

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
MEETING SUMMARY  
JANUARY 25, 2021**

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

**I. ROLL CALL**

**PRESENT**

**ABSENT**

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

Mayor Bob Nation  
Councilmember Dan Hurt, Council Liaison  
Mr. Michael Lindgren, representing City Attorney Christopher Graville  
Mr. Justin Wyse, Director of Planning  
Mr. Chris Dietz, Planner  
Ms. Annisa Kumerow, Planner  
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Barb McGuinness, Ward I; Councilmember Ben Keathley, Ward II; Councilmember Mary Ann Mastorakos, Ward II; and Councilmember Michael Moore, Ward III.

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

**IV. PUBLIC HEARINGS - None**

**V. APPROVAL OF MEETING SUMMARY**

Commissioner Midgley made a motion to approve the Meeting Summary of the January 11, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Staniforth and **passed by a voice vote of 9 to 0.**

## VI. PUBLIC COMMENT

### A. P.Z. 09-2020 Total Access Urgent Care (13426 Olive Blvd)

#### **Petitioner:**

1. Dr. Matt Bruckel, Developer, 13861 Manchester Road, Ballwin, MO

Dr. Bruckel stated that Total Access Urgent Care is excited to be located at the entry into Chesterfield and to provide “fast, friendly, and affordable healthcare” as an alternative to the emergency room.

2. Mr. John Schebaum, Civil Engineer, 103 Elm Street, Washington, MO – available for questions.
3. Mr. John Shuff, Real Estate Agent, Pace Properties, 1401 South Brentwood Blvd., St. Louis, MO – available for questions

### B. P.Z. 11-2020 The Residences at Hog Hollow (13987 & 14001 Olive Blvd)

#### **Petitioner:**

Mr. George Stock, President, Stock & Associates Consulting Engineers, Inc. 257 Chesterfield Business Parkway, Chesterfield, MO – available for questions

### C. P.Z. 12-2020 The Residences at Hog Hollow (14001 Olive Blvd)

#### **Petitioner:**

Mr. George Stock, President, Stock & Associates Consulting Engineers, Inc. 257 Chesterfield Business Parkway, Chesterfield, MO – available for questions.

#### **In Opposition:**

Ms. Trish Reynolds, 618 Sunbridge Drive, Chesterfield, MO.

Ms. Reynolds stated that she lives in the River Bend West subdivision, which is next to Eagle Ridge subdivision. She then noted her opposition to the rezoning request and specifically, the request for multi-family housing for the development for the following reasons:

- The land is located within an existing single-family neighborhood area.
- The density will adversely affect traffic along Olive Boulevard, which is already congested in this area during peak hours.
- There is already an “abundance of multi-family housing available” in Chesterfield.

Ms. Reynolds also referred to the discussion held at the Public Hearing regarding deed restrictions noting that deed restrictions are often brought to light after something occurs while zoning restrictions occur before something is constructed.

#### **In Favor:**

Ms. Karen Page, Trustee of Homeowners Association – Eagle Ridge subdivision, 554 Eagle Manor Lane, Chesterfield, MO.

Ms. Page stated she was speaking for the 30 homeowners in Eagle Ridge subdivision, and they are in favor of the development of the property at Hog Hollow.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **13559 Olive Blvd. (McDonald's) Sign Package:** A sign package for a 0.86-acre tract of land zoned "PC" Planned Commercial District, located north of Olive Blvd. west of its intersection with North Woods Mill Road.

Commissioner Schenberg explained that the Petitioner has requested a sign package which amounts to approximately 76 sq. ft. of sign face, which includes wall signage and a monument sign vs. 150 sq. ft. of signage allowed under the Unified Development Code. It was noted that the request is for two signs on the south elevation, which will not exceed 7% of the total façade area. This compares to the UDC restricting wall signage to one sign on any two walls of a building and further limits each wall sign's outline area to 5% of the building's facade area, not to exceed 300 square feet.

