



**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
MEETING SUMMARY  
FEBRUARY 14, 2022**

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

**I. ROLL CALL**

**PRESENT**

Commissioner Caryn Carlie  
Commissioner Allison Harris  
Commissioner John Marino  
Commissioner Debbie Midgley  
Commissioner Nathan Roach  
Commissioner Jane Staniforth  
Commissioner Guy Tilman  
Commissioner Steven Wuennenberg  
Chair Merrell Hansen

**ABSENT**

Councilmember Mary Monachella, Council Liaison  
Mr. Nathan Bruns, representing City Attorney Christopher Graville  
Mr. Justin Wyse, Director of Planning  
Mr. Mike Knight, Assistant City Planner  
Ms. Shilpi Bharti, Planner  
Mr. Chris Dietz, Planner  
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Mary Monachella, Council Liaison; and Councilmember Dan Hurt, Ward III.

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

**IV. PUBLIC HEARINGS**

Chair Hansen announced that, at the request of the Petitioner, the public hearing for P.Z. 01-2022 Kemp Automobile Museum (Johnny Y Properties LLC) is being postponed at this time.

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

- A. **P.Z. 19-2021 2030 Clarkson Road (Srilakshmi Properties, LLC)**: A request for a zoning map amendment from the “NU” Non-Urban District to “R5” Residential District for 3.44 acres located on the north side of Old Clarkson Road and southeast side of Clarkson Road (20T640517).

**STAFF PRESENTATION:**

Planner Shilpi Bharti gave a PowerPoint presentation showing photographs of the site and surrounding area, and then provided the following information about the petition:

**Request**

The request is to rezone the subject site from “NU” Non-Urban District to “R5” Residential District for a single-family residential development. Permitted uses for the subject site include:

- Churches and other places of worship
- Day-care center
- Dwelling, Single family attached and detached
- Library
- Nursery school
- Kindergarten

**Design Standards for the “R5” Residential District**

Density for residential dwellings	6,000 sq. ft. per dwelling unit
Landscape Buffer Requirement	30 feet
Height	Max. height for all structures – 50 feet
Front setback for any right-of-way	20 feet
Side setback from property line	6 feet
Rear setback	15 feet

**Site History**

The site was zoned “NU” Non-Urban District prior to the City’s incorporation.

**Comprehensive Plan**

The Comprehensive Plan shows the site within the *Suburban Neighborhood* land use designation, which is land typically developed for single-family detached homes with uniform housing densities.

Ms. Bharti stated that after the meeting packets went out, Staff received a letter of support for the petition from a resident who was unable to attend tonight’s public hearing. The letter also brought up the resident’s concern regarding storm water. This correspondence will be included in the next meeting packet.

**Discussion**

During discussion, the following items were reviewed and clarified, as necessary.

**Uses**

R5 zoning does not permit multi-family dwellings.

**Height**

The maximum height of 50 feet equates to three stories, or two stories with a walk-out basement.

**Landscape Buffer**

The Unified Development Code requires a 30-foot landscape buffer along arterial roadways which, in this case, pertains to Clarkson Road. It was noted that Staff would confirm whether or not Old Clarkson Road would require a 30-foot landscape buffer along it.

**Buildable Area**

Given the unique shape of the lot, required setbacks, and landscape buffers, Commissioner Tilman requested a drawing of the buildable area of the site.

**Stub Street / Access**

The site includes a stub street from the Chesterfield Ridge neighborhood to the north, and it is anticipated that it will be the sole access to the site. The existing curb cut onto Clarkson Road will be removed.

**PETITIONER'S PRESENTATION:**

1. Mr. Sрни Lottala, 712 Camden Crossing Drive, St. Charles, MO

Mr. Lottala stated that they are proposing a single-family, luxury-home development on the subject site with R5 zoning.

2. Mr. Mike Meiners, St. Charles Engineering & Surveying, 801 South Fifth Street, St. Charles, MO

Mr. Meiners stated that they intend to develop the site with 4-6 homes with the required setbacks. He pointed out that the site would be difficult to develop if a 30-foot landscape buffer is required along both Clarkson Road and Old Clarkson Road. Along with access from the stub street, they recommend having one connection to Old Clarkson Road for emergency vehicle use.

