

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
APRIL 25, 1994



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

PRESENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Linda McCarthy
Ms. Patricia O'Brien
Chairman Barbara McGuinness
Mr. Douglas R. Beach, City Attorney
Councilmember Dan Hurt, Council Liaison
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Walter Scruggs

INVOCATION - Commissioner Mary Domahidy

PLEDGE OF ALLEGIANCE - All

Chairman McGuinness recognized Councilmember Dan Hurt (Ward III) as the new liaison to the Planning Commission and Chairman of the Planning and Zoning Committee of City Council, noting Planning and Zoning Committee Members will alternate attendance at the Planning Commission meetings.

PUBLIC HEARINGS - There were no public hearings at this meeting.

APPROVAL OF THE MINUTES

- Commissioner Domahidy made a motion to approve the minutes from the meeting of April 11, 1994. The motion was seconded by Commissioner McCarthy.

COMMENTS/DISCUSSION

Chairman McGuinness noted, on page one (1) of the Minutes, the word "recluse" is to be changed to "recuse."

The Minutes were approved by a voice vote of 8 to 0.

Chairman McGuinness requested Director Duepner to explain why the Commission is voting on the Knoesel petition tonight.

Director Duepner noted the following:

Mr. Knoesel's petition is for a rezoning only; therefore it does not require conditions. If the petition were for a Special Procedure or Planned District, thus requiring Conditions, it would be brought back to the Commission two (2) weeks after the original public hearing for discussion of issues and concerns. However, Mr. Knoesel's petition is merely a rezoning request, and may be acted upon tonight.

Chairman McGuinness noted, for the record, Mr. Sarno's comments have been distributed to the members of the Planning Commission.

PUBLIC COMMENTS

1. Mr. Donald E. Knoesel, 1425 Wilson Road, Chesterfield, MO 63005-4532, spoke in favor of the petition noting the following:
 - He appreciates the chance to come before the Commission this evening.
 - The request is logical and reasonable.
 - The configuration of the property will remain unchanged. The existing home is not visible from neighbors, and barely visible from Wilson Road.
 - The additional residence would not be visible from neighbors or Wilson Road; therefore, they do not feel the additional home would impact traffic or neighbors in the area.
 - There are existing entrances onto Wilson Road; therefore, the proposal would have minimal impact on their neighbors or anyone traveling on Wilson Road.

2. Ms. Judy Blix, 1251 Walnut Hill Farm, Chesterfield, MO 63005, spoke in opposition noting the following:
 - Would like the natural beauty and wildlife of the area to remain.
 - Residents fear that, if this petition is approved, there will be additional rezoning requests for the area.
3. Mr. G. A. Kraemer, 10 Chesterfield Lakes, Chesterfield, MO 63005, spoke in opposition noting the following:
 - Would like the three (3) and four (4) acre lots to remain intact.
4. Mr. Don Sarno, 12 Chesterfield Lakes, Chesterfield, MO 63005, spoke in opposition noting the following:
 - Expressed shock regarding the Planning Department Staff's recommendation of approval.
 - In rezoning all "NU" Non-Urban zoning to higher density zoning the City is undoing the very qualities that made Chesterfield appealing to residents in the first place.
 - Residents fear that City Planners care only for increased development.
 - Numerous people, working at various levels of Chesterfield government, told residents that the ninety-two (92) acres on the east side of Wilson Road (Baxter Crossing Apartments) would never have been zoned for this massive PEU if the current Planning Commission had been in charge. However, now, based on the Staff report, they are being told that this same PEU zoning, which includes sub-zoning varying from "R-8" to "R-2," is being used as precedent for further rezoning to higher density to the west and north of Baxter Crossing. He doesn't believe that was the intention.
 - Approval of this rezoning could be saying that a bad decision twenty (20) years ago justifies a similar bad decision in 1994.
 - Spot zoning is not in our best interest.
 - Many residents are wondering to whom the Planning Staff is responsive, and whether or not there is a hidden agenda to promote more homes and greater development.

- Residents wonder if there is a hidden agenda to dump on Wilson Road residents by placing more houses there to increase the tax base.
- When will the City stop taking from residents along Wilson Road and give them something back in return for their tax dollars?
- If Mr. Knoesel's rezoning is approved, it is believed it would not be long before other developers will see the opportunity to take some of the small parcels along Wilson Road and, for the right dollar amount, be able to buy those pieces of property, again and again. Residents want it stopped here.