**Commissioner Schenberg made a motion recommending approval of the Sign Package with the condition that total square footage for the entire development will be limited to the exact total square footage requested for each sign by the applicant in the sign package.** The motion was seconded by Commissioner Tilman.

It was noted that the above motion allows the Petitioner to have the signage requested, but requires any signage larger than requested be brought back before the Planning Commission for review.

Chair Hansen pointed out that this part of Chesterfield has several unique attributes and the Commission is mindful that Olive Boulevard is a very important corridor and the entry into the city. She stated that the updated Comprehensive Plan considers the value of setbacks, landscaping, and landscape buffers, and that signage along this area is very important. This request is unique because it asks for approximately half of the square footage of what the UDC allows for sign allocation. Commissioner Schenberg also pointed out that the pole sign has been removed from the site, which was an incentive for the overall sign package.

**The vote on the motion to approve was as follows:**

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

**Nay: None**

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

## VIII. UNFINISHED BUSINESS

- A. **P.Z. 09-2020 Total Access Urgent Care (13426 Olive Blvd):** A request for a change in zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for a 3.23 acre tract of land located south of Olive Boulevard, east of North Woods Mill Road (16Q330911).

Planner Annisa Kumerow provided the following information regarding the petition.

### **Request**

The request includes the sole use of *Medical Office* with a maximum building height of 30 ft. and operating hours of 8:00 am to 8:00 pm.

### **Comprehensive Plan**

The subject site falls under the *Neighborhood Center* land use designation, which includes primary uses of retail, residential, office, and institutional.

Specific policies for *Neighborhood Center* within the Comprehensive Plan include limiting curb cuts and incorporating walkable connection points.

Applicable strategies to achieve the goals of the City's vision outlined in the Comprehensive Plan include the enhancement of neighborhood centers that respect surrounding neighborhoods, and the promotion of tree preservation.

### **Planned Commercial Districts**

It was noted that the proposed development meets the following specific regulations for "PC" Planned Commercial Districts:

- Density: 0.55 FAR
- Open Space: 35%
- Setbacks: No structure within 35 feet of properties with a residential or park/recreation designation; no parking within 25 feet of residential or park/recreation.

### **Issues**

A Public Hearing for this petition was held on December 14, 2020 at which time two issues were raised regarding setbacks and the landscape buffer. The applicant had proposed a 10-foot setback and a 10-foot landscape buffer vs. the 30-foot landscape buffer required by code. Since then, the applicant has revised both the right-of-way setback from Olive and landscape buffer from 10 feet to 20 feet.

### **Proposed Attachment A**

Ms. Kumerow brought the Commission's attention to the requirements outlined in the draft Attachment A, as recommended by Staff.

- **Landscape Buffer:** The Unified Development Code requires a 30-foot landscape buffer along arterial roadways, such as Olive Boulevard. The applicant has requested a 20-foot landscape buffer requirement in order to improve visibility for the building. *Staff has recommended a 30-foot landscape buffer in the Attachment A.*
- **Access:** Recommended language in the Attachment A states that cross access shall be provided to adjacent parcels.
- **Pole Sign:** Recommended language in the Attachment A states that the existing non-conforming pole sign shall be removed, similar to the pole sign that was removed for a previous petition north of Olive Boulevard.

- **Floor Area:** The applicant has requested that the allowable buildable floor area, as currently listed in the draft Attachment A as 4,616 square feet, be amended to 6,680 square feet to account for future expansion. Staff has no objection to this request, and confirmed that it still allows the site to meet open space and FAR requirements. It was also noted that any future expansion to the initially-constructed building would be required to proceed to the Architectural Review Board and the Planning Commission. *A separate motion from the Planning Commission is required for any amendments to the building floor area in the proposed Attachment A.*
- **Setbacks:** The Olive corridor is characterized by a lack of consistency, which impacts aesthetics and access management. The table below depicts the setbacks requested by the Applicant compared to the setbacks proposed in the draft Attachment A:

