

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
June 14, 2004**

The meeting was called to order at 7:01 p.m.

**I. PRESENT**

**ABSENT**

Mr. David Banks  
Mr. Fred Broemmer  
Dr. Maurice L. Hirsch, Jr.  
Mr. Dan Layton, Jr.  
Ms. Stephanie Macaluso  
Dr. Lynn O'Connor\*  
Ms. Lu Perantoni  
Mr. B. G. Wardlaw  
Chairman Victoria Sherman  
Mayor John Nations  
City Attorney Doug Beach  
Mr. Bruce Geiger, Council Liaison  
Ms. Teresa Price, Director of Planning  
Mr. David Bookless, Project Planner  
Mr. Kyle Dubbert, Project Planner  
Mr. Michael Hurlbert, Project Planner  
Ms. Christine Smith Ross, Project Planner  
Ms. Mary Ann Madden, Planning Assistant

*\*Commissioner O'Connor joined the meeting at 7:06 p.m.*

**II. INVOCATION:** Commissioner Banks

**III. PLEDGE OF ALLEGIANCE**

Chairman Sherman acknowledged the attendance of Mayor John Nations, Bruce Geiger, Council Liaison (Ward II), Mary Brown (Ward IV) and Connie Fults (Ward IV).

**Commissioner Wardlaw read the 'Opening Comments' for Public Hearings.**

#### IV. PUBLIC HEARINGS

- A. **P.Z. 10-2004 Barry Simon Development (Fox Hill Farms)**: A request for rezoning from “NU” Non-Urban to “E-Half-Acre” Estate district for a 40.1-acre parcel located on Griffith Lane, south of the terminus of Eagle Bluff Court, approximately 1500 feet from Wild Horse Creek Road. Locator Numbers (18U32-0015, 19U64-0028, 19U64-0017)

Project Planner Christine Smith Ross gave a power point presentation showing an overview of the subject site and photos of the area. Ms. Smith Ross stated the following:

- The Comprehensive Plan for this parcel calls for single-family, residential with a maximum density of one dwelling unit per acre.
  - Ordinance 1315, for Eagle Crest Estates, required a 50 ft. easement to this landlocked parcel.
  - Ordinance 1811 adopted the record plat for Eagle Crest Estates, Plat II, approving the location of the 50 ft. access easement.
  - The developer has filed the requested zoning E-1/2 acre.
  - The proposed Preliminary Plan shows 36 lots on the 40.1 acre parcel.
1. Michael Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney representing the Petitioner. Hand-outs were distributed to the members of the Commission and will become part of the public record. Mr. Doster stated the following:
- The Petitioner is requesting a change of zoning from Non-Urban to E-1/2 acre district with a Planned Environmental Unit.
  - The Petitioner is proposing a maximum of 36 lots on 40 acres.
  - Mr. Doster made reference to the hand-outs as follows:
    - Referring to the Land Use Plan of the West Area Study, he stated that the density is 1-acre density south of Wild Horse Creek Road, west of Wilson Road, which is exactly what the Petitioner is proposing.
    - A comparison was made between Fox Hill Farms, the proposed development, and Eagle Crest Estates, which was zoned pursuant to Ordinance 1315 in September, 1997.
    - Information was given about the floodplain as it relates to the calculation of density with respect to Ordinance 1913.
    - It is the Petitioner’s belief that the proposed project is compatible with existing residential in the area; reinforces existing residential neighborhood patterns; and is single-family, residential, which complies with the West Sub-Area requirements.
    - Mr. Doster referred to the Record Plat and Ordinance 1315 as it relates to a 50 ft. access easement, which is to be provided to the landlocked property to the south. Mr. Doster pointed out that this easement is part of the record plat and is on the record title of the Eagle Crest subdivision.

2. Barry Simon, 632A Trade Center Boulevard, Chesterfield, MO 63005, Petitioner for the project, stated the following:
- As the Site Plan represents, it is planned to connect Fox Hill Farms via the roadway easement.
  - A round-about will be created to serve both Eagle Crest and Fox Hill Farms.
  - The Site Plan is in complete compliance with the City's Comprehensive Land Plan.
  - The project consists of one-acre lots, which is 36 lots on 40+ acres.
  - The density is comparable to the density of the adjoining subdivision of the Wings at Eagle Crest.
  - The lots are 120 ft. in width and have a 25 ft. building line, which is the same as Eagle Crest.
  - The minimum side yards at Fox Hill Farms will be 15 ft. and the minimum side yards at Eagle Crest are 8 ft.
  - The grading and the clearing of Fox Hill Farms will be similar to the way the Wings at Eagle Crest was cleared and graded.
  - A large percentage of the trees will be kept and the same tree-line as the Wings at Eagle Crest will be followed.
  - The price range of homes in Fox Hill Farms will be from \$750,000 to \$1.5 million, which is comparable to the adjoining subdivisions.
  - The 50 ft. roadway easement is a recorded, legal access to the landlocked 40 acres and was a requirement of the City of Chesterfield as part of the plat approval of Eagle Crest.

