

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
APRIL 11, 1994



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

**PRESENT**

Mr. Rick Bly  
Mr. Fred Broemmer  
Mr. Dave Dalton  
Ms. Mary Domahidy  
Ms. Linda McCarthy  
Ms. Patricia O'Brien  
Chairman Barbara McGuinness  
Mr. Douglas R. Beach, City Attorney  
Mayor Jack Leonard  
Mr. Jerry Duepner, Director of Planning  
Ms. Laura Griggs-McElhanon, Senior Planner  
Mr. Joe Hanke, Planner II  
Ms. Toni Hunt, Planner I  
Ms. Sandra Lohman, Executive Secretary

**ABSENT**

Mr. Bill Kirchoff  
Mr. Walter Scruggs

**INVOCATION** - Mayor Jack Leonard

**PLEDGE OF ALLEGIANCE** - All

Chairman McGuinness noted Ms. Dalton (Commissioner Dalton's daughter) is here as a representative of Lafayette High School Civics and American Government Class.

Commissioner Dalton stated that he will be recuse during the public hearing (P.Z. 7-94 Donald Erwin Knoesel) due to business associations.

**Commissioner Dalton left the meeting during the public hearing.**

Commissioner O'Brien stated that, for personal reasons, she will not participate in discussion or vote on P.Z. 7-94.

**PUBLIC HEARINGS**

Commissioner Bly read the "Opening Comments"

- A. **P.Z. 7-94 Donald Erwin Knoesel**; a request for a change in zoning from "NU" Non-Urban District to "R-1" One-Acre Residence District for a 3.6 acre tract of land located on the west side of Wilson Road, approximately 1200 feet north of the intersection of Wilson Road and Chesterfield Lakes Road. (Locator Number 19T530139]

Joe Hanke, Planner II, gave a slide presentation of the proposed site and surrounding area.

Director Duepner noted the following:

The Department sent a notice of the hearing to the trustees on the list on file with the City Clerk, and to property owners within 200 feet of the site. The site was posted at locations believed to be accessible (i.e., adjacent to the driveway that serves a portion of the site). There was a public notice placed in the Chesterfield Journal and St. Louis Countian newspapers.

Mr. Donald E. Knoesel spoke on behalf of his petition noting the following:

- The request is for one (1) additional home on the north side of the parcel.
- The existing property will be divided in half. (Mr. Knoesel pointed out the location of the proposed home on a map of the site.)
- He identified the surrounding land uses and zoning.
- The topography of the site is unusual, in that the neighboring parcels are significantly higher [thirty (30) feet to fifty (50) feet] than the subject site.
- The existing home is not visible from adjoining parcels or Wilson Road.
- He does not believe the request will adversely impact the neighbors.
- The subject property fronts approximately 631 square feet along Wilson Road, and has direct access to same.
- Mr. Knoesel's father and mother are the architects who designed his existing home, and would design the additional home proposed.

- The proposed home would complement the existing residence in size and appearance.
- Trees and wildlife on the subject site will not be disturbed.
- No change is proposed to the grade of the property.
- The new residence would be shielded by the natural environment of the property.
- The circular drive which enters from the south and exits to the north will remain the same.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner McCarthy inquired whether the proposed structure would alter the view from Wilson Road.

Mr. Knoesel replied that his existing home, as well as the proposed structure, would be shielded from Wilson Road by a natural buffer. He further noted there is a creek running down the entire frontage of the property, which will not be changed.

Commissioner McCarthy inquired of the size of the proposed structure.

Mr. Knoesel noted his present house is 3,000 square feet, and Bob (his son) intends to build a residence of similar size and design. He further noted they will seek the approval of neighbors.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION:

1. Mr. John Hammond, 1203 Walnut Hill Farm, Chesterfield, MO 63005.

Mr. Hammond spoke on behalf of the Walnut Hill Trustees, noting the following:

- Walnut Hill has submitted a signed petition opposing this request.
- Approval of the request would set a precedent.