Storm water detention will be provided within the site. It was noted that there is a pipe from New Clarkson Road which currently discharges storm water directly onto the property, and across the site down to Old Clarkson Road.

**SPEAKERS IN OPPOSITION:**

1. Ms. Kim Hotze, 15950 Old Clarkson Road, Chesterfield, MO

Ms. Hotze indicated agreement with access from the stub street, but does not feel access from Old Clarkson Road is necessary. She noted that Old Clarkson is an old country road with no shoulder and is heavily used by hikers, runners, and cyclists.

## **SPEAKERS – NEUTRAL:**

### 1. Ms. Dru Thomas, 15959 Quiet Oak Road, Chesterfield, MO

Ms. Thomas stated that her subdivision, Old Clarkson Forest, is along the Old Clarkson Road nature corridor, and feels that the requested R5 zoning “contrasts significantly” with the adjacent properties along the east side of Old Clarkson Road”. She then noted the following concerns about how the proposed development could affect the area:

- Maintaining the “woody, wildlife-filled character” of their neighborhood.
- The already heavily-burdened watershed will become even more problematic.
- R5 zoning suggests a population density that triggers access and traffic concerns.
- Strongly recommends that the stub road be the only point of access to any new development, and that the current emergency access point onto Old Clarkson Road remain emergency access only.
- The shape of the parcel, and complications of storm water drainage and water flow across the site, suggest that any new homes should be limited in number and clustered at the north end of the parcel.

Commissioner Wuennenberg pointed out that storm water issues will continue if no development takes place on the subject site. With any development, the City has strict storm water management requirements that must be met, and which could be beneficial to the surrounding neighborhoods.

### 2. Mr. Russell Rodins, Old Clarkson Forest subdivision, 1827 Still Hollow Court, Chesterfield, MO

Mr. Rodins addressed the Commission regarding storm water abatement concerns. He provided information about the large amount of water that flows to their detention pond, which originates from other neighborhoods. He stated that, by indenture, Old Clarkson Forest subdivision is financially and legally responsible to maintain the efficacy of their detention pond. They are sensitive to any development that could compromise their ability to meet their obligation regarding the efficacy of their pond. Their concerns relate to volume, flow rate, and primarily siltation.

At the expense of \$135,000 and an increased subdivision assessment to all of the Old Clarkson Forest residents, the pond was dug out and made deeper last summer, which has restored its efficacy. He noted that while other subdivisions benefit from their retention pond, the Old Clarkson Forest residents must pay the expense of maintaining it. As the proposal moves forward, they ask that steps be taken to insure that nothing is done that would handicap their ability to maintain the efficacy of their pond.

Commissioner Wuennenberg again pointed out that any development on the subject site will only improve the watershed situation. Mr. Justin Wyse, Director of Planning, also noted that prior to any construction activity, the City requires a pre- and post-construction survey of any downstream lake to verify that no silt enters it. The developer is also required to put up a bond before any construction starts, which would be used for remediation in the event there is any damage to the lake.

3. Mr. Joseph Huesing, agricultural scientist, 2102 Chesterfield Place, Chesterfield, MO

Mr. Huesing stated that they have concerns about how the proposed development could affect the character of the area. He shared an aerial of Old Clarkson Nature Corridor, which depicts an old, wooded area full of wildlife and a huge diversity of trees, with some trees dating back to the Revolutionary era. This land is a major buffer that affects all of the neighborhoods to the east, provides high-quality habitats to animals, adds to the area's quality of life, and provides an important service to the City of Chesterfield in that it connects all of the wildlife east of Clarkson with the Missouri River greenway.

4. Mr. Mark Androff, 15975 Quiet Oak Road, Chesterfield, MO

Mr. Androff stated that Metropolitan Sewer District should be involved in any discussions regarding storm water management. He also stated that the developer must determine as to what size detention pond is needed for the site in order to handle all the water flowing through the property.

Mr. Androff added that if the site is opened up to Old Clarkson Road, the traffic study will have to take into consideration the number of residents in the existing subdivisions who would be impacted by such an access.

