subdivision.
14. Was the title search done for this specific parcel?
15. Have petitioner review the current plan of removing 30 of the existing 50 trees. Review the plan of removing/preserving the 7 Monarch trees on the lot. Have Mr. Rocca involved to see whether the following trees can be saved - tree #18 (a 38" diameter Silver Maple); tree #9 (a 32" diameter Silver Maple); and tree #7, 22, 23, and 24.
16. Research whether "Wild Horse Ridge" refers only to the areas over "129" – was that area listed with indentures as a subdivision? Provide clarification on what is "Wild Horse Ridge subdivision" – what does it consist of?
17. What was done with the road that accesses this area when Bentley Place was reviewed?
18. Regarding the City road being built in the project, is it something other than the City's standards? If this is to be a private road but built to City standards, contrast it to what it would be compared to how it is now.
19. Has the developer looked at any alternate public routes for access rather than coming through Bentley Place?
20. Provide information on the water runoff and its effect downstream on Caulks Creek. Does it need retention? If not, why not?
21. Description of the actual topography compared to the surrounding areas.

(City Attorney Beach re-joined the meeting at 8:24 p.m.)

Commissioner Sandifer read the Closing Comments for Public Hearing P.Z. 5-2005 noting that the earliest possible date that the Planning Commission could vote on the subject petition would be July 11, 2005.

- B. P.Z. 04-2005 Spirit Energy, LLC (14804 Clayton Road-Shell):** A request for a change of zoning from a "C-2" Shopping District to a "PC" Planned Commercial District for a .92 acre tract of land located at 14804 Clayton Road, south of Clayton Road and west of Wildwood Parkway. (Locator Number 21R420714). The request contains the following permitted uses:
- (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
 - (hh) Restaurants, fast food.
 - (rr) Stores, shops markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.
 - (ww) Vehicle washing facilities for automobiles.

Project Planner Aimee Nassif gave a PowerPoint presentation showing photographs of the subject site. She stated that the Public Hearing Notices were posted on May 27, 2005. Ms. Nassif noted the following Issues:

- The green space shown on the Preliminary Plan is 16%; the open space requirement for “PC” districts is 40% when adjacent to commercial uses. The open space would include all green space, pedestrian access, water features, and non-impervious surfaces.
- The parking required for this development is 17.5 spaces; the Preliminary Plan shows 14 spaces.

PETITIONER’S PRESENTATION:

1. Mr. Chris Kempf, President of Spirit Energy, LLC, 50 South Bemiston, St. Louis, MO showed photographs of the site and stated the following:
 - The current location has a service station, small convenience store, and several bays for automobile repair and maintenance. The building was built in the early seventies.
 - The proposed plan would include a larger, more modern convenience store and car wash. The convenience store would carry about 2700 different items.
 - More landscaping of bushes and trees would be provided. A full irrigation system is proposed for maintaining the landscape.
 - Photographs were provided of existing facilities in Sunset Hills and South County.
 - Proposes eliminating one entrance on Clayton Road – more landscaping would be provided in the area.
2. Mr. Jay Chambers, Spirit Energy, LLC, 50 South Bemiston, St. Louis, MO was available for questions.

Commissioner Broemmer advised Mr. Kempf that the Mobil Station on Clarkson Road is a prime example of what would be expected for lighting on the proposed project. Mr. Kempf stated he would try to match the lighting as precisely as possible.

Responding to questions from the Commission, Mr. Kempf stated:

- **Regarding “permitted uses”:** No repair work will be done on the premises; no vehicles will be parked on the premises for any length of time. Speaker is willing to eliminate “sale or hire of motor vehicles”; “vehicle repair”; and “towing” from the list of Permitted Uses. Commissioner Hirsch asked that the Permitted Uses exclude a drive-thru for the fast food and that the Uses be edited down to what will be needed for the facility.
- **Regarding grass on the site:** The grass area in the back will be reduced; grass areas will be added as a belt around the entire area. Additional plantings will be included in the interior, as well as the perimeter.
- **Regarding which site is directly across the road:** The end of a retail shopping center and a power transformer station are across from the Shell station. The entrance directly across from the station is to the transformer station.

