

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
APRIL 13, 2020**

VIRTUAL MEETING

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

I. ROLL CALL

PRESENT

ABSENT

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

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
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 Mary Monachella, Ward I; Councilmember Dan Hurt, Ward III; and Councilmember Michael Moore, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Commissioner Schenberg made a motion to amend the agenda to review ‘New Business’ Item IX.A. first. The motion was seconded by Commissioner Midgley and unanimously approved.

IX. NEW BUSINESS

- A.** A resolution of the Planning Commission of the City of Chesterfield, Missouri, adopting video conferencing procedures for use during the Covid-19 pandemic

Mr. Justin Wyse, Director of Planning, stated that under State statute and the City's Unified Development Code, the Planning Commission has the latitude to make its own rules and procedures. Given the State of Emergency both at the State and County levels, the Planning Commission will continue to meet through virtual means, including holding public hearings and reviewing items of routine business. The subject resolution adopts video conferencing procedures for use during the Covid-19 pandemic.

Commissioner Schenberg made a motion recommending approval of the Resolution adopting video conferencing procedures for use during the Covid-19 pandemic. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING SUMMARY

Commissioner Schenberg made a motion to approve the meeting summary of March 23, 2020. The motion was seconded by Commissioner Rosenauer.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

VI. PUBLIC COMMENT

1. Mr. Kent Whitaker, 15037 Clayton Road, Chesterfield, MO Petitioner for Chesterfield Presbyterian Church, was available for questions regarding the Sign Package for the church.

2. Mr. Kumara Vadivelu, 106 Log Hill Lane, Ballwin, MO Petitioner for Oak Creek Meadows Plat 2 (Record Plat) was available for questions.
3. Mr. David Dial, Dial Architects, 14364 Manchester Road, St. Louis, MO representing the Petitioner for Wings Corporate Estates, Lot 1 (The Office) and Lot 2, (The Warehouse) was available for questions.
4. Mr. Jim Piper, St. Charles Engineering, 801 South 5th Street, St. Charles, MO representing the Petitioner for Wings Corporate Estates, Lot 1 (The Office) was available for questions.
5. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO representing the Petitioner for P.Z. 19-2019 and P.Z. 20-2019 Briarcliffe Villas was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Chesterfield Presbyterian Church Sign Package**: A request for a Sign Package consisting of an Electronic Message Center for a 12.44-acre tract of land located on the north side of Clayton Road, west of Baxter Road (21S620485).

Planner Annisa Kumerow presented the Sign Package request noting that the subject site has four freestanding monument signs along Clayton Road:

- A V-shaped monument sign to be replaced with the proposed Electronic Message Center (EMC);
- A freestanding sign identifying a counseling service on the west side of the site, which will remain; and
- Two freestanding signs that are not City-approved, which will be removed.

The proposed EMC is slightly smaller than the existing V-shaped freestanding monument sign, and will use its existing base. Brightness of the EMC is to be no more than 7,000 NITs, which is the maximum allowed. The EMC is double-sided and will project the same imagery on both sides simultaneously.

The site is surrounded predominantly by *Single-Family* residences. There are adjacent churches to the west of the development and on the south side of Clayton Road. The church to the south is located in the City of Ballwin and has an existing EMC facing the subject site.

Ms. Kumerow then reviewed the Unified Development Code sign criteria, along with the criteria specific to Electronic Message Centers.

Discussion

Commissioner Wuennenberg expressed his concern about approving the application for an Electronic Message Center which has the capability to do things expressly prohibited, while the applicant is currently not following the process by having existing signage not approved by the City. Mr. Kent Whitaker, Chesterfield Presbyterian Church, stated that the two signs which were not City-approved were installed on a temporary basis and

have since been removed from the site. He added that with an EMC, there will no longer be a need for any temporary signage on the site.

Commissioner Schenberg made a motion recommending approval of the Sign Package for Chesterfield Presbyterian Church. The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

B. Oak Creek Meadows Plat 2 (Record Plat): A Record Plat for a 1.00 acre area of land zoned "R-2" Residence District located south of Olive Boulevard east of its intersection with Monterra Drive.

