V.A.

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 25, 2013

The meeting was called to order at 7:03 p.m.

I. ROLL CALL

PRESENT	**ABSENT**
Ms. Wendy Geckeler	Mr. Stanley Proctor
Ms. Merrell Hansen	
Ms. Laura Lueking	
Ms. Debbie Midgley	
Ms. Amy Nolan	
Mr. Robert Puyear	
Mr. Steven Wuennenberg	
Chair Michael Watson	

Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Mike Geisel, Director of Public Services
Ms. Aimee Nassif, Planning & Development Services Director
Mr. John Boyer, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Purvi Patel, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Chair Watson acknowledged the attendance of Mayor Bob Nation, Councilmember Connie Fults, Council Liaison; Councilmember Dan Hurt, Ward III; and Councilmember Bruce DeGroot, Ward IV.

IV. PUBLIC HEARINGS – Commissioner Nolan read the "Opening Comments" for the Public Hearings.

Project Planner Purvi Patel explained that there are two petitions for the same tract of land and Staff will be handling the petitions separately.

A. **P.Z. 15-2013 Wilmas Farm (17508 Wild Horse Creek Road)**: A request for a zoning map amendment from an "NU" Non-Urban District to an "E-1" Estate One-Acre District for 50.5279 acres located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Arbor Grove Court (18V330035).

STAFF PRESENTATION:

Ms. Patel gave a PowerPoint presentation showing photographs of the site and surrounding areas noting the following:

- All State and City Public Hearing notification requirements were met.
- The site was originally zoned "NU" Non-Urban District by St. Louis County prior to the City's incorporation. The site is currently vacant but has been used for agricultural purposes.
- The zoning of adjacent properties includes "R-1" with a PEU, "NU", "E-1", and a "PUD". The following table shows the zoning, number of lots/units and lot sizes for subdivisions adjacent to the subject site.

	Subdivision	Zoned	No. of Lots/Units	Lot Sizes per Ordinance
North		NU and E-1	Both properties used as residential	
South	Wildhorse	R-1 with PEU		22,000 sf min; 1 acre min for western perimeter
West	Arbors at Wildhorse	PUD	22	24,000 sf min
West	Gateway 61 Church	NU	-	-
East	Windridge Estates	R-1 with PEU	15	1 acre lots along Wild Horse Creek Rd. and southern NU boundary; 22,000 sf min for all others
East	Country Lake Estates	R-1 with PEU	41	32,000 sf min for lots adjacent to Countryside at Chesterfield; 24,000 sf min for all other perimeters; 22,000 sf min for all interior lots.
East	Deepwood	NU with CUP	Boarding, Training and Riding Horses	

- The City's Comprehensive Land Use Plan designates the site as *Residential with a one-acre density.*
- The requested use is *Single-family Residential, Detached*
- An out-boundary survey is required for the rezoning from "NU" to "E-1". No Attachment A is required for this straight zoning district and it must meet the minimum zoning requirements of the "E-1" District.
- Items for Consideration:
  - Appropriateness of "E-1" Estate One Acre Zoning
  - Required Density of one acre minimum
  - Required Setbacks for an "E-1" District:
    - Front: 25 feet
    - Rear: 25 feet
    - Side-yard: 25 feet with 40 feet between structures

B. **P.Z. 16-2013 Wilmas Farm (17508 Wild Horse Creek Road)**: A request for a zoning map amendment from an "E-1" Estate One-Acre District to a "PUD" Planned Unit Development for 50.5279 acres located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Arbor Grove Court (18V330035).

STAFF PRESENTATION:

Project Planner Purvi Patel gave a PowerPoint presentation showing photographs of the site and surrounding area noting the following:

- All State and City Public Hearing notification requirements were met.
- The site was originally zoned "NU" Non-Urban District by St. Louis County prior to the City's incorporation. The zoning for the adjacent subdivisions is as shown above under P.Z. 15-2013.
- The City's Comprehensive Land Use Plan designates the site as *Residential with a one-acre density.*

Preliminary Plan

- A Preliminary Plan is required for a "PUD" which allows for flexibility and cluster development.
- The applicant is proposing a total of 50 lots on 50.5 acres. The lot sizes range in size from 22,000 sq. ft. to 38,182 sq. ft., with an average lot size of 22,755 sq. ft.
- The proposed setbacks are:
  - Rear: 25 feet
  - Front: 25 feet
  - Side-yard: 8 feet
- There are two access points proposed for the development with the main entrance off Deep Forest Drive and an emergency-only access off Wild Horse Creek Road**.** The lots will be served by two cul-de-sacs.
- There are minimum 30-foot landscape buffers around the perimeter of the site, as required by the "PUD".
- There is a creek which runs along the southern portion of the site.
- Most of the southern portion of the site is in floodplain and floodway. There are development restrictions associated with the floodplain and floodway.
- The majority of the required common open space for the development is located within the southern portion of the site. There is additional common open space proposed off of Deep Forest Drive, along with landscape berms off of Wild Horse Creek Road, which will also serve as common open space.