Commissioner Layton asked Mr. Simon to comment on the contacts he has made with the residents in the area and the adjoining residents on Griffith Lane

Ms. Simon responded that he has met with the Fire Marshall of Chesterfield to review the access of the proposed development. The Fire Marshall has requested that the Petitioner pave Griffith Lane from Wild Horse Creek Road to be used only as emergency access. The Fire Marshall also requested that Griffith Lane be widened by 1-2 feet.

Mr. Simon stated that he had meetings with all of the property owners on Griffith Lane and they agreed to allow the improvement of Griffith Lane, as long as it would remain a private lane and would not be the main access to the property. At the time of the meeting, the majority of the residents were aware of the 50 ft. roadway easement that is for access to the subject 40 acres. Mr. Simon also met with the residents of the Eagle Crest subdivision, at which time the Site Plan was reviewed.

There are six properties in Kehrs Mill Estate, which back up to the project's southern property line. Mr. Simon stated the he called all six property owners and left messages informing them that he owns the 40 acres in Chesterfield that adjoin their property and that he has petitioned the City of Chesterfield to develop the property as one-acre density lots, 36 lots on 40+ acres.

Commissioner Layton asked Mr. Simon if he would be willing to accept the maximum of 36 homes on this property.

Mr. Simon responded that the petition is for a one-acre density as described in the Comprehensive Land Plan, with a maximum of 36 home sites.

Commissioner Macaluso asked how access is currently used into this 40 acres.

Ms. Simon responded that the access to the 40 acres is strictly by Griffith Lane.

Commissioner Macaluso asked if the Petitioner had reviewed using Griffith Lane as the primary access to the proposed development.

Mr. Simon responded that there are a number of reasons why using Griffith Lane as the primary access is not feasible.

Commissioner Macaluso asked if the roads in the proposed subdivision will be private roads, such as Griffith Lane is private.

Mr. Doster responded that the roads will be private in the sense that the City will not be maintaining them but they will be built to public standards.

Chairman Sherman asked if consideration was given to the possibility of allowing cross access to some of the surrounding land that is not developed on the west of the proposed subdivision.

Mr. Doster responded that the Site Plan shows the entire west property line of the proposed 40 acres is common ground for Chesterfield Estates.

Mayor Nations asked if it would be feasible to take Griffith Lane and have it enter the proposed development further north on the eastern boundary.

Mr. Simon responded that all of this property is not under his control and there are grade issues.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**

1. Mr. Stephen L. Kling, 10 South Bemiston, Clayton, MO 63105, attorney, representing the Eagle Crest Subdivision homeowners. Hand-outs were distributed to the members of the Commission and will become part of the public record. Mr. Kling stated the following:
  - The home values in Eagle Crest range from \$1 million to over \$2 million.
  - Homes were purchased on the belief that the property was a private cul-de-sac.

- Residents have been recently informed that there is going to be a street connected to their property from the proposed development.
- Mr. Kling stated the following reasons as to why the residents believed their properties were on a private cul-de-sac:
  - Both the residents, and their real estate agents, were informed by the builder and the builder's representatives that this was a private cul-de-sac street.
  - The promotional materials distributed by the builder indicated Eagle Crest subdivision was a private cul-de-sac subdivision.
  - The street is named Eagle Bluff Court and the definition of "court" is synonymous with "cul-de-sac", which is open on one end and terminates on the other end with a circle round-about.
  - The cul-de-sac was built as a traditional cul-de-sac and has a landscaped island in the middle of it.
  - Beyond the cul-de-sac, in the area of the proposed connector road, there is a hill at least 30' high with 10-20' trees on top of the hill.
  - The houses built around the cul-de-sac were built surrounding and angled on the cul-de-sac.
- Mr. Kling referred to Ordinance 1315, approving Eagle Crest subdivision, which contains language that says a sign was to be posted on the property warning the residents of a potential cut-through.
- Mr. Kling referred to Subdivision Ordinance 1005.180, which states that if there is to be a connection to a stub street, signs are to be posted.
- Mr. Kling stated that his clients feel there is a significant diminution in value to their homes based on this proposed connection street.
- Mr. Kling stated his clients are asking the City to review and consider two major requests and extend the Public Hearing accordingly:
  - Looking into using Griffith Lane as the main access.
  - Looking into the zoning and compatibility of the proposed homes to the homes in Eagle Crest, particularly the homes on Eagle Bluff Drive.