Planner Annisa Kumerow stated that the Applicant has submitted a request for a Record Plat for a one-acre area of land, which proposes three total lots, varying in size from 13,389 sf to 15,000 sf. The proposal also includes a 30-foot landscape buffer along Olive Boulevard. It was noted that the "R-2" Residence District requires a minimum lot size of 15,000 sf, and that the Board of Adjustment approved a request on February 6, 2020 allowing one lot on the subject site to be less than 15,000 sf.

Discussion

Responding to questions from the Commission, Staff provided the following information:

- The sliver of land at the end of the third new lot is common ground owned by the Oak Creek Meadows subdivision.
- The Oak Creek Meadows subdivision approved incorporating the three lot into its subdivision as Plat 2, and including them in the subdivision indentures.

Commissioner Wuennenberg made a motion recommending approval of the Record Plat for Oak Creek Meadows Plat 2. The motion was seconded by Commissioner Schenberg.

Chair Hansen invited the Petitioner to address the Commission. Mr. Kumara Vadivelu stated that he had spoken to all of the residents of Oak Creek Meadows and obtained their consent for the third lot.

Upon roll call, the vote on the motion was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

- C. Wings Corporate Estates, Lot 1 (The Office):** A Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, and Architect's Statement of Design for a 1.88-acre tract of land zoned "PI" Planned Industrial District located on the north side of Wings Corporate Drive within the Wings Corporate Estates subdivision (18W430123).

Mr. Mike Knight, Assistant City Planner, stated that the request is for a 17,000 square-foot, single-tenant office/warehouse building with a building height of 37'6". The building materials are comprised of brick, glass, cast stone, and metal panel.

The proposed development sits on a 1.88 acre site with 56 parking spaces; one primary access point off Wings Corporate drive; cross access to Lot 2; and multiple water quality areas. The site meets all Unified Development Code requirements.

Information regarding proposed landscaping, lighting, and elevations was also presented for the Commission's consideration.

On October 10, 2019, the Architectural Review Board passed a recommendation of approval by a vote of 4-0 with four conditions, all of which have since been addressed through revised plans.

Discussion

Commissioner Wuennenberg asked for clarification on the areas where impervious concrete is utilized on the site. Mr. Jim Piper of St. Charles Engineering explained that there is one, six-parking space wide pervious water quality area on Lot 1 near the front left of the site. The paved area near the silo is designated as parking for fire department vehicles. Per MSD requirements, there is porous pavement in the southwestern corner of the site.

Commissioner Schenberg made a motion to hear the presentation on Lot 2 of Wings Corporate Estates prior to voting on Lot 1. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

- D. **Wings Corporate Estates, Lot 2 (The Warehouse)**: A Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, and Architect's Statement of Design for a 1.54-acre tract of land zoned "PI" Planned Industrial District located on the north side of Wings Corporate Drive within the Wings Corporate Estates subdivision (18W430134).

Mr. Mike Knight, Assistant City Planner, stated that the request is for a 14,877 square-foot, single-tenant office/warehouse building with a maximum building height of 35 feet. The building materials are comprised of brick, glass, cast stone, and tilt-up concrete.

The subject site is 1.54 acres with 29 parking spaces; one primary access off Wings Corporate Estates Drive; and cross access on the north. The site meets all Unified Development Code requirements.

Information regarding proposed landscaping, lighting, and elevations was also presented for the Commission's consideration.

On October 10, 2019, the Architectural Review Board passed a recommendation of approval by a vote of 4-0 with nine recommendations. With the exception of one condition, all have been addressed through revised plans. The applicant has reviewed the condition recommending that *the pediment feature on the south elevation be integrated into the building's design and architecture*. After studying the historical accuracy of the pediment, experimenting with different materials, and a possible change in size of the architectural feature, the Applicant has chosen to move forward with the pediment feature as originally submitted.

Discussion

Mr. Dial, Dial Architects, stated that the owner of this property also owns the entire development, and has designed this building himself. His vision is to create a destination park 'with not just the typical tilt-up concrete building'. Most of the buildings in the development incorporate gargoyles into the design. For Lots 1 and 2, he is aiming for an 'old Main Street' look. The building on Lot 2 includes a pediment that is seen on classic, historical structures. They reviewed the Architectural Review Board's recommendation, but after further research and experimentation, have decided to keep the pediment feature.

