



# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, December 5, 2013

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 5, 2013 in Conference Rooms 102 / 103.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Derek Grier** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Mike Casey (Ward III); Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; John Boyer, Senior Planner; Aaron Hrenak, Planning Intern; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:30 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the November 7, 2013 Committee Meeting Summary.

**Councilmember Flachsbart** made a motion to approve the Meeting Summary of November 7, 2013. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 - 0.**

## II. OLD BUSINESS - None

## III. NEW BUSINESS

- A. **P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.):** A request for a zoning map amendment from "NU" Non-Urban District (3 acre) to "R-3" Residence (10,000 sq. ft. lot min.) for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).

## **STAFF REPORT**

John Boyer, Senior Planner gave a PowerPoint presentation showing a zoning map and Out-Boundary Survey. Mr. Boyer stated the following:

There are two applications before the Committee for Schoettler Grove – the first is for the rezoning from the existing “NU” Non-Urban District to the proposed “R-3” Residence District.

### **Surrounding Land Uses**

The land use and zoning for the properties surrounding this parcel are as follows:

- North: The land uses of the properties to the north are single-family residential within the Westerly Place subdivision which is zoned R1A/PEU Residence District with a Planned Environmental Unit.
- South: The properties to the south are single-family attached dwellings within the Gascony subdivision which is zoned R-3/PEU Residence District with a Planned Environmental Unit and a commercial shopping area within the City of Ballwin, zoned C-1 Commercial with a Neighborhood Commercial Overlay.
- East: Properties east of the site have a land use of single-family residential within the Amberleigh Subdivision which is zoned R-3/PEU Residence District with a Planned Environmental Unit.
- West: The property to the west is St. Louis Retirement development containing multi-family uses zoned R-1 Residence District with a Conditional Use Permit (CUP)

The Public Hearing was held at Planning Commission on August 12<sup>th</sup>. One issue was identified regarding the compatibility of the requested zoning with adjacent zonings.

As the “R-3” District is not a planned district, there is no preliminary plan or Attachment “A” associated with this request.

*Mr. Boyer proceeded directly to P.Z. 10-2013 Schoettler Grove.*

- B. P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.):** A request for a zoning map amendment from “R-3” Residence District (10,000 sq. ft. lot min.) to “PUD” Planned Unit Development for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).

Mr. Boyer further explained that the Public Hearing was held concurrently with the rezoning. The plan before the Committee consists of 31 lots on 17 acres. There were several issues identified at that time which consisted of;

- Stormwater concerns to the north associated with the development.
- Potential loss of vegetation, landscaping and berms due to buffering along the northern property line.
- Traffic concerns along Schoettler Road associated with the proposed development, along with the overall traffic flow on Schoettler.
- Secondary access point from Westerly Place onto Westerly Court which is a public “stub” street.
- Protection of the existing cemetery – as to who would provide identification of the grave stones and maintenance of the cemetery.
- Tree removal and how it would comply with the City’s Tree Manual.

Planning Commission recommended approval of both P.Z. 09-2013 and P.Z. 10-2013 by a vote of 5 – 2.

### **PLANNING COMMISSION REPORT**

Ms. Nassif explained that due to a conflict, Planning Chair Watson was unable to attend the meeting. She explained that the vote was 5 – 2 and the majority of the comments centered on the tree removal, connection into Westerly, and buffering that would be required. She noted that the Department did obtain comments from the Chesterfield Historic and Landmarks Perseveration Committee on ideas for cleanup of the cemetery site.

### **DISCUSSION**

Chair Fults added that the two Commissioners who voted in opposition felt the site was too dense and had concerns that the cemetery was being counted as part of the greenspace percentage. They also did not feel that the rezoning was appropriate for this site. She also noted that the citizen comments centered on the stub street. In addition, the residents of Westerly had issues relative to the landscape buffer known as the “green wall”.

