

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 10, 2020**

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

I. ROLL CALL

PRESENT

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

ABSENT

Commissioner James Rosenauer
Commissioner Gene Schenberg

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

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

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

- A. P.Z. 19-2019 Briarcliffe Villas (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).

STAFF PRESENTATION:

Planner Annisa Kumerow gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Kumerow then provided the following information about the subject site:

Request

The petitioner is requesting to repeal the “PEU” Planned Environmental Unit as part of a two-step zoning process. The second step in this process is an additional petition for a zoning map amendment to obtain “PUD” Planned Unit Development zoning.

Site History

The site was originally zoned “R-2” Residence District with a Conditional Use Permit by St. Louis County, and subsequently rezoned in 2005 to an “R-3” Residence District with a “PEU” Planned Environment Unit Procedure. In 2013, a request to amend the ordinance was submitted, followed by two requests for zoning map amendments in 2014; however, these requests were all withdrawn by the applicant with no further action taken.

Land Use Plan

The City of Chesterfield Comprehensive Land Use Plan indicates that this development is within the area designated as *Single-Family Residential*, and is primarily neighbored by other single-family residential-designated areas.

Discussion

During discussion, it was confirmed that by repealing the PEU, the site would revert to the “R-3” Residence District without all of the PEU requirements contained in Ordinance No. 2213. Consequently, each parcel (*13987 Olive Blvd and 14001 Olive Blvd*) could be developed independently subject to the R-3 zoning district requirements.

PETITIONER’S PRESENTATION:

Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that he is representing Chesterfield Management Associates, LP, the fee owner property owner of 14001 Olive Blvd. He then provided background information on the previous petitions submitted to develop this property, which never went forward. The Petitioner is now requesting that the PEU be repealed and the properties returned to the R-3 zoning, with an additional request (P.Z. 20-2019) to rezone the property to a “PUD” Planned Unit Development.

SPEAKERS IN FAVOR:

1. Mr. Harvey Keymer, Suburban Leisure Center, 14015 Olive Blvd., Chesterfield, MO.

Mr. Keymer stated that his property is contiguous to the subject property. While he is in favor of something being done with the property, he noted concerns about the soil being disturbed in close proximity to the three very old and major water lines in the area of Hog Hollow Road. He has been advised by American Water Company that if the soil is disturbed, “there will be a major disaster” and it would take out his building. He pointed out that the soil is a “wind-blown silt”, and does not compact like a clay-based soil.

Mr. Keymer also noted concern that “by dramatically changing the density of the immediate area, it will probably put a huge strain on the highway”. This could result in islands being built causing “much inconvenience” to his customers and approximately another eight businesses supporting the area.

2. Mr. Bill Franzen, 13987 Olive Street, Chesterfield, MO.

Mr. Franzen stated that he has met with George Stock to review the plan and is in favor of it.

3. Ms. Karen Page, Trustee for the Homeowners Association for Eagle Ridge subdivision, 554 Eagle Manor Lane, Chesterfield, MO.

Ms. Page stated that four of the trustees have met with Mr. Stock and are impressed with the proposed plans, noting that the site has been a nuisance to the homeowners for 20 years due to trespassers. Ms. Page pointed out that nine of the subdivision’s thirty homeowners were present in the audience supporting the petition.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Ben Man, 515 Eagle Manor Lane, Chesterfield, MO.

Mr. Man expressed concerns about two large trees on the edge of his property that have been neglected for years causing safety issues. Mr. Man then provided pictures of the trees, which will be shared with the Commission.

ISSUES:

1. Utilities and water main concerns
2. Traffic – how it will be impacted by the proposed development
3. Tree preservation

- B. P.Z. 20-2019 Briarcliffe Villas (14001 Olive Blvd):** A request for a change in zoning from R-3 Residence District to PUD Planned Unit Development for a maximum of 117 residential units (16R340151).