Items for Consideration

- Appropriateness of the "PUD" Planned Unit Development zoning
- Proposed Number of Lots – 50 lots
- Lot Sizes:
  - Smallest Proposed Lot: 22,000 sq.ft.
  - Largest Proposed Lot: 38,182 sq.ft.
  - Average Lot Size: 22,755 sq.ft.
- Proposed Setbacks:
  - Front: 25 ft.
  - Rear: 25 ft.
  - Side: 8 ft.

Items under Review

- Minimum Requirements for a PUD:
  - Common Open Space has to be disbursed throughout the site and not concentrated in one area nor contain only that portion of the site that is considered undevelopable
  - Required 30 foot perimeter landscape buffers are shown on private lots on the eastern and western portions of the site.
- Agency comments are outstanding.
- There are some items on the Preliminary Plan that need to be amended to ensure compliance with the City's Subdivision Design Standards. Subdivision standards come into play during Site Plan review.

DISCUSSION

Commissioner Geckeler requested information on the difference between a *floodplain* and a *floodway.* Ms. Aimee Nassif, Planning and Development Services Director explained that a *floodplain* is an area of land that is susceptible to being inundated by water from any source. The *floodway* is the channel of a watercourse that carries the water downstream; it is a channel for diverting flood waters or where the natural watercourse will flow. Structures are not permitted to be built within the *floodway*; there are development standards that must be met and extra certificates/permits are required to develop within the *floodplain.* In reference to the creek on the subject site, the City, MSD and the federal government regulate and restrict any development occurring from 50 feet on either side from the top of the bank of a creek or natural watercourse area.

Commissioner Geckeler questioned if Chesterfield currently has any homes within a floodplain. Ms. Nassif replied that there are homes located within floodplain areas that were allowed to be built after obtaining special permits and reviews but there are no homes in residential subdivisions built within a floodway

Commissioner Wuennenberg noted that Lot 35B shows at least half of the lot within the 30-foot landscape buffer. Ms. Nassif stated that all perimeter lots include landscape buffers, which is an issue that Staff is currently reviewing.

Commissioner Puyear noted that the common space appears to be concentrated at one end of the site, which is contrary to the PUD requirements. Ms. Patel agreed and stated that this is another issue being reviewed by Staff.

Chair Watson asked if the floodplain is considered part of the 30% open space for the site. Ms. Patel confirmed that it is.

Because the landscape buffer is within private lots, Chair Watson expressed concern that homeowners could build in the buffer area. Ms. Patel stated that the landscape buffers include easements so any permits showing construction within the easements would not be approved.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO. Mr. Doster responded to questions previously raised by the Commission as follows:
   - No lots are being built or designed in floodplain or floodway. The only structures being proposed in the floodplain are wet detention areas.

- The buffer areas on the perimeter of the site are easements, which is the same condition permitted for The Arbors at Wild Horse Creek, the subdivision immediately to the southeast of the subject development. The easements will be recorded and structures will not be permitted to be built within the 30-foot buffer area.

Mr. Doster then gave a PowerPoint Presentation and stated the following:

- The site is mainly devoid of trees – a good portion of the area has been farmed so that part of the site is relatively open and is where all the homes will be built. They are trying to avoid removing existing trees from the site.
- There are *jurisdictional areas* on the site that are regulated by various agencies – the City, MSD, Missouri Department of Natural Resources, and the Corps of Engineers - which dictates how the site is developed.
- The back of the property is being used for wet detention; other areas are being preserved because of regulatory issues.
- Because the site is wide enough, there is no need for direct access to Wild Horse Creek Road. The main entrance will be from Deep Forest Drive.
- The site includes 50 lots on 50.5 acres and is one-acre density, which is comparable to the neighboring subdivision, The Arbors at Wild Horse Creek.
- Because of the size of the site, they are able to put more distance (approx.150 feet) between the road surface area of Wild Horse Creek Road and the building setback line of the homes. They are proposing to build a landscape berm along Wild Horse Creek Road. There is a 42" main on the site and they are not permitted to put more earth over the main, which limits them in terms of the height of the berm.

