

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
JANUARY 13, 2014**

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

**I. ROLL CALL**

**PRESENT**

**ABSENT**

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

Councilmember Derek Grier, Council Liaison  
City Attorney Rob Heggie  
Ms. Aimee Nassif, Planning & Development Services Director  
Ms. Jessica Henry, Project Planner  
Ms. Purvi Patel, Project Planner  
Mr. Aaron Hrenak, Planning Intern  
Ms. Mary Ann Madden, Recording Secretary

**II. PLEDGE OF ALLEGIANCE**

**III. SILENT PRAYER**

Chair Watson acknowledged the attendance of Councilmember Derek Grier, Council Liaison; and Councilmember Nancy Greenwood, Ward I.

**IV. PUBLIC HEARINGS – Commissioner Wuennenberg read the “Opening Comments” for the Public Hearing.**

- A. P.Z. 18-2013 Four Seasons Plaza, Lot 2 (100 and 176 Four Seasons Shopping Center): A request for an amendment to City of Chesterfield Ordinance 2492 to add “Restaurant, with drive-thru window” as a permitted use within an existing “PC” Planned Commercial District of 8.25 acres in size and located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719 and 16Q210763).**

## **STAFF PRESENTATION:**

Project Planner Jessica Henry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Henry stated the following:

- The purpose of the request is to permit a drive-thru in order to accommodate the relocation of an existing restaurant tenant to a new space within the development.
- All State and local Public Hearing notification requirements have been met.
- Lot 1 of the Four Seasons Development is located to the east of the subject site but is governed by a separate site specific governing ordinance and is therefore not included in this request.
- No changes, such as an increase in floor area or the addition of new buildings, are being proposed at this time; the request is only for the ordinance amendment.
- The Petitioner will be providing additional detail about the potential layout of the drive-thru; however, Staff will not review the design specifics until the Site Plan review phase of the development process. If approved, the ordinance amendment would simply permit the drive-thru use in the development and would not be approving any specific layout, design, or restaurant tenant including those shown by the Petitioner this evening.
- A photo was presented showing that the existing retail center is built very close to the 60-foot required setback from the southern boundary of the development.

## Site History

- In 1975, St. Louis County zoned this “C-8” Planned Commercial District under St. Louis County Ordinance 7836. The Center was originally limited to just three uses—retail shops, an office/bank building, and a forty-lane bowling center. Each of these uses had a maximum square footage limitation.
- From 1976 until 1989, the ordinance has been amended six times:
  - The first four amendments from 1976-1980 pertained to parking and loading spaces, and other minor site specifications, such as the maintenance requirements for the fence on the southern property line.
  - In 1980, an amendment introduced the restaurant use to the development; however, the use was limited to a single restaurant not to be located in a free-standing building.
  - In 1989, the ordinance was amended to increase the limitation on the number of restaurants; to permit a second restaurant within the commercial shops’ square footage; and added a 20% parking reduction. Although a second sit-down restaurant was permitted, the drive-thru use was still excluded at this time.
- In 2008, the City of Chesterfield approved Ordinance 2492 which changed the zoning from “C-8” to “PC”, Planned Commercial District. At this time, several modifications were made to the ordinance. As it pertains to this proposal, fast-food restaurants were permitted; however, drive-thru and free-standing fast-food uses were specifically excluded by the Petitioner after the Planning Commission expressed concerns during the Public Hearing process. At this time, the limitation on the number of restaurants permitted within the development was eliminated.

Proposed Change: The proposed change in use is noted below in **bold:**

*Restaurants, fast food ~~excluding drive-thrus~~, with drive-thru window, not located in free standing buildings*

#### Adjacent Zoning

There are several different residential and commercial zoning districts in this area. The Four Seasons residential subdivision is directly south of the development. The record plats for this residential subdivision were all approved between 1962-1967, and most of the homes were constructed during that time as well, which pre-dates the commercial development in Four Seasons Plaza.

