

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
AUGUST 12, 2019**

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

**I. ROLL CALL**

**PRESENT**

**ABSENT**

Commissioner Allison Harris  
Commissioner John Marino  
Commissioner Debbie Midgley  
Commissioner James Rosenauer  
Commissioner Gene Schenberg  
Commissioner Jane Staniforth  
Commissioner Guy Tilman  
Commissioner Steven Wuennenberg  
Chair Merrell Hansen

Mayor Bob Nation  
Councilmember Mary Ann Mastorakos, Council Liaison  
Mr. Michael Lindgren, representing City Attorney Christopher Graville  
Mr. Mike Knight, substituting for Justin Wyse, Dir. of Planning & Dev. Services  
Mr. Andrew Stanislav, Planner  
Mr. Chris Dietz, Planner  
Ms. Annisa Kumerow, Planner  
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Mary Ann Mastorakos, Council Liaison; Councilmember Dan Hurt, Ward III; and Councilmember Michelle Ohley, Ward IV. She then introduced newly-appointed Planning Commissioner Jane Staniforth.

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

**IV. PUBLIC HEARINGS – None**

**V. APPROVAL OF MEETING SUMMARY**

Commissioner Tilman made a motion to approve the Meeting Summary of the July 8, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 9 to 0.**

## VI. PUBLIC COMMENT

### A. P.Z. 07-2019 15750 Old Clarkson Rd (Kumara S. Vadivelu)

#### Petitioner:

1. Mr. Kumara S. Vadivelu, 106 Log Hill Lane, Ballwin, MO - Developer for 15750 Old Clark Road

Mr. Vadivelu stated that all comments have been addressed. The only variance being requested for the "PUD" Planned Unit Development is permission to include the landscape buffer and street right-of-way areas into the lot size calculation.

2. Mr. Steve Rush, Civil Engineer, Site Development Engineering, 3512 Yaeger Crossing Court, St. Louis, MO – passed on speaking.

#### In Opposition:

1. Ms. Jen Del Carmen, 15847 Large Oak Road, Chesterfield, MO – representing the residents of the Old Clarkson Corridor.

Ms. Del Carmen stated that the residents are not in favor of the proposed PUD. She noted the residents' concerns as follows:

- a) **Conservation:** Old Clarkson Neighborhood Preservation has expressed its concerns at previous meetings relative to tree preservation and numerous issues surrounding the watershed. Despite their previous requests for "a non-biased, independent, third-party study of the watershed, such a study does not exist". Under the current conditions, water flow is already an issue as a result of development along the Old Clarkson Corridor over the past 10-15 years. Their concern is that the proposed development will compound the already-existing problem.
- b) **Consistency:** The E-1/2AC zoning is in line with current zoning along the Old Clarkson Corridor, but the proposed PUD overlay is not. Speaker noted that the proposed PUD lacks exceptional features.
- c) **Open Space:** Speaker noted that their agreement with comments made by the Commission at its June 12th meeting regarding open space in that "it appears too much is being requested for the property size". With the E-1/2AC zoning, six lots would not be permitted on the subject site.

Ms. Del Carmen summarized stating that the residents are concerned with the over-building being proposed for the site, and the hardships that such over-building will incur. The residents support E-1/2AC zoning, without any variations, for this site.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Storage Masters Chesterfield Self Storage (ASDP):** An Amended Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for a 5.0 acre tract of land located south of Chesterfield Airport Road, east of Chesterfield Commons East Road and west of Baxter Road. (17T240188).

**Commissioner Schenberg**, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for **Storage Masters Chesterfield Self Storage**. The motion was seconded by Commissioner Wuennenberg and **passed** by a voice vote of 9 to 0.

- B. **Village Green, Sign Package**: A request for a Sign Package for the Village Green Subdivision located on the north side of Clayton Road at its intersection with Village Green Parkway (20R321430, 20R340772, 20R342257, 20R342266).

**Commissioner Schenberg**, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for Village Green. The motion was seconded by Commissioner Wuennenberg and **passed** by a voice vote of 9 to 0.