	Requested by Applicant		Proposed Attachment A	
	Structure	Parking	Structure	Parking
<b>Olive Blvd ROW</b>	20'	25'	30'	30'
<b>Eastern Boundary</b>	35'	10'	35'	10'
<b>Southern Boundary</b>	35'	25'	35'	25'
<b>Western Boundary</b>	35'	10'	35'	10'

Ms. Kumerow pointed out that the requested front structure setback of 20 feet from Olive Boulevard and the parking setback of 25 feet are directly correlated with the request for a 20-foot landscape buffer vs. the required 30-foot landscape buffer. *Any deviation from the 30-foot landscape buffer and 30-foot parking and structure setbacks proposed in the Attachment A will require a separate motion from the Planning Commission.*

### **Preliminary Plan**

The Preliminary Plan depicts:

- Development of a 4,616 sq. ft. medical office along the northern property line with parking to the west.
- A reduction in the landscape buffer requirement from 30 feet to 20 feet.
- Utilization of the existing access into the site.
- Existing playground on the southern portion of the site to remain.

### **Discussion**

**Commissioner Schenberg made a motion to approve P.Z. 09-2020 Total Access Urgent Care (13426 Olive Blvd), as presented with Staff's recommended Attachment A.** The motion was seconded by Commissioner Wuennenberg.

### **Setbacks/Visibility**

Chair Hansen stated that the applicant's request for a lesser setback than required in the Unified Development Code is based on concerns about visibility. She then asked if the applicant had considered a different location on the site. Ms. Kumerow replied that it is Staff's understanding that the proposed location is based on maintaining visibility from Olive Boulevard, and that they intend to keep portions of the existing landscape berm.

Commissioner Schenberg stated that this site is an entrance into Chesterfield from the east, and it is important that all new developments adhere to the requirements outlined in the recently-updated Comprehensive Plan. He also pointed out that the adjacent

structure (Décor Jewelry) was properly set back from Olive Boulevard at the time of construction because Olive was a two-lane road at the time. The road's expansion has allowed the building to sit closer to the road than what is currently permitted. Further, because the building sits below street grade, Commissioner Schenberg does not think visibility is an issue for the proposed Total Access Urgent Care facility.

Commissioner Harris noted her agreement with Commissioner Schenberg's comments. She stated that an urgent care facility is not an impulse stop, and feels that with an adequate monument sign on the site, people will be able to find the facility.

**Petitioner's Response:**

Dr. Bruckel explained that the request for a lesser setback is due to visibility concerns, and stated that there are a lot of trees on the east side of the building, which they would like to keep. He pointed out that half of their patients utilize their facilities because they have seen the building while driving by. Because their neighbor to the west has a 10-foot setback, they have concerns that it will block visibility of the proposed urgent care facility. He added that visibility is key to success.

**Commissioner Wuennenberg made a motion to amend the motion to amend Section I.B.1.a. of the Attachment A regarding Floor Area, as follows (changes shown in red):**

**Total building floor area shall not exceed ~~4,616~~ 6,680 square feet.**

The motion was seconded by Commissioner Tilman. **Upon roll call, the vote was as follows:**

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

**Nay: None**

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

Commissioner Schenberg was asked to restate the final motion as amended:

**To approve as presented by the Petitioner, with Staff's recommended Attachment A, and with the amended total building floor area of 6,680 square feet.**

For the record, it was confirmed that the Petitioner can move forward with their plans for a 4,616 square foot building, and that any future plans to expand up to the requested 6,680 square feet will not need a change to the ordinance. But a site development plan is required for the proposed building, which will be reviewed by the Planning Commission.

The vote on the motion to approve, as amended, was as follows:

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

**Nay: None**

The motion passed by a vote of 9 to 0.