#### Comprehensive Land Use Plan

The Comprehensive Land Use Plan designates the subject site as *Community Retail*, which is defined as:

*A center characterized by one national anchor store or grocery store at a maximum of 150,000 square feet that provides general merchandise and services and attracts customers from multiple neighborhoods within Chesterfield and neighboring municipalities that will generally travel up to 15 minutes to reach the center.*

#### Items under Review by Staff:

- Outstanding Agency Comment – Staff is awaiting comments from St. Louis County.
- Hours of Operation - The Petitioner has proposed limiting the hours of operation for this use from 6:00 a.m. to 10:00 p.m. Due to the proximity of the adjacent residential development, Staff recommends that the hours of operation be limited even further.
- Building Setback - The existing building is constructed extremely close to the building setback line and the Petitioner has not made any request to modify this setback. Therefore if the request is approved, any new structures related to the drive-thru use will have to meet this setback.
- Drive-thru Use - Staff strongly recommends that the use be restricted by ordinance to a single drive-thru within the development.
- Compatibility of Use with Surrounding Uses - City Code states that ordinance text amendments for fully built-out developments do not require a new Preliminary Plan, which, in any case, would not show the level of detail required for the proposed drive-thru modification. As such, the request is not approving the exact drive-thru design for the tenant that the Petitioner will be proposing this evening; it would allow for any restaurant user to submit plans for a drive-thru. It is with this in mind that Staff recommends that the restrictions previously mentioned are imposed. However; the base issue is whether or not the drive-thru use is appropriate for this area.

### **DISCUSSION**

Responding to questions from the Commission, the following points were clarified:

- If the ordinance amendment is approved, it will pertain to the entirety of Lot 2 of the development – from the bowling alley site to the Mongolian Bar-B-Que space.

- Site Plan: Depending on the level of detail on the site plan, the site plan may, or may not, require Planning Commission review. Regardless, City Council has automatic Power of Review on this project during the site plan stage.
- Traffic Study: Responding to a question from Commissioner Hansen, Ms. Nassif explained that since there are already existing restaurants in the development, it is not anticipated that adding a drive-thru use would increase traffic to the point of requiring a traffic study.
- Hours of Operation: Commissioner Lueking asked if the Commission could impose a different set of hours of operation on the drive-thru compared to the hours of operation on the restaurant. Ms. Nassif indicated that the Commission has such authority.

#### **PETITIONER'S PRESENTATION:**

1. Mr. Mike Doster, Attorney on the Petitioner's development team, 16090 Swingley Ridge Road, Chesterfield, MO stated the following:
  - As noted in Ms. Henry's report, there have been a number of amendments to the ordinance over the course of the history of this Center. Each amendment has been prompted by a need to accommodate a tenant that was either presently in the Center, or one that was moving into the Center.
  - Over the years, this Center has struggled to maintain its occupancy in terms of retail – so the Center is focused on keeping and attracting quality tenants.
  - Currently, Panera Bread is a tenant of Lot 1 of the entire Center, but this lot is not part of the proposed ordinance amendment. Panera's current location no longer fits their current model so they will be leaving their location on Lot 1.
  - In an attempt to retain Panera Bread as a tenant of the Center, a tentative arrangement has been made whereby Mongolian Bar-B-Que would move out of its current location and move into the vacant storefront previously occupied by Sunrise Restaurant. Panera Bread would then move into the location now occupied by Mongolian Bar-B-Que. This is the only location in the Center that could accommodate the type of drive-thru desired by Panera Bread.
  - In an effort to limit the drive-thru use as much as possible, they are proposing language that would limit the drive-thru use to **current** fast-food restaurants operating within the Four Seasons Shopping Center (both Lot 1 and Lot 2).
  - They are willing to locate the drive-thru to the current Mongolian Bar-B-Que location and it would not be allowed anywhere else in the Center.
  - They are proposing hours of operation for the drive-thru as 6:00 a.m. to 10:00 p.m. These are the operating hours for Panera Bread's current business model. If these hours are not allowed, then Panera Bread will not approve the location and the Center will lose them as a tenant.
  - Currently, Panera Bread has become a well-known gathering place for people in the east end of the City.
  - As required by City Ordinance, the Petitioner sent letters to adjacent property owners in Four Seasons subdivision explaining the request of the ordinance amendment, and inviting them to a meeting regarding the petition. The only people who attended the meeting were members of the Petitioner's development team – no residents showed up or responded to the Petitioner's letter. Consequently, it is assumed that the neighboring residents do not oppose the requested drive-thru.

