

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning *JW*  
James Eckrich, Director of Public Works/City Engineer *JE*

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, March 10, 2022



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 10, 2022 in Conference Room 101.

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

Also in attendance were: Mayor Bob Nation; Chris Graville, City Attorney; Planning Commission Chair Merrell Hansen; Caryn Carlie, Planning Commissioner; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; Mike Knight, Assistant City Planner; Chris Dietz, Planner; Shilpi Bharti, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:31 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the January 20, 2022 Committee Meeting Summary

**Councilmember Mastorakos** made a motion to approve the Meeting Summary of January 20, 2022. The motion was seconded by **Councilmember DeCampi** and **passed by a voice vote of 4-0**.

## II. UNFINISHED BUSINESS – None.

## III. NEW 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). (Ward 4)

## STAFF PRESENTATION

**Mike Knight**, Assistant City Planner, presented the request for a zoning map amendment for a 26.8-acre tract of land. McBride Byrne (McBride Homes and Claymont Development) are proposing to develop 36 single-family homes located on the north side of Wild Horse Creek Road across from Wildhorse Parkway Drive.

The Preliminary Plan depicts one access point off of Wild Horse Creek Road with internal circulation throughout the site. It connects to the west to the existing Bur Oaks development, which is the same zoning district, and provides for future connection to the east.

The site is located within the Wild Horse Creek Road Overlay District (Wild Horse Sub Area which is also known as *the Bow Tie*). Properties within the Sub-Area are required to zone in the Wild Horse Overlay District and may only rezone to an Estate District category. Thus, the development team is requesting a zoning map amendment to “E-1/2AC” Estate District with a Wild Horse Creek Road Overlay District.

The request also includes modifications to setbacks and landscaping.

### **Modification to Structure Setbacks**

The minimum side yard setback required by the Unified Development Code (UDC) is 15 feet from the property line with a minimum setback between structures of 30 feet. The Applicant is requesting 10-foot side yard setbacks with 20 feet between structures. This modification will allow the developer to build homes with more than a 2-car garage.

### **Modification to Landscape Buffering**

The specific development criteria states that the perimeter buffer shall not be located within any developed lot with a residential structure on it. The Applicant is requesting the buffer out of common ground and on the individual Lots 1B and 2B located on the eastern perimeter. This buffer will be within a landscape easement maintained by the homeowners’ association and will allow those two lots to be larger.

A Public Hearing was held on December 13, 2021 at which time the Planning Commission and general public raised several issues. Since the Public Hearing, the applicant has updated their proposal and has provided a formal response to each issue raised.

On February 14, 2022, the petition was brought back to the Planning Commission for consideration. At that time, the Planning Commission made a motion to approve the project as amended, however, the amendment only included approval of the setback modification and not the landscape modification request. The motion passed by a vote of 8-1.

The Applicant is continuing to move forward to City Council with both modification requests.

## **DISCUSSION**

In response to Councilmember Mastorakos’ concern for the existing residence just east of the proposed development, Mr. Knight stated that the developer has met with the homeowners and it was agreed that temporary access will be established to their property throughout the construction process. Justin Wyse, Director of Planning, added that Street B will be a public street so once the street is in place, that resident will have public access through that means as well. It was also noted that the developer has offered to add additional landscaping between their property and the new development. Staff will solidify this during the Site Development Plan process.

Councilmember Hurt asked for clarification as to why the developer is requesting the two modifications.

### **Setback Modification**

Jeremy Roth, Elite Development Services, stated that they are requesting 10-foot side yard setbacks with 20 feet between structures to allow for homes with three and four car garages. Half of the lots will be McBride lots and half will be Claymont lots. McBride intends to build three-car garages and Claymont intends to build four-car garages. However, there will still be several instances where there will be greater than 20 feet between structures.

### **Landscape Modification**

There was considerable discussion regarding the placement of a landscape buffer on the eastern two individual lots, 1B and 2B, and who would be responsible for the maintenance of that buffer, the homeowner's association or the property owners.

Mr. Roth explained that Street B was configured to allow homes to front Wild Horse Creek Road. If the street was moved further north, the homes would then back up to Wild Horse Creek Road. He noted that due to the street geometry, they end up with that awkward piece of property. He stated that maintenance of the buffer could be included in the Deed Restrictions and Indentures to insure that the homeowners' association would be responsible for its maintenance. Stipulations would also restrict the homeowners from fencing that area.