Councilmember Casey stated that across from and to the east of the subject site is a daycare center but it does not align with the service station.

- **Regarding cross access to the south or to the west:** Mr. Kempf stated that if there is no cross access, he would not have any opposition to it. He noted, however, that in both cases, they are the only ones providing any green space. If cross access is provided, the green space would be reduced.
- **Regarding gas pumps on the site:** Currently there are four pumps on the site; they are proposing five pumps.
- **Regarding sidewalks along Clayton Road:** Mr. Kempf stated there is a sidewalk along Clayton Road.

Commissioner Banks asked Mr. Kempf to provide information as to how many parking spaces are on the Sunset Hills site.

Commissioners Banks and Broemmer expressed concern about the proposed plan not meeting the green space and parking requirements. Mr. Kempf stated that to shrink the project would make it economically infeasible.

ISSUES:

1. Research and refer to the Mobil Station on Clarkson for what is expected for lighting for the subject site.
2. Review the Permitted Uses and remove: The sale of motor vehicles, vehicle repair; and towing. Edit the fast food use.
3. Address the grassy area being removed from the site and the building being pushed back from the lot.
4. Provide the present green space percentage.
5. Does the access to the station and access across the street line up?
6. Is there cross access to the south or west?
7. How many parking spaces are in their recently-developed South County store?
8. Address the issues of not meeting the parking space and green space requirements.
9. How many gas stations pumps are currently on the site – how many are being proposed?
10. Review amending the Preliminary Plan to meet City of Chesterfield requirements.
11. Provide information from previous Planning Commission meetings regarding decreased green space percentages allowed for Annie Gunn's and The Smokehouse, along with decreased parking requirements allowed for some of the historic homes in Old Chesterfield.
12. Provide information on how the petitioner is addressing sidewalks along Clayton Road.
13. Regarding decreased parking, where has the City granted 3.3 spaces/1000 sq.ft?
14. How far will the nearest house to the south be to the car wash? Regarding the car wash on the southeast quadrant of Baxter and Clayton, how far is that car wash to the closest houses?

Commissioner Sandifer read the Closing Comments for Public Hearing P.Z. 4-2005 noting that the earliest possible date that the Planning Commission could vote on the subject petition would be July 11, 2005.

The meeting recessed from 8:50 p.m. to 8:56 p.m.
(Mayor Nations and Councilmember Casey left the meeting at this point.)

V. APPROVAL OF MEETING MINUTES

Commissioner Sandifer made a motion to approve the minutes of the May 23, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO speaking as the attorney for the petitioner for **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)**, stated he would be responding to the open issues as follows:
 - Since the revised Preliminary Development Plan has just been submitted, agency comments are still forthcoming.
 - The petitioner has deleted a number of the “Permitted Uses”. Any other Uses that the Commission may have concerns about will be reviewed by the Petitioner.
 - Regarding the open space percentage requirement of 50%, Speaker noted that the current plan shows 40% open space. Speaker further stated that he is not aware of any retail developments in the Valley that have a higher open space percentage of 40%.
 - Regarding different open space numbers allowed in the Valley, the Petitioner’s understanding was that Staff was going to identify specific developments that had been approved at less than 50%. Speaker indicated that he would be willing to have the research done to give specific examples.

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

- **Regarding lifestyle concepts and the Permitted Uses listing:** Speaker stated that they have struggled with the Permitted Uses but they are restricted to the Uses listed in the Ordinance. If they were allowed to customize the list, they would be willing to do that.
- **Regarding whether the Petitioner is keeping the use of shops that would allow outdoor placement of goods for sale:** The Petitioner would like to retain this use. The kind of outdoor sales being considered is garden statuary, where outdoor garden settings could be demonstrated. The Permitted Uses in the ordinance does not list anything specifically describing this type of use.

