

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning **JW**

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, September 2, 2021



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 2, 2021 in Conference Room 101.

In attendance were: **Chair Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), **Councilmember Dan Hurt** (Ward III), and **Councilmember Tom DeCampi** (Ward IV).

Also in attendance were: Councilmember Aaron Wahl (Ward II); Councilmember Michael Moore (Ward III); Planning Commission Chair Merrell Hansen; Planning Commissioner Caryn Carlie; Planning Commissioner Jane Staniforth; Justin Wyse, Director of Planning; Mike Knight, Assistant City Planner; and Kathy Juergens, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the August 19, 2021 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of August 19, 2021. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

B. Approval of the August 23, 2021 Committee of the Whole Meeting Summary

Councilmember DeCampi made a motion to approve the Committee of the Whole Meeting Summary of August 23, 2021. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

Councilmember Mastorakos commented that she had called Power of Review on The Flats at Wildhorse Village and stated that when she calls Power of Review, she is seeking clarification, understanding, or a broader look at what a particular project is. She also stated that she represents the constituents who elected her and that she will be calling Power of Review throughout the development of Wildhorse Village.

II. UNFINISHED BUSINESS

A. Rooftop Mechanical Screening

Councilmember Hurt made a motion to move Unfinished Business Item A: Rooftop Mechanical Screening to the end of the agenda. The motion was seconded by Chair Monachella and **passed** by a voice vote of 4.0.

III. NEW BUSINESS

A. Wildhorse Village, Lot 2A-1 (The Flats at Wildhorse Village) SDSP Modification

Request: A Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for a 4.9 acre tract of land located southeast of the intersection of Wild Horse Creek Road and Old Chesterfield Road. (Ward 2)

STAFF PRESENTATION

Mike Knight, Assistant City Planner, explained that the request is for two modifications to the specific criteria of Ordinance 3114 associated with a Site Development Section Plan for Lot 2A-1 that would allow for a 266 unit four-story multi-family building.

On July 8, 2021, the project was reviewed by the Architectural Review Board (ARB). The Board recommended approval of the project with conditions. The Applicant has since fulfilled those conditions. The Board's approval included both modification requests. The project was then reviewed by the Planning Commission on August 23, 2021 and the project was unanimously approved. Again, both modification requests were included within the approval.

Ordinance 3114 states that "any performance standard may be modified within a Site Development Section Plan. A public hearing is not required in the process and recommendation by Planning Commission will be forwarded to City Council for final approval." Therefore, the request is being presented to the Planning & Public Works Committee for consideration.

The Applicant is seeking the following two modifications:

- **Ordinance 3114 requires the first floor of this building to be a minimum of 12' in height.** The Applicant is proposing an 11' - 7-7/8" first floor height.
- **Ordinance 3114 states "Rooftop mechanical equipment shall be permitted on roofs within architecturally designed, fully enclosed penthouses that complement the building design."** The Applicant is proposing to screen the rooftop equipment on all visible sides with materials that are an integral part of the architecture.

DISCUSSION

Councilmember Hurt stated that he does not have a problem with the building height or the elimination of a rooftop penthouse for the mechanical screening on this particular building. He is, however, more concerned with the buildings that will be built along Chesterfield Parkway but he would be willing to consider height and penthouse screening on a lot-by-lot basis. He also stated that he has no desire to change the Ordinance.

There was some discussion on the height of the rooftop parapet screening and the placement of the air-conditioning units on the rooftop.

Councilmember Hurt made a motion to forward Wildhorse Village, Lot 2A-1 (The Flats at Wildhorse Village) SDSP Modification Request to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Wildhorse Village, Lot 2A-1 (The Flats at Wildhorse Village) SDSP Modification Request.]