- Roads in the area are very old (50 to 60 years).
- Traffic is exacerbated by the recent flooding of the Valley, and the bridge being out at Kehrs Mill Road in Clarkson Valley. There is only one (1) way for residents to access/exit their properties.
- If Chesterfield wants to continue to approve small lot subdivisions and take out the Non-Urban zoning in west Chesterfield, it must do something about a network of arterial roads to handle the traffic. He believes the roads should be put in first.
- If Chesterfield wants to deviate from its Master Plan, it should get a new one with input from the citizens.

#### COMMENTS/DISCUSSION BY COMMISSION

Mayor Leonard inquired about the utilities installed in the subject area.

Mr. Hammond noted they have all the utilities, except some are not connected to MSD sewers. He further noted he isn't sure what the change in Wilson Road will do to the subject parcel.

Chairman McGuinness asked Mr. Hammond how he would feel about a request for a 3,000 square foot addition to the existing house.

Mr. Hammond noted that: it would not require another family to live there; he has no problem with large additions, as they do not add to the traffic situation; and he does not believe cramming houses on these lots is good for property values.

2. Mr. Don Sarno, 12 Chesterfield Lakes, Chesterfield, MO 63005.

Mr. Sarno spoke on behalf of the residents along Wilson Road, noting the following:

- They don't enjoy coming here to protest the best intentions of a person whom they consider to be a very good neighbor.
- Would like to see the environment remain unchanged.
- Concern regarding spot zoning, property values, and domino effect along Wilson Road.

- The West Area Study Committee is considering the possibility of a new category of zoning (minimum of two (2) acres).
- With the realignment of Wilson Road, it appears Mr. Knoesel may pick-up between one-quarter or one-half of an acre. As such, if the property shifts away from Mr. Knoesel, the request may be a little more palatable.
- Residents of Chesterfield Lakes do not want Chesterfield to become Missouri's third largest city.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Domahidy stated she appreciates the nature of Mr. Sarno's comment and the tone, because she feels it is difficult to speak as an opposing neighbor on something that seems desirable.

3. Mr. Ed Kottmeier, 1508 Countryside Hill, Chesterfield, MO 63005.

Mr. Kottmeier inquired whether or not the Planning Commission has jurisdiction that would oversee or preclude a Deed Restriction.

City Attorney Doug Beach replied that no, we do not.

Mr. Kottmeier stated there is a Deed Restriction on Mr. Knoesel's property, in that it may not be subdivided. He noted the following:

Several years ago, himself, Neal Compton and Ron Compton acquired eleven plus acres with the intention that these would be maintained as three (3) acre lots, single-family residences. There was a restriction put on everyone's deed that the property never be sub-divided. Approval of this structure requires a vote of 2/3's of the original owners, or their assigns. They were contacted last evening, and have not given approval.

City Attorney Beach noted that, the City must treat anything that comes before the Planning Commission as if there are no other impediments which may be legally binding upon this property. The City is not in the business of enforcing private restrictions, or deed restrictions. Should the owners choose to enforce this, the City views it as if would we, or would we not, make the change based upon the perception of the Planning Commission. The zoning, if granted, could be put in place, but not be allowed to proceed due to the owners' ability to stop it.

Mr. Kottmeier noted the intent was to maintain three (3) acres minimum zoning.

City Attorney Beach noted that any control by the City will depend upon how the lots are presented, and in this regard the City has some control.

Mr. Kottmeier noted there are many unknown factors, and he believes the status-quo should be maintained.

City Attorney Beach requested a copy of the Deed Restrictions.

4. Mr. G. A. Kraemer, 10 Chesterfield Lakes, Chesterfield, MO 63005.

Mr. Kraemer noted the following:

- Would like to see three (3) acre lots remain.

5. Mr. T. Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005.

Mr. Korakianitis spoke on behalf of Chesterfield Lakes Subdivision, noting the following:

- He apologized to Mr. Knoesel's family for the position of residents of Chesterfield Lakes Subdivision regarding his proposal.
- They are not against development, but are for carefully planned and controlled development.
- The residents he spoke with were all violently opposed to subdividing any parts of the properties west of Wilson Road.
- Wilson Road, at that spot, tends to be a dangerous road (i.e., bottom of a hill, speeding).
- Concern that further development along Wilson Road will drive away the wildlife.
- The cost to hook-up sewers in his subdivision would be approximately \$10,000 to \$15,000 per property owner.
- Concern about intentions changing in the future.