Commissioner O’Connor stated that the percentage of green space for retail centers in the Valley is all visible green space. She noted that the green space for this project is behind the levee where it is not visible. She did not think this was comparable to the green space

in the Valley. Mr. Doster replied that they are not counting the green space behind the levee – the 40% they are counting is only on the portion that they are seeking to rezone, which is on the other side of the levee.

2. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO speaking **on behalf of the petitioner** for **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)** stated he would be responding to the open issues as follows:

- Regarding the extension of utility services to the subject tract and neighboring properties, Speaker stated that this is an ongoing discussion between the Levee District and the City of Chesterfield. A meeting was held in February with the Levee District. There is a study being done by the Levee District with respect to serving the west end of the Valley with both water and sanitary sewer. The City participated in this study. The Petitioner is waiting for direction from both the Levee District and the City as to where those improvements should go. The revised Plan does show water and sewer extended to the east, the west and the south boundaries of their property. They are identified “as conceptual under the direction of the City of Chesterfield”.
- Regarding storm water design, the Site Plan was filed in 2000 with a flood elevation of 462. Since the plan was filed, the City has provided new documentation indicating that the new master model will lower the flood elevation to 457. The buildings had originally been set at 460, which makes this an open issue to be resolved.
- Regarding storm water drainage, sanitary sewer and the potable water service, Speaker stated that these have all been updated in the Plan. However, Public Works has not provided comments at this time. A coordination meeting was held in February with Public Works and the Levee District on these items. At this time, they are waiting for direction from Public Works and the Levee District.

3. Mr. Rick Clawson, 11477 Olde Cabin Road, St. Louis, MO speaking **on behalf of the petitioner** for **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)** stated he would be responding to the open issues as follows:

- Regarding the creation of a parallel connector road in the development, Speaker stated that such a road would take some of the load off of Olive Street Road.
- Speaker stated that it is their understanding that St. Louis County Highway and the Airport are working with a new entrance on the opposite side of Olive. The Petitioner would move its entrance from the center of the site to the edge of the site, which would then align with the proposed signalized intersection.
- The serpentine drive throughout the middle of the site has been adjusted.
- Pedestrian walk areas and sidewalks are being provided along both sides of the internal drive – from Olive around to the cul-de-sac and back down.
- The Petitioner is grouping the buildings into smaller groups to facilitate the customers coming into a single point and being able to visit multiple stores from a single parking space.
- The Petitioner is providing large plaza areas along the front and between the different retail areas, as well as walking areas between parking lots to allow it to be more pedestrian-friendly.

- Regarding the provision of bike trails, their research indicates that bike trails are important when the site is near to residential areas. Since the proposed site is secluded from residential areas, the Petitioner did not see the benefit of providing bike areas.

Commissioner O'Connor stated the idea of the bike trail on the Levee is to connect it with other trails – potentially connecting with the Katy Trail. She felt that bike trails would be important. Commissioner Macaluso and Chair Sherman agreed that bike trails are important for this development. Mr. Clawson said this would be considered with the Petitioner.

Commissioner Hirsch expressed concern about customers driving from store to store instead of using pedestrian walkways. He asked for the length of the proposed project as compared to different stores in The Commons. Mr. Clawson stated that from Olive to the cul-de-sac, it is approximately 2000 feet. The Department was directed to provide information on the distance between benchmarked stores in The Commons to compare with the distance of the proposed project. Mr. Clawson noted that the project is designed to have small pods of buildings to encourage walking between the buildings.

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

- **Regarding whether the mixed use of the proposed 26 buildings would all include stores or whether some buildings would be solely offices:** Some of the buildings would be small offices; some of them would be retail; and some of them would be restaurants.
- **Regarding whether the facilities would be connected to water, sewers and utilities:** The sewer, water and utilities will be brought into the site as the center road is developed. Commissioner Broemmer noted that the 50% open space requirement was specifically for areas in the western part of the Valley that did not have water and sewer available to them. Now that water and sewer are available for this proposal, the need for the 50% open space requirement no longer applies.
- **Regarding the entertainment use envisioned for the site:** The tenants have not been determined yet. Commissioner O'Connor questioned whether an Arts and Entertainment Overlay District should be considered by the Staff.

