

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 26, 2007**

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

I. PRESENT

ABSENT

Mr. David Asmus
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Gene Schenberg
Ms. Victoria Sherman
Chairman Maurice L. Hirsch, Jr.

City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Mr. Mike Geisel, Acting Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Mr. Charles Campo, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Perantoni

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; and City Administrator Mike Herring.

IV. PUBLIC HEARINGS – Commissioner Asmus read the “Opening Comments” for the Public Hearings.

- A. P.Z. 09-2007 City of Chesterfield (Beckemeier Property):** A request for a change of zoning from “NU” Non-Urban District to “PS” Park and Scenic for two (2) parcels located on the north side of Olive Boulevard, directly west of the Mansions at Spyglass Summit Subdivision. Total area to be rezoned: 48.748 acres 14401 and 14415 Olive Boulevard (16R220194 and 16R220206)

Project Planner Charles Campo gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Campo stated the following:

- In 1997, Minna Waldmann donated the subject tract of land to the Missouri Department of Conservation. The tract is currently known as the August G. Beckemeier Conservation Area.
- Current zoning for the site is “NU” Non-Urban. The request is to zone the property to “PS” Park & Scenic.
- There are no current plans for development for the site.
- The purpose of the proposed change in zoning is to preserve the site as open space for the residents of Missouri and the City of Chesterfield.
- The Missouri Department of Conservation has been informed of the proposed change in zoning and has issued no objection.
- The Comprehensive Plan shows the site to be bordered on all sides by residential, except for the northwest corner which is shown as agriculture/ flood plain/conservation.
- The “PS” Park and Scenic District is a straight zoning district.
- No preliminary plan is required when rezoning to a straight zoning district.
- This petition is also included on the agenda under “VIII. A. Old Business” so that the Commission may vote on it tonight.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Tad Fryer, 14335 Olive Boulevard, Chesterfield, MO stated the following:
 - He and his wife own the property between Spy Glass Summit and the Beckemeier property. The subject property on the east abuts their property and comes right up to their driveway.
 - He asked if they would be advised in advance of any plans for the property that would come near their residence. City Attorney Heggie replied that the Conservation Commission has control of the parcel and they are allowed to develop the property within the restrictions of the Parking and Scenic Zoning. They are not required to come forward to the City with any particular plans. It is his understanding that there are plans to do limited improvements to the property – such as a walking trail.
 - Speaker noted that the subject property has a meadow, which abuts their property. They have been maintaining this meadow since 1985 and he

asked if the Conservation Commission would be responsible for maintaining it and mowing it on a regular basis. City Attorney Heggie felt the Conservation Commission would maintain the site. If a problem arises, Speaker was advised to contact the City's Parks and Recreation Department.

- Speaker stated that there presently is no access to the property. There is an electric company easement that goes over the land, but no road goes to it other than the Speaker's driveway.

City Attorney Heggie indicated that the City would provide Mr. Fryer with the name of a contact person from the Conservation Commission to address his concerns.

REBUTTAL: None

ISSUES: None

- B. **P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.)**: A request for a change of zoning from "NU" Non-Urban District to "E-Half Acre" Estate District for a 3.28 acre tract of land located on the west side of Wilson road, directly north of Wilson Manors II Subdivision.
- and
- C. **P.Z. 14-2007b Wilson Bluffs (SMS Group, L.L.C.)**: A request for a change of zoning from "NU" Non-Urban to "LLR" Large Lot Residential for a 3.0 acre tract of land located on the west side of Wilson Road, directly north of Wilson Manors II Subdivision.

Chair Hirsch announced that **P.Z. 14-2007b** has been withdrawn by the Petitioner. The Commission will only be reviewing **P.Z. 14-2007a** at this time.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- The petition for zoning from "NU" to "LLR" for the three-acre portion of the site has been withdrawn by the Petitioner.
- The site was posted for Public Hearing on March 9, 2007.
- The Comprehensive Plan designates the subject area as "Single-Family Residential". There are no recommendations for density in this area.
- The Petitioner is proposing two lots on 3.28 acres.
- There are setback requirements for the E-Districts, as well as buffering requirements as outlined in the Tree Manual.
- There will be a requirement of dedication of land for Wilson Road improvements.
- When necessary, the Petitioner will have to provide access to the rear portion of the property.