Mr. Korakianitis handed the Commission Chairman Barbara McGuinness a signed petition (45 signatures) from residents of Chesterfield Lakes Subdivision.

6. Ms. Faye Albrecht, 1224 Wilson Road, Chesterfield, MO 63005.

Ms. Albrecht spoke as an individual noting the following:

- She is unhappy that her property has been devalued due to the Woodcliffe development (4 and 5 homes per acre).
- For three (3) years the portion of her property that abuts the Woodcliffe Subdivision has been ruined. The natural wetlands that previously existed are now a retention pond full of muck and debris.

Chairman McGuinness read a note from Mr. Ron Compton:

"At this time, as Mr. Knoesel is required by Deed Restriction to obtain our permission to subdivide, and has not done so, we will re-evaluate when we see his plans. He requested permission, for the first time, yesterday."

7. Mr. Ron Compton, 1520 Countryside Hill, Chesterfield, MO 63005.

Mr. Compton spoke as an individual noting the following:

- Mr. Knoesel called him last evening, for the first time, acknowledging there is a Deed Restriction which prohibits his subdividing, and requested permission. Mr. Compton, along with Mr. Kottmeier and Mr. Martin, will need to meet and evaluate what it is he wants to do. Until, and unless, the decision is made to give permission by a 2/3's majority for that to occur, the situation would be they are opposed to the development. The restriction says that the property shall not be subdivided. He stated he will provide a copy of this Deed Restriction to the City.

SPEAKERS - NEUTRAL: None

Chairman McGuinness summarized the items to be addressed in the rebuttal as:

- Did you show them your plans?
- Did you meet with them in advance of this meeting?
- They are very concerned about the density.
- Mr. Hammond brought up that you knew the rules in advance when you moved here, and before coming here (to the City to request rezoning).
- This will set a precedent.

- This will aggravate problems.
- The road re-alignment could give you more land. Maybe you should ask for your rezoning then.
- Several of your neighbors are particularly concerned that you may have failed to take into consideration this Deed Restriction, that the land may not be subdivided without 2/3's of the original people involved giving their approval.
- Further development will drive wildlife away.
- In terms of intentions, intentions do change, and may not be the same later.

**REBUTTAL:**

Mr. Knoesel replied as follows:

- They were well aware of the Deed Restriction from the beginning, and they need to sell them on this proposal.
- They believe their proposal will be an added advantage not only to themselves, but also to their immediate neighbors.
- The intent was to present the plans to the City first, to see if it would be possible, and then proceed with the plans consistent with the existing residence.
- They don't believe they are setting a precedent, as there is already a precedent for this along Wilson Road.
- They have actively encouraged the wildlife in the area.
- They have resided here for eighteen (18) years, and intend to remain.

Commissioner Bly read the remainder of the "Opening Comments."

**SHOW OF HANDS**

FOR: 8                      AGAINST: 28                      NEUTRAL: 3

**Commissioner Dalton returned to the meeting.**

Mayor Leonard reported that the City is concerned about the height of the Missouri River, however Chesterfield Valley is under control and in good shape.

Chairman McGuinness read into the record, a letter from former Commissioner Victoria Sherman expressing her admiration for Commissioner Fred Broemmer's work.

#### APPROVAL OF THE MINUTES

Commissioner Domahidy made a motion to approve the minutes from the meeting of March 28, 1994. The motion was seconded by Commissioner Dalton and **passed** by a voice vote of 7 to 0.

PUBLIC COMMENTS - None

OLD BUSINESS - None

#### NEW BUSINESS

- A. P.Z. 18 & 19-93 Nooning Tree Partnership; "NU" Non-Urban District to "R-3" 10,000 Square Foot Residence District and Planned Environment Unit (PEU) procedure in the "R-3" 10,000 Square Foot Residence District; south side of Olive Boulevard, east of the intersection of Appalachian Trail and Olive Boulevard.

(Note: This item is placed on the agenda as information only. It has been tabled by the Planning Commission until further notice.)

- B. P.Z. 3 & 4-94 Chesterfield Homes Development, Inc.; "NU" Non-Urban District to "R-3" 10,000 Square Foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 Square Foot Residence District; south side of Kehrs Mill Road, east of the intersection of Clarkson Road (State Highway 340) and Kehrs Mill Road.