5. Mr. Harold Korb, 1970 Chesterfield Ridge Circle, Chesterfield, MO

Mr. Korb stated that his main concern is the traffic that will result from any new development, and then asked the following questions:

- Is it essential that the rezoning be accomplished before a detailed site plan can be evaluated? *Mr. Wyse replied that the rezoning is required prior to a site plan so that the developer can design the property to the appropriate zoning standards, such as minimum lot size.*
- In order to determine the potential amount of traffic that could be generated by the development, Mr. Korb asked: What is the maximum number of houses allowed on the site; are all the proposed homes single-family; and what is the maximum number of occupants allowed per house? *Mr. Wyse replied that the developer intends to build 4-6 homes, but there are a number of variables that will influence on how many lots can be established, such as the roadway extension and size of the retention pond. Only single-family homes are permitted for the site, and the City does not regulate the number of people living in a home.*
- Will the site will be accessed from the existing curb cut off Clarkson Road or from the stub street? *Mr. Wyse indicated that the site will be accessed from the stub street to prevent continued curb cuts along Clarkson Road.*

6. Mr. Michael Mueller, 2125 Chesterfield Place, Chesterfield, MO

Mr. Mueller asked for clarification on the size of the site as two different acreages have been mentioned - 3.44 acres vs. 2.84 acres. Ms. Bharti explained that the survey initially submitted with the petition was an old survey, which showed the site as 3.44 acres; but the correct size of the lot is actually 2.84 acres.

### **PETITIONER'S RESPONSE:**

In response to some of the questions raised, Mr. Meiners of St. Charles Engineering & Surveying provided the following information:

- The development plan will be thoroughly reviewed by both MSD and the City's Public Works Staff.
- The storm water will be handled within an on-site basin.
- They will work with City staff regarding access.
- They anticipate that there will be no more than six lots on the site.

### **SUMMARY OF DISCUSSION ITEMS:**

1. Access – Clarkson Road curb cuts
2. Traffic
3. Storm water retention – provide details of where the water is coming from
4. Maintaining wildlife character of the area
5. Staff to provide an exhibit showing which portions of the site are within the buildable area.
6. Clarification on the landscape buffer along Old Clarkson Road.
7. MSD's involvement in storm water management.

## **V. APPROVAL OF MEETING SUMMARY**

**Commissioner Staniforth made a motion to approve the Meeting Summary of the January 10, 2022 Planning Commission Meeting.** The motion was seconded by Commissioner Marino and **passed by a voice vote of 8 to 0.** (*Commissioner Midgley abstained.*)

## **VI. PUBLIC COMMENT**

### **A. P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge):**

1. Ms. Jeannie Aumiller, McBride Homes, 1127 Patchwork Fields, Chesterfield, MO.
2. Mr. Mike Falkner, Vice-President of Sterling Engineering, 5055 New Baumgartner, St. Louis, MO – available for questions

Ms. Aumiller provided the following information in response to questions raised at the Public Hearing:

- Lot 35A was removed from the 65 DNL Airport line so now no lots fall within this protected area.
- The sidewalk located in common ground will be maintained by the Home Owner's Association.

The Petitioners are requesting two modifications:

- 10' side yard setbacks; and
- Allowing the landscape buffer out of common ground and on Lots 1B and 2B at the eastern perimeter of the site

It was noted that 10-foot side yard setbacks were approved for the development across the street at Wilmas Farm, and that the modification will allow for 3- and 4-car garages, which fit in with the area.

They have been working with the neighbor abutting Lots 1B and 2B, who is in agreement with the landscape buffer modification request; that neighbor is being provided with additional landscaping on their property.

**B. P.Z. 11-2021 & P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):**

1. Ms. Jeannie Aumiller, McBride Homes, 1127 Patchwork Fields, Chesterfield, MO.
2. Mr. Mike Falkner, Vice-President of Sterling Engineering, 5055 New Baumgartner, St. Louis, MO – available for questions

Ms. Aumiller provided information in response to questions raised at the Public Hearing with respect to amenities and preservation of Blake Mound.

**Amenities**

Additional amenities have been added since the Public Hearing (*shown in bold*). Amenities now include a **pickleball court, butterfly garden, reading bench, neighborhood library box**, pavilion, preservation of Blake Mound, mound parking, monument/signage, and mulch trail.

The library box will include children's books, along with books by Mark Leach about Native Americans to support that theme and education. The reading bench and butterfly garden will be at the front of the site; the other amenities will be near the mound at the back of the site.