Mr. Doster displayed renderings of the site showing a mix of evergreen (60%) and deciduous (40%) trees. The renderings depict the height of the trees two years after planting. The proposed entranceway will include a round-about with a two-level fountain area

Because there were questions about the distribution of the common open space, Mr. Doster displayed a map of The Arbors at Wild Horse Creek, recently approved by the City. He noted that The Arbors also uses easements at the boundaries of the site for its 30-foot buffer and has open space as a result of regulated areas. The proposed site has followed the same principles as The Arbors in identifying and locating common open areas in relation to the regulated areas.

Mr. Doster stated that they believe they have met the objective criteria requirements of the PUD, the subjective guidelines of the PUD, and are compatible with the surrounding developments in terms of density, design, and the ways they have located the common open space.

DISCUSSION

Chair Watson asked if the Petitioner has a problem with making a 30-foot common area (not a buffer) around the perimeter of the development. Mr. Doster replied that this would present a problem in that the lot sizes would be reduced below the 22,000 sq. ft. minimum. Smaller lots would present a compatibility issue with The Arbors and would present a marketing issue.

2. Mr. Mike Falkner, Sterling Engineering, 5055 New Baumgartner, St. Louis, MO was available for questions.

Chair Watson asked for information on the width of The Arbors at Wild Horse Creek compared to the subject development. Mr. Falkner responded that The Arbors is approximately 580 feet compared to the subject development's width of 985 feet at its widest point.

3. Mr. Barry Simon, 632 Trade Center Boulevard, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR:

1. Mr. Don Bowers, Owner of the acreage at 17525 Wild Horse Creek Road, Chesterfield, MO stated that he had three comments:
   - Deep Forest Drive is located at the top of a hill and on a curve. He feels a traffic study is in order considering all the traffic that will be using Deep Forest Drive from the proposed development.
   - He believes the proposed development is a "wonderful plan" and hopes that it will be approved.
   - Properties on the north side of Wild Horse Creek Road have septic tanks and he asks that the developers allow a narrow easement so the residents on the north side are able to drill under the highway and hook into the sewer system.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

Ms. Patel noted the concerns raised during the Public Hearings:

1. Landscape buffers shown as easements on private properties.
2. Lack of disbursal of the common open space throughout the site. Chair Watson noted his concern that the common ground is located within the floodplain
3. Request for a traffic study – *Ms. Patel noted that the applicant is having a scoping meeting with MoDOT, who has jurisdiction over Wild Horse Creek Road.*

Ms. Nassif stated that Staff will also review Mr. Bowers' comment relative to allowing residents with septic tanks to hook into the sewer system through an easement allowed by the developers.

Commissioner Lueking asked for clarification on the buffer size for The Arbors at Wild Horse Creek where it abuts the subject property. Ms. Nassif explained that the landscape buffer along the northern boundary of The Arbors is all outside of any individual lot. In addition, there are requirements of 50-foot buffers in some areas.

Commissioner Nolan read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the November 13, 2013 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 6 to 0** with Commissioners Lueking and Midgley abstaining.

Chair Watson announced that Commissioner Nolan would be leaving the meeting at 8:00 p.m.

VI. PUBLIC COMMENT

A. P.Z. 09-2013 and P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.):

Petitioner:

1. Mr. Mike Doster, Attorney representing the Petitioner, 16090 Swingley Ridge Road, Chesterfield, MO stated the following:
   - The original plan has evolved significantly in an attempt to meet the concerns of the residents.
   - With respect to the buffers on the north and south of the site, they feel they have done the best they can considring the difficult topography of the property.
   - Regarding density, they believe they compare very favorably with Gascony and Amberleigh, and to Westerly if the PUD is approved.
   - He suggests that the Attachment A be amended to restrict the connection at Westerly Court to an emergency-only/maintenance-only access in an effort to address one of the major concerns of the residents. He noted that there are other places in the City that have emergency-only access and that the site has a full access at Schoettler Road. The Fire District has no problem with an emergency-only access for this site.