Commissioner Wuennenberg complimented the design of the whole subdivision noting that it is a very unique street and subdivision, and agrees with keeping the pediment. Commissioner Tilman agreed that the developer has 'gone out of his way to create some really unique spaces for the community's benefit', and feels that the Commission should support it. Chair Hansen, Commissioner Schenberg and Commissioner Marino also noted their agreement with these comments.

Commissioner Schenberg made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, and Architect's Statement of Design for Wings Corporate Estates, Lot 1 (The Office). The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

Commissioner Schenberg made a motion recommending approval of the Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, and Architect's Statement of Design for Wings Corporate Estates, Lot 2 (The Warehouse). The motion was seconded by Commissioner Harris.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

VIII. UNFINISHED BUSINESS

- A. PZ 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).

Planner Annisa Kumerow stated that the subject petition is Step 1 in a two-step zoning process. Step 2 will be addressed with the following petition, P.Z. 20-2019.

A Public Hearing was held on February 10, 2020 at which time no issues were raised. 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.

Zoning Comparison Table

	R-3 with PEU <i>(current zoning)</i>	R-3 <i>(requested zoning – step 1)</i>
Lot Size	7,500 sf	10,000 sf
Density	82 units	*Dependent upon compliance with City Code
Permitted Residence Uses	Single-family attached	Single-family detached
Tree preservation	30%	30%
Open space	70%	---
Setbacks	20' – Roadway ROW 6' – Side 15' – Rear	20' – Roadway ROW 8' – Side 15' – Rear

All agency comments have been received, staff has no outstanding issues, and Planning Commission may vote on this item tonight.

Discussion

Commissioner Tilman asked for clarification as to why the approved PEU needed to be repealed to replace it with a PUD. Mr. Justin Wyse, Director of Planning, explained that the rezoning to R-3 (*step 1*) can be done without rezoning to PUD (*step 2*). The PEU petition was approved in 2005, but the contract fell through so the site was never developed. The standards and requirements within the PEU ordinance require that both parcels of the site (*13987 and 14001 Olive Blvd.*) be under common ownership in order to be developed. Consequently, the property at 14001 Olive Blvd. (PZ 20-2019) cannot be developed independently. The first petition (PZ 19-2019) repeals the PEU but retains the 'R-3' Residence District zoning allowing the site to be developed with the criteria noted in the table above.

As a subsequent step, the Applicant is requesting a 'PUD' Planned Unit Development (PZ 20-2019), but the PEU (PZ 19-2019) needs to be repealed before the PUD can be considered.

Discussion followed as to whether the presentation on PZ 20-2019 for the PUD zoning should be presented before voting on PZ 19-2019, which repeals the PEU. Commissioner Wuennenberg voiced his opinion that the vote on PZ 19-2019 be taken prior to the presentation on PZ 20-2019.

Commissioner Tilman expressed his concern about the proposed PUD as he does not see any additional amenities for the neighboring residents or community.

Commissioner Harris pointed out that at the Public Hearing for these two petitions, there were a number of residents from the Eagle Ridge subdivision who expressed concerns about some aspects of the PUD. Commissioner Harris questioned whether these residents are aware of tonight's virtual meeting and who may want to be a part of the process.

Mr. Wyse referenced the meeting minutes of the February Public Hearing and noted that there were not any issues raised relative to repealing the PEU. There were concerns expressed about the PUD rezoning with respect to the impact of water, utility work, traffic, and tree preservation. There was also discussion regarding the multi-family aspect of the PUD, along with the fire access road.

Commissioner Tilman noted that attached single-family homes are allowed under the current PEU. So if the PEU is repealed and the PUD is not approved, then the applicant is left with the R-3 zoning and loses the ability to have attached single-family homes.

Commissioner Schenberg questioned whether plans to realign Hog Hollow Road with Stablestone into a standard four-way intersection have been abandoned. Mr. Wyse replied that the future of Hog Hollow Road was reviewed a number of months ago by the City's Planning & Public Works Committee, but no action was taken. Because of the age and condition of the road, restructuring it to public standards is quite expensive.

Commissioner Midgley noted her agreement with Commissioner Tilman's comments, and then questioned as to how many homes are allowed under the current PEU zoning. It was noted that 82 attached homes are allowed under the PEU.