Mr. Doster then presented a PowerPoint Presentation displaying an overview of the concept plan depicting the Center, both Lot 1 and Lot 2, as it exists today. He noted that the site formerly included a drive-thru for a bank so there is some precedence for designing a drive-thru in this location. A slide was also presented showing elevations of:

1. The existing berm (4'6" above the pavement);
2. The existing fence on the boundary between the development and the adjoining residential (10'6" above the pavement). It was noted that the existing fence is maintained by the Developer.
3. A proposed fence that would be installed at the southernmost point of the drive-thru area to provide some visual and sound attenuation (6'6" above the pavement).

2. Mr. Ken Capps, Caplaco, LLC, P.O. Box 4424, Chesterfield, MO passed on speaking.

### **DISCUSSION**

Commissioner Nolan inquired into the number of restaurants in the Center that could potentially go into the proposed drive-thru site. Mr. Ken Capps responded that there are currently 6 restaurants – Panera Bread, Talayana's, Mongolian Bar-B-Que, Viviano's, a Chinese restaurant, and a small restaurant inside the bowling alley.

Commissioner Nolan pointed out that the addition of a drive-thru would eliminate some of the current parking spaces and asked how the parking issue would be alleviated. Mr. Doster replied that this would be reviewed during the Site Plan stage.

Commissioner Geckeler asked for clarification as to where the drive-thru window would be located. Mr. Doster stated that a specific spot has not yet been designated for the drive-thru window; however, it will be noted on the site plan.

Commissioner Geckeler then asked if the residents in the neighboring homes would be able to hear conversations at the drive-thru window. Based on his personal experience, Mr. Doster felt that Panera Bread's drive-thrus are "fairly quiet – quieter than the fast-food drive-thrus". It is anticipated that the proposed fence would provide some barrier against vehicle noise – he does not think residents would hear any conversation from the window or speaker. It is an issue that can be addressed at the site plan stage.

Commissioner Geckeler asked whether Panera Bread's square footage will be larger in the proposed location than it is in its current location. Mr. Doster replied that it will be approximately 1,200 square feet larger if they move into the proposed location.

Commissioner Geckeler asked if the proposed language restricting the drive-thru to current restaurants in the Center would cause any legal concerns. Ms. Nassif stated that the City Attorney has indicated that such language could cause some problems. Mr. Doster stated that the Petitioner is open to any proposed language that would allow Panera Bread to have a drive-thru use

For clarification purposes, Chair Watson pointed out that Panera Bread is classified as a fast-food restaurant by definition.

Chair Watson asked for confirmation that the Planning Commission may not have the opportunity to review the site plan. Ms. Nassif explained that minor amendments to a

site are typically reviewed administratively. But City Council could still call for power of review..

Commissioner Lueking requested that a preliminary plan be provided to the Planning Commission for review before a vote is taken. Ms. Nassif agreed that a plan could be provided but pointed out that any such plan would not be attached to any legislation so it would not require the Petitioner to build according to that plan. She added that the Commission could move the preliminary plan onto City Council and then Council could determine whether they want to attach it to the Attachment A as an exhibit.

Councilmember Grier asked for information on the specifics of calling Power of Review. Ms. Nassif stated that with all the new ordinances, language is included allowing Power of Review by the City Council. Either Councilmember of Ward I, or the Mayor, may request that the site plan be reviewed by the entire City Council.

Mr. Doster stated that they are willing to provide a plan to the Planning Commission for review. Ms. Nassif stated that any plans submitted by the Petitioner would be passed onto the Commission but again pointed out that the plan would not be technically attached to the legislation so they are not approving the plan during the zoning process. Any such plan reviewed by the Commission could change.