STAFF PRESENTATION:

Planner Annisa Kumerow gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Kumerow then provided the following information about the subject site:

Request for Planned Unit Development

The purpose of the 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
- The provision of streets, and
- The preservation of natural open space

Minimum Design Standards

1. Meet the maximum residential density determined by the existing zoning district.
2. Provide a minimum of 30% open space
3. Provide a perimeter buffer of at least 30 feet
4. Must be consistent with the intent of the Comprehensive Plan and the Unified Development Code

Design Features

The Unified Development Code lists 12 Design Features suggested to be used by developers when applying for PUD District zoning:

1. Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, slope, etc.
2. Preservation of natural & cultural areas, as well as the creation of open space through active & passive recreation areas
3. Preservation of existing mature trees
4. Enhanced landscaping, deeper buffers, and increased plantings along rights-of-way
5. Utilization of mixed-use buildings
6. Utilization of Traditional Neighborhood Design techniques
7. Structures designed/constructed of an architectural vernacular that exceed typical design
8. Segregation of vehicular traffic from pedestrian/bicycle circulation networks
9. Incorporation of Transit Oriented Development or direct access to public transportation
10. Provision of affordable housing
11. Utilization of Leadership in Energy and Environmental Design construction practices
12. Inclusion of community facilities and access thereto

Preliminary Plan

The preliminary plan, as submitted by the petitioner, includes:

- A 30' perimeter buffer. *A modification is needed for the southeast portion of the lot, where the entrance from Olive Boulevard is located. Staff is seeking this modification in order to provide access to the adjacent parcel.*
- A maximum of 117 residential units to include single-family-detached, single-family-attached, and multi-family residential units.
- A 200' setback from the eastern boundary of the property for any multi-family dwellings.
- A private fire access drive which connects to Eagle Manor Court.

Access

Regarding the private access drive, the Unified Development Code requires that *all public and private streets shall have standard right-of-way widths and shall be constructed to City of Chesterfield standard specifications.*

Policy 2.1.12 Residential Subdivision Access states that *residential developments should have more than one access route in order to provide adequate ability to emergency vehicles.*

Staff recommends that the proposed fire access be dedicated as a public street. Alternatively, other options include:

- Building the proposed fire access drive to public street standards, or
- Having the proposed fire access drive remain private.

Discussion

Councilmember Mastorakos stated that she shares the concerns expressed by Mr. Keymer regarding soil disturbance, tree removal, and erosion, and the long-term effects such activity would have on the soil, the water company, and Hog Hollow Road.

Chair Hansen pointed out that this is the first PUD requesting multi-family development vs. single-family-detached.

PETITIONER'S PRESENTATION:

Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Request

Mr. Stock stated that they are requesting the PUD because (1) the property lines have changed from the previous petitions, and (2) they are requesting three types of residential uses - single-family-detached, single family-attached, and multi-family. The existing PEU only allows 82 attached villas. Under the current request, 117 units are allowed.

Mr. Stock stated that while there is strong interest in the property by residential homebuilders, they don't have one at this time. He explained that the single-family-detached homes would be situated adjacent to the Eagle Ridge subdivision. The multi-family units, in the form of condominiums at a maximum height of 3 stories or 45 feet, are being restricted to more of the interior of the site, in a north-south direction. Because of how the site would be graded, the buildings would be below the lines of sight of Eagle Ridge subdivision.

Setbacks

Requested setbacks are 15 feet from the right-of-way, 6 feet from the side yard, and 15 feet from the rear yard.

Access

MoDOT has approved the proposed access from Olive Boulevard. The placement of it is immediately contiguous to Mr. Franzen's property at 13987 Olive Boulevard, which gives him the ability to access the property on to a public roadway vs. Olive Boulevard. The access road would be a public street with water, sewer, and public utilities extended into the site.

Mr. Justin Wyse, Director of Planning, asked Mr. Stock to explain why it is important to the adjacent property owner (*13987 Olive Blvd.*) to have the Olive Blvd. access line up with the frontage of his parcel. Mr. Stock stated that the adjacent property owner will most likely sub-divide the parcel in accordance with the R-3 zoning, and having right-of-

way immediately adjacent to his property allows him to have driveways to single-family homes.

Emergency Access

The need for emergency access is within the City of Chesterfield ordinance, as well as the Monarch Fire Code. In 2005, a 20-foot, gated fire access road was proposed at the property line. Mr. Stock stated that when he met with the Eagle Ridge trustees, he had presented the gated access road as what would be proposed, but he has noted that Staff is recommending that the fire access be a public street. Mr. Stock added that he is open to the fire access being a public street, if so directed.

Soils/Water Mains

Regarding the three water mains along Hog Hollow Road, the Developer will engage the water company, and the services of professional geotechnical engineers to address the soils conditions.