Petitioner's Comments

Mr. George Stock addressed the Commission on behalf of the Petitioner. He explained that the two requests are linked, and that they are following the two-step process required by the City to obtain the proposed PUD. The PEU cannot be amended as it is an obsolete zoning category. The only option is to repeal the PEU and replace it with a PUD. Since the PEU was approved, a couple of things have changed: (1) the property boundaries have changed so the legal description needs to be amended; and (2) there is no longer a market for 82 attached villas, as originally requested in 2005. The property owners are not developers; their interests lie with selling the property to a homebuilder. The homebuilding market has expressed interest in three different products: (1) attached villas; (2) detached villas; and (3) the potential of multi-family in the form of condominiums.

This plan was presented to the residents of Eagle Ridge subdivision. Under the R-3 zoning with a PUD, 117 units would be allowed on the 29 acre-site. Mr. Stock noted that Eagle Ridge subdivision does not have concerns with the proposed multi-family aspect of the PUD because the applicant is self-imposing a restriction that any multi-family units would be 200 feet west of the Eagle Ridge subdivision property line. If multi-family units are not developed on the site, the property would allow 82-90 single-family / attached residences.

Eagle Ridge also requested that the connection with their subdivision be retained with a sidewalk, and that the required emergency access be gated to prevent it from becoming a public street. Mr. Stock stated the applicant is neutral on this position.

Mr. Stock stated that he has spoken to Missouri-American Water regarding concerns expressed by a resident related to soil disturbance, and that "concern is not existent". MoDOT has also indicated that there are no concerns with traffic relative to this project.

He explained that approving the repeal of the PEU and not giving consideration to the PUD does not achieve the objectives and goals of the applicant. The homebuilding

industry has recommended that the property owner apply for the PUD zoning with its flexibility, and then homebuilders would buy and develop the property.

Discussion

Multi-Family Units

Chair Hansen pointed out that at the Public Hearing concerns were raised about multi-family units being apartments vs. condominiums. Mr. Stock responded that this concern has been addressed by agreeing to a deed restriction that precludes apartments ever being developed on this property. The site would be limited to 40 multi-family units in the form of condominiums or townhomes.

Commissioner Harris questioned how condos or townhomes could be prevented from becoming rental property, and pointed out that the residents had specifically noted their objection to rental property on the site. Mr. Stock replied that when he met with Eagle Ridge trustees and residents, they mentioned that there were approximately three home rentals in their neighborhood. He agreed that they can't preclude any townhome or condo, no more than a house, from being a rental – but there is no intention of developing an apartment community on the property. The deed restriction on the property would limit the site to 40 multi-family units and would specifically preclude apartments from ever being developed on the site.

Commissioner Midgley stated that the proposed development could include in their bylaws and rules and regulations that all units must be owner-occupied, and not leased. If leasing would be allowed, the indentures could specify that it be familial leasing – limited to families only.

Commissioner Marino reminded the Commission that a discussion on apartments vs. condos is well beyond the purview of the Commission. Commissioner Staniforth noted her agreement with Commissioner Marino.

Petitioner's Summary

Mr. Stock summarized that the applicant needs both the PEU repealed and the PUD approved. Leaving the property at the R-3 zoning without the PUD is 'unrealistic'. The property has a lot of challenges with 29 acres, much of which is not developable topography. The PUD is an appropriate tool in order to develop the site. The market supports single-family detached, single-family attached, and the potential of condominiums.

Commissioner Wuennenberg made a motion recommending approval of PZ 19-2019 Briarcliffe Villas (13987 & 14001 Olive Blvd). The motion was seconded by Commissioner Harris.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

- B. **PZ 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).

Planner Annisa Kumerow stated that the request is for three uses: *Single-family detached*, *Single-family attached*, and *Multi-family*.