4. Ms. Julie Nolfo, Traffic Engineer, Crawford, Bunte, Brammeier, 1830 Craig Park Court, Ste. 209, St. Louis, MO speaking **on behalf of the petitioner** for **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)** stated she would be responding to the traffic issues as follows:

- A study was submitted on June 3, 2005 to the City of Chesterfield.
- The site has two access points on Olive Street Road – one which is a main drive that would be aligned with the proposed road being planned coming up from the Airport; the other is a secondary drive at the far west end of the site.
- The study is based on a total of 437,000 sq. ft. of uses that are a mix of restaurants, retail, and office. These uses would generate a significant amount of

- traffic. In the morning, it could generate up to 530 trips; in the afternoon, it could generate up to 1305 trips.
- If the lifestyle center succeeds, it will generate an even higher common trip rate than what is presumed in the traffic study.
 - In viewing the road system from a worst case scenario, Speaker stated they came up with a series of suggested road improvements. She noted that Olive Street Road is currently a simple two-lane road and would need improvements to handle traffic from a lifestyle center.
 - A lot of the recommended improvements are because of pre-existing conditions in the area.
 - Ms. Nolfo noted the following recommended improvements:
 - At Chesterfield Airport Road and Olive, they recommend dual northbound left-turn lanes from Olive onto Chesterfield Airport Road. In order to accommodate this, both Olive Street Road and Chesterfield Airport Road would have to be widened.
 - They recommend dual westbound left-turn lanes from Chesterfield Airport Road turning to go south on Olive. This would require widening both Chesterfield Airport Road and Olive.
 - They recommend an eastbound right-turn lane off of Chesterfield Airport Road onto Olive Street Road. This is an improvement that is badly needed today.
 - Speaker noted that St. Louis County has a plan to relocate the intersection further to the west. The County has acquired about half of the necessary right-of-way. This will provide a better geometric for the driver and is more conducive to providing multiple lanes approaching the intersection at Chesterfield Airport Road.
 - Speaker stated that if all the improvements were in place, the intersection would operate better than it currently does. It would operate at a Level Service C in the morning and a Level Service B in the afternoon.
 - At the site's primary access point, they recommend the installation of a traffic signal and dual left-turn lanes coming out of the development onto Olive Street Road and proceeding up to Chesterfield Airport Road.
 - Speaker stated that if the recommended improvements were made at the intersection of Chesterfield Airport Road, along with the improvements at the primary access point of the proposed project, the improvements would stretch from the signal all the way up to Chesterfield Airport Road – over a half-mile of improvements. This would take the existing two-lane road and widen it to a four-lane road.
 - Obstacles were noted for making these recommended improvements:
 - There is right-of-way that is required, which is not in place.
 - Improvements would involve significant utility relocation.
 - Regarding the T-Model, Speaker noted that this information will be provided to the Commission.

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

- **Regarding whether the improvement of a four-lane road from the proposed site on Olive Street Road to Chesterfield Airport Road would be done by the Petitioner:** Ms. Nolfo stated that it is her recommendation that this improvement should be pursued. Presently, the road is borderline for the current amount of traffic. It is not clear-cut that the improvements are needed solely for the proposed development.
- **Regarding whether traffic data from The Commons was used in studying this project:** Data from Chesterfield Commons is used for other power centers. The proposed project is not considered a “power center”. Power centers include several large anchors linked together by junior anchors and ancillary shops that appeal to the mass shopping experience from the discount perspective. A lifestyle center is a completely different type of development than what is at The Commons.
- **Regarding Levels of Service:** If the recommended improvements are not made, the Level of Service would remain at Level D with the northbound approach operating at a Level of Service E. If the recommended improvements are made, the Levels of Service would be at Level C & Level B.
- **Regarding road improvements by the County:** The County is aware of the need for road improvements and wants to improve the subject intersection. It ranks #16 on the County’s priority list but is not currently funded.

The Department was directed to research how road improvements could be made and what they would be contingent on.