Preliminary Plan

- The residential homes have been placed in the “sustainable location for the soil conditions”.
- The steep slopes are being preserved along the north and west sides, adjacent to Hog Hollow Road.
- The existing, mature trees are being preserved.
- The Landscape Concept Plan addresses street trees and the 30-foot perimeter buffer around the property.

Traffic

Previous traffic studies had been done relative to this site and the Petitioner does not believe that an increase in units from 82 to 117 will have any impact upon Olive Boulevard.

Discussion

Mr. Justin Wyse, Director of Planning, reported that at the most recent Planning & Public Works Committee meeting, discussion was held regarding Hog Hollow Road, and asked Mr. Stock to explain their intentions of how the dirt on the site will be utilized. Mr. Stock stated that the intent is to remove dirt from the property as soon as possible in order to lower it, to improve the slopes, to improve the stability, and to create a “buildable, sustainable area”. They have the opportunity to have the dirt removed for other projects, which lessens the financial burden of developing the property. This would be done with engineering drawings, geotechnical investigations, storm water pollution prevention plans, permitting, and inspections. Mr. Wyse pointed out that there is a high likelihood that activity will be taking place on the site with grading prior to seeing a development proposal for a potential subdivision.

Apartments/Multi-family Units

Commissioner Harris asked for clarification as to the possibility of an apartment complex being developed on the site. Mr. Stock replied that the intent is for owned-condominiums vs. rental property.

Commissioner Midgley questioned whether there is the possibility that the site could be developed as all multi-family units. Mr. Stock replied that developers have told him that there is not a market for 117 condominiums. Developers envision a mix of product with a

higher percentage of detached villas, a limited amount of attached units, and a limited amount of condominiums. Mr. Stock also indicated that they are open to a discussion regarding a limitation on the number of multi-family units for the site.

Traffic

Commissioner Harris expressed concern about the addition of 200 vehicles trying to exit the site onto Olive Boulevard during the morning peak period, especially when making a left-hand turn.

Fire Access Road

Commissioner Tilman asked for clarification on the width of the fire access road. Mr. Wyse replied that there are three options for the fire access road:

- Build it to public street standards at 26-feet wide and have it open as a public street;
- Build it to public street standards but allow it to be gated for emergency access only; or
- Build it as a 20-foot wide fire access in accordance with the Fire Department's access requirements for a secondary emergency vehicle access only.

SPEAKERS IN FAVOR:

1. Mr. Bill Franzen, owner of the property at 13987 Olive (WLF Investments, LLC), Chesterfield, MO.

Mr. Franzen stated that his concern regards egress and his ability to have access to the roadway. Based on Mr. Stock's earlier comments, he is of the understanding that the proposed drive will provide access to his property. He also asked that there be a footnote included in the plan to ensure that his property at 13987 Olive has access to this road.

Mr. Franzen noted that his property will need access to utilities and if the utilities are located on the west side of the ingress, he would have difficulty accessing them.

Mr. Franzen also stated that he has not seen a grading plan and how it may impact his property.

Discussion

Mr. Wyse stated that they will coordinate with Mr. Franzen regarding utility access and grading impact. Regarding the driveway location, Mr. Wyse explained that unless Mr. Franzen wants to become a part of the subject PUD, the City has no ability to grant him any rights that would guarantee him access. The City would review access in accordance with its access management standards.

2. Ms. Karen Page, Trustee for the Homeowners Association for Eagle Ridge subdivision, 554 Eagle Manor Lane, Chesterfield, MO.

Regarding the fire access road, Ms. Page stated that they prefer that it remain as proposed, as a 20-foot wide, gated secondary access for emergency fire vehicles. They definitely do not want it built as a public street that would allow access into Eagle Ridge subdivision.

They also had concerns about some of the existing trees, which have been neglected and pose a safety issue, and are glad that they are scheduled for removal. Ms. Page noted that they want the landscape buffer, and after reviewing the landscape plan, they feel it is appropriate.

Regarding multi-family residences, they have no concern if they are developed as owner-owned condominiums; however, they are strongly opposed to rental apartments on the site.

Commissioner Wuennenberg explained that once a site is zoned for “multi-family”, the City does not have the ability to regulate whether the units would be owned or rented.