General Considerations

1. The applicant's narrative statement describing the character and rationale for the proposed development. *Narrative statement has been included for consideration.*
2. Land uses proposed are adopted as permitted uses within the residential zoning districts included in the City of Chesterfield Code. *There are three uses proposed, all of which are available for consideration as part of the request.*
3. Proposed residential densities as they compare to current City of Chesterfield Comprehensive Plan designation, Zoning Map delineation, infrastructure capacity and the effect upon public services, and optimal usage of the land. *The proposal includes a maximum of 117 units, which is derived from the "R3" zoning designation. In conjunction with the Site Development Plan, an update to the 2005 traffic study will be required to address the entrance off Olive Blvd into the development.*
4. Whether the major components of the PUD are properly located and should be able to continue to function if any of the other phases are not completed, taking into account factors such as the infrastructure guarantee procedures described within City of Chesterfield Subdivision Ordinance. *If phasing is desired at the time of a site plan, a construction and maintenance deposit will be required in accordance with the City's requirements for platting. This will ensure that required infrastructure will be installed if proposed in phasing.*
5. The compatibility of proposed land uses within the PUD with the surrounding land uses and the Land Use Map of the Comprehensive Plan. The parcel is designated as Residential Single-Family on the future land use plan. *The applicant has proposed a mix of residential units to include Single-Family detached, Single-Family attached, and Multi-Family. They have also included a 200 foot buffer between the proposed Multi-Family and the existing Single-Family detached neighborhood along the east of this development.*
6. Effects upon public health, safety, and general welfare.

Ms. Kumerow reviewed the 12 'Design Features' listed in the Unified Development Code, which are suggested to be used by developers when applying for PUD District zoning.

At the February 10th Public Hearing five issues were raised:

1. Utilities: The Applicant has been in contact with Missouri American Water, and they raised no issues with the proposal. The applicant will remain in contact with Missouri American Water and other utility agencies moving forward.
2. Traffic: There was discussion regarding existing traffic issues in the neighboring subdivision, specifically regarding the difficulty of making a left-turn out of the subdivision, as well as turns in to the subdivision. The Applicant responded that

Olive Boulevard is a five-lane road, and that the proposed development will contribute a small amount of trip generation. Additionally, an update to the 2005 traffic study will be required at the Site Development Plan stage.

3. Tree Preservation: Discussion regarding the intent and location of tree preservation on the subject property in relation to preserving mature trees and removing neglected trees. The Applicant responded that the proposed development will retain a minimum of 30% tree canopy preserved.
4. Lot types and development density: There was discussion regarding the number of lots proposed, and specific concern regarding the number of multi-family residential dwelling units. The Applicant responded that the proposed development will not include more than 40 condominium units, which are classified as multi-family per the Unified Development Code. These will be no closer than 200 feet to the eastern property line. The applicant also stated that the property will have a “Deed Restriction” recorded to prohibit apartments in perpetuity.
5. Access road: There was discussion regarding the intent for the proposed fire access road given that Staff had previously recommended it be dedicated as a public street. The Applicant responded that the project will follow the direction of the abutting residents, which will be a 20-foot wide private and gated emergency access road with pedestrian connection.

Preliminary Plan Features

- 117 lots, with a maximum of 40 multi-family units to be located no closer than 200’ to the eastern property line
- 20’ private & gated emergency access drive
- One access off Olive Boulevard
- 30’ landscape buffers
- Limited development of steep slopes
- Concept Landscape Plan includes street trees

Zoning Comparison Table

	R-3 with PEU <i>(current zoning)</i>	R-3 <i>(without PUD)</i>	PUD <i>(requested zoning)</i>
Lot Size	7,500 sf	10,000 sf	6,000 sf
Density	82 units	*Dependent upon compliance with City Code	117 units
Permitted Residence Uses	Single-family attached	Single-family detached	Single-family attached Single-family detached Multi-family
Tree preservation	30%	30%	30%
Open space	70%	---	30%
Setbacks	20’ – Roadway ROW 6’ – Side 15’ – Rear	20’ – Roadway ROW 8’ – Side 15’ – Rear	15’ – Roadway ROW 8’ – Side 15’ – Rear

Ms. Kumerow noted the following:

- The proposed PUD lot size for both the single-family attached and single-family detached uses was omitted from the Attachment A but will be included in the future Attachment A with a motion from Planning Commission.
- The roadway right-of-way setback listed in the Attachment A is incorrect. The proposed setback is 15', and is correctly reflected in the table above.
- The open space calculation under the PEU is 70%. Open space was previously calculated differently at the time of the PEU, and thus there is not a like-for-like comparison between open space then, and open space now.

All agency comments have been received, staff has no outstanding issues, and Planning Commission may vote on this item tonight.

Discussion

During discussion, the following topics were reviewed and clarified as necessary.

Emergency Access

The Fire Department requires two entrances into subdivisions of a specific size for emergency access, so a second gated, emergency access is being proposed for the development.