Commissioner Macaluso requested that the T-Model Study include information about whether the Long Road exit coming from the east would be able to handle the traffic generated from the proposed lifestyle center.

5. Ms. Beth Matula, 300 Biltmore Drive, Suite 332, Fenton, MO 63026 **on behalf of the petitioner** for **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.** presented slides showing various lifestyle centers in different areas of the country. She stated the following:

- The proposed lifestyle center offers convenience and quality. It’s a boutique-style shopping concept.
- The areas are landscaped to encourage walking.
- The area is purpose-driven, task-driven for the active culture of today who want to complete tasks while enjoying the ambience of the center.
- There will be a focus on the outdoor. Some of the retailers will be garden and lifestyle retailers.

Commissioner Macaluso asked if there are any lifestyle centers similar to the proposed project in a colder climate other than Indiana and Utah. Ms. Matula responded that there are centers in colder climates. They intend to focus on the outdoors and plan on using the subject lifestyle center seasonally.

Commissioner Macaluso asked if parallel parking would be utilized at the site. Ms. Matula replied that the parking would be store-front parking where the vehicles are parked at an angle.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Montessori Children's Home:** Amended Site Development Plan and Landscape Plan for a children's reading garden, located on a 5 acre tract on the south side of Ladue Road, east of Saylesville Drive.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to hold the Amended Site Development Plan and Landscape Plan until the Petitioner can meet with the Planning Commission and the Site Plan Committee. The motion was seconded by Commissioner Hirsch and **passed by a voice vote of 8 to 0.**

- B. **King of Kings Lutheran Church:** Amended Landscape Plan for a church, zoned "R-2" Residential, and located at 13765 Olive Boulevard, west of Woods Mill Road and East of River Bend Drive.

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

- C. **Long Road Crossing Boulevard:** Amended Site Development Concept Plan for amended ditch locations and an internal road system for thirteen (13) properties located on the north side of Chesterfield Airport Road, west of Long Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0.**

- D. **Parkway School:** Architectural Elevations, Landscape Plan, and Amended Site Development Plan for a 99.1 acre parcel located on Woods Mill Road north of the intersection with Ladue Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Architectural Elevations, Landscape Plan, and Amended Site Development Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0.**

- E. **Spirit Trade Center Lot 27 (Life Systems) Office/Warehouse:** A Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations for an office/warehouse on Lot 27 of Spirit Trade Center, zoned “M-3” Planned Industrial, and located south of Edison Road, east of Spirit Drive and west of Trade Center Blvd.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the most recent rendering of Spirit Trade Center Lot 27 Site Development Section Plan, Landscape Plan, Lighting Plan and Architectural Elevations with the stipulation that the parapet be high enough that rooftop equipment will not be visible from Trade Center Boulevard. The motion was seconded by Commissioner Banks **and passed by a voice vote of 8 to 0.**

- F. **Spirit Trade Center Lot 29:** Architectural Elevations, Lighting Plan, Landscape Plan, and Site Development Section Plan for a 2.7 acre parcel located south of Edison Avenue east of the intersection with Trade Center Boulevard.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Architectural Elevations, Lighting Plan, Landscape Plan and Site Development Plan with the stipulation that the Landscape Plan include more than one species of evergreens as approved by Staff according to the Tree Manual; and with the stipulation that the recommendations from ARB be included. The motion was seconded by Commissioner Banks **and passed by a voice vote of 8 to 0.**

- G. **Towne Centre Lot 4 (Crush):** Sign Approval for a tenant space located in the Towne Centre development zoned “PC” Planned Commercial District located south of Edison Avenue and west of Long Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the request for Sign Approval. The motion was seconded by Commissioner Broemmer **and passed by a voice vote of 8 to 0.**

VIII. OLD BUSINESS

- A. **St. Louis Family Church:** An amendment to City of Chesterfield Ordinance Number 2092 relating to the St. Louis Family Church development, zoned “PI” Planned Industrial District located on the south side of Chesterfield Airport Road, west of Valley Center Drive.

Project Planner Dan Kaline stated that the requested Ordinance amendment would allow a sign package that would not be subject to the normal sign requirements.