Councilmember Hurt then asked for clarification of how many Monarch trees will be removed during development. Mr. Boyer stated the petitioner has submitted a Tree Stand Delineation. Ms. Nassif added that most of the trees will be removed. She noted that the Tree Stand Delineation is simply an accounting of the existing trees and that the Department has reviewed and believes the Tree Stand Delineation meets all required standards.

Councilmember Flachsbart asked what the depth is of the landscape buffer to the north. Staff replied that a thirty foot landscape buffer is required, but the developer is proposing 35 feet. Chair Fults added that the residents had concerns with removal of the existing landscape buffer.

## **PETITIONER COMMENTS**

Mr. George Stock, Stock & Associates stated the following:

- A 30 foot common ground area was required to the west as part of the “PUD”. The original plan had a “horseshoe” road system, so the grading was encroaching within that 30-foot area.
- To address Planning Commission concerns, the Preliminary Plan has been revised to a single street, which allowed them to add five more feet of common ground to the north and south, and allowed for grading compression within these limits resulting in 35 feet of non-disturbed area.
- The proposed stormwater system will be enclosed. He noted that the improvements to the stormwater system will improve water quality, volume reduction and the rate of run-off.
- On the northern property line, the proposed berm will be 14 feet high and the area will be sodded and landscaped.

In his opinion, he felt that the residents would accept the proposed landscaping as positive mitigation.

Responding to a question from Chair Fults, Ms. Nassif stated that a Landscape Plan will be required during Site Plan review. She added that one of the minimum requirements of a “PUD” is a 30 foot landscape buffer around the entire perimeter.

Councilmember Flachsbart noted the residents’ concerns of the stub street connection. He then noted that if the stub street were not connected, the proposed street going into Schoettler Grove would not be necessary. By not having that connection, he asked whether the land that would be freed up could be used to help with mitigation of the drainage basin. Mr. Stock explained that the drainage basin could be re-configured if the street is not necessary.

Chair Fults asked Staff to address the suggestions raised to (1) eliminate the road completely; (2) provide full access, or (3) build and chain the road to allow emergency access by the fire department.

### **Westerly Court Stub Street**

Mr. Geisel then explained the ramifications by not providing the connection. He indicated that eliminating the street connection initiates a cascading series of impacts to the site design and results in multiple differences from standard code requirements. Mr. Geisel explained that eliminating the street connection to the Schoettler Grove development would create a non-conforming condition in the existing Westerly PEU development as it relates to the street length and number of allowable lots. If there were only a single point of access in the R1A District (Westerly), the maximum street length allowed by code is only 750 feet and a maximum of 15 residential lots served. In reality, Westerly was allowed a street length of approximately 1,000 feet predicated upon the future connection to the south, and a total of 25 lots in the subdivision, 23 of which are served off of the internal, single access street.

Mr. Stock added that the fire marshal recently passed an ordinance that developments of 30 lots or more require more than one point of access. Mr. Geisel then explained that if the street connection were eliminated, it would have a similar effect in the proposed Schoettler Grove development. Under the provisions of the City Code, the maximum allowable street length in the R-3 district for singular access is 660 lineal feet and a maximum of 23 lots served. If the R-2 district is considered, those requirements are 700 lineal feet and 16 lots maximum, respectively. Mr. Geisel also explained the difficulties with other proposals which were considered, such as the flag lot concept, obliterating the pavement and replacing it with a driveway, and leaving the existing stub street.

Mr. Geisel restated Staff's position that from a code and practical standpoint, the street connection was necessary. That elimination of the street connection will reduce the effectiveness of the delivery of public services and increases the difficulty in any maintenance operation. That while not suggested by Staff, that if City Council elected not to complete the street connection, that there would be minimal if any public interest in the remaining stub street that was effectively a driveway to serve three residents and that the City could consider vacating the public interest and minimize the ongoing liability for City maintenance of this stub street. However, Mr. Geisel indicated that if City Council ultimately decided to not connect the existing stub street that at a minimum the existing stub street would require a standard cul-de-sac terminus to be constructed to allow for vehicular turn around movements. Simply gating the existing stub street, regardless of whether or not it was to be continued as an emergency accessway was not acceptable. A permanent terminus should be required.