- B. P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village):** A request to amend the specific development criteria and Preliminary Development Plan of an existing PC&R Planned Commercial and Residence District for a 99.6 acre tract of land located west and southwest of the intersection of U.S. Highway 40/I-64 and Chesterfield Parkway West (18T620185, 18S410240, 18S410206, 18T620228, 18T620239, 18T630348, 18T630195, 18T640248, 18T620064, 18T640260, 18T640271, 18T620174, 18S430259, 18S430282, 18T640336, 17T320169, 17T320158, 18T640392, 18T640381, 18T640259, 18T640237, 18T640369, 18T640370). (Ward 2)

STAFF PRESENTATION

Mike Knight, Assistant City Planner, presented the request to amend the specific development criteria and Preliminary Development Plan of an existing PC&R Planned Commercial and Residence District.

The request consists of five primary components:

- 1. Modify the maximum height for buildings located on Lots 2B and 2C.** The maximum height for the buildings on Lots 2B and 2C are three stories if they are residential and four stories if they are non-residential.

The Applicant is requesting a maximum height for residential buildings in the geographic areas of Lots 2B and 2C of four stories.

- 2. Update the first floor building heights on seven lots.** The current governing ordinance states that the first floor building heights shall be a minimum of 12 feet with the exception that Lots 1 and 6, which are approved single-family residential lots, be a minimum of 9 feet.

The Applicant is requesting to include residential Lots 2A-1, 2A-2, 2B, 2C, 5A, 5B and 5C to the minimum of 9 feet for the first floor building height.

- 3. Remove the ground floor retail requirement from the east side of Lot 2C.** The current governing ordinance requires ground floor retail on the east side of Lot 2C which is within the 125' view corridor.

Lot 2C is currently programmed for a residential condominium building instead of an office building, therefore, the Applicant would like to remove the requirement for ground floor retail.

- 4. Revise the rooftop mechanical equipment screening requirement.** The current governing ordinance states that "Rooftop mechanical equipment shall be permitted on roofs within architecturally designed, fully enclosed penthouses that complement the building design."

The Applicant is requesting to replace the language that exists in the City's Unified Development Code (UDC) under Section 405.04.010 D2.j. The current language is: "Screen rooftop equipment on all visible sides with materials that are an integral part

of the architecture. Parapet walls or screen walls shall be treated as an integral part of the architecture and shall not visually weaken the design of the structure.”

- 5. Remove the public art requirement for each lot.** The current governing ordinance states that “One piece of public art work shall be provided and installed by the developer of each development.”

The Applicant is requesting to remove this requirement. The Applicant desires to develop a holistic approach for the Wildhorse Village Public Art. They have commissioned a piece of public art centered around the lake to maximize the public experience. They are also proposing a fountain in the center of the lake as an alternative while emphasizing the holistic approach.

Mr. Knight stated that Staff has also recommenced the following edits to Attachment A:

- Remove the reference to an outdated article in the City’s Code for recycling. However, the recycling requirement does remain.
- Update the current Traffic Generation Assessment (TGA) language.
- Power of Review was deemed unenforceable so Staff is proposing to include standard language that meets the City’s Code.
- Remove outdated language referencing a bike lane, which has been updated to a 12’ wide shared use path along the entire frontage of Wild Horse Creek Road.

A Public Hearing was held on June 28, 2021 at which time the Planning Commission and the public raised several issues. The Applicant has formally responded to these issues and has provided an updated proposal.

On August 23, 2021, the petition was brought before the Planning Commission at which time the petition received unanimous approval.

DISCUSSION

To preface the discussion, Councilmember Hurt stated that this development has always been intended to be a mixed-use development. Since the Council has not seen a complete plan yet, he is concerned that it may not end up being mixed-use. He stated that as the project moves forward, the Council needs to be cognizant of the original intent of the development.

Height Modification

Chair Monachella made a motion to amend P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) to allow a maximum 4-story height of residential buildings on Lots 2B and 2C. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

Minimum of a 9-foot First Floor Building Heights on Seven Lots

For discussion purposes, Chair Monachella suggested separating the lots into the following three sections:

- 2A-1 and 2A-2
- 2B and 2C
- 5A, 5B and 5C

Councilmember Hurt stated that he is not interested in changing Lots 5A, 5B or 5C as a specific plan has not been submitted yet for those lots. If the retail requirement will be moved from one area to another, he would want to see a plan first.