Commissioner Broemmer asked if the Eagle Crest property was recorded with the 50 ft. easement.

Mr. Kling responded that the easement is shown on the plat at the bottom. However, when a home was purchased, a Title Report was given for the property purchased but there is no reference to this easement on the Title Report. The only way a homeowner would be aware of the easement would be to copy the plat.

Commissioner Broemmer asked if the Developer, at the time of selling the lots, should have known about the easement.

Mr. Kling responded that it is in the Ordinance.

Commissioner Broemmer asked if the Developer would have been remiss in not telling prospective buyers about the proposed easement.

Mr. Kling responded that that is his clients' contention – they all believed they were buying on a private cul-de-sac.

Commissioner Hirsch asked if the surveys of the adjacent properties to the proposed easement showed the easement.

Mr. Kling responded that they did not show the easement.

Mayor Nations asked if the language contained in Ordinance 1315 regarding the 50 ft. easement, could be interpreted as the emergency access to the subdivision.

Mr. Kling stated he was not prepared to answer that question at this time but will review it.

2. Mr. Nabell Gareeb, 16830 Eagle Bluff Court, Chesterfield, MO 63005 stated he was speaking on behalf of the residents of Eagle Bluff Court and asked all the residents of Eagle Crest Estates to stand up to indicate how many residents are opposed to the proposed development. Mr. Gareeb stated the following:

- The current address of the property is 376 Griffith Lane, not Eagle Bluff Court.
- This should be the primary access path since it is also a prescriptive easement, as stated on the plat.
- The residents believe insufficient homework has been done to evaluate this or other alternatives.
- There are issues about flooding on Griffith Lane, which will need to be modified for emergency access; therefore it should be able to be modified for primary access as well.
- Easement on Eagle Bluff Court is not a Road Right of Way.
- There was a variance granted to Eagle Bluff Court to make it 1300 ft.
- Homeowners were led to believe this was a private cul-de-sac based on the street name (Court), angled homes around the cul-de-sac, presence of a roundabout, verbal representation, and lack of ordinance compliance and enforcement with respect to signage being posted.
- The Developer wants to level the hill and grade existing, completed property based on the "TSCL" indication on the plat, which was not clear as to whether this pertained to creating a wall or whether the property could be graded itself.
- Mr. Gareeb displayed photos showing the area in question regarding the proposed connector street.

Commissioner Macaluso asked Mr. Gareeb if he was under the belief that the property between his lot and his neighbor's lot was common ground.

Mr. Gareeb responded that he was told this land would be landscaped by the Developer; that perhaps there would be development on the proposed 40 acres but it would stay beyond the hill because it was zoned as 3 acres; and that this was a private cul-de-sac street.

Commissioner Macaluso asked Mr. Gareeb if he was aware of any engineering study that had been done regarding the access issue.

Mr. Gareeb responded that the Developer was asked if an engineer had looked at the site and were told that an engineer had reviewed it. The Developer was asked for a copy of the formal Engineering Report but it was not available.

3. Mr. Art Hamman, 16842 Eagle Bluff Court, Chesterfield, MO 63005 gave a comparison report of the proposed homes to be built in Fox Hill Farms to the homes in Eagle Crest. He compared the two developments on the following points:
  - Lot Density – 22% more properties in the same space in the proposed development
  - Average Lot Size – 23% smaller in the proposed development
  - Square Footage of Homes – 32%-35% smaller in the proposed development
  - Price – 28%-33% lower in the proposed development

### **SPEAKERS – NEUTRAL**

1. Mr. Jerry Nowak, 16902 Wild Horse Creek Road, Chesterfield, MO 63005, stated the following:
  - He is the newest resident on Griffith Lane and an aerospace engineer employed by Boeing.
  - The grade where the road connector is proposed is very steep and rocky on one side and very wet on the other side near the creek.
  - There is concern about runoff.
  - There is concern that if Griffith Lane is paved, there will be a lot more maintenance involved due to runoff.
  - There is concern that Griffith Lane would not be able to handle the density or speed of the cars.
2. Mr. John W. Hammond, 1203 Walnut Hill Farm, Chesterfield, MO 63005 speaking on behalf of the Walnut Hill Trustees stated the following:
  - He and his wife have lived in Walnut Hill Farm for 21 years and have lived in the area since 1962.
  - Since the proposed development seems to conform to the zoning requirements of the Comprehensive Plan and West Area Study, he does not have a problem with it.
  - He has concerns with Griffith Road being used as the major entrance to the subdivision.
  - He has concerns about increased traffic that each new subdivision brings to the City and to the arterial roads.