Ms. Nassif explained that it is required that subdivisions have more than one way in and out for emergencies and delivery of public services.

2. Mr. Tim Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated he was available for questions.

Speakers in Opposition:

1. Dr. Jeffrey Johnson, 2207 Westerly Court, Chesterfield, MO noted the following two concerns:
   - The proposed road connection between Westerly Place subdivision ("R-1A") and the proposed subdivision ("R-3").
     - He feels that they have "made the case for having a single entrance to Schoettler Grove to avoid the increased traffic, the noise, and the safety issues" with traffic in their subdivision and their entrance onto Schoettler.
     - The Planning Staff has stated that the only option is for the subdivision to own and maintain the street.
     - They feel a cul-de-sac is a possibility but they would prefer to retain the stub street, which they have had for 22 years without any safety or maintenance issues.

  - He questioned whether the City is "more interested in connecting the street than public safety and the concerns of the homeowners".
- The buffer zone along the northern border of Schoettler Grove.
  - They feel they have made the case for a buffer between the two subdivisions that are "R-1A" and "R-3".
  - They have asked that the green wall be maintained, leaving an earth and vegetation elevation in some areas, and creating it in other areas.
  - The Petitioner has not "offered their vision of this buffer" nor have they delineated the height and width of the berm; the type and density of the new plantings; and where this would be located. They would like to see the type of detail previously displayed for Wilmas Farm.

Dr. Johnson stated that "they are at odds with the City and the City Planners on the stub street issue and they are at odds with the Petitioner on the whole buffer issue". They feel Westerly Place should be allowed a variance or special allowance to maintain the stub street. They look to the Commission as their representatives to "help protect their neighborhood" and to "prevent the application of rules regarding stub streets that will result in a situation that they think is detrimental to all the residents" of Westerly Place and "is of no value to the residents of Schoettler Grove". They also would like the Commission to ask the Petitioner to offer a more detailed description of the proposed buffer along the northern border of Schoettler Grove.

(Commissioner Nolan left the meeting at this point.)

2. Ms. Cindy Burch, 2208 Westerly Court, Chesterfield, MO stated the following:
   - Dr. Johnson has covered the points that she and her husband wanted to bring to the Commission's attention. They also feel that their concerns have not been adequately addressed in the spirit of cooperation and compromise.
   - They would like to see some type of a variance to allow the subdivision to maintain Westerly as a stub street.
   - They request that the Commission not vote on these petitions until some of these matters are addressed.

3. Ms. Karen Moculeski, 14405 Rue de Gascony Ct., Ballwin, MO stated the following:
   - She feels that "it is time to step back totally on this development and look at this particular piece of property".
   - She indicated that she does not think "R-3" zoning is the most desirable or necessary zoning for this site.
   - She has concerns that the proposed detention areas will "become erosion areas" as the Gascony residents have experienced erosion in their subdivision from detention areas, along with the subsequent repair costs. She does not feel the detention areas "do anything for the residents".
   - She suggested that if fewer units are built, the MSD requirements may become less.
   - She feels the residents of Schoettler Grove will be burdened with maintaining a cemetery and having to do something with the huge detention areas.
   - She urged the Commission to deny the applicant's petitions.

4. Mr. Steve Unwin, 14706 Westerly Place, Chesterfield, MO.
    - He feels the earlier presentation for Wilmas Farm displayed a "good plan" and noted the different approaches taken between that development and the subject development.
    - He thinks the Wilmas Farm development provided continuity between the neighboring subdivisions, which he has not seen with the Schoettler Grove development.
    - He has concerns that the Schoettler Grove development has no tree preservation, and that everything will be leveled.
    - He does not feel that Schoettler Grove has been given close attention to the needed buffer or the necessary density to make it compatible with all the adjacent neighbors.

Speakers - Neutral

1. Mr. Bob Grant, 14721 Westerly Place, Chesterfield, MO.
    - He feels that Westerly Place has the circumstances to warrant an amendment to the rule requiring the stub street to be a thru-street.
    - He feels that the additional traffic from a thru-street to Schoettler Grove will present a safety concern and will be detrimental to Westerly Place. He does not think that Schoettler Grove will receive much of a benefit from it and he does not see the need for two access points for a subdivision with only 31 homes.
    - If it is possible to have a cul-de-sac in lieu of the stub street, he would be in favor of it. If not, he strongly urges that the alternative be implemented to have restricted access for emergency use only.
    - He also requests that the street remain a public street.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Clarkson Square: A request for three freestanding signs exceeding six (6) feet in height and/or fifty (50) square feet in outline area and for LED accent lighting for the three freestanding signs located within the Clarkson Square Commercial Development (19S410252, 19S410274, 19S411297).