Toni Hunt, Planner I, summarized the request and the Department's recommendation of approval, subject to conditions in Attachment A.

Commissioner O'Brien made a motion to **approve** the Department's recommendation. The motion was seconded by Commissioner Dalton.

## COMMENTS/DISCUSSION BY COMMISSION

- A copy of the correspondence from the developer was provided to the Commission and, since the Department has had no feedback from residents, it is assumed that all concerns were addressed.
- The flag lot between Lots 8 and 9 may be reconfigured at the time of site plan submittal and/or review.
- Now would be the time to discuss the appropriateness of detention ponds in buffer areas along roadways.
- It was noted that, in group discussions during the West Area Study meeting, quite a bit of concern was expressed about placing detention ponds in landscape buffer areas along roads.
- Concern was raised regarding the proposed location of the detention basins.
- It was suggested that this matter be referred to the Landscape Committee at the time of site plan submittal.

Director Duepner noted the following regarding current Landscape Guidelines:

Landscape polices are guidelines, and changes are to be considered. In this particular case, the Department was looking at a situation where the detention basins are to be located, to some extent, where the topography dictates. This may be adjacent to the roadway. While recognizing the existing sight distance problems, the Department believes the combination of the distance from the roadway and the ability to landscape the back portion, and possibly the front portion, would help achieve the buffer and landscape area the Commission would like to see in development adjacent to roadways.

- A safety concern was raised regarding the depth of the proposed detention basin along Kehrs Mill Road.
- It was noted that, depending upon the depth, there may be a requirement for fencing or guard rails.
- The zoning patterns of the area surrounding the subject parcel were discussed.

**For the record: Commissioner Bly and Commissioner McCarthy listened to the tape of the public hearing on this matter prior to tonight's meeting.**

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner McCarthy, yes; Ms. O'Brien, yes; Chairman McGuinness; yes.

The motion was approved by a vote of 7 to 0.

Commissioner Dalton left the meeting at this time.

- C. P.Z. 5 & 6-94 C.L. Family Land Company (Schoettler Manor); "R-1A" 22,000 Square Foot Residence District to "R-2" 15,000 Square Foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-2" 15,000 Square Foot Residence District; east side of Schoettler Road, north of Clayton Road.

Senior Planner Laura Griggs-McElhanon noted there was a letter received from a resident that was handed out to the Commission this evening, and inquired whether or not the Commission had any additions to the list of items being reviewed by the Department. She further noted the Department's recommendation that the matter be held until the Commission meeting of April 25, 1994.

No items were added or deleted from the list.

Commissioner McCarthy made a motion to hold the matter. The motion was seconded by Commissioner Domahidy and passed by a voice vote of 6 to 0.

- D. P.C. 25-82 Chesterfield Fire Protection District; amendment of "M-3" Planned Industrial District Ordinance; west side of Long Road, south of Chesterfield Airport Road.

Senior Planner Laura Griggs-McElhanon summarized the request and the Department's recommendation to approve the amendment, as stated in its report.

A motion was made by Commissioner O'Brien to approve the Department's recommendation. The motion was seconded by Commissioner Bly.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Domahidy, yes; Commissioner McCarthy, yes; Ms. O'Brien, yes; Chairman McGuinness; yes.

The motion was approved by a vote of 6 to 0.

Chairman McGuinness made the following appointments:

Patricia O'Brien as Co-Chairman of the Site Plan Review Committee on the second Monday of each month.

#### SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

Commissioner Dalton returned to the meeting.

- A. Sugarwood Trail, Plat 1; "NU" Non-Urban District Subdivision Record Plat; east side of Schoettler Road at Sugarwood Trail Drive.

Commissioner O'Brien, on behalf of the Site Plan Review Committee, made a motion to approve the Record Plat as proposed. The motion was seconded by Commissioner Bly and passed by a voice vote of 7 to 0.