## **REBUTTAL**

1. Mr. Doster stated the following:

- He would be willing to share with Mr. Kling a copy of the Plot Plan for Lot 30, which shows the 50 ft. access easement running to the south of the existing cul-de-sac.
- He has a copy of the Boundary Adjustment Plat, signed by Mr. Gareeb in February, 2004, which shows the 50 ft. easement running to the south of the cul-de-sac into the subject site, along with the temporary slope and construction license easements.
- At the time Eagle Crest was developed, it was the City's intent to provide access from the subject cul-de-sac to the south 40 acres.
- Griffith Lane is too difficult from an engineering standpoint and a legal standpoint to resolve all the issues involved.

2. Mr. Simon stated the following:

- In response to the types of homes that are to be built in Fox Hills Farm, the price range would be from \$750,000 - \$1.5 million.
- The average price for Eagle Crest, according to County records, is \$878,147.
- The average price at the Wings at Eagle Crest, according to County records, is \$1,011,770.
- The average price at Appaloosa Way, a Barry Simon development, exceeds \$800,000. Two homes currently for sale in Appaloosa Way are priced at \$899,900 and \$950,000.
- He is confident that the homes in Fox Hill Farms will be compatible in looks to the houses in the Wings at Eagle Crest and in Eagle Crest.
- Regarding density, one-acre density is calculated as one lot for every acre available. Fox Hill Farms has a lot of common ground – the lot lines could be moved back, reduce the common ground and gross up the lot size.
- The Wings at Eagle Crest have 15 lots on 16 acres. Fox Hill Farms is proposing 36 lots on 40 acres.

## **ISSUES:**

Ms. Smith Ross, Project Planner, took note of the following Issues presented by the Commission:

- Access to Griffith Lane and the possibility of relocating that access off of Griffith Lane.
- What is shown on the surveys of Lots 30 and 31 of the existing subdivision with respect to the 50 ft. easement and the legality of extending this road.
- Whether the common ground in Eagle Crest included this access area and whether it would reduce the amount of common ground for this subdivision.
- The availability of an Engineering Report regarding Griffith Lane.
- The availability of a study or evidence regarding the devaluation of property.

- In terms of compatibility, the availability of a layout showing the lots that would be closest to the current homes.
- How the use of the easement was identified and whether it was shown on any plan or plot.
- Access to the lands farther to the west and the lands surrounding this area – cross access easement – how does that play into this land being developed?
- Request for a definition of “court” and “cul-de-sac”.
- History of how streets are named.
- Any history of City involvement in a grievance as to what Developers have promised.
- Request to see a section cut through of the entry road area.
- What kind of changes would need to occur to the proposal in order for it to come in as an E-1 acre.
- Signage requirements for a public road leading into a stub street.
- Flooding concerns on Griffith Lane.
- Explore whether any trees need to be saved on this land.

**Commissioner Wardlaw read the closing comments for Public Hearing P.Z. 10-2004.**

Project Planner Christine Smith Ross noted that the first possible meeting the Planning Commission could vote on P.Z. 10-2004 would be **July 12, 2004**, not June 28, 2004 as shown in the Opening Comments.

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

Project Planner Christine Smith Ross gave a power point presentation showing an overview of the subject site and photos of the area. Ms. Smith Ross stated the following:

- The Comprehensive Plan for these parcels is part of the area known as the “bowtie”, which is north of Wild Horse Creek Road and west of Long Road.
  - The Comprehensive Plan would direct “Office Campus” for this location.
  - The Developer requests “PC” Planned Commercial and requests the use as medical and dental offices, along with office building use.
1. Mr. Tim Hall, 17661 Wild Horse Creek Road, Chesterfield, MO 63005, representing the Petitioner, Wildhorse Executive Center, LLC, stated the following:
    - The proposed project is currently called for as “Office Campus” under the Comprehensive Plan.
    - According to the Comprehensive Plan, the definition for “Office Campus” reads: “A conceptual land use category, low-rise appearance development adjacent to an

area where the dominant land use is residential or non-commercial/institutional. Office Campus development shall emphasize open space and the preservation of natural features to serve as a buffer and transition to the residential area. Consideration should be given in Office Campus to utilization of structured parking to facilitate the provision of open areas. Visibility of parking areas should be minimized. Permitted uses include “institutional” uses such as colleges, schools and churches.”