Chairman McGuinness thanked Mr. Sarno for speaking and noted the following:

- The City has the finest professional planning staff of any community, including St. Louis County, even though they do not agree with everyone in the room tonight.
- She can guarantee that Staff has no hidden agenda, and their opinion is a professional opinion rendered on their experience.
- Chesterfield is a citizen-driven government, with the Commission and City Council making the decision on this matter.

Commissioner Kirchoff noted the following:

- He agrees with Chairman McGuinness, and also pointed out there is some precedent for the Staff making a recommendation of approval.
- A couple of months ago there was a parcel (approximately ten (10) acres in size) along Wild Horse Creek Road, at Rooster Ridge, developed "Non-Urban" on two (2) sides, undeveloped "Non-Urban" on the other two (2) sides. It was rezoned by the Planning Commission to a combination of "R-1" and "R-1A." The City Council then omitted a stub street and allowed an additional lot to be placed on the parcel, beyond what the Commission recommended.
- Department Staff, on tonight's request, is pretty much acting in concert with prior actions by the Commission.

5. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005, spoke in opposition noting the following:

- The Commission is entrusted with far more than the desires of one (1) lot owner tonight, or one (1) developer tomorrow. There will always be money to be made and always another scheme for personal advantage.
- The greater good would be for Planners to focus on the future of Chesterfield.
- There are unique environmental riches, and habitat is so fragile. Individual residents come and go, the land itself is finite; zoning is a way of touching, protecting, and enhancing the future of the greater good.
- She asked the Commission to please, as planners, be wise and thoughtful and visionary.

6. Ed Kottmeier, 1508 Countryside Hill, Chesterfield, MO 63005, spoke in opposition noting the following:

- The Commission has every reason to deny this request.
- The residents in opposition have a legitimate Deed Restriction, which has been shown to the Commission.
- He believes it is unconscionable for the Commission, as a group, to rezone this property in light of the existing Deed Restriction (a legally binding agreement).
- He realizes that it is not City's intent or purpose to enforce them; but, it is an undue burden to put on citizens to legally challenge something the City will now re-enforce.
- He believes that the Deed Restrictions should be recognized by the Commission as something that they will now re-enforce, and they should look at these restrictions first, not deal with them later.
- He thinks it is unfair of a public body to put a group of citizens in this position.

Mr. Kottmeier noted the following reasons for denial of the petition:

1. The legitimate Deed Restriction.
2. There is an overwhelming opposition by property owners in the area.
3. There is no plot plan.
4. There is no house plan. (He doesn't believe many people here believe this request is only about one (1) house.)
 - The only reason for support of this rezoning would be that the City is so enamored of higher density that no amount of public opposition, deed restrictions, subdivision restrictions, or anything else, is going to stand in the way.
 - A yes vote on this matter makes public hearings, like this, a moot point, and an exercise in futility.
 - He urged the Commission, for all the previous reasons mentioned, to deny this request and substantiate that public hearings do play a part in the process, and do have a bearing on the outcome.
 - A zoning change like this should be substantiated with far less public opposition and far more planned documentation.

City Attorney Doug Beach commented, for the record, as follows:

The City takes the position that private restrictions placed upon property are to be worked-out between the affected property owners. The fact that the Council or Planning Commission may vote yes or no on this particular issue does not change the fact that the restriction is enforceable and, perhaps, binding. The Commission deals with issues of land use. The reason for the Deed Restriction is so they have the ability to say yea or nay, and it may be amended, upon the written consent of certain members of Mr. Compton's group.

Mr. Kottmeier stated that the Deed Restriction should be addressed first. He noted that, by approving the Knoesel request, the City validates the process. This forces residents, as individuals, to assume the burden of litigation to enforce these restrictions. He doesn't believe a public entity should do that.

7. Mr. T. Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005, spoke in opposition noting the following:
- The proposed rezoning is both environmentally and ecologically incompatible with its surroundings.
 - Please do not drive the wildlife away.
 - The proposed rezoning is not well-thought or well-planned.
 - West of Wilson Road, most of the properties are single-family residences on three (3) acres or more.
 - The Commission should not set this precedent.
 - Today's intentions do not matter, we have to plan for the future.
 - All surrounding residents are 100% opposed to this rezoning.
 - Elected officials and their appointed committees must represent their constituents; otherwise, you are telling us that our government does not work.

