

**CORRECTED 10/24/05 (Page 8)**

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
OCTOBER 10, 2005**

The meeting was called to order at 7:06 p.m.

**PRE**

**I. PRESENT**

**ABSENT**

Mr. David G. Asmus

Dr. Lynn O'Connor

Mr.

Mr. David Banks

Mr. Fred Broemmer

Dr. Maurice L. Hirsch, Jr.

Ms. Lu Perantoni

Mr. Thomas Sandifer (Joined the meeting at 7:08 p.m.)

Ms. Victoria Sherman

Chairman Stephanie Macaluso

Councilmember Mike Casey, Council Liaison

City Attorney Doug Beach

Ms. Teresa Price, Director of Planning

Ms. Annissa McCaskill-Clay, Assistant Director of Planning

Mr. Nick Hoover, Project Planner

Ms. Aimee Nassif, Project Planner

Ms. Christine Smith-Ross, Project Planner

Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Councilmember Mike Casey, Council Liaison; Councilmember Bruce Geiger, Ward II; and Councilmember Connie Fults, Ward IV.

**II. INVOCATION:** Commissioner Banks

**III. PLEDGE OF ALLEGIANCE** - All

**IV. PUBLIC HEARINGS** - Commissioner Sandifer read the "Opening Comments" for the Public Hearings.

- A. P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility):** A request for an amendment to City of Chesterfield Ordinance 1669 to permit additional uses and amendments to setback requirements in conjunction with a revised preliminary plan for a 6.048-acre "PC" Planned

Commercial District located South of Conway Road, approximately 900 feet east of Still House Creek Road (LOCATOR NUMBER 18R210441)

Project Planner Christine Smith Ross gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Smith Ross stated the following:

- The project was posted to the public and mailed on September 23, 2005.
- The proposed additional uses are Use (u): Hospitals, excluding Operating Room Services/Surgical Services, Emergency Room Services, and Heliports or Helipads.
- The proposed Preliminary Plan shows additional changes, which will be required in the Attachment A relative to building & height requirements and setbacks.
- Other amendments will be required to bring the ordinance into compliance with the City's current zoning practices.
- The Comprehensive Plan for this site calls for "Office", a Conceptual Land Use category - a land use or parcel of land that contains a building or multiple buildings primarily used for administrative, executive, professional, research or similar activities.

#### **PETITIONER'S PRESENTATION:**

1. Mr. Don Kalicak, Executive Director for Planning at St. John's Mercy, 12800 Corporate Hill Drive, Suite 400, St. Louis, MO stated the following:
  - The proposed facility will be unique for this area providing specialized rehabilitation services for patients who are not quite ready to leave the hospital or to rehab independently.
  - The new facility will provide a modern, state-of-the art facility that will match the excellent clinical reputation that St. John's has today.
2. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Suite. 300, Chesterfield, MO stated the following:
  - The Petitioner is not proposing any changes to the residential portion of the site. There is no proposal for any connection to Conway Road.
  - The only changes being proposed are with respect to the southern parcel, currently zoned for an office or office buildings. The use which most closely applies under the enabling ordinance is "Hospital".
  - When the application was filed, they proposed specific use language that excludes the uses of "emergency room services, operating room services, surgical services, and a heliport or helipad.
  - They recommend that restrictive language be included in the listing of the permitted use, which would make it clear that any change to any of the exclusions would be subject to a Public Hearing.
  - They have met with Laura Lueking, a resident of Conway Road, who was given a copy of the proposed language. Comments were received back and changes were made to reflect the comments.

- Contact has also been made with the attorney for the Krause family and with a representative for the Himmelsbach family, who live across Conway from the northern parcel.
  - There are significant benefits to the change of use on this site. The building will have less square footage; it will be shorter; there will be less parking; and the traffic generation is significantly less.
3. Mr. Bob Boland, ACI Boland, 11477 Olde Cabin Road, St. Louis, MO gave a PowerPoint presentation and stated the following:
- The proposed plan has more green space fronting on to Highway 40.
  - The proposed plan would maintain the buffering to the north and would maintain the thru-drive for a possible connection between 40 West One to Timberlake Drive as an internal drive.
  - They propose a parking structure which would be buried into the hillside on the northern face. Landscaping will be added along the existing north face of the parking garage.
  - A comparison between the original and current proposals shows the following:
 

<u>Original Proposal</u>	<u>Current Proposal</u>
Garage for 606 cars	Garage/surface parking for 329 cars
5-story building	3-story building
150,000 sq. ft. building	114,000 sq. ft. building
  - The building is smaller, less dense, with less parking and will have less impact on the traffic in the surrounding area.
  - The residentially-zoned property will be heavily buffered.
  - The front facade of the building has been articulated; materials are similar to what St. John's has used on its current campus.
4. Ms. Julie Nolfo, Professional Traffic Operations Engineer with Crawford, Bunte, Brammeier, 1830 Craig Park Court, Ste. 209, St. Louis, MO stated the following:
- The subject site and corridor of North Outer Forty was reviewed extensively in 1999 and 2000. It was initiated with the proposal of Forty West Two, which was to be an approximately 150,000 sq. ft. office building.
  - The intent of the study was to identify development thresholds that would trigger certain improvements to the corridor. In the meantime, it was intended that the City would accumulate funds in a Trust Fund from the various developments that would be used to implement these improvements.
  - This 1999/2000 study was used as a frame of reference for the current proposal.
  - The 150,000 sq. ft. office building of Forty West Two would have generated approximately 225 trips in the morning peak hour and 235 trips in the afternoon peak hour. This information was built into the North Outer Forty corridor study done in 1999/2000.