**Councilmember DeCampi made a motion to recommend approval of the side yard setback modification.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

**Councilmember DeCampi made a motion to recommend approval of the requested landscape buffer modification with a deed restriction specifying that the homeowners' association would be responsible for maintenance.** The motion was seconded by Councilmember Hurt.

### **Discussion after the Motion**

In response to Councilmember Mastorakos' question, Mr. Wyse stated that if the setback modification was not approved, a 30-foot landscape buffer would be required on common ground only and not on an individual lot. The motion is to still allow the landscape buffer, but to allow it on Lots 1B and 2B with the homeowners' association being responsible to maintain the area.

Chris Graville, City Attorney, was of the opinion that the City could include requirements in the deed to specifically address maintenance and to make sure that if the homeowners' association was not keeping up with the maintenance, that the City could legally enforce it even though it is on private property. An easement would be established that would be dedicated to the homeowners' association so they would be able to access the area and maintain it. He will work out the details with Staff.

The above motion to approve the landscape buffer modification **passed by a voice vote of 4-0.**

**Councilmember Hurt made a motion to forward P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember DeCampi and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 08-2021 McBride Byrne LLC (Boone's Ridge).]**

- 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-1AC Estate District for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road (18V130099, 18V140065, & 18V140098). (Ward 4)**

## **STAFF PRESENTATION**

Chris Dietz, Planner, presented the request to rezone three parcels from Large Lot Residential to E-1AC Estate 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.

No issues were raised at the October 25, 2021 Public Hearing and on February 14, 2022, the Planning Commission unanimously approved the request.

**Councilmember DeCampi made a motion to forward P.Z. 11-2021 Estates at Fire Rock (McBride Berra Land Co., LLC) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 11-2021 Estates at Fire Rock (McBride Berra Land Co., LLC).]**

**C. P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):** A request for a change in zoning from E-1AC 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). (Ward 4)

## **STAFF PRESENTATION**

Chris Dietz, Planner, presented the request for a change in zoning from E-1AC Estate District to "PUD" Planned Unit Development for a single-family residential development consisting of 35 homes. This request was submitted along with the previous request for a zoning amendment, P.Z. 11-2021.

A Public Hearing was held on October 25, 2021 at which time the Planning Commission raised multiple issues regarding vehicular access to and from Wild Horse Creek Road, the preservation of Blake Mound and the nature of the PUD request itself. These issues, and the Applicant's response to each, were discussed at the February 14, 2022 Planning Commission meeting and the petition was unanimously approved.

The Preliminary Development Plan depicts the following:

- 35 single family homes
- 1 vehicular access from Wild Horse Creek Road
- Landscape buffers
- Cross-access to neighboring property
- Amenities throughout
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## **DISCUSSION**

In response to Councilmember Mastorakos' question, it was determined that the road into the development was in close proximity to the existing road and that the trees in that area would be preserved.

Councilmember Hurt expressed his concern that since Blake Mound was located at the rear of the development, visitors would have to drive past all the other homes before they reached the Mound which, he assumed, is a public area. Jeremy Roth, Elite Development Services, stated that the Mound would not be open to the public. They have consulted with the caretaker and have decided that it would be best if the Mound were not open to the public. It will be stipulated

that the Mound is owned and maintained by the homeowners' association and it is to be protected as common ground. However, upon request, there could be special exceptions for educational or archeological groups that wish to visit the site.

**Councilmember DeCampi** made a motion to forward P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC) to City Council with a recommendation to approve. The motion was seconded by Chair Monachella and **passed** by a voice vote of 4-0.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC).]**

**D. P.Z. 17-2021 Legends at Schoettler Pointe (Stock and Associates):** A request for a zoning map amendment from the "NU" Non-Urban District and "R1" Residential District to an "E-1/2AC" Estate One-half Acre District for 9 acres located on the south side of Outer 40 Road and east side of Schoettler Road (19S640152 & 19S640657) (Ward 2)

#### **STAFF PRESENTATION**

Shilpi Bharti, Planner, presented the project request to rezone two parcels from "NU" Non-Urban District and "R1" Residential District to "E-1/2AC" Estate One-half Acre District to establish the density for a 13-home single-family residential development. The request is part of a two-step zoning process. The second step is to obtain a change in zoning to a "PUD" Planned Unit Development.