- B. P.Z. 11-2020 The Residences at Hog Hollow (13987 & 14001 Olive Blvd): A request to repeal City of Chesterfield Ordinance 2213 establishing a Planned Environmental Unit over two parcels of land zoned R-3 Residence District and totaling 29.4 acres (16R340207 & 16R340151).**

#### **Request**

The Petitioner is requesting to repeal the “PEU” Planned Environmental Unit in order to establish the underlying zoning district for the second petition concerning this property, P.Z. 12-2020.

#### **Zoning History**

The site was originally zoned “R2” Residence District with a Conditional Use Permit by St. Louis County. It was rezoned in 2005 to an “R-3” Residence District with a “PEU” Planned Environment Unit Procedure. Subsequent requests (2013, 2014, and 2019) to amend the ordinance were all withdrawn by the applicant.

The subject site is currently zoned “R-3” Residence District with a “PEU” Planned Environment Unit procedure, and is located within the *Suburban Neighborhood* land use designation. The primary land use for *suburban neighborhood* is single-family residential.

**Commissioner Wuennenberg made a motion to approve P.Z. 11-2020 The Residences at Hog Hollow (13987 & 14001 Olive Blvd).** The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

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

**Nay: Commissioner Harris**

The motion passed by a vote of 8 to 1.

- C. **P.Z. 12-2020 The Residences at Hog Hollow (14001 Olive Blvd)**: A request for a change in zoning from R-3 Residence District to PUD Planned Unit Development for a maximum of 100 residential units (16R340151).

### **Planned Unit Development**

The purpose of the Planned Unit Development (PUD) district is to encourage flexibility to the density requirements and development standards of the governing ordinance that will result in exceptional design, appropriate land use, provision of streets, and preservation of natural open space.

Minimum Design Requirements of a PUD include meeting the maximum residential density of the existing district, 30% open space, a 30-foot perimeter buffer, and consistency with the Comprehensive Plan and Unified Development Code. The Unified Development Code also lists twelve Design Features suggested to be used by developers when applying for PUD District zoning.

### **Comprehensive Plan**

The land use designation for the subject site is *Suburban Neighborhood*, which has a primary land use of single-family residential.

The Comprehensive Plan has several policies for *suburban neighborhood* applicable to this property, which include the preservation of existing neighborhoods, reinforcing existing residential development matters through high-quality design, and to uncover the anticipated expense of residential development.

The Comprehensive Plan also includes overall goals and applicable strategies, which include the diversification of housing; allowing and encouraging more housing variety; ensuring connectivity in new development; and promoting tree preservation.

It was noted that while the primary land use is single-family residential, the Comprehensive Plan calls for more housing diversity.

### **Issues**

The Public Hearing for this petition was held on December 13, 2020 at which time four issues were raised:

#### **Traffic**

Existing traffic issues in the neighboring subdivision were identified, specifically the difficulty of making left-turns out, as well as making turns into the subdivision. *The applicant has revised the Preliminary Plan to depict a three-lane road, to which MoDOT has no objection. The applicant has also provided updated trip generation figures.*

#### **Amenities**

During the Public Hearing, there was discussion about possibly spreading the amenities throughout the site. *The applicant's response notes that the amenities are best served in their current positions at the two pocket parks.*

#### **14015 Olive Blvd.**

There were several items of concern raised by the property owner at 14015 Olive Boulevard including fencing, propane tanks, and trees. *The applicant has no objection to*

*the property owner at 14015 Olive installing a fence on his own property; they have verified that the propane tanks meet safety regulations in terms of distance from buildings; and all trees to be planted will be in accordance with City standards and maintained by the future HOA.*

### **Bioretention Basin Plantings**

There was discussion at the Public Hearing regarding ensuring sufficient landscaping for bioretention and detention areas. *The applicant has provided the approved planting list from MSD, and all plantings will be selected from the list. It was also noted that the only public view of the large stormwater basin would be from Hog Hollow Road, and due to the slope, it is unlikely that the basin will be highly visible.*

### **Preliminary Plan**

A maximum of 100 residential units is proposed with this request, which includes 52 single-family detached and attached units, and 48 multi-family units. The multi-family is located on the west of the site, in order to provide a transition from the existing single-family development to the east.