PETITIONER'S PRESENTATION:

1. Mr. Sean Sortor, 15543 Country Ridge Drive, Chesterfield, MO stated the following:
 - He is proposing two home sites on the 3.28 acre parcel. One will have an approximately 60' setback from Wilson Road and a 30' setback from the north side of the property.
 - His personal residence will be built in the center of the property.
 - He was advised by the Planning Staff to apply for E-One-Half Acre zoning. This zoning was necessary due to the required setbacks and buffers.
 - Speaker noted that some of the surrounding properties have half-acre lots.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Nelson Wainwright, 39 Chesterfield Lakes Road, Chesterfield, MO stated the following:
 - He is representing Chesterfield Lakes as a former Trustee and current member of the subdivision's Lake Committee.
 - His home is on the lake directly downstream from the subject property, which drains directly into the lake.
 - The Chesterfield Lakes Subdivision experienced problems with its lakes when the Wilson Manor development was built. At that time, the area was under St. Louis County.
 - A bond was posted with the County for remedial work for any damage to the lakes from the construction activities of Wilson Manors. During development, the lakes were contaminated with siltation because the water was not properly restrained. Soundings of the lake were taken before and after construction of Wilson Manors, which showed that an average of over 2' of silt was deposited into the two lakes. When the Subdivision called in the bond, the Developer felt they had no responsibility since the bond was filed with the County, and now the property belonged to Chesterfield. The matter was finally settled out of court for far less than the damages incurred.
 - They ask that the current Petitioner be required to post a bond in the amount of at least \$1 million for any possible damage to their lakes.

Responding to questions from the Commission, Mr. Wainwright stated the following:

- **Regarding whether the siltation was removed from the lakes:** The settlement money was used for repairs to the upstream areas and to restore the original shoreline. They were not enough funds available from the settlement to remove the silt from the rest of the lakes. As a result, the lakes are, on average, two feet shallower than they were before the Wilson Manors construction began.

- **Regarding the cost to repair the lakes:** In the mid-1990's, the estimate to repair the lakes was \$500,000 per lake. He estimates that repairs would currently cost approximately \$700,000 per lake.
2. Mr. William Tandy, 1661 Wilson Avenue, Chesterfield, MO stated the following:
 - His property is on a body of water that is immediately adjacent to the subject property, which will be impacted if the rezoning is approved.
 - He questioned whether the two residences to be constructed will be detached or attached housing. Chair Hirsch stated that, if the request is granted, the Petitioner would be limited to two detached homes.
 - He expressed concern about the request for One-Half Acre zoning and setting a precedent for One-Half Acre zoning in this area.
 - Many of the properties in the area are larger than one-half acre. He and other residents bought property in the area based on the current zoning and they have concerns that their decision to buy in this area will be impacted by the subject petition.
 - He questioned as to how close the two homes would be to each other.
 - He questioned as to what would happen to the property that was withdrawn from the petition.
 3. Ms. Marilyn Chandler, 1657 Wilson Avenue, Chesterfield, MO stated the following:
 - She expressed concern that if One-Half Acre zoning is approved for the subject site, it will set a precedent for other property in the area, where density may be higher than the proposed petition.
 4. Ms. Donna Thume, 1812 Aston Way, Chesterfield, MO stated the following:
 - She is a resident of Wilson Manors subdivision.
 - She expressed concern about the One-Half Acre zoning request and setting a precedent for such zoning in the area.
 - She suggested that a variance be granted on the north side that would allow One-Acre zoning for the site.
 5. Mr. Evan Ballman, 1806 Aston Way, Chesterfield, MO stated the following:
 - He expressed concern about One-Half Acre zoning setting a precedent for the area.
 - He noted that the site is extremely rugged. He feels that there should be a responsibility to the land, the residents, and the community with respect to developing land that is extremely rugged.
 - He pointed out that, at the corner of Wilson Road and Wild Horse Creek Road, issues have risen with the development of the site because of its rugged topography.
 - He would like the Planning Commission to review the difficulties involved in developing the subject site taking into consideration its rugged terrain. He wants to make the sure the land is developed responsibly.