A Public Hearing was held on December 13, 2021 at which time no issues were raised and on February 28, 2022, the Planning Commission unanimously approved the petition.

**Councilmember Mastorakos** made a motion to forward P.Z. 17-2021 Legends at Schoettler Pointe (Stock and Associates) to City Council with a recommendation to approve. The motion was seconded by Councilmember DeCampi and **passed** by a voice vote of 4-0.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 17-2021 Legends at Schoettler Pointe (Stock and Associates).]**

**E. P.Z. 18-2021 Legends at Schoettler Pointe (Stock and Associates):** A request for a zoning map amendment from an "E-1/2AC" Estate One-half Acre District to a "PUD" Planned Unit Development for 9 acres located on the south side of Outer 40 Road and east side of Schoettler Road (19S640152 & 19S640657). (Ward 2)

#### **STAFF PRESENTATION**

Shilpi Bharti, Planner, presented the request for a change in zoning from "E-1/2AC" Estate One-half Acre District to "PUD" Planned Unit Development District. This request was submitted along with the previous request for a zoning amendment, P.Z. 17-2021.

A Public Hearing was held on December 13, 2021 at which time the Planning Commission raised multiple issues regarding the following:

- Side setback request
- Topography of the site
- Proposed amenities on the site
- Additional 15' landscape buffer along the eastern property line

These issues, and the Applicant's response to each, were discussed at the February 28, 2022 Planning Commission meeting and the request was unanimously approved.

The Preliminary Plan depicts the following:

- 13 single-family homes
- Four amenities
- One vehicular access point from Schoettler Road
- A 30' landscape buffer and an additional 15' landscape buffer from the eastern property line
- Two stormwater basins
- Retaining walls

### **DISCUSSION**

Chair Monachella inquired as to what amenities would be included. Ms. Shilpi stated that there are two amenities located at the front of the site, which include a gazebo with benches and a couples' swing. Near the cul-de-sac, there will be a lookout point, and a firepit with benches will be located within the cul-de-sac.

With regard to the Planning Commission's topography concerns, Justin Wyse, Director of Planning, stated that the site design utilizes retaining walls varying in height with the tallest being 20 feet high. The Committee then discussed the location of the retaining walls and their visibility.

Councilmember Mastorakos stated that the adjoining residents and the minister at the Church of the Resurrection were informed of the proposed development. The developer also met several times with the group, Preserve Schoettler, and they fully support the project.

Councilmember DeCampi made a motion to forward **P.Z. 18-2021 Legends at Schoettler Pointe (Stock and Associates) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 18-2021 Legends at Schoettler Pointe (Stock and Associates).]**

**F. 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.**

### **STAFF PRESENTATION**

Mike Knight, Assistant City Planner, stated that the purpose of this petition is to discuss and potentially revise the City's Sign Code, (Article 4 and Article 10) due to continued rulings of relevant court cases.

The goal is to implement a “content neutral” sign code to bring the City’s Sign Code into conformance with the rulings of recent court cases. It is not our intent to create a new Sign Code with new regulations, but rather to update the City’s existing Code. Overall, the proposed changes do not have a substantial impact on the current Sign Code with the exception to regulations for temporary signs.

Examples of conflict within the current City Code:

- Regulations on specific wording - name, price and insignia on signs
- Different calculation of signage if a logo is used
- Allows movement for time, temperature, and stock symbol
- Differing regulations for non-commercial speech – different size and duration for public information and political signs

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

On January 10, 2022, the petition was brought back to the Planning Commission for review only. At that meeting, Staff provided clarification for the discussion items raised at the Public Hearing. Staff also presented how the methodology would be implemented into Article 4 including a description of the areas of Code least and most affected by the implementation.

On February 14, 2022 the petition was brought back to the Planning Commission where it was unanimously approved.

The petition is now being presented to the Planning and Public Works Committee for approval.