3. Mr. Bob Bayer, 575 Eagle Manor Lane, Chesterfield, MO.

Mr. Bayer stated that he is in favor of the petition but noted the following concerns:

- He has spent a substantial amount of money on grading and drainage issues, and has concerns about how water runoff will be addressed.
- Currently, they have a very secluded feel to their property with the back yard facing a hill and woods, and he does not want to go from that to looking at someone’s home or back yard.
- Traffic is a concern if the access road is allowed to be open to Eagle Manor Court.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Barry Chelist, 578 Eagle Manor Lane, Chesterfield, MO.

Mr. Chelist noted his concerns as follows:

- Having the access road as a public road could be a safety issue for the children playing in the Eagle Ridge subdivision.
- Trying to turn left into or out of the site is very difficult. Speaker asked if any consideration had been given to installing a stop light at this location.
- Having multi-family condos may negatively impact the value of the homes in Eagle Ridge subdivision.
- The current landowners “have been less than desirable to work with as it relates to the trees on their property”, so he has concerns as to how easy they will be to work with when developing the subject site.

ISSUES:

1. Utility issues – specifically water and soil runoff
2. Traffic issues – making a left turn on to Olive Blvd.
3. Tree preservation
4. Hog Hollow Road
5. Number and type of residential lots
6. Stop light possibility
7. Preference for the access road being 20-feet wide and gated

Commissioner Tilman reported that MoDOT intends to resurface Olive from just south of I-64 to I-270 over the next few years. The City has more information about this project on its website; for specific questions, residents may call the City's Planner of the Day at 636-537-4733.

- C. P.Z. 01-2020 City of Chesterfield (Unified Development Code - Article 3):** An ordinance amending Article 3 of the Unified Development Code to revise regulations pertaining to the E-1/2AC Estate District.

Assistant City Planner Mike Knight stated that in January 2020, the Planning & Public Works Committee directed Staff to pursue updates to the E-1/2 AC Estate District specifically to remove the *Dwelling, single-family attached* use.

Recommended changes relate to two sections of the Unified Development Code, as noted below:

- Section 31-03-03 Zoning Districts and Regulations - The use *Dwelling, single-family attached*, and the associated minimum lot size, would be removed from the table in Section 31-03-03G2.(c)
- Section 31-03-06 Use Table for Residential Districts - The "P" (*indicating a permitted use*) in the column for E-1/2 AC within the Use Table for Residential Districts would be removed and left blank for the Use Group *Dwelling, single-family attached*.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Tilman made a motion to approve the Meeting Summary of the January 27, 2020 Planning Commission Meeting. The motion was seconded by Commissioner Harris and **passed** by a voice vote of 7 to 0.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

Commissioner Wuennenberg made a motion to change the Agenda order to review P.Z. 01-2020 prior to P.Z. 16-2019. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 7 to 0.

- A. P.Z. 01-2020 City of Chesterfield (Unified Development Code - Article 3):** An ordinance amending Article 3 of the Unified Development Code to revise regulations pertaining to the E-1/2AC Estate District.

Commissioner Wuennenberg made a motion to approve **P.Z. 01-2020 City of Chesterfield (Unified Development Code - Article 3)**. The motion was seconded by Commissioner Tilman.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 7 to 0.

B. P.Z. 16-2019 1420 Schoettler Rd. & 15000 South Outer Forty Rd. (Daniel Prosser): A request for a zoning map amendment from an “NU” Non-Urban District to an “E ½ AC” Estate Half Acre District for two tracts of land totaling 6.00 acres located on the east side of Schoettler Road, north of its intersection with Grantley Drive (19S640262), (19R430165).

Planner Chris Dietz stated that the request is a conventional, straight zoning map amendment and no Attachment A is required. The Public Hearing for this petition was held on January 13, 2020 with no issues raised at that time. However, the permitted use of *Dwelling, single-family attached* in the E ½ AC Estate Half Acre District was discussed. The Planning Commission has recommended that this use be removed from the E ½ AC Estate Half Acre District, which will be forwarded on to City Council for final review.

Commissioner Wuennenberg made a motion to approve **P.Z. 16-2019 1420 Schoettler Rd. & 15000 South Outer Forty Rd. (Daniel Prosser)**. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

Chair Hansen reported on the success of the recent Open House whereby the public had the opportunity to review the public draft of the City’s Comprehensive Plan. It was also agreed that the Commissioners would each provide comments on the Plan, and a

work session would be scheduled in early March to discuss input received from both the Commission and the public.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Gene Schenberg, Secretary