**Blake Mound**

- The Home Owners Association will own the ground and be required to maintain it.
- Mark Leach will be the research coordinator and will manage public access to the mound.
- Declaration will outline restrictions and maintenance; this is a recorded document.
- Community owners will be allowed to walk on the mound; but will not be allowed to dig or cause any ground penetration.
- Mulch trail will be provided around the mound; there will not be any pavement or fence in this area as ground penetration is not allowed.
- Buyers will be informed at time of contract regarding the mound (a signed disclosure).
- Monument and signage next to the mound will provide historical information and prohibited actions.
- Declaration will restrict and prohibit any buildings or development at the mound and the adjacent common ground.
- Mark Leach will author the script for the monument detailing the historic significance of the mound.

**VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None**

## VIII. UNFINISHED BUSINESS

- A. **P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge)**: A request for a zoning map amendment from a "NU" Non-Urban District and "E-1AC" Estate District to an "E-1/2AC" Estate District with a Wild Horse Creek Road Overlay District designation for a 26.8-acre tract of land located on the north side of Wild Horse Creek Road and across from Wildhorse Parkway Drive (18V520115, 18V520126, 18V520160, 18V520027, 18V510381).

Mr. Mike Knight, Assistant City Planner, stated that McBride Byrne, LLC (*McBride Homes and Claymont Development LLC*) is proposing to develop 36 single-family homes on approximately 26.8 acres.

The site is located within the Wild Horse Sub Area (also known as *the Bow Tie*) and is required to zone in the Wild Horse Creek Road (WH) Overlay District. Properties within this sub-area do not qualify for a "PUD" Planned Unit Development and may only rezone to an Estate District category. Thus the development team's request is a zoning map amendment to an "E1/2 AC" Estate District with Wild Horse Creek Road Overlay District.

### Issues

The following three issues were raised during the Public Hearing:

#### Modifications

1. It was stated by the development team that all of the lots may not require the setback modification. Provide the total number of lots requiring adjusted setbacks.

*Response:*

*The applicant is continuing to request the 10' side yard setback for every lot. The applicant stated their goal is to keep options available to each of the buyers allowing them to have more than a two-car garage.*

2. Applicant was asked to provide information as to whether the same setback requirements are required for both builders.

*Response:*

*Both groupings of "A" lots and "B" lots will have the same setback request.*

3. It was stated by the Commission that there is a strong desire to not have required landscaping on individual lots.

*Response:*

*The applicant is continuing to request the required landscape buffer to be located on individual homeowner lots. The applicant states that the easement will require the HOA to maintain the landscaping within the easement area.*

#### Traffic

A concern was raised by the Planning Commission regarding increased traffic along Wild Horse Creek Road from the proposed development. The applicant was asked to provide a response on any relevant communication with the Missouri Department of Transportation over Wild Horse Creek Road including any planned roadway improvements; and to also address how the addition of this development will not provide a traffic concern on Wild Horse Creek Road.



*Response:*

*After reviewing the plan, the Missouri Department of Transportation has requested a left turn lane into the site. The turn lane has been incorporated into the preliminary development plan.*

**Impact on Bur Oaks**

A concern was raised by a resident as to how the roadway connection to Silver Buck Lane would impact pedestrian safety of the adjacent development to the west. The applicant was asked to provide information on any potential safety impacts the roadway connection may have, and if presented, potential solutions the development team may offer.

*Response:*

*The development team does not anticipate that homeowners in Boone's Ridge will utilize the roadway network of Bur Oaks. They did state that they are willing to work with the City to incorporate any traffic calming provisions desired for the development as the road will ultimately be dedicated as a public road owned and maintained by the City of Chesterfield.*

**Modification Requests**

The applicant is requesting two modifications to the specific design requirements, each of which shall require a separate, super majority [two-thirds] vote by the City Council for approval.

<b>Metric</b>	<b>Request</b>	<b>UDC Requirement</b>
Minimum Side Yard Structure Setbacks	10 feet from property line with 20 feet between structures	15 feet from property line with 30 feet between structures
Landscape Buffer	Allow the eastern landscape buffer in easements on two individual lots instead of common ground similar to the rest of the development	The perimeter landscape buffer required in the underlying estate district zoning category shall not be located within any developed lot with a residential structure on it.

If the Commission grants the Landscape Buffer request, Staff recommends that the requirement regarding required landscaping not be included within the Attachment A. It was noted that in recent history, the City has had some issues with enforcing landscaping regulations on individual lots. In the event a homeowner wants to put up a fence or replace a tree within the restricted area, it is difficult for Staff to administer that regulation whereas the HOA would have the ability to do so, if desired.