It was then noted that it is the consensus of the Commission to have a preliminary plan provided by the Petitioner before the vote meeting.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

**ISSUES:**

Ms. Henry summarized the issues raised during the Public Hearing:

1. Separating the hours of operation for the restaurant and drive-thru uses.
2. Site plan issues – elimination of parking; location of drive-thru window; and noise buffering.
3. Concerns regarding review of the site plan.
4. The Commission's desire to see a preliminary plan before vote.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

**V. APPROVAL OF MEETING SUMMARY**

Commissioner Lueking made a motion to approve the Meeting Summary of the December 9, 2013 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 7 to 0 with 2 abstentions from Commissioners Nolan and Proctor.**

## VI. PUBLIC COMMENT

### A. Drew Station

Mr. Scott M. Reese, Principal with Summit Development Group, 101 S. Hanley Road, St. Louis, MO stated he was available for questions regarding the potential expansion of the Drew Station monument sign.

### B. Wild Horse Ranch Minor Subdivision Plat “Valley Place Addition”

Mr. Scott Meader, Property Owner, 1537 Highland Valley Circle, Chesterfield, MO stated he was available for questions regarding the lot split.

### C. P.Z. 16-2013 Wilmas Farm (17508 Wild Horse Creek Road)

Mr. Mike Doster, representing the Petitioners, 16090 Swingley Ridge Road, Chesterfield, MO stated the following:

- They have responded to the Issues Letter prepared by Staff and while they are making progress, there are still some points of divergence. They intend to meet with Staff in an effort to resolve some of the open issues.
- Their proposal complies with the City’s Comprehensive Plan for one-acre density.
- Because of the Commission’s previous concerns related to the 30-foot easement buffers, they have now made the entire 30-foot boundary fee simple title – it will all be deeded common open space. As a result, the lot sizes decreased and now the Staff Report indicates that the smaller lot sizes are a “negative”.
- The minimum size lot is only about 13% smaller than the 22,000 sq. ft. lot minimum that was originally proposed. He feels that the builders for this site will provide very high-quality, high-end homes.

Design Features – Mr. Doster stated that he feels they satisfy the first four *Design Features* desired for a PUD as noted below:

1. *Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc.* – The site includes a very large area that has already been cleared and is relatively flat, which is where the homes will be built.
2. *Preservation of natural and cultural areas.* - They feel that the location of the homes in the area noted above preserves natural and cultural areas.
3. *Preservation of existing mature trees.* – They are preserving trees by placing the homes in the already cleared area of the site.
4. *Enhanced landscaping, deeper and opaque buffers, and increased planning along public rights-of-way, etc.* – They are meeting this requirement by providing an extensive berm along Wild Horse Creek Road, which will be planted heavily. The sidewalk has also been redesigned so that it meanders through the berm area.

Commissioner Geckeler referred to Section 1008.187.7(2) of the City Code which states that *the common open space is to be displaced throughout the PUD and not*

*concentrated in one area, nor should it contain only that portion of the proposed PUD that would be considered undevelopable due to topography or any other site specific related matter.* She then asked Mr. Doster how the Petitioner is addressing this issue.

Mr. Doster stated that, in their opinion, this is a suggested guideline, but they have made progress in this area by converting the boundary areas to common open space and they have accomplished some dispersal of the common open space areas.

Mr. Doster went on to say that they feel the first design feature is the most important in that they are not changing the site as much as might be needed on a site that is heavily-treed. Since the site is already clear and relatively level, they can take advantage of the natural features of the site by locating the homes in this area. They are also proposing a trail system through the common open space.

Commissioner Lueking noted that the proposal includes 50 homes on 50 acres, with 20 of the acres at the back of the site being un-buildable. She suggested that losing one or two lots would make the proposal more acceptable from the Commission's perspective.

Mr. Doster replied that while there is a lot of common open space area at the end of the site that may not be developable, they are trying to turn it into an amenity that is usable by the residents. He went on to say that the "PUD" guidelines are subjective.

City Attorney Heggie then stated that the guidelines are subjective to some extent, but they are certainly an area where the Planning Commission, and the City Council later, has great flexibility in determining how to apply them.