Noting that Lot 2A-1 of The Flats was just approved at a height of 11'-7 7/8" at the Applicant's request, Chair Monachella asked for clarification as to why the Applicant is requesting a change in height to 9' for Lot 2A-1. George Stock, Stock & Associates, explained that they are trying to maintain consistency with Lot 1 and Lot 6 in the residential sector. The minimum is 9' but the height can be greater. Councilmember Mastorakos stated that Lot 2A-2 should then match the height of Lot 2A-1 so that it does not overlook that building.

Councilmember Hurt stated that the height reduction should pertain to Lots 2B and 2C only as the retail requirement has been eliminated for those two lots. He also pointed out that it has not yet been determined as to where the retail will be on the other lots, but assumes that retail linear footage will be incorporated elsewhere.

Chair Monachella made a motion to amend P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) to modify the first floor building heights to 9' for Lots 2B and 2C only and to exclude Lots 2A-1, 2A-2, 5A, 5B and 5C from the 9-foot modification. The motion was seconded by Councilmember DeCampi and passed by a voice vote of 4-0.

Removal of Retail on the East Side of Lot 2C

There was considerable discussion related to the relocation of retail from the east side of Lot 2C to Lot 5A. The developer explained the desire to concentrate the retail near Burkhardt Place to create a better experience for people coming into the development from the outside as there are not a lot of parking structures within the development. There was also some discussion as to what the square footage or linear feet of the retail should be. It was stated by the Committee members that a minimum of 100 linear feet of additional retail will be added to Lot 5A.

Councilmember Hurt made a motion to amend P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) to relocate the retail on the east side of Lot 2C to Lot 5A and to include a minimum of 100 linear feet of retail on the north side of Lot 5A. The motion was seconded by Councilmember DeCampi and passed by a voice vote of 4-0.

Revision of Rooftop Mechanical Equipment

The Planning Commission recommended eliminating the rooftop penthouse requirement for mechanical equipment and recommended the following language in Section G. Architectural Requirements, Item 4.

"Mechanical equipment shall be adequately screened in accordance to the Architectural Review Design Standards of the Unified Development Code."

DISCUSSION

Councilmember Hurt concurred with the updated language Item I.G.4, which includes ground equipment, but he is opposed to the elimination of Item I.G.5 that requires fully enclosed rooftop penthouse screening. He acknowledged that the Attachment A, under Section O. Supplementation, Modification, or Alteration of a Category Standard, allows a developer to request a modification to the penthouse requirement for individual lots. However, as development moves closer to Chesterfield Parkway, he believes that penthouse screening should be a requirement.

Councilmember Hurt made a motion to amend P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) to accept the update to I.G.4 of the Attachment A to include screening in accordance with the Architectural Review Design Standards; and to keep Section I.G.5 of the Attachment A which requires fully enclosed penthouse screening. The motion was seconded by Councilmember Mastorakos.

Discussion after the Motion

Jeff Tegethoff, Wildhorse Village LP, stated that he wants to build a 125,000 square foot office building, however, it cannot be done with the requirement of a fully enclosed penthouse for mechanical equipment. He stated that he has contacted three different MEP designers who have advised him that a fully enclosed penthouse would not be the best engineering design based on today's engineering standards. The extra cost alone of a fully enclosed penthouse of \$3.6 million would be prohibitive. As far as aesthetics, the new owners of Chesterfield Mall doubt that the rooftop mechanical equipment will be seen from that location and have indicated that they are not concerned about this. Mr. Tegethoff stated that he will bring HVAC designers, engineers, and representatives of the neighboring properties to the next City Council meeting in support of eliminating the requirement of fully enclosed rooftop penthouse screening.

The above motion passed by a voice vote of 4-0.

Removal of Bike Lane Along Wild Horse Creek Road

The bike lane is now considered a 12' wide shared use path.