- The current proposal is an 114,000 sq. ft. building to be occupied by a rehabilitation facility.
- The traffic study of September 21, 2005 summarizes the conclusions of their discussions with the operators of the development. They discussed the number of visitors; the number of beds; the nature of the uses; delivery trucks; and outpatient services.
- They found that the proposed rehabilitation facility would generate about 80 trips in the morning peak hour and 80 trips in the afternoon peak hour - a reduction of 155 trips from the approved Forty West Two building in the morning peak hour and a reduction of 145 trips in the afternoon peak hour.
- The development thresholds have already been identified. The proposed development alone is not a trigger point for further improvements to the corridor.
- The development of One Chesterfield Place, Delmar Gardens, was a previous trigger point. At the time of a trigger point, the City has the ability to implement an improvement if it is felt it is necessary. To date, the City has not seen the need to implement the improvement.

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

- Since it is not yet known whether the development will be an 81-bed or 51-bed facility, the traffic study was prepared using an 81-bed facility, as well as assuming some outpatient facilities coming in.
- With the approval of One Chesterfield Place, along with Delmar Gardens, the City reached a level of 202,500 sq. ft of traditional office space on the corridor plus the 60,000 sq. ft. of medical office built on the corridor at Delmar Gardens. This has triggered the need for the triple-left turn.
- Her understanding from Public Works is that they are not seeing the definitive need for the triple-left turns. They are still collecting funds in the Trust Fund. The County supports the improvement once the City chooses to use the Trust Fund money to construct it.
- The next trigger point would come considerably later - near the location of North Outer Forty Road and Timberlake Manor Drive for the addition of a separate westbound right-turn lane on North Outer Forty. This would come at the trigger point of 593,000 sq. ft. of traditional office development and 60,000 sq. ft. of medical office.

Commissioner Broemmer expressed a concern that a trigger point has already been reached and nothing has been done to implement an improvement. He questioned why the City would want to approve any more development at this time taking into consideration that nothing is being done for the trigger point that has already been reached. Chair Macaluso indicated that the Department could review this as an issue. Ms. Nolfo stated that things are considerably smoother along this intersection than when it was reviewed in 1999/2000.

5. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, indicated he was available for questions.
6. Ms. Donna Flannery, 7733 Forsyth Blvd. Ste. 800, St. Louis, MO indicated she was available for questions.

**SPEAKERS IN FAVOR:**

1. Ms. Laura Lueking, 15021 Conway Road, Chesterfield, MO stated the following:
  - They feel the reduction in square feet of the building is significant for the residents on Conway Road.
  - The lower density is also more appealing. There is no infringement on the buffer to the back protecting Conway Road.
  - The use, with the exclusions as noted in the petition, is important to the residents.
  - The lower height of the building will have less impact on the neighbors.
  - The traffic impact will be less in the area.
  - She supports the project with the "protective, citizen-friendly language".

**SPEAKERS IN OPPOSITION:**

1. Ms. Marcy Johnson, 14802 Wood Royal Court, Chesterfield, MO stated the following:
  - She lives on the south end of Outer Forty.
  - She is opposed to the project because traffic will not be coming and going at 9:00 a.m. and 5:00 p.m. There will be round-the-clock shifts. Visitors could possibly be there until 9:00 p.m.
  - The farm land next to the subject site could possibly be sold to extend this facility onto it. Speaker expressed concern that St. John's would eventually add a surgical center, an emergency room and heliport.

**SPEAKERS - NEUTRAL:**

1. Mr. William Himmelsbach, 14829 Conway Road, Chesterfield, MO stated the following:
  - They have concern about the setback only being 265' from Conway Road.
  - The biggest concern is the parking garage lighting. They would like the lighting to be low-glare and set on timers to shut off at 9:00 p.m.
  - They would like all the trees to be not disturbed on Lot B, where it is zoned R-3.
  - They would like a berm of trees between the north face of the garage and the property line of Lot B to help block any view of the garage.
  - They would like to allow the area in the northwest corner of Lot B to be planted with trees and returned to natural cover to match the east side.

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

- They would like to see the northwest corner of Lot B left natural rather than seeing it as a grassy area. He felt this would involve less maintenance and would be better for the wildlife.

## **REBUTTAL:**

Mr. Doster stated the following:

- They feel the project has significant benefits to the neighborhood and the community.
- They will comply with the City's lighting requirements and will try to keep light escaping onto neighboring properties.
- The Krause property is not listed for sale and they are not seeking to buy it. This is the only facility they are proposing.

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

- **Regarding a timer for the parking garage lighting:** They will have to keep security in mind for persons coming to the facility late at night but they would review the situation to see if they can find a reasonable approach to address both security and the concerns of light escaping.
- It has not yet been determined if the project will be a 51 or 81-bed facility. The number of beds will not have any effect on the building's footprint.

## **ISSUES:**

1. Provide information regarding the status of the Trust Fund and an explanation of the trigger points and adjustment for the Trust Fund for the traffic generation area.
2. Lighting for the upper deck of the parking garage.
3. Review how the building is situated on the site with respect to the cross access easement. The cross access from the current Solomon building to the proposed building does not appear to be an easy flow. Would turning the building a little, make it straighter?
4. Provide information about the stub street next to the parking lot.
5. Review the issue of natural landscaping on the northwest corner of the buffered area.
6. Provide background/explanation on the status of the previous trigger point.
7. Review the cross access with respect to fire trucks and delivery trucks having to go around the building to the loading area. Review how the trucks have to cross the pedestrian traffic coming from the garage.
8. Review how larger vehicles would get out if the cross access is perpendicular.
9. Review the setback from Highway 40.
10. Review the outdoor activity area - blueprints do not show any enclosure/privacy. What kinds of trees are shown on the rendered plan?
11. How will screening be handled without covering up the details of the elevations?
12. Tree Stand Plan states "Entire area has potential for disturbance". Is the property going to be mitigated?

13. Provide information on whether there will be a do not disturb area.

Commissioner Sandifer read the Closing Comments for Public Hearing **P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be November 14, 2005.