## VIII. UNFINISHED BUSINESS

- A. **P.Z. 11-2018 15750 Old Clarkson Rd (Kumara S. Vadivelu)**: A request for a zoning map amendment from the "NU" Non-Urban District to the "E-1/2AC" Estate Half Acre District for a 4.76 acre tract of land located on the south side of Old Clarkson Road approximately 900 feet from its intersection with Baxter Road (19S130015).

Planner Andrew Stanislav stated that an initial Public Hearing was held for this petition on November 14, 2018 for the original request to the "R-2" Residence District. In order for the petition to remain active, a six-month status meeting was held with the Planning Commission on May 13, 2019.

On June 12, 2019, a second Public Hearing was held for the amended petition requesting a change of zoning to "E-1/2AC" Estate Half Acre District, which is the first step in a two-step zoning process seeking "PUD" Planned Unit Development zoning.

Mr. Stanislav reported that all agency comments have been received and that Staff has no outstanding issues. The petition has met all filing requirements and procedures, and is ready to be voted upon.

**Commissioner Wuennenberg** made a motion to approve **P.Z. 11-2018 15750 Old Clarkson Rd (Kumara S. Vadivelu)**. The motion was seconded by Commissioner Tilman.

Upon roll call, the vote was as follows:

**Aye: Commissioner Harris, Commissioner Marino,  
Commissioner Midgley, Commissioner Rosenauer,  
Commissioner Schenberg, Commissioner Staniforth,  
Commissioner Tilman, Commissioner Wuennenberg,  
Chair Hansen**

**Nay: None**

The motion **passed** by a vote of 9 to 0.

- B. **P.Z. 07-2019 15750 Old Clarkson Rd (Kumara S. Vadivelu)**: A request for a zoning map amendment from the “E-1/2AC” Estate Half Acre District to a “PUD” Planned Unit Development for a 4.76 acre tract of land located on the south side of Old Clarkson Road approximately 900 feet from its intersection with Baxter Road (19S130015).

Planner Andrew Stanislav explained that this petition is part of the two-step zoning process to seek a “PUD” Planned Unit Development. It was noted that the Applicant has met the four *General Requirements* and four *Minimum Design Requirements* for a PUD.

Mr. Stanislav also pointed out that, while not mandatory, inclusion of some of the 12 *Design Features* outlined in the Unified Development Code (UDC) is encouraged and desirable for a Planned Unit Development. PUDs are intended to provide flexibility in order to allow exceptional design. The Applicant has submitted a response regarding design features, which is part of the meeting packet.

A Public Hearing was held on June 12, 2019, at which time five issues were identified:

1. Tree Preservation and Mature Trees
2. Modifications to UDC Requirements
3. Community Character
4. Lot 5 and Overbuilding
5. Hydrology and Stormwater

The Applicant has provided a written response to all the issues, which is part of the meeting packet.

Mr. Stanislav reviewed the **Preliminary Plan**, which shows 6 lots with detached, single dwellings. The proposed plan requests a minimum lot size of 21,780 square feet; a maximum building height of 45 feet; one access point to a private cul-de-sac street; and 1.47 acres of common ground. The plan also shows various encumbrances on the lots, specifically in terms of utility easements, retaining walls, and bio-retention areas. It was also noted that the proposed lots are irregular in shape, and include the area for the streets. Landscape buffers are also located on individual developable lots. These encumbrances may impact future homeowners in their ability to make improvements to their property, such as a deck off the rear of the home.

The **Tree Stand Delineation** shows an existing canopy of 4.17 acres with 350 trees identified. While not required, a **Tree Preservation Plan** (TPP) was provided for informational purposes. The TPP proposes retaining 41% (1.7 acres) of the existing woodland compared to 30% required by the UDC. The **Conceptual Landscape Plan** shows 28 street trees. If zoning is approved, a more detailed Landscape Plan would be required at the later site plan and platting phases.

Mr. Stanislav reported that all agency comments have been received and that Staff has no outstanding issues. A draft Attachment A has been prepared and the petition is ready to be voted upon.

## Discussion

### Storm Water

Commissioner Tilman questioned as to whether any agencies have expressed concerns relative to storm water run-off. Mr. Stanislav replied that an in-depth review of storm water occurs at the site development phase. The Attachment A includes language

requiring approvals from the City and MSD regarding storm sewers, along with requiring positive storm water drainage with no adverse impacts on any of the neighboring developments. If the Applicant cannot meet the requirements, it would be in conflict with the Attachment A approved with the Ordinance.