Councilmember Hurt made a motion to amend P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) to revise Section I. Public/Private Road Improvements, Including Pedestrian Circulation, Item 11 to read "Provide a 12' wide shared use path along the frontage of Wild Horse Creek Road." The motion was seconded by Councilmember DeCampi and passed by a voice vote of 4-0.

Remove the Public Art Requirement for Each Lot

Mr. Tegethoff stated that he has commissioned an art piece with world-renowned sculptor Rafael Barrios which he is donating to the development. He intends to create a centerpiece for the overall development that will draw people to the lake. The sculpture was specifically designed for this location and is a piece of art that does justice not only to the development but to the City of Chesterfield. Mr. Tegethoff also stated that they have added a fountain in the lake which will provide public viewing for all residents living adjacent to the lake.

Councilmember Mastorakos asked Mr. Tegethoff why he originally agreed to 17 pieces of public art. Mr. Tegethoff replied that in the beginning he was not sure if Mr. Barrios was going to accept the assignment and he had also misunderstood the lot configuration. Councilmember Mastorakos stated that as office buildings are developed, perhaps art could be included as part of their landscaping. Mr. Tegethoff indicated that would be possible as he has final authority on the buildings that he owns. Councilmember Mastorakos stated that she understood the reasoning for one piece of art, however, indicated that she would like to see more art included in the development.

Chair Monachella made a motion to accept the Planning Commission's recommendation to remove the public art requirement for each lot. The motion was seconded by Councilmember DeCampi and resulted in a tie vote of 2-2 with **Councilmembers Mastorakos and DeCampi voting no.**

Councilmember Hurt made a motion to accept the Planning Commission's recommendation to include a fountain in lieu of public art for each lot. The motion was seconded by Councilmember DeCampi and passed by a voice vote of 4-0.

Item I.K. of Attachment A regarding Power of Review

Justin Wyse, Director of Planning, stated that during a prior City Council Executive Session, the City Attorney stated that the automatic Power of Review language is unenforceable so Staff recommends including the standard default language that goes into all City's ordinances:

"The development shall adhere to the Power of Review requirements of the City of Chesterfield Unified Development Code."

Mr. Wyse explained that currently the Mayor or any Councilmember in which the project is located, or any other two councilmembers, may call Power of Review within 72 hours of Planning Commission approval. The second option is to clean up the language to reference that any Site Development Plan or any Site Development Section Plan would have automatic Power of Review. Often times, automatic Power of Review is called for new buildings. However, an Applicant could come in with a small change to their site several years later, which would normally be an administrative approval. In such instances, an email would be sent to Council alerting them of the option of Power of Review. But if the language were changed, any future changes would have to go through Planning Commission, Planning & Public Works Committee, and finally to Council, which can be a cumbersome process for developers depending upon what they are trying to accomplish.

Councilmember Hurt stated that this is not a new concept and questioned why the wording is unenforceable. He would prefer to keep the current language but change Site Plan to Site Development Plans, Site Development Concept Plans, and Site Development Section Plans.

There was further discussion on the current Power of Review procedure and how it would be affected if the language were changed.

Councilmember DeCampi made a motion to amend PZ-03-2021 P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village) by changing the wording of the current Ordinance to allow for automatic Power of Review for all Site Development Plans, Site Development Concept Plans and Site Development Section Plans. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.

It was noted that all of the above amendments affect both Category A and Category B.

Councilmember DeCampi made a motion to forward P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and passed by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the September 20, 2021 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 03-2021 Downtown Chesterfield (Wildhorse Village).]

C. 2022 Proposed Planning & Public Works Committee Meeting Schedule

Councilmember Hurt made a motion to accept the 2022 Proposed Planning & Public Works Committee Meeting Schedule. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

II. UNFINISHED BUSINESS

A, Rooftop Mechanical Screening

Chair Monachella prefaced the discussion stating that the issue is to determine whether there is a need to further define language in the Unified Development Code requiring rooftop mechanical screening within specific geographical areas of the City, or to keep the current language which requires screening on all visible sides.

After a brief discussion, no action was taken.

III. OTHER – None.

IV. ADJOURNMENT

The meeting adjourned at 7:20 p.m.