- B. P.Z. 26-2005 Chesterfield Ridge Phase Two (Kemp Homes):** A request for a change of zoning from "NU" Non-Urban District to an "R-5" Residence District for 2.60 acre tracts of land located southeast of Clarkson Road, south of Chesterfield Ridge Road. (19T32-0039 & 19T32-0017)

and

- C. P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes):** A request for a Planned Environment Unit (PEU) Procedure within an "R-5" Residence District for 10.97 acre tracts of land located southeast of Clarkson Road, south of Chesterfield Ridge Road. (19T320039, 19T320017, 19T320743, 19T320754, 19T320732, 19T320501, 19T320512, 19T320523, 19T320534, 19T320545, 19T320556, 19T320765, 19T320721, 19S110567, 19S110699, 19T320578, 19S110688, 19S110701, 19S110666, 19T320589, 19S110655, 19T320590, 19S110644, 19T320600, 19S110633, 19T320611, 19S110622, 19T320622, 19T320710, 19T320633, 19T320701, 19T320644, 19T320699, 19T320655, 19T320688, 19T320666, 19T320677, 19T320039, 19T320017)

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

- The petitioner has requested that two Non-Urban parcels be rezoned to R-5. The petitioner is then requesting that these parcels, along with those in Chesterfield Ridge, be rezoned to an R-5 PEU.
- The Public Hearing notice was posted on September 23, 2005.
- The Comprehensive Plan designation shows the property as Residential, Single Family (Attached/Detached). The rezoning meets the designation.
- On May 14, 2001, Planning Commission approved PZ 05 & 06-2001 with the conditions that the petitioner notify the trustees of Old Clarkson Forest during the Site Development Process, and to conduct surveys of siltation of the lake before and after development.
- On May 24, 2001, the Planning & Zoning Committee approved the petition.
- On July 16, 2001 the City of Chesterfield approved ordinances 1762 and 1763 for Chesterfield Ridge.

## **PETITIONER'S PRESENTATION**

1. Mr. Mark Teitelbaum, President of Kemp Homes, 777 Craig Road, Ste. 230, Creve Coeur, MO gave a PowerPoint presentation showing photos of the site and surrounding area. Mr. Teitelbaum stated the following:

- To the north of the subject site is Sunrise Assisted Living zoned R-6.
- The existing Chesterfield Ridge subdivision is R-5 PEU, approved in 2001.
- To the south are two parcels which are under request for rezoning.
- To the west is an R-IA residential zoning and C-8 office commercial across Clarkson Road.
- To the east is primarily the Old Clarkson Forest subdivision, zoned R-IA. There is a lake along Old Clarkson Road.
- There are an existing 31 lots with a proposed 9 additional lots for a total of 40 units.
- They have met with the Trustees of Old Clarkson Forest subdivision and discussed many of the issues with which they have concerns. He is in receipt of a list of 11 issues from the Trustees and does not feel there will be any problems with their requests.

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

- He has met with Ann Baines-McNeil, Marshall Galliers and Drew Thomas from Old Clarkson Forest subdivision.
- ~~They do~~ **The petitioner does** not believe that Phase I of the project has had any impact on the lake. There is always a siltation problem with the lake upstream. They did take measurements of the lake prior to starting any grading. They will take measurements of the lake again once they have finished with Phase I, before they begin Phase II, and after they finish Phase II.
- They realize retaining walls will be necessary in Phase II for the lots that back up to the do-not-disturb landscaping area.
- The base cost of the units is currently at \$500,000-\$560,000; the average sale price is in the \$600,000s and as high as \$800,000.

**SPEAKERS IN FAVOR: None**

**SPEAKERS IN OPPOSITION:**

1. Mr. Lonnie Lang, Trustee of Chesterfield Place, 2114 Chesterfield Place, Chesterfield, MO stated the following:

- By education he is a civil engineer and has been a licensed professional engineer in Missouri since 1986.
- Their primary concern is maintaining the rural character of Old Clarkson Road. The road has very limited traffic and is used extensively by the neighborhood residents for walking, jogging, etc. It is a wooded environment conducive to wildlife.

- They have concern about maintenance of the wooded buffer along Old Clarkson Road and the preservation of the vegetative buffer on Old Clarkson Road without disturbance. This includes the City right-of-way and the additional 10' of right-of-way to be dedicated in Phase I, and possibly in Phase II.
  - If the existing trees cannot be maintained beyond the dedicated right-of-way, they would like a 10' dense landscaped strip along Old Clarkson Road as required in Ordinance 1763.
  - They would like the Site Development Plan and Tree Preservation Plan to be approved prior to issuance of any grading permit.
  - They are concerned about the close proximity of the proposed retaining wall along Old Clarkson Road. The retaining wall appears to be immediately adjacent to the additional 10' right-of-way. They are concerned about the initial area that gets disturbed to construct the wall.
  - They suggest that the homes on Lots 32-35 be moved 5' closer to their front street so they more closely align with Lots 18-20 in Phase I along Old Clarkson Road.
  - They are concerned about the appearance and height of the wall.
  - They would like access to Old Clarkson Road to be maintained as limited, gated emergency access only. They ask that the emergency access drive be retained at its present location.
  - They ask that construction access be limited to Clarkson Road - no construction access from Old Clarkson.
  - They request no construction-related parking permitted on Clarkson Road, Old Clarkson Road, or Lehman Road.
  - They have concerns about erosion and siltation control in the lake. During Phase I, there was a lot of dirt and mud on Old Clarkson Road that washed across into the lake.
  - They request that the streets surrounding the development be cleaned throughout the day.
  - They have questions about site drainage.
  - They have questions and concerns about the adequacy of the new proposed retention basin.
  - They request that the Trustees of Chesterfield Place be notified of Architectural Review Board and Planning Commission meeting dates, similar to the notification that was provided to Old Clarkson Forest Trustees in the previous Ordinance 1763.
2. Mr. Tommy Graham, 15920 Old Clarkson Road, Chesterfield, MO stated the following:
- His property is a 3-acre plot almost directly across from the proposed relocated emergency access drive.
  - He has concerns about the water run-off along Old Clarkson Road. Currently, water runs down Old Clarkson Road because it cannot get under Old Clarkson Road through the existing bridge. The water is eroding the shoulders and damaging the road.