### **Landscaping**

Noting that the landscape buffer is located within several developable lots, Commissioner Schenberg questioned whether future homeowners would be responsible for maintaining the buffer. Mr. Stanislav replied that, generally speaking, it is normally the homeowner's responsibility to maintain anything within their property.

Noting the forest-feel of the area, Commissioner Tilman asked if a meandering trail could be provided as a pedestrian pathway rather than the proposed 10-foot wide easement with a concrete slab sidewalk. Such a trail would allow some of the existing trees to remain. Mr. Stanislav replied that it is his understanding that trees will need to be removed in the area along Old Clarkson Road in order to accommodate sewer improvements and bio-retention areas; however, language regarding trails could be added to the Attachment A if the Commission so desires.

### **Encumbrances**

Commissioner Tilman inquired as to whether any documentation is required alerting potential buyers that certain lots within the development will not be allowed to add a deck or porch due to existing encumbrances. Mr. Stanislav replied that the approved plans would be recorded with the St. Louis County Recorder of Deeds; but there is no mechanism in place for the City to provide information about lot encumbrances. He felt it would fall upon the developer to disclose such information.

Mr. Stanislav then reviewed the various encumbrances associated with each lot noting that the irregular shape of some of the lots contributes to the unique building envelopes of the lots. The encumbrances running through various lots include easements pertaining to sewers, utilities, and retaining walls; bio-retention areas; landscape buffers abutting lots; and the natural water course protection area.

### **Lot Size Calculation**

Because the Applicant is requesting that the street right-of-way areas be included in the lot size calculation, Commissioner Rosenauer asked if this has ever been allowed in other developments within the City. Mr. Stanislav replied that, typically for private streets, lots lines go to the center line of the street, and stated that there are some areas within Chesterfield where this has been done.

Commissioner Rosenauer suggested that the Attachment A stipulate lot size calculations include the land only, excluding common ground and street areas.

### **Tree Preservation**

Commissioner Schenberg referred to information provided from residents at previous meetings regarding trees around the pond area having significant root exposure due to erosion, and their concerns that these trees would not survive much longer. Since the Attachment A includes language requiring 40% tree preservation, he asked if there is information available on how many of the trees have been compromised and whether the site would still meet the 40% tree preservation if those trees died. Mr. Stanislav replied that he did not have such detailed information but explained that there are strong requirements associated with tree preservation fencing that would be required for the

site. If the tree preservation drops below the requirements, the Developer would have to provide the City with a tree mitigation plan.

## **PUD**

Commissioner Wuennenberg stated that typically when a PUD is allowed, it improves the property. In this instance, he feels the PUD is being requested to merely allow more sellable lots on the property.

## **Summary**

Commissioner Schenberg summarized, as follows:

- If the square footage of the road is removed from the lot calculation, some of the lot sizes would be less than the E-1/2 AC lot size requirement; and
- Every lot on the property is impacted by some type of encumbrance.

## **Motion**

As part of the process, Commissioners Wuennenberg and Schenberg noted that they would make and second a motion to approve, but would be voting against the petition.

Commissioner Wuennenberg made a motion to approve P.Z. 07-2019 15750 Old Clarkson Rd (Kumara S. Vadivelu). The motion was seconded by Commissioner Schenberg.

Commissioner Schenberg outlined his reasons for voting against the petition in that the approved E-1/2AC zoning is appropriate for the site, and that the proposed PUD is not being applied in the spirit of its intent. Chair Hansen added that some of the issues related to this project have not been resolved in order to meet the criteria of a PUD.

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

**Aye: Commissioner Marino**

**Nay: Commissioner Midgley, Commissioner Rosenauer,  
Commissioner Schenberg, Commissioner Staniforth,  
Commissioner Tilman, Commissioner Wuennenberg,  
Commissioner Harris, Chair Hansen**

The motion failed by a vote of 1 to 8.

**IX. NEW BUSINESS - None**

**X. COMMITTEE REPORTS - None**

**XI. ADJOURNMENT**

The meeting adjourned at 7:40 p.m.

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Gene Schenberg, Secretary