**Commissioner Wuennenberg made a motion to approve P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge with the "E-1/2AC" Estate District zoning with a Wild Horse Creek Road Overlay District designation *without* any modifications. The motion was seconded by Commissioner Marino.**

## Discussion

### Setbacks

Considerable discussion followed regarding setbacks and how the requested modifications would affect the layout and appearance of the development.

Ms. Aumiller explained that in planning the design of the subdivision, each homebuilder placed its largest home on each lot; however, it is anticipated that not every homeowner will choose to build the largest products. In those instances, the setback modification will not be necessary.

In those situations where modifications are necessary (*20 feet vs 30 feet between structures*), it will occur towards the rear of the buildings because of how the lots are shaped. The modification will not affect the streetscape appearance.

### Garages

Garages will either house three or four cars with the smaller lots having front-entry garages and larger lots having side-entry garages.

Ms. Aumiller confirmed that homeowners will not be given the option of five-car garages, or taller garages that would accommodate an RV.

### Amended Motion #1

**Commissioner Marino made a motion to amend the motion to allow the two modifications requested by the Petitioner pertaining to setbacks and landscape buffers.** The motion was seconded by Commissioner Midgley.

### Landscaping

The Commission requested additional information regarding the modification request pertaining to the landscape buffers, the landscaping that would be provided on private lots, and the HOA's role in maintaining that landscaping.

Ms. Aumiller stated that the landscaping installed behind Lots 1B and 2B, at the eastern end of the site, would be required to be maintained by the HOA. At the time potential homeowners contract for these lots, they will be informed that they cannot fence or build within the restricted area as it must be kept open in order for the HOA to maintain it. This will requirement be restricted in the deeds for these two lots, so any future homebuyers are aware of the restrictions.

Commissioner Staniforth noted that this restriction substantially reduces the size of the back yard of Lot 2B. Ms. Aumiller replied that the modification is being requested in order to prevent homes backing onto Wild Horse Creek Road, and they do not feel there will be any issue with selling these two lots with the deed restrictions in place.

Commissioner Marino stated that when looking at the proposed layout, he prioritized the character of Wild Horse Creek Road and feels the design preserves the integrity of Wild Horse Creek Road.

Commissioner Carlie stated that she believes the required setbacks could have been achieved with a different design layout, which may not have been as profitable for the developer. She added that she "believes we are put in a position, not because of special circumstances or hardships, but because the developer has put us there".

Upon roll call to amend the motion to accept the two requested modifications, the vote was as follows:

**Aye:** Commissioner Harris, Commissioner Marino,  
Commissioner Midgley, Commissioner Tilman

**Nay:** Commissioner Roach, Commissioner Staniforth,  
Commissioner Wuennenberg, Commissioner Carlie,  
Chair Hansen

The motion failed by a vote of 4 to 5.

**Amended Motion #2**

**Commissioner Marino** made a motion to amend the motion to allow the modification pertaining to setbacks. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Marino, Commissioner Midgley,  
Commissioner Roach, Commissioner Staniforth,  
Commissioner Tilman, Commissioner Harris,  
Chair Hansen

**Nay:** Commissioner Wuennenberg, Commissioner Carlie

The motion passed by a vote of 6 to 2.

Upon roll call, the vote to approve **P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge with the "E-1/2AC" Estate District zoning with a Wild Horse Creek Road Overlay District designation, as amended with the requested modification pertaining to setbacks,** was as follows:

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

**Nay:** Commissioner Carlie,

The motion passed by a vote of 8 to 1.

**B. P.Z. 11-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):** A request for a change in zoning from a Large Lot Residential (LLR) District to E-1 AC Estate District for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road (18V130099, 18V140065, & 18V140098).

Planner Chris Dietz stated that the request is to rezone three parcels from "LLR" to "E-1 AC" Estate District for a 35-home single-family residential development. This petition is filed in conjunction with P.Z. 12-2021 for a Planned Unit Development (PUD) request.

The requested zoning is a conventional zoning district wherein the development criteria is established within the Unified Development Code; therefore, no Attachment A will be provided with the site-specific ordinance.