Chair Sherman made a motion to deny the requested amendment. The motion was seconded by Commissioner Broemmer.

Upon roll call, the vote was as follows:

**Aye: Commissioner Banks, Commissioner Broemmer,
Commissioner Hirsch, Commissioner Macaluso,
Commissioner O'Connor, Commissioner Sandifer,
Commissioner Asmus, Chairman Sherman**

Nay: None

The motion to deny passed by a vote of 8 to 0.

B. P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.): A request for a change of zoning from an "NU" Non-Urban District to a "PC" Planned Commercial District for three parcels of land on Olive Street Road, located 5 miles west of the intersection of Olive Street Road and Chesterfield Airport Road. Total area to be rezoned: 55.8 acres. (Locator Numbers: 17W-52-0025, 17W-53-0123, 16W-21-0022)

The request contains the following permitted uses:

- (b) Animal hospitals, veterinary clinics, and kennels.
- (d) Arenas and stadiums.
- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
- (f) Auditoriums, churches, clubs, lodges, meeting rooms, libraries, reading rooms, theaters, or any other facility for public assembly.
- (g) Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.
- (h) Barber shops and beauty parlors.
- (i) Bookstores.
- (l) Cafeterias for employees and guests only.
- (m) Child care centers, nursery schools, and day nurseries.
- (n) Colleges and universities.
- (o) Dry cleaning drop-off and pick-up stations.
- (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
- (q) Film drop-off and pick-up stations.
- (r) Fishing tackle and bait shops. Open storage and display are prohibited.

- (s) Financial institutions.
- (v) Hotels and motels.
- (w) 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.
- (x) Medical and dental offices.
- (y) Mortuaries.
- (z) Offices or office buildings.
- (aa) Outdoor advertising signs (additional to provisions of Section 1003.168.).
- (cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
- (ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
- (hh) Restaurants, fast food.
- (ii) Restaurants, sit down.
- (jj) Riding stables.
- (kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
- (ll) Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.
- (mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
- (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
- (oo) Sewage treatment facilities, as approved by the appropriate regulatory agency.

- (pp) Permitted signs (See Section 1003.168 "Sign Regulations").
- (qq) Souvenir shops and stands, not including any zoological displays, or permanent open storage and display of manufacturing goods.
- (rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

ISSUES:

It was noted that Project Planner Aimee Nassif had recorded all the issues raised during the previous Work Session. Following are new issues raised during this Planning Commission Meeting:

1. Insure that the Public Works issues and memo regarding the flood plain, elevations, and curb cuts are addressed by the Petitioner.
2. Address the possibility of a bike trail.
3. Review pedestrian access.
4. Provide the length of the project site and research with the benchmarks of The Commons area. Research the length of The Commons development and compare with the length of the subject project to determine how walkable it is.
5. Is an Arts and Entertainment Overlay appropriate for this development?
6. Is this development required to meet the 50% green space area?
7. Research how the road improvements can be made along with the TJA areas.
8. Can the Long Road exit handle the traffic – have the T-Model include the Long Road exit.
9. Are there any lifestyle centers in colder climates?
10. Research outdoor sales – how do we decide the percentage of outdoor sales and what can be included in outdoor sales? How much space would be designated for outdoor sales?
11. Any history/background information on the 40% vs. 50% green space issue.
12. What was done with the green space for Precision Irrigation?
13. What is the green space percentage for the lifestyle center in Charlotte, North Carolina?
14. Regarding permitted uses, review the following uses:
 - (o) Dry cleaning drop-off and pick-up stations;
 - (p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours;
 - (aa) Outdoor advertising signs;
 - (kk) Sales, rental, and leasing of new and used vehicles;
 - (ll) Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture;
 - (rr) Sale and leasing of motor vehicles.

15. How will the recommended improvements from the Traffic Consultant be triggered? How will they be done? When will they happen?
16. Review the compatibility of the pedestrian access with the cars – parallel parking. Where are the cars located with respect to pedestrian traffic?