### **Ward III Concerns**

Councilmember Hurt then pointed out that his major concern deals with safety along Schoettler Road. He feels that left-hand turn lanes into the Westerly and Georgetown subdivisions are critical. He is again asking Staff, or the developer, to investigate the feasibility of addressing the turning lanes sooner than what is now planned.

He then asked Staff to explain why the stub street cannot remain since it's been there for 20 years. He noted that the street is approximately 150 feet and serves three driveways, and that there are other 150-foot streets in the City that serve three driveways. He also feels that the character of the Westerly subdivision would not be maintained if the stub street is connected to Schoettler Grove. He also thinks that the requirement for connecting the street is a technical concern of the City and not the result of the ordinance passed by the fire district.

Mr. Geisel explained that there are a series of issues that could arise but it is Staff's responsibility to advise as to City Policy and City Ordinances. He noted that Westerly was originally rezoned to a "PEU" Planned Environmental Unit in 1989 and it required the stub street connection to the adjacent property to the south. Westerly is an R1A District, which requires the maximum cul-de-sac length to be 750 feet, which will serve 15 lots. Westerly was allowed because of the stub street connection and the understanding that it would be extended and connected to serve the property to the

south. It is approximately 1,000 feet in length and serves 23 lots. By eliminating the connection, a non-conforming condition will be created with the City Code. Ironically, the first revision to the 1989 site specific ordinance for Westerly was removal of the left-hand turn lanes.

Mr. Geisel then provided information about several options associated with the stub street:

- If it remains a stub street, it presents issues when plowed because the plowed snow keeps the street from being open. He noted that a street that is publicly-maintained should have a permanent turn-around.
- If a cul-de-sac bulb is constructed by the developers of Schoettler Grove, it would create a non-conforming condition with the length of the street and the number of lots served on both the Westerly and Schoettler Grove sites.
- If the City were to vacate its interest in the street and it became a private street, it would create a non-conforming condition because of the length of the street and number of lots served.
- If the City were to create flag lots, the flag portion of any lot would have to be a minimum of 40 feet wide and every street is required to be constructed to City standards.
- If the City were to obliterate the street completely and to allow construction of driveways, then the lots wouldn't front on a street constructed to City standards, which creates a non-conforming condition.

Mr. Geisel indicated that Staff's recommendation is that any option that doesn't extend and connect then would result in a non-conforming condition. Further, the proposed plan for Schoettler Grove would be unacceptable and would have to be redesigned with respect to street length and number of lots – the maximum being 23 lots for the R-3 district, or 16 lots for the R-2 district.

Ms. Nassif clarified that by definition in the City Code, a stub street is defined as a temporary condition. Mr. Geisel stated that while the City can provide public services to a stub street, it is inherently inefficient and requires an inequitable level of effort. A subdivision with one way in and one way out affects the level of accessibility, efficiency and makes maintenance more difficult. He also pointed out that the City Code – not the fire district - establishes maximum street length and number of lots served per zoning district.

Ms. Nassif then explained requirements for the following zoning classifications:

- E-1/2 Acre; R1A Residence District – 750 foot length for cul-de-sac width with a maximum 15 lots served.
- R-2 Residence District – 700 foot length for cul-de-sac width with a maximum 16 lots served.
- R-3 Residence District – 660 foot length for cul-de-sac width with a maximum 23 lots served.
- R-4 Residence District – 630 foot length for cul-de-sac width with a maximum 25 lots served.