SPEAKERS – NEUTRAL:

1. Ms. Margaret Schatz, 1805 Newburyport Road, Chesterfield, MO stated the following:
 - She lives in the Chesterfield Meadows subdivision, which is directly across the street from the subject site.
 - She noted that the site is rugged and is an extremely narrow piece of land.
 - She feels that the integrity of the land should be kept intact with the older trees.
 - She questioned where the road would be put in for access to the two proposed houses.
 - She questioned as to the plans for the property that was withdrawn from the petition.

REBUTTAL:

1. Mr. Sean Sortor stated the following:
 - He would agree to zoning the property E-One Acre if it could be done in an easy and timely manner.
 - Regarding the topography of the site, they have it figured out with respect to building the two homes.
 - He will be holding the remaining three acres for his personal investment at this time.
 - He feels that most of the concerns expressed dealt with residents' fear of "losing free privacy". He is developing the property to have some of the same privacy – he does not intend to level the whole site to make it a big field.

Responding to questions from the Commission, Mr. Sortor stated the following:

- **Regarding why he is asking for E-One-Half Acre vs. One-Acre or LLR zoning:** A large setback (approximately 40-60') is required from Wilson Road; another setback (approximately 20-30') is required due to the "NU" zoning to the north of the site. The build-able lot size is reduced because of the required setbacks, which does not allow them to meet One-Acre zoning requirements without a variance.

Commissioner Broemmer expressed concern that the E-One-Half Acre zoning could allow six homes on the subject site. Chair Hirsch stated that the site-specific ordinance limits the number of homes on the property.

Mr. Geisel, Acting Director of Planning, pointed out that, in the E-District, the buffers and easements are not allowed to be counted towards the minimum lot size. The yield is reduced by the required setbacks, buffers, and easements.

Commissioner Perantoni wanted language included in the Attachment A to insure that access is provided to the property to the rear of the site. Chair Hirsch stated

that language will have to be included in the Attachment A because access has to be established to property that is landlocked.

Ms. McCaskill-Clay stated that the Tree Manual has requirements for buffering based on the zoning in the area – such as “Residential” against “Residential”. As an example, if the back property of three acres were zoned E-One Acre, buffering would be required all around the site because it abuts “Residential”. Access would be required and any required infrastructure could not be counted toward lot sizes. The actual yield on the three acres would be based on how much improvement would have to be done in order to develop it.

Commissioner Broemmer asked how providing access would affect setbacks and buffers on the subject petition. Ms. McCaskill-Clay replied that the build-able space is severely diminished so that One-Acre zoning is not workable unless only one house is built on the site. E-One-Half Acre zoning best meets the Petitioner’s needs in order to build the two homes he is proposing. No more than two homes could be built on the site because of the narrowness of the site.

ISSUES:

1. What is the effect of the proposed development on lakes in the Chesterfield Lakes subdivision? Should soundings be required to establish a baseline? Should a bond in the amount of \$1 million be required to protect the lakes?
2. Setting a precedent of E One-Half Acre zoning, specifically for the rear portion of the property that was withdrawn from the petition.
3. Are half-acre lot sizes appropriate for the development vs. full-acre lots?
4. Possibility of providing some contingency to have the buffering not be contingent on the lot size.
5. Alteration of ruggedness of the site – difficulty of developing the site. What would it take to develop the site, taking into consideration the integrity of the trees on the site?
6. Access to both the front and rear portions of the site.
7. Two single-family detached dwellings on the site.
8. How close would the houses be to one another on the site?
9. Since detention is not required, how will runoff be prevented considering the amount of extensive grading that will be necessary?