- He urged the Planning Commission to insure that no additional water is dumped onto Old Clarkson Road because of the proposed development.
- He has concerns about a road, as shown on the plans, extending south out of the area being rezoned with an indication on the plans that this road is for a future expansion/use. He has concerns that the project will be expanded into the remaining piece of property, which is much lower.
- He urged the Planning Commission to insist that Kemp Homes provide information about any possible expansion.

### **SPEAKERS - NEUTRAL:**

1. Mr. Marshall Galliers, President of the Trustees of Old Clarkson Forest subdivision, 1936 Rustic Oak Road, Chesterfield, MO stated the following:
  - He is representing 67 homeowners of Old Clarkson Forest.
  - They have met with the builder and have had a neighborhood meeting to discuss the proposal.
  - They have concerns about maintaining the character and park-like quality of Old Clarkson Road. They request that the natural plant buffer and trees adjacent to Old Clarkson be maintained with the same range as the prior plan.
  - They have concerns about keeping secondary access only on to Old Clarkson Road. They request that access to Old Clarkson Road be limited to emergency only access.
  - They have concerns about siltation damage to the pond. They request that siltation controls be established to minimize the run-off into Old Clarkson Forest retention basin, which they excavated in 1997 at a cost of \$100,000.
  - They request that landscaping along Old Clarkson Road be similar to the original Chesterfield Ridge plan.
  - They request that the detention basin be located within the addition of Chesterfield Ridge.
  - They request that drainage for the detention basin be directed to existing pipes crossing under Old Clarkson Road.
  - They request that Old Clarkson Forest Subdivision retention basin be measured before and after completion of the new addition.
  - They request that an appropriate escrow deposit be maintained until all units are built and the pond is tested and remediation action, if necessary, is completed.
  - They request that construction hours, silt barriers, clean up, etc. be identical to the original plan.
  - They request that the construction entrance not be on Old Clarkson Road.
  - If blasting becomes necessary, they request advance notice in order to insure that the activity is closely-monitored. Several residents believe their homes suffered damage from the original blasting.
  - They would like to keep traffic to a minimum with no parking along the street.
2. Mr. Edward Lamb, 1987 Chesterfield Ridge Circle, Chesterfield, MO stated the following:

- He requests that the existing emergency exit be retained for the following reasons:
  - He feels that if the temporary cul-de-sac is removed, a lot of the water problems will be eliminated.
  - Considering the driveways on Old Clarkson Road, he feels it is an ideal location for a large vehicle, such as a fire engine, to turn in and out of.
  - With the proposed location, trees will have to be removed.

**REBUTTAL:**

Mr. Teitelbaum stated the following:

- He believes the Fire District would want the emergency access drive moved to the south because of their concerns of the steepness of the existing access.
- They are required by the City to provide the stub street to the south.
- Regarding grade, they have an 8% grade street going down where the stub street is. They do not plan to develop the remaining property.
- He would be happy to meet with the Trustees and residents of Chesterfield Place to discuss their concerns.

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

- There will be only one Homeowners Association with Indentures.
- For the nine new units, a new small detention basin is being proposed below lots 39 and 40. This detention basin is required by MSD.
- There are no storm sewers along Old Clarkson Road. There are a number of culverts under Old Clarkson Road that carry the water into the lake.

**ISSUES:**

1. Preserving the rural character of Old Clarkson Road.
2. Maintaining the wooded buffer along Old Clarkson Road.
3. The proximity of the wall to the right-of-way along Old Clarkson Road.
4. Access to Old Clarkson being gated.
5. Construction access and parking being limited to Clarkson Road.
6. Erosion and siltation concerns with the lake.
7. Site drainage.
8. Concerns with the detention basin.
9. Residents of Chesterfield Place being notified.
10. Water run-off along Old Clarkson Road.
11. Getting an appropriate escrow deposit until all units are built and the pond is tested.
12. Notify the neighborhood residents if any blasting is to occur.
13. Storm water run-off with respect to the emergency access - the impervious surface.
14. What are the plans for storm water sewers?
15. If existing emergency access road has to be vacated, it should be in-filled with trees and the appropriate buffering.
16. Does the emergency access really need to change?

17. Attachment A should include language requiring the two separate organizations to show proof that they will have one Indenture and one Homeowners Association.
18. Provide information about the height of the retaining walls needed at the back of Old Clarkson Road.
19. Provide information as to how the right-of-way dedication for the retaining walls will be handled.

Commissioner Sandifer read the Closing Comments for Public Hearings P.Z. 26-2005 & P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes) noting that the earliest possible date the Planning Commission could vote on the subject petition would be November 14, 2005.

- D. P.Z. 28-2005 City of Chesterfield (Lighting Ordinance):** A request to amend the City of Chesterfield Lighting Ordinance to address the type of residential outdoor light standards provided by AmerenUE.

Project Planner Aimee Nassif gave a PowerPoint presentation and stated the following:

- The Lighting Ordinance currently requires that all light fixtures be fully shielded and flat lens.
- The City of Chesterfield has received a letter from an AmerenUE representative advising that a fully shielded light fixture is not offered for residential neighborhoods.
- In an attempt to work with AmerenUE, the following amendment is proposed to Section 3, page 2 "Applicability":  
*"Outdoor residential lighting offered by AmerenUE is exempt from the provisions and requirements of this section of the City of Chesterfield City Code."*

Discussion was held whether this language refers to dusk-to-dawn lighting provided by AmerenUE on private residential property. Staff felt the language referred to subdivision street lighting.