- The Petitioner approached the project with the intention of exceeding the standards utilized to date in the City for a commercial office development.
- The proposed project includes water elements, berming, landscaping, natural grasses and trees to make it compatible with the surrounding neighborhood.
- The proposed project includes a wandering path, which extends to the north end of the property, which is the hillside adjacent to the Landings of Spirit Golf Course. The intent is that as adjacent properties develop, the area would be available to the residents.
- The proposed project has an open space of 58%; greater than 50% of the existing tree canopy would be retained; building coverage is 13% of the 10 acres.
- Size-wise, the buildings have been kept to 8000 sq. ft on the front; height-wise, the highest point is 29 ft.
- The proposed architecture would be natural materials, such as wood and stone.
- Landscaping at the entrance to the development would be comparable or would exceed the landscaping of the subdivisions along Wild Horse Creek Road.
- The light standards are identical to the light standards used at City Hall.
- Use-wise, the development would not include retail or restaurants; it would include professional users such as consultants, accountants, law offices, a primary care physician office or dental office.

Mayor Nations expressed concern about the residential character of Wild Horse Creek Road over the long term. If there is going to be an Office Campus development on the north side of Wild Horse Creek Road, Mayor Nations asked Mr. Hall, if, in the long term, he would consider eliminating the access up Wild Horse Creek Road in favor of a road that would run along the bluffs back to Long Road to service the properties north of Wild Horse Creek Road in order to keep Wild Horse Creek Road residential.

Mr. Hall responded that if the City is amenable to another access road, the Petitioner would not have an issue with it. The Petitioner would be willing to address, at some point, whether access needed to be reduced off Wild Horse Creek Road at the proposed entrance.

#### **SPEAKERS IN FAVOR:**

1. Mr. D. R. Bowers, 17531 Wild Horse Creek Road, Chesterfield, MO 63005, representing himself and three neighbors to the west of his home, stated the following:

- He is a Charter Member of the Citizens Public Works Committee for the City of Chesterfield.

- He has lived at his current address for over 40 years.
  - As an engineer and pilot, he addressed the issue of airport noise along the bluff.
  - He and his neighbors feel the Office Campus is a sound proposal for this site because of the airport noise in the area.
  - He and his neighbors feel this proposal is very attractive and would be an asset to the community.
2. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO 63005 was present for questions.
  3. Mr. Bill Kirchoff, 17627 Wild Horse Creek, Chesterfield, MO 63005 stated the following:
    - He lives immediately adjacent to the project to the east.
    - He is in favor of the project.
    - He requested that a substantial landscape buffer be created between his property and the proposed development.

#### **SPEAKERS IN OPPOSITION:**

1. Ms. Renee Heney, 1513 Honey Locust Court, Chesterfield, MO 63005 stated the following:
  - She represents the viewpoints of the residents who live on the south side of Wild Horse Creek Road – in the neighborhoods of Wild Horse, The Highlands, Greystone, Wilderness, Pine Creek, Tara – and asked all those in the audience opposed to the development to stand up.
  - She is opposed to the development for three primary reasons:
    - Unsafe road conditions – She was told by the Developer on two occasions that access through Chesterfield Airport Road, Long Road, and Edison Road was not a possibility. The only way to access the office park was off of Wild Horse Creek Road.
    - Airport noise – If the trees are removed, the airport noise will not be buffered.
    - Homeowners who live in these neighborhoods chose this area because they want to be away from office development.
  - She expressed concerned about future development in the area.
  - She believes there was non-sufficient notification of the possible rezoning.
2. Ms. Joan Smith, 17818 Keystone Trail Court, Chesterfield, MO 63005 stated the following:
  - She has lived in the area for 7-1/2 years.
  - She has concerns about the increased traffic flow along Wild Horse Creek Road and Long Road.
  - The increased parking of 230 spaces is directly across the street from an elementary school, which causes concern for the safety of the children attending the school.
  - It is her understanding that there is nothing in the plans for improvements to Wild Horse Creek Road, which would be needed for this type of development.

- She expressed concern about future commercial developments along Wild Horse Creek Road.
- At a meeting of the Wild Horse subdivision on June 3, 2004, of those attending the meeting, 84% were not in favor of this development.
- She has concerns about the 70 ft. setback not being adequate in the event Wild Horse Creek Road needs to be widened.