Commissioner Lueking, representing the Site Plan Committee, made a motion recommending approval of the three freestanding signs with LED accent lighting for Clarkson Square with the condition that the light level of the LED band be approved by Staff. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0**.

B. **Friendship Village of West County (15201 Olive Boulevard):** 7th Partial Amended Site Development Plan, Amended Landscape Plan, and Amended Lighting Plan for a 34.5 acre tract of land zoned "R4" Residence District with a "CUP" Conditional Use Permit at the northwest corner of Olive Boulevard and Arrowhead Estates Lane (17S320445).

Commissioner Lueking, representing the Site Plan Committee, made a motion recommending approval of the 7th Partial Amended Site Development Plan, Amended Landscape Plan, and Amended Lighting Plan for Friendship Village of West County (15201 Olive Boulevard) with the condition that the light standards shall not exceed 16 feet in height when measured from the bottom of the light post to the top of the light fixture. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 7 to 0**.

VIII. OLD 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 sqft lot min.) for 17.0 acres located northwest of the intersection of Clayton Rd. and Schoettler Rd. (20R310137 & 20R220010).

Senior Planner John Boyer stated that there are two applications for Schoettler Grove – the first is for the rezoning from the existing "NU" Non-Urban District to the proposed "R-3" Residence District. This straight zoning will not have an Attachment A as it must meet the minimum standards as set forth in the City's Code for the "R-3" District. The Public Hearing for this petition was held on August 12, 2013. Issues were identified at that time by the public, the Commission, and Staff. An Issues Meeting was held on October 14, 2013 to discuss those items raised at the Public Hearing.

The petition has met all filing requirements and procedures of the City of Chesterfield and the Commission may vote on the application tonight if they so choose.

Commissioner Geckeler stated that if a vote is taken tonight she will be voting against both the rezoning and the requested "PUD" as she does not feel the rezoning is appropriate for this area and she does not think they meet the requirements of the "PUD". She is willing to vote to hold the petition to allow the Petitioner to try and improve the plan.

Commissioner Lueking stated she is opposed to "R-3" zoning on this property because "R-3" zoning is up on Clayton Road (Gascony and Amberleigh) and this site would be adjacent to an "R-1A" zoning. She intends to vote against both petitions and stated she feels an "R-2" zoning is more appropriate for the site.

Mr. Doster was then invited to respond to the public comments.

- He noted that if the PUD is approved, the density goes down to 1.82 units per acre, which he feels compares favorably to Westerly Place. It is much less dense than both Gascony and Amberleigh.

- Regarding the buffer, in most areas it is 35 feet vs. 30 feet and they have been able to generate a plan that preserves the area along Westerly by making it a non-disturbance area. This will leave the existing foliage and trees in place.
- This is a difficult site to develop and should not be compared to Wilmas Farm or any other site.
- They feel that 31 units on this amount of acreage is not a lot.
- They would like an opportunity to review the plan again to see if it can be improved. However, if the objection is to the "R-3" zoning, then they would prefer to go forward. If it is held, they would like to come back before the Commission at the December 9th meeting.

Ms. Nassif advised that the submittal deadline for the December 9th meeting would be November 27th. After consulting with the Petitioner, Mr. Doster withdrew the request to hold and asked that it go forward for a vote.

Commissioner Puyear made a motion to approve P.Z. 09-2013 Schoettler Grove (2349 Schoettler Rd.). The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Wuennenberg, Commissioner Hansen, Commissioner Midgley, Commissioner Puyear, Chair Watson

Nay: Commissioner Geckeler, Commissioner Lueking

The motion passed by a vote of 5 to 2.

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

Senior Planner John Boyer asked if there were any questions relative to P.Z. 10-2013 prior to the vote.

Commissioner Puyear made a motion to approve P.Z. 10-2013 Schoettler Grove (2349 Schoettler Rd.). The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Hansen, Commissioner Midgley, Commissioner Puyear, Commissioner Wuennenberg, Chair Watson

Nay: Commissioner Geckeler, Commissioner Lueking

The motion passed by a vote of 5 to 2.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:21 p.m.

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Steve Wuennenberg, Secretary