C. P.Z. 06-2005 Wild Horse Creek Investors (18217 Wild Horse Creek Road): A request for a change of zoning from “NU” Non-Urban District to “E-2” Estate Residence District for 25.1 acre tracts of land located north of Wild Horse Creek Road, east of Eatherton. (19W540025, 18W210024)

Project Planner Aimee Nassif noted that no new issues had been raised on this project during Public Comment. Issues from the Staff Report were reviewed with the Commission and it was agreed that Issue #3 should remain open regarding the relocation of the entrance. The following Issues from the Commission were noted:

1. Regarding the Tree Plan, a 72” oak tree is marked for removal. Review how the tree can be saved. (Commissioner Macaluso stated that unless plans are made to save this tree, she is not comfortable with the project.)
2. Provide clarification as to why tree nos. 61 and 62 are scheduled for removal when they are on the dedicated strip along Wild Horse Creek Road.
3. Review tree nos. 50, 58, and 7.
4. Is the old railroad tie retaining wall on the site going to be removed?
5. The plan shows about 50% of the homes overstepping the building line – is this a printing error? Are the houses within the 25’ building line setback?

D. P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.).

The following Issues were added for this project:

1. Clarification as to whether or not all the legal pieces are together for the Griffith Lane access.
2. Regarding the high accident rate at the intersection of Wilson and Wild Horse Creek Road, review the possibility of a secondary access going straight through to Griffith Lane.
3. Review access for emergencies.

E. Mobil Station on Clarkson Road

The following issues were added for this project:

1. Review the minutes from the Site Plan Committee meeting and the Planning Commission meeting where the Petitioner gave information about the planters to be installed in front of the service station.

IX. NEW BUSINESS

- A. **P.Z. 34-2001 Chesterfield Village/Altshuler Tract:** A request for an extension of time for a “PC” Planned Commercial District Site Development Plan located on the north side of North Outer Forty Road near the intersection of North Outer Forty Road and Chesterfield Parkway West.

Project Planner Kyle Dubbert stated that the request is for an eighteen month time extension for a tract of land zoned in September, 2002. This is the second request for a time extension. The stated reason for the request is because of market conditions.

Commissioner Hirsch made a motion to grant an extension of eighteen months. The motion was seconded by Commissioner O’Connor.

Commissioner Banks expressed concern about how often time extensions are requested and granted for this particular petitioner. Commissioner Broemmer suggested granting a shorter extension of time.

Upon roll call, the vote was as follows:

**Aye: Commissioner Hirsch, Commissioner Macaluso,
Commissioner O’Connor, Commissioner Asmus,
Chairman Sherman**

**Nay: Commissioner Broemmer, Commissioner Sandifer,
Commissioner Banks**

The motion passed by a vote of 5 to 3.

X. COMMITTEE REPORTS:

A. Nominating Committee – Election of Officers

Chair Sherman stated that the Nominating Committee consisted of Commissioners Banks, Macaluso and Hirsch. Commissioner Banks presented the following slate for Officers of the Planning Commission for the following year:

Secretary	Commissioner O’Connor
Vice-Chair	Commissioner Hirsch
Chair	Commissioner Macaluso

Commissioner Sandifer made a motion to approve the slate as presented. The motion was seconded by Commissioner Banks and **passed by a voice vote of 8 to 0.**

Commissioner Banks thanked Chair Sherman for her three years of uninterrupted service.

- B. Committee of the Whole - None**
- C. Ordinance Review Committee - None**
- D. Architectural Review Committee - None**
- E. Landscape Committee - None**
- F. Comprehensive Plan Committee - None**
- G. Procedures and Planning Committee - None**
- H. Landmarks Preservation Commission - None**
- I. Wild Horse Creek Road Sub Area Study Meetings**
 - 1. Noise Sub Committee – June 9, 2005, 3:00 p.m.
 - 2. Land Use Sub Committee – June 28, 2005, 8:00 a.m.
 - 3. Traffic Sub Committee – Date to be determined

XI. ADJOURNMENT

The meeting was adjourned at 10:06 p.m.

Lynn O'Connor, Secretary