Commissioner Broemmer thought dusk-to-dawn lights provided by AmerenUE needed to be addressed in the ordinance amendment.

City Attorney Beach felt that "outdoor residential lighting" could refer to more than street lighting. He suggested that the language be amended as follows:

*"Outdoor residential street lighting offered by AmerenUE is exempt from the provisions and requirements of this section of the City of Chesterfield City Code."*

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS - NEUTRAL:** None

**REBUTTAL:** None

**ISSUES:**

1. Correct wording of ordinance amendment.

Commissioner Sandifer read the Closing Comments for Public Hearings **P.Z. 28-2005**  
**City of Chesterfield (Lighting Ordinance).**

(The meeting was recessed for five minutes.)

**V. APPROVAL OF MEETING MINUTES**

**Commissioner Broemmer made a motion to approve the minutes of the September 26, 2005 Planning Commission Meeting.** The motion was seconded by Commissioner Sandifer and **passed** by a voice vote of 8 to 0.

**VI. PUBLIC COMMENT**

The following speaker spoke **for the petitioner** for **Brunhaven:**

1. Mr. Barry L. Glantz, President of Glantz & Associates, Architects, the architectural firm representing Greater Missouri Builders, 501 North Lindbergh Blvd., St. Louis, MO stated the following:
  - He has spoken to his clients and they have no issue with providing architectural-grade shingles recommended for the project.
  - Regarding the garage doors, they have tried to use various architectural techniques to play down the garage doors. They have also tried to shield the garage doors in a number of different ways. They felt that if they are required to make the garage doors different from one another, it will only bring more attention to the doors. They requested that this requirement be eliminated from the project.

Commissioner Sandifer asked Mr. Glantz if they would be willing to offer changes to the garage doors as options to potential homeowners as opposed to a requirement. Mr. Glantz replied that they would be willing to offer the changes as options.

Chair Macaluso stated that she had asked that changes be made to the architectural elevations but none had been made. She, therefore, decided to make the suggested change to the garage doors. Mr. Glantz replied that the elevations were not an issue with the Architectural Review Board and are very similar to the ones at Chesterfield Pointe.

The following speakers spoke for the petitioner for **P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals:**

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO stated the following:

- Regarding the revised Attachment A, he requested that the following four items be corrected as noted below:
  - **Page 3, Section D.I. Floor Area:** *a. Parcel A ~~930,500~~ 937,800 square feet*
  - **Page 5, Section F. Parking and Loading Requirements:** *1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code. ~~with the exception that parking calculations utilized for five (5) cars per one thousand (1,000) square feet.~~*
  - **Page 8, Section K. Access/Access Management:** *6. Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the south of the Parcel B & C as directed by the Department of Public Works.*
  - **Page 9, Section L. Public/Private Road Improvements, Including Pedestrian Circulation:** *4. ~~Improvements to South Woods Mill Road shall be completed prior to the issuance of building permits on the specific phase of construction of the Parcel B & C. The proposed phasing shall be indicated on the site development concept plan and/or site development section plan for the Parcel B & C as directed by the Department of Public Works.~~  
The proposed phasing of improvements to South Woods Mill Road would be indicated on the site development concept plan and/or site development section plan as directed by the Department of Public Works. Improvements would be completed prior to the issuance of occupancy permits for buildings related to that phase.*
- Regarding the Traffic Model, the data that was forthcoming was not reliable. They are not refusing to do the Traffic Model, they want to get it to a point where it makes sense. They are comfortable with submitting the Traffic Study at the site plan stage in accordance with the Attachment A.

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

- **Regarding the height of buildings excluding "penthouse" and whether the buildings can have a penthouse:** The heights referenced are to the roof of the top floor of a building - the penthouses, the mechanical equipment areas, the extensions of the elevators. Because these vary so much, they cannot be tied to a specific number so they are written to the roof or the parapet of the building, excluding the mechanical appurtenances above it that are not occupiable space. "Penthouse" is part of the mechanical system and part of the operational side of the building.

Mr. Doster then referred to Parcel C of the proposed St. Luke's project and stated it is very important to his client to move forward on the project. They offer to withdraw Parcel C from consideration and proceed with only Parcels A and B. They may come back at a later time with Parcel C under perhaps a different zoning or the same zoning

with a different idea. They will submit a letter confirming the withdrawal of Parcel C from the proposal.

2. Mr. Bob Boland, 11477 Olde Cabin Road, St. Louis, Missouri was available for any questions.
3. Ms. Julie Nolfo, Professional Traffic Operations Engineer with Crawford, Bunte, Brammeier, 1830 Craig Park Court, Ste. 209, St. Louis, MO responded to questions from the Commission as follows:
  - **Regarding triggers pertaining to Ladue Farms:** They have had discussions with Public Works, MoDOT, the Trustees of Ladue Farms, and the hospital to discuss various alternatives. Everyone would like to have this resolved as soon as possible.

The following speaker spoke **for the petitioner** for **P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):**

1. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO clarified that the open space is 30% on the Terra development.

The following speakers spoke **in opposition** to **P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals:**

1. Mr. John Gleason, Trustee representing Ladue Farm Estates, 13491 Ladue Farm Road, Chesterfield, MO stated the following:
  - Former Mayor Nancy Greenwood spoke against the entire project on May 9, 2005. Her main concern was over quality of life for the residents of Ladue Farm Estates.
  - They feel that the growth of St. Luke's has put tremendous pressure on the intersection that they share with the hospital to the point where safety is their primary concern.
  - They feel that quality of life and safety should be the hallmarks of the City and the Planning Commission.
  - They have concerns that there is no timetable or priority given to the intersection issue.