All streets are proposed to be public. There will be a pedestrian connection to Olive Boulevard and the neighboring Eagle Ridge subdivision. The fire access drive between the proposed development and Eagle Ridge subdivision will remain gated and private.

Street trees and 30-foot landscape buffers are provided in association with this request. The sloped nature of the development will be a reflection of the original topography. Storm water detention and water quality bioretention areas are proposed. Amenities include a gravel trail proposed around the perimeter of the site, and two pocket parks.

### **Discussion**

Commissioner Harris expressed concern about allowing Planned Unit Developments (PUD), which call for exceptional design, before knowing what is being designed. She also expressed concern about the proposed density of the site. She noted that in order to access schools, the closest grocery store, and a number of fast-food restaurants, residents will need to make left-hand turns out of the subdivision, which is very difficult and dangerous due to the amount of traffic along Olive Boulevard. She recommends that the proposed development allow right-turns only out of the site.

Chair Hansen asked Mr. Stock to address: (1) the deed restriction; (2) possibly moving amenities around the site; and (3) the use of gravel for the trail, which could be washed away due to the topography of the site.

### **Petitioner's Response**

Mr. George Stock provided the following information:

#### **Deed Restriction**

The request is for single-family detached, single-family attached, and multi-family units in terms of condominiums - not apartments. The property owner will place a deed restriction on the property at the time of the site development plan, which will prohibit apartments on the site. The deed restriction is recorded against the property and the City would approve the verbiage of the deed restriction prior to its recording with St. Louis County. The deed restriction will run with the land in perpetuity.

Mr. Justin Wyse, Director of Planning, clarified that the leverage with a deed restriction would occur during the title process. If someone would attempt to secure a loan for apartments on the property, the title search will reveal the restriction of no apartments on the site.

### **Transition of Housing Units**

Commissioner Wuennenberg asked for clarification on how the units would transition across the site. It was his understanding that the lots next to Eagle Ridge subdivision (Lots 1-10) would be detached units, then moving to attached units, and then onto the multi-family units, but he noted that the Preliminary Plan does not specify this.

Mr. Stock explained that the drawings are representative of fifty-two 7,500 sq. ft. residential lots. The plans do not restrict having only single-family, detached housing built next to Eagle Ridge (Lots 1-10). What had been presented previously is that multi-family condo units would be a minimum of 200 feet away from Eagle Ridge subdivision. However, the current PUD and Preliminary Plan now move the condo units to the far western side of the development fronting onto Hog Hollow Road.

Commissioner Wuennenberg stated his preference of the units being phased across the site from single-family, detached to single-family, attached to multi-family.

Mr. Stock also pointed out that the site is currently approved for 82 attached villas with no amenities, which is not currently marketable and which is the reason for the current petition. He stated that the lots adjacent to Eagle Ridge would be limited to one or two-story units. He also noted that there will be no visibility between Eagle Ridge residences and any proposed residence on the subject site because there is a natural berm of the topography that separates the two properties.

### **Amenities/Exceptional Design**

Mr. Stock explained that amenities include two designated areas for pocket parks, and a trail located within the 30-foot landscape buffer at the rear property line. The equipment is proposed to be located in areas that are easily seen for gathering purposes and from a safety perspective - one at Olive along the entrance road, and the other on the north side between the single-family residential and the condominium buildings overlooking the bluff.

He also noted that the trail will have crushed chad with metal edging on both sides to hold it in place to protect it within the slopes. The trail also has a connection with the adjoining Eagle Ridge subdivision, allowing those residents to utilize the trail system.

### **Traffic**

Regarding traffic concerns, Mr. Stock stated that he has met with MoDOT on three separate occasions to champion improvements for Eagle Ridge relative to a median. MoDOT has indicated that they are open to such a median and would continue discussions with the City in this regard.