Commissioner Broemmer asked Ms. Smith what she would suggest for this area.

Ms. Smith responded that she preferred the development of residential, along with parks or golf courses. But if an Office Campus is developed, consideration should be given to changing the access from Wild Horse Creek Road.

Commissioner Broemmer explained that when the West Area Study was done, it was determined that in this particular area, the noise level from the airport is extremely high, which is one reason why it was decided not to develop it as residential.

3. Mr. John Drake, 962 Tara Oaks Drive, Chesterfield, MO 63005, representing the Homeowners Association of Tara at Wildhorse, stated the following:
  - He is a Trustee for his subdivision.
  - He has concerns about increased traffic along Wild Horse Creek Road.
  - Wild Horse Creek Road has become a major cut-through area for traffic from I-44 to US 40 and points north and feels this issue needs to be taken into consideration as deliberations on this project go forward.
  - Regarding the aesthetics of the proposed project, he has concerns about the number of trees that will be removed.
  - He has concerns about water management on the site.
  - About 400 yds. west of the northwest corner of the proposed site, there is a registered archeological site. Mr. Drake requested that the Developer be required to conduct an extensive archeological survey on the site.
4. Mr. Ingrid Stoffel, 17732 Birch Leaf Court, Wildwood, MO 63005 stated the following:
  - She is a resident of Wild Horse subdivision.
  - She would like to see the site developed as a residential subdivision.
  - She has concerns about the infrastructure not being able to support increased traffic flow.
  - She has concerns about the proposed project becoming more commercialized, for example, with respect to signage.
5. David & Terri White, 1008 Yellowwood Court, Chesterfield, MO 63005. *Speakers had already left the meeting.*
6. Mr. Jay Smith, 17818 Keystone Trail Court, Chesterfield, MO 63005, stated the following:
  - He feels the proposed project would be more appropriately located in the Valley.

- He has concerns that if a medical or dental office is included in the Office Campus, it would require more parking spaces, and has concerns that more of the area would be used for parking.
  - He has concerns about increased traffic in the area.
  - He would like to see the site developed as residential.
  - He agrees with Mayor Nations' suggestion to eliminate the access up Wild Horse Creek Road.
  - He has concerns about the increased noise level from an Office Campus as opposed to a residential development.
7. Mr. Greg Harrop, 1018 Keystone Trail Drive, Chesterfield, MO 63005 stated the following:
- He has concerns as to whether there is a demonstrated need for this office park.
8. Ms. Karen Scheibl, 1502 Myrtlewood Court, Wildwood, MO 63005 stated the following:
- She has concerns about traffic and safety issues with respect to the main entrance being directly across from the elementary school and subdivision.
9. Ms. Ann Nord, 17418 Windridge Estates Court, Chesterfield, MO 63005 stated the following:
- The residents in the area want to see a residential community go into the subject site.
  - She has concerns about the increased traffic.
  - She has concerns that the proposed development would set a precedent for future commercial development in the area.
  - For clarification, she inquired as to how much say the residents along Wild Horse Creek Road have with respect to development in the area. As an example, she asked whether it would make a difference if 100% of the residents were opposed to this development.

City Attorney Doug Beach responded to what the residents feel and think about the Comprehensive Plan's purpose.

Addressing the subject of "need" brought up earlier, City Attorney Beach stated that the City does not have the right to decide if there are too many businesses of a particular type in a given area. People always have the right to petition and something can't be turned down purely on the fact that the City has decided there are too many of a particular business. Under the law, each petition has to be considered.

**REBUTTAL:**

Mr. Tim Hall stated the following:

- He is willing to discuss the road that is going on the vacated Wild Horse Creek Road.
- He is willing to discuss limited access.

- As development continues in the area, he believes a plan can be developed to resolve these issues.

## ISSUES:

Ms. Smith Ross, Project Planner, took note of the following Issues presented by the Commission:

- Traffic issues
- The possibility to develop an internal road in the future
- The possibility of closing the access off of Wild Horse Creek Road
- With respect to noise control, explore whether the proposed buildings would control the noise as well as the current vegetation does
- Information as to whether a water dam is to be developed
- Information on water detention and run-off
- Information on what kind of trees are in the area
- With respect to parking spaces, explore whether a medical office would require more parking than other types of offices
- The possibility of an archeological site and how the history/data would be preserved
- Information on the ravine
- Regarding noise, take into account that noise accelerates as it goes up hill
- Apply this project to the City's T-Model to determine how traffic will affect this area
- Review the process of how the 125' buffer on Conway Road was established to determine if something similar could be done in the proposed area
- Possibility of a landscape buffer to the east
- Use of parking structures
- Notification of the residents
- Appropriateness of the use and appropriateness of the Comprehensive Plan for this project
- Comments from the Airport
- Density of the proposed office complex vs. what was originally looked at with the West Area Study from a density standpoint.