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

- **Regarding whether there have been meetings with the Trustees with respect to solutions to the intersection issue:** They have attended one MoDOT meeting and have had two meetings with St. Luke's Hospital. They have had a number of conversations with Don Miller. They are trying to isolate their intersection issue from the other intersection issues, and are asking that it be put at a higher priority.
- **Regarding whether there are options on the table:** There are a couple of primary alternatives currently being considered. Because of the safety issues involved, they are asking that their intersection be given a higher priority

and that a timetable be fixed. Otherwise, they have concerns that other intersections will be worked on prior to theirs. They have had a presentation by Ms. Nolfo and have had meetings with St. Luke's. They see options being considered but also hear from MoDOT that some of the options could take years based on environmental issues, bridge issues, etc.

2. Ms. Nancy Mettes, 13757 Conway Road, St. Louis, MO stated the following:
  - She has concerns with rezoning Parcels Band C from residential for the construction of commercial buildings and parking garages/lots.
  - She has concerns with the MU zoning being very broad and allowing so many permitted uses.
  - She has concerns with St. Luke's request to have a lesser setback than 50' on Parcel C.
  - She noted that Parcel C is just over two acres and that the MU zoning requires a minimum lot area of three acres. She does not feel the proposal for Parcel C is appropriate for the site.
  - She has concerns about increased traffic in the area during peak hours.
  - She has concerns about possible loss of property value, a loss of trees, loss of green space, and a major impact on the quality of life for area residents.
3. Mr. James Mettes, 13757 Conway Road, St. Louis, MO stated the following:
  - He has concerns about a business buying residential property with the expectation that the City will change the zoning for them.
  - Two years ago the City turned down a daycare center for the same site. He has concerns that if the MU zoning is granted, St. Luke's could lease the property to a daycare center.
  - He has concerns about increased traffic in the area.
  - He has concerns that St. Luke's could purchase more residential properties in Ladue Farm Estates and ask for rezoning.
  - He requests that the petition be denied.
4. Mr. William McCurdy, 13511 Conway Road, Chesterfield, MO submitted a letter to the Planning Commission dated October 10, 2005 and then stated the following:
  - He noted that his property is 3.89 acres, zoned R-1, and is the nearest property to Parcel A - the nearest to the hospital, parking garage, the roadways and parking lots. His property has not been identified on any maps with respect to the proposal nor has he been contacted by anyone.
  - He has concerns about the height of the buildings and the setbacks.
  - He has reviewed the zoning ordinances for Hospital and Medical Districts of Town & Country and Creve Coeur, which are attached to his letter.
  - In one of the neighboring municipalities, the setback between commercial property and residential property is 800 feet with a maximum of 90 ft in height.

- The CUP not only requests the Medical Use District but it is a petition to withdraw the existing CUP. The existing CUP has the following conditions regarding St. Luke's hospital:
  - Provide and maintain a 6-foot high sight-proof fence, 10-20' feet within their boundary line, along the whole length of the property. This fence is currently there.
  - When the garage was built, Pointe Conway had a condition of a security fence along the eastern part of the hospital property. This fence is there.
- Speaker has concern that if the project goes forward, all the conditions of the existing CUP will be withdrawn.
- He stated that his house is taller than the grade level of the hospital buildings but is not taller than the top of the office building or the top of the hospital. He has great concern about any additional buildings being able to look down into his windows.
- His understanding is that the proposal would link up two parking lots near his property with a road or driveway. He does not feel a road is necessary along the hill below his home.
- The security fences are very important to the Speaker.
- He requested that action on the petition be deferred at this time while a review is done of the neighboring cities' ordinances.

The following speaker spoke as a **neutral party** regarding **P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals:**

1. Mr. Glenn F. Smith, 208 Ambridge Court, Chesterfield, MO stated the following:
  - He has concerns that the traffic impact of the proposed development on Old Woods Mill and Conway Roads has not been adequately recognized and planned for.
  - Speaker noted the following:
    - At certain times of the day Conway is backed up, which encourages drivers to find another route.
    - Under certain weather conditions, Highway 141 is impassable due to flooding.
    - There is a proposal to extend Old Woods Mill Road to Ladue Road.
  - Speaker feels that the above factors alone would cause a major increase in traffic without even considering the proposed project.
  - The impact of all this increased traffic would make it very difficult for residents of his subdivision to get in and out of their neighborhood.
  - He requests that the traffic flow through the intersection of Conway Road and Old Woods Mills Road, and west of that corner on Conway, be re-examined. He further requests that plans be made before this project moves forward.

The following speaker spoke as a **neutral party** regarding **P.Z. 20-2005 City of Chesterfield (Definitions):**

1. Mr. Paul J. Koenig, 15682 Cedarmill Drive, Chesterfield, MO stated the following:
  - He has concern about the City Attorney's interpretation regarding rental property with respect to when people can rent a house, who can live there and under what conditions.
  - In Baxter Lakes, there was a killing earlier this year because a home was rented out to transients.
  - Speaker called the City three years ago about his concerns regarding this particular rental property and was told this was permitted.
  - He has concerns that the proposed language to amend Section 1003.020 of the Zoning Ordinance would not prohibit the same type of activity with rental property as has been done in the past.

City Attorney Beach stated that he is going to ask that P.Z. 20-2005 be held for further clarification on the wording. He further stated that he has never made an opinion with respect to the interpretation of the subject language prior to the aforementioned death.

## VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Baxter Crossing, Lot 5:** A Site Development Section Plan, Landscape Plan and Lighting Plan in an "R2/R5/R8" Planned Environment Unit (PEU) located south of Baxter Road, north of Wilson Road.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan, the Lighting Plan and the Landscape Plan with the condition that there be more than one species of evergreen as approved by the Department. The motion was seconded by Commissioner Sandifer and **passed** by a voice vote of 8 to 0.