## **PUBLIC COMMENTS**

Mr. Bob Grant, resident of Westerly thanked the Committee for the opportunity to speak on behalf of the residents. He stated the following:

- The residents feel that the access should be denied due to the increase in traffic through their subdivision, which will adversely impact the residents trying to enter and exit onto Schoettler Road.
- To his understanding, the provision in Ordinance 2288 states; *“provide a street stub to the adjacent undeveloped property to the south as directed by the Public Works Department”*, but does not indicate specific conditions that it must be connected. Mr. Geisel then provided clarification as to the definition of a stub street in the City’s zoning ordinance which says *the purpose of a stub street is to extend and connect to provide services to the property.*
- He pointed out that if this was commercial development, then the stub street would not be required. Mr. Geisel explained that the Comprehensive Plan Land Use designates the site as residential.
- Some residents within the subdivision are uncomfortable with the higher density, but without a connection to the subdivision, the residents “are less uncomfortable.”
- There are a number of subdivisions along Schoettler Road that have only one access and are not connected to adjacent subdivisions.

Councilmember Hurt stated that the Westerly residents “are reasonably satisfied” with the trees and proposed buffering. Ms. Nassif pointed out that the Ward III Councilmembers have the ability to call Power of Review which would allow them to review the Site Plan and Landscape Plan at the Site Plan stage.

Ms. Karen Moculeski addressed the following concerns:

- She indicated that she would like to see a less dense development and does not think the “R-3” zoning is the most desirable zoning for this site.
- She felt that with a less dense development, the detention areas would not be necessary.
- She was opposed to the removal of the 200 year old Monarch trees on the site.
- She felt that if the development is not fully built out, it could be problematic to the City because homeowners would be unable to pay for the maintenance of the two large retention areas and cemetery.
- She indicated that the proposed buffer is not ideal but acceptable.

Councilmember Flachsbart asked as to whether the developer has considered zoning to R1A.

Mike Doster, Attorney representing the Petitioner, responded that one of the positive aspects of a PUD is that there is the ability to regulate the plan and reduce the density. He noted that a density comparison was made between the proposed development and adjacent developments (Gascony, Amberleigh, and Westerly). The results indicated that density of the proposed development will be similar to, or less than, the density of

the adjacent developments. He pointed out that the density is determined by the number of lots based on the square footage and site design.

Mr. Stock added that the proposed lots are three times larger than the lots at Gascony and are more comparable to Westerly.

Councilmember Hurt asked if the developer could still build with a PUD if the site were zoned to R-2 and E-1/2 Acre. Ms. Nassif replied that under the R-2 zoning with or without a PUD, the plan would be similar to the proposed plan. An E-1/2 Acre zoning with a PUD would also be similar to the proposed plan. However, this does not address any of the requirements regarding lot width, street length, number of lots served, etc. If the road did not connect to Westerly, then there are several variances that Staff would be required to grant which include lot width requirement, street length requirement, number of lots served, cul-de-sac length, and allowing steeper grades. .

It was Councilmember Grier's understanding, that the underlying zoning is simply a vehicle to go from an "NU" to a "PUD". He feels the main concern should be the underlying zoning in the event the development does not get built, and to decide if the PUD makes sense in this circumstance. Councilmember Flachsbart noted that an R-3 without a PUD could develop into a bad situation – resulting in a straight zoning.

Ms. Nassif stated that one of the main discussions of the Planning Commission related to the criteria of the PUD. She noted that there are four minimum standards for a PUD, along with a series of design features and desirables that are taken into account.

Councilmember Hurt pointed out that the residents are agreeable to the concept of a PUD because it moves the smaller lots closer to Clayton Road.

Ms. Nassif explained that the site must first rezone to an R district to establish the density; but once the site is rezoned to PUD, it is then a PUD zoning. There is no underlying zoning because the PUD is not an overlay, you are simply then zoned PUD. The density established under the R district zoning is what gets written into the PUD ordinance.

Councilmember Hurt does not think it is appropriate to put the cemetery under the responsibility of the future residents of the proposed development. The cemetery should be the responsibility of the developer or of the church that owned it originally.

Mr. Geisel agrees with Councilmember Hurt's concept but it poses enforcement issues. If the property is not maintained, the City's recourse is to cite the property owner – not the developer or church. The subdivision trustees can have a private agreement with the developer or church, but the City would not be a party to the agreement and would not be seeking remedy from a third party.