At the October 25, 2021 Public Hearing, no issues were raised by Planning Commission for this petition.

**Commissioner Marino made a motion to approve P.Z. 11-2021 Estates at Fire Rock (McBride Berra Land Co., LLC).** The motion was seconded by Commissioner Wuennenberg.

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

**Aye: Commissioner Roach, Commissioner Staniforth,  
Commissioner Tilman, Commissioner Wuennenberg,  
Commissioner Carlie, Commissioner Harris,  
Commissioner Marino, Commissioner Midgley,  
Chair Hansen**

**Nay: None**

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

**C. P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):** A request for a change in zoning from E1-AC Estate District to a PUD-Planned Unit Development for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road to permit 35 single-family homes (18V130099, 18V140065, & 18V140098).

Planner Chris Dietz stated that the Applicant is requesting a Planned Unit Development (PUD) as the second step in the change of zoning process to allow a single-family residential development of 35 homes with one-acre density.

The request includes:

- 35% open space (*30% minimum required*)
- 88% preservation of the existing tree canopy (*30% minimum required*)
- Preservation of Blake Mound
- Amenities

The following issues were raised during the October 25, 2021 Public Hearing – the applicant’s response is shown in [blue](#):

### **Access along Wild Horse Creek Road**

#### **Issue #1:**

Cross Access to western adjacent property to be provided.

[Cross access is provided on the Preliminary Development Plan.](#)

Issue #2:

Provide comments from MoDOT regarding how access and turning to and from Wild Horse Creek Road will be handled.

Correspondence from MoDOT has been provided to Staff, confirming that the conditions and approval of the agency will be reviewed during the Site Plan review process.

**Preservation of Blake Mound**

Issue #1:

Provide information on the location and significance of the cave discussed during Public Hearing.

It has been determined that the cave is located offsite, and thus will not be in the scope of preservation within the development.

Issue #2:

Address how Developer will ensure that residents and visitors alike are aware of the regulations prohibiting the unauthorized access and tampering with the mound / cave.

The following actions will be taken by the Applicant to ensure that the residents and general public are aware of the regulations concerning the mound:

- The use, prohibitions, and maintenance of the mound will be outlined in the covenants and restrictions of the development.
- Restrictive covenants will be stated in the deed that conveys the common ground area to the HOA.
- Signage will be placed around the mound identifying its presence.

Issue #3:

Provide the distance from the nearest lot to the mound, as shown on the Preliminary Development Plan.

The nearest lot (Lot 25) is approximately 160 ft. from the mound.

Staff Input

Staff has provided language under the Miscellaneous section of the draft Attachment A regarding the preservation of Blake Mound.

**PUD Request**

Issue #1:

Comprise an exhaustive list of what amenities are being proposed.

Amenities will include: Mound preservation and monument/signage; a mulch trail around the Mound; pavilion near the Mound; pickleball court; butterfly garden; reading bench; neighborhood library box; and parking area for the Mound.

Issue #2:

Provide a written explanation as to why E-1AC is being sought vs. E-1/2AC District.

- E-1/2 zoning would not allow the proposed design;
- E-1/2AC would allow for up to 70 lots, compared to the 35 being requested;
- Residents desire to keep the density at one acre/lot (similar to surrounding area)

Staff Input:

Staff provided a comparison table showing differences in lot criteria between E-1AC, E-1/2 AC, and the requested PUD.

Lot Criteria	E-1AC	E-1/2AC	PUD (Requested)
Minimum Lot Size (ft <sup>2</sup> )	43,560	21,780	22,000
Structure Height	50'	50'	50'
Front Setback (from ROW)	25'	20'	25'
Side Setback	25'	15'	8' (20' between structures)
Rear Setback	40' (between structures)	30' (between structures)	25'
Lot Width	At least 125'	At least 85'	110'

**Preliminary Development Plan**

The Preliminary Development Plan shows one vehicle entrance off Wild Horse Creek Road; Blake Mound; eight amenities throughout the site; 50-foot landscape buffer and sidewalk along Wild Horse Creek Road; and 30-foot landscape buffers around the other site perimeters.

**Commissioner Wuennenberg made a motion to approve P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC).** The motion was seconded by Commissioner Midgley.

**Discussion**

Commissioner Marino noted his full support of the project and complimented the development team on the design of the proposed signage, the steps being taken to preserve the mound, and the amenities being proposed.