- B. **Brunhaven:** The Architectural Elevations for an 8.10 acre parcel zoned R-2 PEU. The site is located south of Olive Boulevard, east of the intersection with Ladue Road.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Architectural Elevations with the condition that architectural grade shingles be used (petitioner's choice of 20, 25 or 30-year) as approved by the Department; and with the condition that on three-unit and two-unit buildings, at least one of the garage doors be a different shape or size than the others on that building. The motion was seconded by Commissioner Sandifer.

**Commissioner Sandifer** amended the motion to allow the developer to offer a garage door change as an option to their potential homeowners as opposed to a mandate. The amendment was accepted and the motion **passed** by a voice vote of 7 to 1. (Chair Macaluso voted "no".)

- C. **Long Road Crossing (Walgreen's Retail Center):** Approval of the use of L.E.D. (Light Emitting Diode) lighting source for attached wall signage for a 1.87-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to approve the use of LED lighting as a lighting source for the attached wall signage. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 8 to 0.

- D. **Outdoor Equipment:** An Amended Site Development Plan, for a "C-8" Planned Commercial District, located on the north side of North Outer Forty Road, east of Long Road.

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

- E. **Reliance Bank (17269 Wild Horse Creek Road):** An Amended Site Development Section Plan and Request for Signage in a "PC" Planned Commercial District located on Wild Horse Creek Road, approx. 550 feet southeast of Long Road.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan and Request for Signage. The motion was seconded by Commissioner Asmus and **passed** by a voice vote of 8 to 0.

## VIII. OLD BUSINESS

- A. **P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals:** A request for a change of zoning from "NU" Non-Urban District to "MU" Medical Use District for five (5) parcels of land located at the intersection of Woods Mill Road and Conway Road. Total area to be rezoned: 78.6 acres. (Locator Numbers: 18Q240306, 18Q230185, 18Q210211, 18Q140260, 18Q140251)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the following:

- The petitioner has recommended changes to the Attachment A as follows:
  - **Page 3, Section D.I. Floor Area:** a. *Parcel A ~~930,500~~ 937,800 square feet* Staff has no issue with this change.
  - **Page 5, Section F. Parking and Loading Requirements:** 1. *Parking and loading spaces for this development will be as required in the City of Chesterfield Code. with the exception that parking calculations utilized for five (5) cars per one thousand (1,000) square feet.* Staff has no objection

to the recommendation regarding parking requirements, which would allow Staff to look at each use proposed for the site.

- **Page 8, Section K. Access/Access Management:** 6. *Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the south of the Parcel B & C as directed by the Department of Public Works.* Staff suggests that the wording state: as directed by the City of Chesterfield.
- **Page 9, Section L. Public/Private Road Improvements, Including Pedestrian Circulation:** 4. ~~*Improvements to South Woods Mill Road shall be completed prior to the issuance of building permits on the specific phase of construction of the Parcel B & C. The proposed phasing shall be indicated on the site development concept plan and/or site development section plan for the Parcel B & C as directed by the Department of Public Works.*~~

*The proposed phasing of improvements to South Woods Mill Road would be indicated on the site development concept plan and/or site development section plan as directed by the Department of Public Works. Improvements would be completed prior to the issuance of occupancy permits for buildings related to that phase.*

Ms. McCaskill-Clay stated that the original wording regarding "building permits" came directly from the Public Works Department. She would need direction from the Commission to change it to "occupancy permits".

- Regarding the discussions of the Traffic Study, Ms. McCaskill-Clay noted that Attachment A states:

*"Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation ... "*

Staff suggests that language be added to state:

*"The study has to be submitted with the Site Development Concept Plan or the Site Development Plan, whichever occurs first. Transportation Model information would be utilized for this study."*

Commissioner Broemmer felt that the traffic issue of Ladue Farms Road and the entrance to St. Luke's Hospital needs to get some priority. City Attorney Beach stated that it would be very difficult to craft any language pertaining to this issue. Commissioner Perantoni suggested that the language used on page 9 of the Attachment A, item 4, be reviewed and modified for the Ladue Farms Road issue. This would leave it up to the petitioner and the residents to come up with a conclusion.

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

- **Regarding ancillary uses for Parcel C:** Ancillary use is a subordinate use to the primary use. If the primary use is a medical office building, they would be allowed a daycare facility for use by their employees or patrons but daycare could not be the principal use. They could always request daycare as the principal use for the structure but at the present time, it is requested as an ancillary use.

- **Regarding ancillary use of "bus terminal" for Parcel A:** Since bus service is provided to the site, "bus terminal" will be added as an ancillary use.
- **Regarding how to protect the conditions of the existing CUP:** Language could be included stating: *"Conditions in the original Conditional Use Permit for the protection of adjacent properties shall be maintained."* Or the original language could be included. The fence is shown on the Preliminary Plan and is maintained by St. Luke's but if so directed, language can be added.
- **Regarding building heights in Attachment A and a possible expansion in height of the shorter building on Parcel A:** Currently the Attachment A is written to have the proposed changes match the existing building and be no taller than 148 ft. Mr. McCurdy is seeking stronger language to protect him against the smaller building being expanded in height. Commissioner Banks questioned whether the desire is to have a block of buildings there that are 148 ft. tall. Ms. McCaskill-Clay stated that currently the Attachment A is written with a square footage requirement. The square footage is strictly for the additions to the taller building and there is a ceiling on the square footage.
- **Regarding the total square footage increase proposed in Parcel A:** The existing hospital and medical office buildings are 804,800 sq. ft. They are proposing 937,800 sq. ft.
- **Regarding the helipad:** The helipad is only for Parcel A.
- **Regarding the City's verbiage for MU relative to "purpose":** *"Purpose: The medical use district encompasses areas where a variety of medical developments and uses may be permitted. It's the purpose of these regulations to facilitate the establishment of medical developments with ancillary commercial uses and locations appropriate under the terms and conditions set forth in the approved governing ordinance. Such approved ordinances, plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts as so to protect the general welfare."* Commissioner Broemmer asked if the language could be modified so that it would address the character of adjacent properties. Ms. McCaskill-Clay stated that the Attachment A is written to what the MU district regulations require. Commissioner Broemmer stated that he would like the language to include *"...while protecting and preserving the character of adjacent properties, particularly residential properties."*