Mr. Doster replied that he understood and doesn't have a quarrel with anything stated by the City Attorney. He added that it is his intent to get together with Staff to address some of these points of divergence, and while he doesn't know if they can give on everything, they will look at it and see if they can compromise on some of it.

Commissioner Geckeler pointed out that the Petitioner will be requesting a variance for the length of the cul-de-sac which exceeds the maximum length for a cul-de-sac. She felt this issue could be resolved by reducing the the number of lots, thereby reducing the length of the street. She also noted that the Petitioner will also be seeking a variance for the sidewalk along Deep Forest Drive and felt that a lot of the Commission's concerns could be minimized if there were fewer lots.

Mr. Doster replied that they are at one-acre density, which is in compliance with the Comp Plan and while not relevant to the City, the Developer has economic concerns that must to be considered. Regarding the street length, he stated that the maximum length is exceeded by only 200 feet, which is the width of two lot frontages. The City does allow special conditions and other developers have taken advantage of them. Regarding the sidewalk along Deep Forest Drive, he stated this sidewalk will not serve any purpose because of the nature of the drive and the properties the drive serves.

Mr. Doster added that they will meet with Staff to try to resolve some of the points of divergence.

Mr. Mike Falkner, representing the Petitioner, 5055 New Baumgartner, St. Louis, MO stated he was available for questions.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **P.Z. 04-2012 318 N. Eatherton Road: (Time Extension)**: A request for a six (6) month extension of time for the submittal of a Site Development Plan for a 1.049 acre tract of land zoned "PI" Planned Industrial District located ¼ mile southeast of the intersection of Wings Corporate Drive and North Eatherton Road (18W410026).

**Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the six-month Time Extension for the submittal of a Site Development Plan for P.Z. 04-2012 318 N. Eatherton Road. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 9 to 0.****

- B. **Drew Station**: A request to increase the height and size of an existing freestanding sign per Section 1003.168C.2(2) located southeast of the intersection of Clarkson Road and Lea Oak Drive within the Drew Station Commercial Development (19S420394).

**Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval to increase the height and size of the existing freestanding sign for Drew Station. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 9 to 0.****

- C. **Wild Horse Ranch Minor Subdivision Plat "Valley Place Addition"**: A Minor Subdivision Plat for a 12.117 acre tract of land zoned "NU" Non-Urban District located east and west of Valley View Drive, approximately 600 feet northeast of South Eatherton Road (19W430168, 19W430157 & 19W440288).

**Commissioner Nolan, representing the Site Plan Committee, made a motion recommending approval of the Minor Subdivision Plat for Wild Horse Ranch – "Valley Place Addition". The motion was seconded by Commissioner Midgley and **passed by a voice vote of 9 to 0.****

## VIII. OLD BUSINESS

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

Project Planner Purvi Patel gave a PowerPoint Presentation and stated the following:

- The Petitioner is requesting to zone the property to a "PUD" as part of a two-step zoning process in order to obtain entitlements to develop this tract of land as a single family residential subdivision.
- The first step requires a change of zoning from the current "NU" Non-Urban District to an "E-1" Estate One-Acre District for the purpose of establishing the

maximum density allowed in the PUD. This is being proposed by petition P.Z. 15-2013. As there were no issues from the Public Hearing or from Staff on the request to rezone to “E-1 Acre”, that project (P.Z. 15-2013) will be moving forward for vote at a later meeting. The Petitioner has requested that both petitions be placed for vote on the same Planning Commission agenda.

- Before the Commission at this time is petition P.Z 16-2013 and Staff will be discussing the issues and concerns associated with this PUD request.
- The Public Hearing for this petition was held on November 25, 2013 at which time several issues were identified. After the meeting, an Issues Letter was sent to the Petitioner, which included concerns identified at the Public Hearing, Staff issues, as well as selected development criteria to which this development will be required to adhere.