Mayor Nations explained the rezoning process to the members of the audience noting that there will be a minimum of six Public Meetings regarding this development. Final resolution on this development would be no sooner than September.

Commissioner Sherman made a motion for the Developer to do a traffic study based on Chesterfield's Transportation Model. The motion was seconded by Commissioner Macaluso and **passes by a voice vote of 9 to 0.**

Commissioner Hirsch made a motion to send the Concept Plan, as presented, to the Architectural Review Board for their opinion as to the nature of the architecture and how

it fits in with the neighborhood. The motion was seconded by Commissioner Layton and **fails by a roll vote of 6 to 3.**

**Commissioner Wardlaw read the closing comments for Public Hearing P.Z. 13-2004.**

Project Planner Christine Smith Ross noted that the first possible meeting the Planning Commission could vote on P.Z. 10-2004 would be **July 12, 2004**, not June 28, 2004 as shown in the Opening Comments.

*A five minute recess was called at 9:50 p.m. and the meeting resumed at 9:55 p.m. Mayor Nations and Commissioner O'Connor left the meeting during the break.*

## **V. APPROVAL OF MEETING MINUTES**

Commissioner Layton stated that the wording of the minutes should be amended on page 17 Item VII.E., Sheridan's Frozen Custard (Hilltown Village Center) as follows:

### **Change to:**

“with the modification that the signs have **colored plastic letters**, rather than the clear plastic that was presented.”

Commissioner Banks made a motion to approve the May 24, 2004 Meeting Minutes, as amended. The motion was seconded by Commissioner Perantoni and **passes by a voice vote of 9-0.**

## **VI. PUBLIC COMMENT**

1. Mr. Mark Teitelbaum, 777 Craig Road, Suite 230, St. Louis, MO passed on speaking in favor of **P.Z. 05-2004 Kemp Foundation**.
2. Mr. Dan Tate, 8251 Maryland Avenue, St. Louis, MO 63105 passed on speaking in favor of **P.Z. 05-2004 Kemp Foundation**.
3. Mr. George M. Stock, 257 Chesterfield Business Parkway, Chesterfield, MO 63005 speaking in favor of **P.Z. 02-2004 Summit Development (Valley Gates Building)**, stated the following:
  - He has concerns with the following Issues that are being addressed:
    - Cross access
    - Uses – His client owns the U.S. Ice Rink, along with the 8 acres, and they are trying to determine how to best develop the property. The permitted uses have been whittled down to what they believe is a reasonable amount.

- Green space – Mr. Stock stated that he has been trying to get clarification on the green space guidelines for the subject site. At this time, they are imposed under the guidelines to a 50% green space. Mr. Stock pointed out that Junior Achievement, the Medical Office Building, and Larry Enterprises all have about 30% green space. The proposed plans for Summit Development (Valley Gates Building) are presently drawn at 36%.

Commissioner Macaluso asked what the green space is on the Ice Center.

Mr. Stock did not have the information but indicated he would check into it.

Commissioner Macaluso asked if the proposal would include a water feature or a piece of art in the event that the green space is reduced.

Mr. Stock responded that Mr. Reese would address this point in his comments.

Commissioner Broemmer suggested that the 50% guideline could possibly be reviewed with respect to reducing the 50% requirement.

Project Planner David Bookless referred to the Comprehensive Plan, Sub-area 4, Mixed Commercial and read:

*Long range plans will not be re-reviewed upon completion of infrastructure development.*

Mr. Bookless continued to read from Sub-Area 4 as follows:

*Consideration should be given to creating a positive appearance from I-64/US 40 and preserving open space. The close proximity of the Monarch-Chesterfield Levee on the northern end of many of the parcels should be considered in creating the open-space objectives.*

Mr. Scott Reese, Vice President of Development and Principal with Summit Development Group, 28 Brentwood Boulevard, Clayton, MO 63005 stated the following:

- With respect to green space, his firm understands the importance of landscaping and will be happy to go forward in that 34% green space.
- With respect to water features and art work, this has not been reviewed at the present time.
- Regarding the cross access easement, his company has no problem with providing cross access to the property to the west (the Ice Rink) because they own it.
- They have concern with providing cross access to any thing on the east because they do not know what will be developed in that area.