### **DISCUSSION**

There was considerable discussion regarding commercial signage in a residential district, the City’s ability to regulate on-premise and off-premise signage, the size of non-commercial signs, and the quantity of commercial and non-commercial signs.

City Attorney Chris Graville explained that the City must remain completely content neutral and cannot limit the quantity of non-commercial signs in a residential district. Limiting the number of non-commercial messages is a restriction of the First Amendment. He further stated that all municipal entities are going through this same process and whether they are wanted or not, changes have to be made. The Supreme Court is limiting municipalities’ ability to regulate signs and messages. However, neighborhood associations can be more restrictive than the City so at the next Trustee Symposium, this topic will be discussed.

Since the Sign Code is being revised, Chair Monachella suggested removing Section G.1.b in the Code which states;

“For the purpose of these regulations, a temporary sign shall be considered any sign permitted for a duration not to exceed one year.”

She does not want to put a timeframe on the use of a temporary sign. Mr. Graville stated he and Mr. Wyse both agree that this would be a helpful change because one year is a descriptive term and suggests that it is permissible for a temporary sign to be posted for a year and it would be difficult to enforce.

Chair Monachella suggested another revision to the minimum duration of image display for electronic sign messages. Currently the minimum is 10 seconds but there have been instances in the recent past where Council restricted the duration to 30 minutes. Councilmember Hurt concurred and stated that an exception was also made for the duration of The District's electronic sign due to its location. It would be easier to increase the duration and to consider exceptions on a case-by-case basis.

**Councilmember Hurt made a motion to revise Section D.5.a.3 of Article 4 of the Unified Development Code to allow a minimum duration of 30 minutes, for which City Council may address on a case-by-case basis.** The motion was seconded by Chair Monachella and **passed** by a voice vote of 4-0.

**Chair Monachella made a motion to remove Section G.1.b from Article 4 of the Unified Development Code.** The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

**Councilmember Mastorakos made a motion to forward P.Z. 16-2021 City of Chesterfield (Unified Development Code – Article 4 and Article 10), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4-0.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the March 21, 2022 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 16-2021 City of Chesterfield (Unified Development Code – Article 4 and Article 10.)]**

### **G. Eatherton Road & Wildhorse Creek Road Roundabout**

#### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works, stated that the Missouri Department of Transportation (MoDOT) plans to construct a roundabout at the intersection of Eatherton Road (Route 109) and Wild Horse Creek Road. The southwest corner of the City of Chesterfield is the southwest corner of this intersection. Wildwood is located to the south and west.

The City of Wildwood has inquired as to whether Chesterfield has plans to beautify this roundabout. Wildwood has beautified three other roundabouts on Route 109 and may consider beautification of this roundabout if Chesterfield chooses not to.

In discussions with MoDOT, they would agree to beautify the island if all construction and maintenance costs were funded by the City of Chesterfield and/or the City of Wildwood. A review of the MoDOT plans indicates that the new roundabout will be located approximately 80% in Chesterfield and 20% in Wildwood.

Mr. Eckrich stated that he wanted to inform the Council of this and ask for direction. If the Council is interested in beautifying the roundabout, he will create a proposal with a cost estimate.

#### **DISCUSSION**

In response to questions, Mr. Eckrich stated that if Chesterfield does not beautify the roundabout, MoDOT will either place a grassy island in the middle, which they will maintain, or Wildwood may beautify the roundabout in a similar manner as other roundabouts on Route 109. If Wildwood

does beautify the roundabout, they may ask the City of Chesterfield to pay for a portion of the construction and/or maintenance. The City could consider such a request at a later date based upon a request from Wildwood.

Mr. Eckrich stated that a decision can wait until after the roundabout is constructed, however, if there is a desire to stamp or tint the concrete, that would have to be done as part of the construction project. Landscaping could also wait; however, it will be more expensive to irrigate the island after the fact. MoDOT will probably not irrigate the area, however, Wildwood may do so. Wildwood is waiting for the City of Chesterfield to make a determination before they decide.

Ultimately the Committee decided not to pursue the beautification of the roundabout at this time. However, if Wildwood proceeds with the beautification and asks the City for help with maintenance, Mr. Eckrich was given authorization to negotiate with Wildwood.

**IV. OTHER** –None.

**V. ADJOURNMENT**

The meeting adjourned at 7:15 p.m.