Issues - The issues identified include, but are not limited, to:

1. Concentration of the common open space in the floodplain and floodway portions of the site.
2. The required 30-foot perimeter landscape buffer shown on private lots.
3. Two full public access points into the development are not provided.
4. The 20-foot wide storm water control easement for the maintenance and upkeep of the proposed storm water basin is not provided.
5. Cul-de-sac length exceeds code requirements.
6. Sidewalks along Wild Horse Creek Road and Deep Forest Drive are not provided.
7. Sanitary sewer easement to the property owner to the north is still under review with the Applicant.
8. Increased traffic that will be created by the development.
9. Inclusion of the 12 PUD Design Features listed in City Code.

The Applicant has provided a written response to the Issues Letter, which was included in the meeting packet. Staff has reviewed the amended Preliminary Plan and the Applicant’s response letter and still has some concerns regarding this petition as noted below:

1. One of the minimum requirements for a “PUD” is the provision of a minimum of 30% Common Open Space. The Petitioner mentioned earlier that this is a suggested *design feature* – but it is a **minimum design requirement** of a “PUD”. City Code requires that *common open space be distributed throughout the PUD and not concentrated in one area nor shall it contain only that portion of the PUD that would be considered undevelopable due to topography or any other site specific related matter.*

The plan to the right shows the proposed Common Open Space in green; that area between the **blue lines** shows the open space area located in **floodway**; the area between the **red lines** shows the open space area located in **floodplain**. Any open space area located in the floodway and floodplain is considered to be undevelopable.

2. In response to Staff’s Issues Letter, the Applicant removed the required 30-foot perimeter buffers from the private lots and will be dedicating it as Common Open Space, as seen



along the east and west perimeters of the site. This in turn has increased the Common Open Space from 33% to 41%. However, Staff still has concerns that the majority of the Common Open Space is still concentrated on the southern portion of the site, which is in either the floodplain or floodway, as seen in the image. Staff recommends Planning Commission consider the displacement of the Common Open Space on the site.

3. By removing the required 30-foot perimeter buffer from the private lots as requested in the Issues Letter, the minimum lot size was decreased to 19,000 sq. ft. The proposed lot sizes are shown below:

12 lots less than 20,000 sq. ft.

12 lots less than 21,000 sq. ft.

15 lots less than 22,000 sq. ft.

It should be note that there are no minimum lot size requirements for a "PUD". The minimum lot sizes are established by the planned district ordinance governing the "PUD". However, the smaller lot sizes are an item for consideration by the Planning Commission. Staff analyzed the surrounding developments and noted that, if approved, the proposed minimum lot size is at least 3,000 square feet smaller than the surrounding developments. The required minimum lot sizes can be increased if fewer than 50 lots are proposed.

4. The Petitioner is proposing one public access point off of Deep Forest Drive and one emergency access point off of Wild Horse Creek Road. Staff highly recommends a second public access point to ensure residents have adequate routes of ingress/egress to the development, especially during emergency situations. Additionally, this is generally considered to be a good planning practice.
5. One of the City's Code requirements is to provide a minimum 20-foot access easement to the storm basin proposed on the southern portion of the site. The Applicant is proposing that this easement go through the required 30-foot landscape buffer along the western perimeter, near lot 36. The Applicant has noted in the response letter that easements and/or indentures would be placed to assure the replacement of the landscaping if removed. However, Staff has concerns with this as the landscaping will have to be removed to provide access for heavy equipment needed for the maintenance and upkeep of the proposed storm water basin. Staff also believes this will be difficult to enforce and highly recommends that the easement be provided outside of the required perimeter buffer.
6. The length of the proposed cul-de-sac shown on the Preliminary Plan exceeds the maximum length allowed for a cul-de-sac as set forth in City Code. The Applicant has noted they will be submitting a modification request for this requirement; however, Staff has not yet received this request. All such requests are reviewed and approved by the Planning and Development Services Director; however, in the case of a "PUD", the Director's recommendation will be forwarded to the Planning Commission. As this request has not yet been submitted, a formal recommendation cannot be made. This will be addressed prior to the final Preliminary Plan being forwarded to the Planning Commission for vote.

7. Staff recommends that the Applicant provide a loop-street for this development with full public access points at Deep Forest Drive and Wild Horse Creek Road. These recommendations would address several of the issues identified tonight.