Because peak traffic hours are congested, a right-turn lane has been added to allow residents to go west on Olive without having to queue up in the subdivision.

## **Exceptional Design**

Commissioner Tilman asked for clarification on the process with respect to when *exceptional design* is reviewed/approved.

Mr. Wyse explained that approval or denial of the requested zoning implies whether the Planning Commission feels that *exceptional design* has or hasn't been demonstrated by the Petitioner. Once the legislative approval process is concluded, the site plan moves into an administrative decision-making function whereby it is reviewed to determine if it complies with the ordinance requirements.

Commissioner Harris stated that she does not see anything exceptional about the proposed project, and feels that the process does not allow the Commission to see what the Petitioner proposes as exceptional before a vote is required.

Discussion continued on what is considered *exceptional design*. Mr. Wyse pointed out that if the site was approved for R3 instead of a PUD, there would not be any requirements for open space, for amenities, or to preserve the bluff. These are the types of things the Commission should review to determine whether or not the criteria of *exceptional design* has been met. He also referred to the design criteria listed in the code, which the Commission should be using to gauge their decision. If the criteria is not providing the Commission with enough tools, the code should be changed so that developers have a better indication of what the Commission expects when designing a project.

Commissioner Midgley stated that it is her understanding that *exceptional design* does not refer to the design of the buildings, but rather refers to providing more amenities, such as parks, a clubhouse, etc.

Commissioner Tilman asked if the amenities listed on the plan are required to be constructed. Mr. Wyse explained that the platting process requires the developer to guarantee installation of all required improvements which, in this particular instance, would include all the amenities listed by the petitioner. The developer provides cash or a letter of credit which guarantees all the improvements outlined in the site-specific ordinance. Once improvements are installed and pass inspection, monies are released back to the developer.

Commissioner Staniforth asked for clarification on what recourses the City has on the design elements of the houses to be built within the development. Mr. Wyse explained that anything that is not a single-family home is reviewed by the Architectural Review Board and Planning Commission. Single-family homes must meet design requirements within City code, which are reviewed through the Municipal Zoning Approval process. If it complies with code, then a permit is issued.

## **Quantity and Location of Single-Family Units**

Commissioner Wuennenberg repeated his concerns that the drawings do not specify where detached and attached units will be constructed, and that the 52 single-family units are not quantified with respect to attached or detached. Commissioners Tilman, Staniforth, and Harris, along with Chair Hansen, also expressed a desire to have this information provided.

Commissioner Wuennenberg also expressed his preference that the single-family, detached units back up to Eagle Ridge subdivision, which will make for a better housing transition. Commissioners Staniforth and Tilman suggested that the Petitioner be given the opportunity to explain why some attached housing may be more suitable in the area adjacent to Eagle Ridge.

**Petitioner's Response**

Mr. Stock stated that the plan consists of 52 lots with a minimum width of 60 feet and 125 feet deep – 7,500 sq. ft. Currently, 82 attached homes are approved for the site abutting Eagle Ridge subdivision. The market is now more inclined towards detached villas and it is envisioned that the majority will be detached housing. The intent is not to inter-mix attached and detached units, but at this time, an exact number of attached and detached units cannot be provided.

Commissioner Staniforth asked that Trustee for Eagle Ridge be allowed to address the Commission again to weigh in on this issue.

**Trustee Input**

Ms. Karen Page, Trustee of Eagle Ridge, stated that she had been texting with the residents whose homes abut the subject site. One of the residents has indicated that she just wants the site developed, but prefers that the condos be at the far west of the site. Their first preference is that the detached units abut the Eagle Ridge homes, and that the condos not be in this area.

It was then agreed that the Commission would not vote on the petition at this time in order to give the Petitioner time to respond to the issues raised.

**IX. NEW BUSINESS - None**

**X. COMMITTEE REPORTS - None**

**XI. ADJOURNMENT**

The meeting adjourned at 8:42 p.m.

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Gene Schenberg, Secretary