- B. P.Z. 22, 24, 25 and 26-92 Chesterfield Village, Inc., Jones Custom Homes and Mayer Homes, Inc. (Chesterfield Farms/Chesterfield Farms Estates); Planned Environment Unit (PEU) in the "R-2" 15,000 Square Foot Residence District, "FPR-2" Flood Plain "R-2" 15,000 Square Foot Residence District, and "R-6" 4,500 Square Foot Residence District Site Development Section Plan (Recreation Facility); north side of Wild Horse Creek Road, west of Santa Maria Drive.

Commissioner O'Brien, on behalf of the Site Plan Review Committee, made a motion to approve the Site Plan and Landscape Plan, subject to submittal of the lighting plans to the Site Plan Committee when they are received by the Department. The motion was seconded by Commissioner Broemmer and passed by a voice vote of 7 to 0.

Director Duepner inquired which members of the Commission plan to attend the Planning Commissioner's Workshop on May 3, 1994.

It was noted that, in addition to Chairman McGuinness, the following Commissioners would attend: Bly; McCarthy; and O'Brien.

Director Duepner presented a handout to the Commission regarding the St. Louis Urban Forum 1993-94 Schedule, noting the following: The title of the program is "Living of the Edge: Shaping St. Louis' New Suburbs." It will be at the Missouri Historical Society, at 7:00 p.m., on April 21, 1994. The City of Chesterfield was acknowledged in the book called "Edge Cities" as one of the edge cities.

Chairman McGuinness noted that Mr. Bly will serve on the Ordinance Review Committee. Ms. McCarthy will serve on the Comprehensive Plan Committee. They will both be on the 2nd Monday Site Plan Committee.

## **COMMITTEE REPORTS**

### **A. Ordinance Review Committee**

Director Duepner noted the Planning and Zoning Committee has requested that the Planning Commission consider amending the Zoning Ordinance to deal with "Home Day Care." He further summarized the current ordinance requirements, St. Louis County's ordinance, etc.

Commissioner O'Brien noted she is by herself as Co-Chair of the Ordinance Review Committee.

Chairman McGuinness replied that she will react and deal with it when she thinks to do it.

### **B. Architectural Review Committee**

Committee Chair O'Brien reported as follows:

When the Site Plan Committee met earlier this evening and noted they would like to have had the option for architectural review of the recreational facility at Chesterfield Farms. The Committee would like to expand its policy to request architectural review for all structures, except for single-family homes that do not abut subdivision streets.

Director Duepner suggested the following procedure:

The Commission could direct the Department to raise the issue of concern about architectural review, noting that it does not encompass, at the present time, single-family dwellings other than those which abut major roadways. However, in other projects where this might be an issue, it would be brought to the Commission's attention to decide whether or not it should be included as a condition in an ordinance.

City Attorney Doug Beach noted we need to be careful of the timing regarding changing of any policy.

Chairman McGuinness noted the Department has this directive.

C. Site Plan/Landscape Committee

D. Comprehensive Plan Committee

Co-Chair Domahidy reported the West Area Public Meeting went very well.

Joe Hanke, Planner II, reported as follows:

The Department is currently computing the addresses of those who attended the meeting in order to forward a summary report to them. There were between 180 and 200 persons in attendance. The Department is in the process of compiling all of the individual written notes and summary notes, and hope to have a part of this completed by the meeting on Wednesday, April 13th, at 5:00 p.m. We (Staff, Committee Co-Chairs and Planning Commission Chairman) are going to meet after tonight's meeting to formulate an agenda for the Wednesday meeting.

Committee Co-Chair Domahidy complimented the staff for their fine job in making all the arrangements at the Chesterfield Elementary School, and getting out the notices to every property owner in the area. She noted there was feedback from the meeting in the Chesterfield Journal on Sunday.

Commissioner Broemmer noted the comments at the meeting were mostly positive.

Committee Co-Chair Domahidy noted that people were saying things diametrically opposite each other, but everyone was okay with it.

Commissioner O'Brien noted, in her group, the most vocal people were those who had lived there the shortest period of time.

E. Procedures and Planning Committee

Director Duepner reported the following:

The Council will address the funding for the contract with Mr. Kendig to revise the Zoning and Subdivision Ordinance at its meeting of April 18, 1994.

The meeting adjourned at 8:45 p.m.

  
Walter Scruggs, Secretary

[MIN4-11.094]