City Attorney Beach stated that the City likes to require cross access because they do not know what will happen in the future. The City needs the potential of a cross access. If the

design includes a place where there can be cross access, then the City at least has that consideration in the future.

## **VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS**

- A. **Residence Inn** - Amended Architectural Elevations for 2.9 acre parcel zoned C-8 Planned Commercial, located north of Conway Road, 500 feet west of Chesterfield Parkway East.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations as presented. The motion was seconded by Commissioner Layton and **passes by a voice vote of 8 to 0.**

- B. **Dequan Zou (14891 Olive Boulevard CSP)** - A Site Development Plan and Landscape Plan for a Commercial Service Procedure at 14891 Olive Boulevard, zoned "NU" Non-Urban District located northwest of Olive Boulevard and north of Faust Park.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Site Development Plan and Landscape Plan with the allowance that ADA standards be met if applicable. The motion was seconded by Commissioner Layton and **passes by a voice vote of 8 to 0.**

- C. **Mill Ridge Villas**: A Site Development Plan, Landscape Plan and Architectural Elevations for a residential development of 43 single-family attached dwelling units on a 19.9 acre tract of land zoned "FPR-2" (PEU) Residence District located west of Creve Coeur Mill Road and north of Olive Boulevard.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Landscape Plan and Architectural Elevations as presented with the Architectural Review Board's recommendations and with the condition that the evergreens be a mixture of different types of evergreens with no more than 1/3 being white pines, with the intent that this mixture will screen the back of the units off of Creve Coeur Mill Road. The motion was seconded by Commissioner Hirsch and **passes by a voice vote of 8 to 0.**

- D. **Mobil (Clarkson Road)**: Lighting plan and canopy elevations for a gas station/convenience store in a "C-8" Planned Commercial District in Clarkson Square Shopping Center located on the west side of Clarkson Road.

Commissioner Macaluso, representing the Site Plan Committee, made a motion to approve the Lighting Plan and Canopy Elevations as presented. The motion was seconded by Commissioner Broemmer and **passes by a voice vote of 8 to 0.**

## VIII. OLD BUSINESS

- A. **P.Z. 05-2004 Kemp Foundation**: A request for a Museum Arts Area (MAA) overlay for a 5.104-acre "PC" Planned Commercial District, located north of Chesterfield Airport Road, west of Baxter. (Locator Number 17T23-0091).

Project Planner Christine Smith Ross stated that she has prepared an Issues Report on this proposal for the Commission. No further Issues were added by the Commission.

Chairman Sherman stated that this will be discussed at the June 28<sup>th</sup> meeting at which time it may come up for vote.

- B. **P.Z. 02-2004 Summit Development (Valley Gates Buildings)**: A request for a change in zoning from an "NU" Non-Urban District to a "PC" Planned Commercial District for an approximately 7.698-acre tract of land located on North Outer Forty Road east of Boone's Crossing.

Project Planner David Bookless referred to the prepared Issues Report and pointed out the Issues that are still open:

- The number of requested uses
- The 50% open space
- Landscape relative to whether or not there are water features, brick planters, etc.
- Cross access to the property to the east

The following Issues were added by the Commission:

- Request for the green space ratio of the Ice Center
- Request for the date when the green space for the Ice Center was approved with respect to what the green space regulations were at that time
- Request for green space ratio of other buildings approved within ½ mile of the proposed development

## IX. NEW BUSINESS - None

## **X. COMMITTEE REPORTS:**

### **A. Nominating Committee**

Chairman Sherman stated that the Nominating Committee consisted of Commissioners Banks, Hirsch and Perantoni. Commissioner Banks reported that the Committee unanimously recommends as the slate for officers for: Chair – Commissioner Sherman; Vice-Chair – Commissioner Hirsch; and Secretary – Commissioner O’Connor. Motion was made by Commissioner Banks to accept the recommended slate. The motion was seconded by Commissioner Perantoni. Chairman Sherman asked for an acclamation for acceptance of this slate. Commissioner Wardlaw so moved and was seconded by Commissioner Broemmer and **passes by a voice vote of 8 to 0.**

- B. Committee of the Whole**
- C. Ordinance Review Committee**
- D. Architectural Review Committee**
- E. Landscape Committee**
- F. Comprehensive Plan Committee**
- G. Procedures and Planning Committee**
- H. Landmarks Preservation Commission**

## **XI. ADJOURNMENT**

The meeting adjourned at 10:25 p.m.

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Lynn O’Connor, Secretary