Commissioner Asmus read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the **March 12, 2007 Planning Commission Meeting**. The motion was seconded by Commissioner Schenberg and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

RE: **P.Z. 08-2007 Chesterfield Valley Power Sports (17501 N. Outer 40 Road)**

Petitioner:

1. Mr. John Williams, 17501 North Outer 40 Road, Chesterfield, MO stated he was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **1283 Rouge River Court:** Residential Addition on an existing home zoned "R-1A" Residence District located at 1283 Rouge River Court in the Conway Forest Subdivision.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Residential Addition. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 9 to 0.

- B. **1296 Luray Drive:** Residential Addition on an existing home zoned "R-1A" Residence District located at 1296 Luray Drive in the Shenandoah Subdivision.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Residential Addition. The motion was seconded by Commissioner Schenberg and **passed** by a voice vote of 9 to 0.

- C. **St. John's Mercy:** A request to approve a Sign Package for the St. John's Mercy Rehabilitation Hospital, at 14561 North Outer Forty Road. A 6.048-acre "PC" Planned Commercial District located south of Conway Road, approximately 900 feet east of Still House Creek Road.

Commissioner O'Connor, representing the Site Plan Committee, made a motion to approve the Sign Package. The motion was seconded by Commissioner Broemmer and **passed** by a voice vote of 9 to 0.

VIII. OLD BUSINESS

- A. **P.Z. 08-2007 Chesterfield Valley Power Sports (17501 N. Outer 40 Road):** A request for an amendment to City of Chesterfield Ordinance 1372 to allow for a two-story building in this “C-8” Planned Commercial District. (17U510051)

Ms. Aimee Nassif, Senior Planner, stated that the Public Hearing was held on March 12, 2007. Both the Preliminary Plan and the Attachment A conform to all requirements of the City’s Zoning Ordinance, as well as the Comprehensive Plan. The Attachment A also includes language permitting outdoor display of a maximum of six vehicles.

Commissioner Sherman made a motion to approve **P.Z. 08-2007 Chesterfield Valley Power Sports (17501 N. Outer 40 Road)**. The motion was seconded by Commissioner Broemmer.

Upon roll call, the vote was as follows:

Aye: Commissioner Perantoni, Commissioner Schenberg, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler, Commissioner O’Connor, Chairman Hirsch

Nay: None

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

- B. **P.Z. 09-2007 City of Chesterfield (Beckemeier Property):** A request for a change of zoning from “NU” Non-Urban District to “PS” Park and Scenic for two (2) parcels located on the north side of Olive Boulevard, directly west of the Mansions at Spyglass Summit Subdivision. Total area to be rezoned: 48.748 acres 14401 and 14415 Olive Boulevard (16R220194 and 16R220206)

Commissioner Broemmer made a motion to approve **P.Z. 09-2007 City of Chesterfield (Beckemeier Property)**. The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

**Aye: Commissioner Schenberg, Commissioner Sherman,
Commissioner Asmus, Commissioner Banks,
Commissioner Broemmer, Commissioner Geckeler,
Commissioner O'Connor, Commissioner Perantoni,
Chairman Hirsch**

Nay: None

The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

A. Ordinance Review Committee

Chair Hirsch announced that three meetings of the Ordinance Review Committee have been scheduled for:

- April 24, 2007 – 3:00 p.m.
- May 1, 2007 – 5:00 p.m.
- May 15, 2007 – 3:00 p.m.

City Attorney Heggie has prepared proposed revisions to the By-Laws of the Planning Commission to bring the By-Laws up to current practice. A meeting will be scheduled 15 minutes prior to the next Site Plan Committee for the Officers, and any other Commissioners who would like to attend, to discuss the By-Laws. The proposed changes will be made available in the next meeting packet.

XI. ADJOURNMENT

The meeting adjourned at 8:04 p.m.

David Banks, Secretary