Commissioner Wuennenberg noted his agreement with the attention being given to preserving the mound, and with providing Mr. Leach's books as part of the amenities.

In response to Commissioner Carlie, Ms. Aumiller stated that once the property is purchased, the developer will establish the legal documents for the Home Owners Association with respect to the preservation of Blake Mound, and confirmed that they have the legal right to do so. The common ground area surrounding the mound will be deed restricted to preserve the areas by not allowing penetration or structures to be built. She noted that the deed restriction provides a permanent restriction on the property.

Chair Hansen thanked the developer for adding additional amenities and appreciates the comments made by other members of the Commission, but noted her reservation that the proposal is "not a perfect PUD".

Chair Hansen asked whether Mr. Leach is in agreement with the mound not being protected by a fence. Ms. Aumiller confirmed this and noted that by erecting a fence, the ground would be penetrated, which does not respect the integrity of that area.

Chair Hansen asked for information about landscaping for the water retention area at the front of the site. Ms. Aumiller stated that this a dry retention area with native plantings to help filter the water before it leaves the site; a detailed landscape plan will be provided at the site plan stage.

Mr. Wyse stated that at the Public Hearing, several adjacent property owners to the west of the site raised concerns about the soil conditions given the slopes in that area, and asked for confirmation that the proposed development would not encroach upon those slopes. Ms. Aumiller confirmed that none of that area would be disturbed.

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

**Aye: Commissioner Staniforth, Commissioner Tilman, Commissioner Wuennenberg, Commissioner Carlie, Commissioner Harris, Commissioner Marino, Commissioner Midgley, Commissioner Roach, Chair Hansen**

**Nay: None**

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

**D. P.Z. 16-2021 City of Chesterfield (Unified Development Code – Article 4 and Article 10): An ordinance amending Article 4 and Article 10 of the Unified Development Code pertaining to signs.**

Mr. Mike Knight, Assistant City Planner, stated that the purpose of this petition is to discuss potentially revising the regulations of the Unified Development Code (UDC) pertaining to signs in order to conform to recent legal decisions and to address changes in technology.

A Public Hearing was held on November 8, 2021 at which time City Staff discussed possible issues as they relate to content neutrality, and identified potential resolutions and methodology to address the identified issues. There was general consensus from the Planning Commission to move forward with the methodology chosen by City Staff.

On January 10, 2022, the petition was brought back to the Planning Commission solely for review with no action requested from the Commission. At that meeting, Staff described how the code would be affected by the updates noting that *temporary* signs would be primarily impacted because the signs were largely regulated by *content*.

Staff has prepared a 40-page redline edition of the updated sign code, along with the 20-page updated sign code if the redline changes are implemented.

### **Discussion**

There were a number of questions and discussion on the regulations pertaining to temporary signs, during which the following points were clarified:

- Permits are not required for any temporary sign whether it is commercial or non-commercial.

- Temporary signs with a commercial message:
  - In a residential zoning district, two 8 sq. ft. signs are allowed;
  - In a non-residential zoning district, a total of 24 sq. ft. of signage is allowed.
- Governments are highly restricted on how speech can be limited; any such regulations will have to be enforced through HOA indentures.
- A *temporary sign* refers to the *construction of the sign* (such as yard signs), not the *length of time a sign is allowed to be displayed*. Signs with metal posts and concrete footings are considered *permanent signs*.
- The City does not have the ability to start issuing permits for temporary signs without a massive expansion of staff.
- Without a sign permit, Staff does not have the ability to enforce any regulation that would set a restriction on how long a sign could be displayed because there would not be any documentation as to when a sign was put up.

**Commissioner Marino made a motion to approve P.Z. 16-2021 City of Chesterfield (Unified Development Code – Article 4 and Article 10).** The motion was seconded by Commissioner Tilman.

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

**Aye: Commissioner Tilman, Commissioner Wuennenberg, Commissioner Carlie, Commissioner Harris, Commissioner Marino, Commissioner Midgley, Commissioner Roach, Commissioner Staniforth, Chair Hansen**

**Nay: None**

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

**IX. NEW BUSINESS - None**

**X. COMMITTEE REPORTS - None**

**XI. ADJOURNMENT**

The meeting adjourned at 9:31 p.m.

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Jane Staniforth, Secretary