In response to other issues raised during the Public Hearing:

- The Applicant is proposing a meandering sidewalk along Wild Horse Creek Road and has noted that a request for modification for the sidewalk along Deep Forest Drive will be submitted to Staff; however this request has not yet been received.
- The Applicant has contacted, and is working with, the property owner to the north for the provision of the sanitary sewer easement requested by the property owner.
- Concerns about increased traffic and the required road improvements for the development will be addressed as part of the Site Plan review. At that time, Staff will coordinate with MoDOT and advise the Applicant of any required traffic study and road improvements. These will be presented to the Planning Commission during Site Plan review.

Staff had requested the Petitioner provide a detailed narrative as to which of the 12 *Design Features* listed below have been met. The Applicant's response has been included in the meeting packets and Mr. Doster explained the Petitioner's response during his earlier presentation. Ms. Patel stated that the approval of the "PUD" zoning will be predicated on the use of this list and any other design features deemed desirable by the City.

### **Design Features**

1. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, vegetation, slope, etc.;
2. Preservation of natural and cultural areas as well as creation of open space;
3. Preservation of existing mature trees;
4. Enhanced landscaping, deeper and opaque buffers, and increased planting along public ROW's, open space/recreational areas, and the overall perimeter to protect and ensure compatibility with adjacent land uses;
5. Utilization of mixed use and buildings;
6. Utilization of Traditional Neighborhood Design techniques;
7. Architecture which exceeds typical building design;
8. Segregation of vehicular traffic from pedestrian/bicycle and other traffic mitigation measures;
9. Incorporation of Transit Oriented Development;
10. Affordable Housing;
11. Leadership in Energy and Environmental Design (LEED) construction practices;
12. Community facilities.

Staff is requesting feedback and direction on the draft Attachment A, analysis of the suitability of the zoning requests, and whether any further issues need to be resolved prior to requesting a recommendation from the Planning Commission.

### **DISCUSSION**

Commissioner Wuennenberg asked how many lots could be placed on the site without a "PUD". Ms. Patel replied that under the "E-1" zoning, 25-30 lots could be built considering the 20 acres located in the floodway and floodplain. If the number of lots

with this PUD was reduced, the minimum lot sizes could be increased and be more compatible with surrounding developments, and other outstanding issues may be able to be addressed. It was noted that the minimum lot size under the “E-1” zoning is one acre.

Ms. Patel then provided the following information identifying minimum lot sizes for the adjacent developments compared to the proposed Wilmas Farm development.

Development	Lots	Acres	Minimum Lot Size (Square Feet)
Wildhorse	101	139.3	22,000
Arbors at Wildhorse	22	23.4	24,000
Windridge Estates	15	21.74	22,000
Country Lake Estates	41	46.7	22,000
<i>Wilmas Farm (proposed)</i>	<i>50</i>	<i>50.5</i>	<i>19,000</i>

Chair Watson asked if the adjacent subdivisions have perimeter buffers around them as being required for Wilmas Farm. Ms. Patel stated that because of the “PUD” requirement, Arbors at Wildhorse provided the perimeter buffers. Ms. Nassif added that both the “PUD” and all “E” Districts require a 30-foot landscape buffer around the perimeter.

Commissioner Lueking asked for a comparison between the past zoning of a Planned Environmental Unit (“PEU”) and the current “PUD” zoning. She pointed out that under the “PEU”, a step-down in lot sizes was allowed under the designated zoning. Ms. Nassif clarified that the “PEU” did not have design features and desirable designs/attributes, which is one of the main sections added to the “PUD”. The “PUD” does not have any minimum lot sizes because each project is reviewed on a case-by-case basis and is designed to then encourage exceptional design over what you would typically achieve with a straight “R” or “E” district. Chair Watson stated that the main concern of the “PUD” is *exceptional design* over the existing conditions.

**IX. NEW BUSINESS**

Chair Watson reminded the Commissioners that a Training Meeting is scheduled for January 15 at 4:00 p.m.

**X. COMMITTEE REPORTS - None**

**XI. ADJOURNMENT**

The meeting adjourned at 8:25 p.m.

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Steve Wuennenberg, Secretary