Condo vs. Apartments

Commissioner Wuennenberg noted that the deed restriction language prohibiting apartments on the site satisfies his concerns.

PUD

Chair Hansen voiced her opinion that the proposed plan does not provide any unique features to warrant a PUD designation. Commissioner Harris noted her agreement.

Mr. George Stock replied that the Preliminary Plan and road grid mimic what was approved on the existing PEU plan. The Preliminary Plan shows the developable land towards the center of the site; large buffers to the north and west; and a large, landscaped berm along the western property line between Eagle Ridge and the proposed development. Additional amenities in the form of trails could possibly be developed under the site development plan. The site's asset is comprised of the large, open green spaces that will be retained along the west and north of the site.

Commissioner Schenberg noted that the green spaces are areas that are 'un-buildable'. He expressed concerns about approving a PUD without having requirements for certain amenities being incorporated into the site plan, such as trails. Commissioner Rosenauer noted his agreement and pointed out that before a site plan is approved, the Commission must be satisfied that it meets the criteria with respect to amenities provided.

Commissioner Harris pointed out that the applicant is requesting the maximum capacity of 117 units, which leaves very little room for any amenities.

Mayor Nation suggested that the minimum lot size be increased to make the site less dense.

Mr. Stock reminded the Commission that the Preliminary Plan is not required to provide the level of detail as a site development plan would. He then listed the “PUD” design features that the Preliminary Plan does provide:

- Placement of structures on most suitable sites with consideration of maintaining existing site topography, soils, slope, etc.
- Enhanced landscaping, deeper buffers
- Utilization of mixed-use buildings
- Utilization of Traditional Neighborhood Design techniques

Commissioner Tilman pointed out that the site plan will be provided by a homebuilder – but at this time, there is no homebuilder. The property owner does not intend to develop the site; he is seeking the PUD zoning in order to sell the property.

Mr. Wyse suggested that the Attachment A could include an addendum noting that as part of the City’s consideration of a future site development plan, the inclusion of design features are part of the site plan review process.

Commissioner Schenberg made a motion recommending approval of PZ 20-2019 Briarcliffe Villas (14001 Olive Blvd) with the following amendments to the Attachment A:

- **Add minimum lot size of 6,000 square feet;**
- **Revise the structure setback from the right-of-way line of any roadway from 20 feet to 15 feet;**
- **Include an addendum that the site plan review process includes added design features.**

The motion was seconded by Commissioner Marino.

Discussion on the Motion

Commissioner Harris expressed her concern that PUDs are being approved that do not meet the exceptional design criteria to warrant a PUD.

Commissioner Wuennenberg stated that the subject PUD provides a buffer transitioning from R-3 into higher density property, but feels additional amenities are needed. Commissioner Midgley pointed out that the subject site is a unique piece of property in the way it is positioned and how it falls off to the west and north, so not too much can be done with the property.

Councilmember Moore questioned as to whether approving the PUD request, also approves the proposed 117 units or whether the number of units could be reduced. Chair Hansen confirmed that approval of the PUD allows the development of 117 units. Councilmember Moore suggested that the PUD be denied and allow the applicant to come back with a revision incorporating some of the unique features recommended, and allow that to determine how many units could be developed on the site.

Commissioner Midgley pointed out that since there is not a buyer for the property, adding restrictions to how the site is developed, could prevent it from being sold.

Mr. Stock confirmed that the homebuilding industry has indicated that the approved PEU of 82 attached units is no longer marketable. The site needs flexibility which is why detached and multi-family units have been added to the request. He added that they will work with Staff to try and address the concerns raised, but not much can be added to the Preliminary Plan.

Upon roll call, the vote was as follows:

**Aye: Commissioner Midgley, Commissioner Rosenauer,
Commissioner Schenberg, Commissioner Staniforth,
Commissioner Wuennenberg, Commissioner Marino**

**Nay: Commissioner Tilman, Commissioner Harris,
Chair Hansen**

The motion passed by a vote of 6 to 3.

PUD Discussion

Commissioner Tilman voiced his opinion that the approval of a PUD occurs at the wrong time in the process of rezoning a piece of property. He requested that the process be examined to determine if the approval of a PUD could be done later and with a site development plan submitted. After further discussion, Mr. Wyse stated that Staff will review the issue.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:37 p.m.

Gene Schenberg, Secretary