**Commissioner Hirsch made a motion to approve P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals with the withdrawal of all language from the Attachment A with respect to Parcel C; with the changes as outlined by Ms. McCaskill-Clay; and with the inclusion of "bus terminal" as an ancillary use for Parcel A. The motion was seconded by Commissioner Asmus.**

Commissioner Banks felt that the stipulations in the CUPs should be reviewed to determine if they should be included in the Attachment A. City Attorney Beach agreed that there should be a detailed review of the CUPs.

**Commissioner Banks made a motion to hold P.Z. 8-2005 St. Luke's Episcopal Presbyterian Hospitals until the next meeting so that the Attachment A can be revised to include all the appropriate changes.** The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 7 to 1.** (Commissioner Asmus voted "no".)

Chair Macaluso asked if proposed language could be prepared regarding Commissioner Perantoni's suggestion with respect to the entrance to Ladue Farms. City Attorney Beach stated that more information is needed before this can be done.

(Commissioner Sandifer and City Attorney Beach left the meeting at 10:00 p.m.)

- B. P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):** A request for an amendment to City of Chesterfield Ordinance 1708 to permit additional uses and amendments to several area, height, lot and setback requirements in conjunction with a revised preliminary plan for a 24.9-acre "PI" Planned Industrial district located on the north side of Chesterfield Airport Road across from its intersection with Trade Center Boulevard. (LOCATOR NUMBERS 17V 62-0049, 17V 62-0050, 17V62-0072)

Project Planner Christine Smith-Ross stated there is one addition to the Staff Report of the uses being requested by the petitioner as follows:

- South of Long Road Crossing Boulevard, adding the use "filling stations".
- North of Long Road Crossing Boulevard, adding the use of "retail - store, shops, markets, services of any kind."

#### **ISSUES:**

- 1. Issue #3 regarding Pedestrian Circulation:** It was agreed that the issue has been addressed.
- 2. Issue #8 regarding the rear elevation of the proposed retail building on Lot 4:** It was agreed that the issue has been addressed.
- 3. Issue #9 regarding Landscaping:** It was agreed that the issue has been addressed.
- 4. Issue #10 regarding Landscape compliance with the new Tree Manual:** It was agreed that the issue has been addressed.
- 5. Issue #11 regarding Green Space and Open Space:** Issue remains open.
- 6. Issue #1 regarding the proposed filling station and stacking room for vehicles:** Issue remains open.

7. **Restaurants adjacent to gas station:** Issue remains open.
8. **Will the Attachment A designate on which lot the service station will be located? How will the service station location affect the circulation?**

- C. **P.Z. 20-2005 City of Chesterfield (Definitions):** A request to amend Section 1003.020 of the Zoning Ordinance for the addition and changes for the following definitions: family, boarding house, lodging house, hotel/motel.

**Chair Macaluso made a motion to hold P.Z. 20-2005 City of Chesterfield (Definitions) until the City Attorney can prepare the necessary changes to the wording.** The motion was seconded by Commissioner Hirsch and passed by a voice vote of 7 to 0.

- D. **P.Z. 23-2005 City of Chesterfield (Tree Manual):** A request to repeal City of Chesterfield Ordinance 2138 and replace it with a new ordinance that revises the procedures and requirements for reviewing and approving landscape plans, tree stand delineations, and tree preservation plans.

It was noted that the table on Page 15 of the Tree Manual should be corrected with respect to "Landscape Buffer Required" for when a non-residential subdivision abuts a residential subdivision as follows:

*Minimum landscaped buffer strip ~~twenty~~ **thirty** (30) feet in width.*

**Commissioner Broemmer made a motion to approve the Tree Manual, as corrected above.** The motion was seconded by Commissioner Perantoni.

**Upon roll call, the vote was as follows:**

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

**Nay: None**

**The motion passed by a vote of 7 to 0.**

- E. **P.Z. 28-2005 City of Chesterfield (Lighting Ordinance):** A request to amend the City of Chesterfield Lighting Ordinance to address the type of residential outdoor light standards provided by AmerenUE.

Project Planner Aimee Nassif stated that in reviewing the letter from AmerenUE, they specifically refer to their dusk-to-dawn lights in residential neighborhoods as the only ones that they cannot comply with. In speaking with the City Attorney, a new sentence was proposed as follows:

*"Outdoor dusk-to-dawn lighting in residential areas provided by AmerenUE is exempt from the provisions and requirements of the Section of the City of Chesterfield city code."*

Discussion followed concerning the above language. Project Planner Nick Hoover stated that AmerenUE cannot provide the fully enclosed shielded lighting. As a result, Staff needs Planning Commission's approval for subdivision street lighting. Commissioners Banks and Broemmer felt that the proposed wording did not address "street" lighting.

**Commissioner Hirsch made a motion to hold P.Z. 28-2005 City of Chesterfield (Lighting Ordinance) for further clarification from the City Attorney, the Department and AmerenUE. The motion was seconded by Commissioner Sherman and passed by a voice vote of 7 to 0.**

## **IX. NEW BUSINESS**

### **A. LED Lighting**

By a voice vote of 7 to 0, the Department was given the directive to review non-exposed LED lighting without it having to go to the Planning Commission.

## **X. COMMITTEE REPORTS - None**

## **XI. ADJOURNMENT – The meeting adjourned at 10:37 p.m.**

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Lynn O'Connor, Secretary