Councilmember Hurt indicated he would like to hold these petitions until the next meeting and noted that he is willing to make motions as follows:



- To have the stub street not connect to the proposed development;
- To have the responsibility of maintaining the cemetery removed from the subdivision; and
- To zone as an R-2 with a PUD.

Chair Fults stated that she wants the responsibility of the cemetery to remain with the subdivision.

Councilmember Flachsbart stated that he supports the recommendation to not connect the stub street to the proposed development. He also supports the idea of having a less dense zoning characteristic than R-3. He does not support the suggestion of removing the responsibility of maintaining the cemetery from the subdivision.

Mr. Doster requested that no motions be made tonight if the decision is to hold. He noted that they need a street connection but not a full connection; an emergency/maintenance-only gated access is acceptable to them. He added that there is a legal way to resolve the cemetery issue – the trustees of the subdivision could grant an easement back to the church via an easement agreement that establishes the church's right of access and their obligation to maintain.

Mr. Robert Burch, 2208 Westerly Court then stated that there is a posted sign at the street near the Gascony development stating that the street will go through, which he felt would be put them in non-compliance as well. Mr. Geisel clarified that this sign indicates that the street *could* be connected, but is not required to be connected. There would be no non-conforming zoning issue in this instance.

Mayor Nation asked how many lots are in Westerly. It was noted that there are 23 lots. He then pointed out that there are many larger subdivisions along Schoettler Road with only one access point and felt it is inconsistent to require the stub street to be connected. Mr. Geisel responded that perhaps the code requirements are inconsistent with the current philosophy of Council.

**Councilmember Hurt then made a motion to hold the petitions until the January 9, 2014 meeting.** The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 - 0.**

Councilmember Hurt then requested a meeting with the developer, representatives from Westerly and Gascony, and Councilmember Casey prior to the next meeting to try and address the issues raised.

### **C. Missouri Route 141 Speed Limit**

**Councilmember Flachsbart made a motion to forward to City Council the two ordinances amending Ordinance Number 35, Schedule II and Schedule III with a recommendation to approve.** The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 - 0.**

**Note: Two Bills, as recommended by the Planning & Public Works Committee, will be needed for the January 22, 2014 City Council Meeting. See Bills #**

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Missouri Route 141 Speed Limit].**

#### **D. Professional Services Contract**

##### **STAFF REPORT**

Mike Geisel, Director of Public Services stated that the Chesterfield Valley TDD initiated the reconfiguration of the Kehrs Mill, Wild Horse Creek Road, and Long Road intersections as one of the originally approved transportation projects.

The monumentation and beautification project at the intersection of Wild Horse Creek Road and Long Road is the sole remaining project phase yet to be initiated.

The TDD Board has previously reviewed and considered the project concept and proposed design services contract as provided by HRGreen. Design sketches have been reviewed by the Mayor and the Ward IV Councilmembers.

City Council previously approved and set aside funds for this project with the expectation of full reimbursement through the TDD upon their next debt issuance, currently anticipated for early 2015.

Staff requests that the contract for design services with HRGreen be forwarded to City Council for review and consideration. If accepted, Staff further recommends that City Council authorize the City Administrator to execute the contract with HRGreen in an amount not to exceed \$65,000.

Councilmember Hurt confirmed that what is before the Committee is simply a contract as funds were previously approved by City Council.

**Councilmember Flachsbart made a motion to authorize City Administrator to execute the contract with HRGreen in an amount not to exceed \$65,000 and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and passed by a voice vote of 4 - 0.**

**[Please see the attached report prepared by Mike Geisel, Director of Public Services, for additional information on Professional Services Contract].**

**E. Public Street Acceptance – Brunhaven Subdivision**

**Councilmember Flachsbart made a motion accepting Brunhaven Court as a public street. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4 - 0.**

Mr. Geisel commented that the City is in the process of releasing escrow for Brunhaven to allow services to the residents during the winter season.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the January 22, 2014 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Public Street Acceptance – Brunhaven Subdivision].**

**IV. OTHER**

**V. ADJOURNMENT**

The meeting adjourned a 6:45 p.m.