Chairman McGuinness read a note from Ms. Merrell Hansen as follows:

"We are deeply disappointed about your approval of the rezoning request along Wilson. Why does zoning exist, if it is not respected? If this abandoning of Chesterfield's original traditions continues, many of us will leave for lovely areas further out."

7. Mr. Ron Compton, 1520 Countryside Hill, Chesterfield, MO 63005, spoke in opposition noting the following:
- The owners listed in the Deed Restrictions have met and voted to reject this proposal. He urged the Commission to not do anything which would encourage the violation of this vote.

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. 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.

Chairman McGuinness read the letter from Mr. King, Attorney for C.L. Family Land Company, in which he requested that petition P.Z. 5-94 be withdrawn without prejudice and no further action taken on this matter.

Senior Planner Laura Griggs-McElhanon summarized the request and the Department's recommendation of approval of P.Z. 6-94 for a Planned Environment Unit (PEU) Procedure in the "R-1A" 22,000 square foot Residence District for a maximum of seven (7) lots, subject to conditions contained in Attachment A, noting Condition 5.a.4. may be revised at the upcoming Public Works Parks Committee meeting on May 10, 1994. In addition, in keeping with the petitioner's amended request for a PEU Procedure only, the Department revises their original recommendation for denial of P.Z. 5-94, to a recommendation for withdrawal without prejudice.

A motion to allow P.Z. 5-94 C.L. Family Land to be withdrawn without prejudice was made by Commissioner O'Brien and was seconded by Commissioner Broemmer. The motion passed by a voice vote of 8 to 0.

A motion to approve P.Z. 6-94 for the PEU to allow for seven (7) lots, subject to conditions in Attachment A was made by Commissioner O'Brien. The motion was seconded by Commissioner Kirchoff.

COMMENTS/DISCUSSION

Councilmember Hurt inquired about the status of the detention basins.

Senior Planner Laura Griggs-McElhanon responded as follows:

At the time of submittal of the rezoning request, the site engineering work had not been completed. The appropriate location for the detention facilities are ultimately worked-out as the process continues from rezoning, to site plan, to the improvement plan stage, with the Public Works Department reviewing the location of the detention facilities, as well as the detention calculations submitted. As depicted on the plan, there is one (1) detention facility; however, the petitioner is working with the Public Works Department, and sometimes the locations of detention facilities are revised.

Councilmember Hurt expressed some concerns about landscaping on the north side of the proposed site.

Commissioner Kirchoff requested that Staff point out, in its analysis of all petitions, both the **requested** setbacks and **required** setbacks for that particular zoning district.

An amendment to the original motion was made by Commissioner Kirchoff that the side yard setback be ten (10) feet, rather than eight (8) feet, with twenty (20) feet minimum between buildings. **The motion dies for lack of a second.**

Chairman McGuinness noted the consensus of the entire Commission that Department Staff be directed to include both the **requested** and **required** setbacks required, in its report for all petitions presented.

Councilmember Hurt inquired whether the petitioner had an objection to landscaping on the north side.

Senior Planner Laura Griggs-McElhanon replied that the petitioner indicated no objection to it. She further noted that the Department has consistently made similar comments when landscaping is proposed to be on private property. There have been situations where landscaping was required on a private lot and a future homeowner has removed whatever landscaping they believe unnecessary.

Councilmember Hurt noted it has also been our experience that people moving in usually like it, and pay a premium for such lots. He further noted that, since the petitioner has no objection to the landscaping, we should do something to require it on the north side.

Commissioner Dalton inquired about the detention along Schoettler Road.

Senior Planner Laura Griggs-McElhanon noted the petitioner is working with the Public Works Department relative to the detention on-site, as well as off-site, in conjunction with this development. She further noted that there could be some revisions in the location of the detention facility in the southwest corner of the development, as currently proposed.

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

The motion was approved by a vote of 8 to 0.

C. P.Z. 7-94 Donald Erwin Knoesel; "NU" Non-Urban District to "R-1" One-Acre Residence District; west side of Wilson Road, north of the intersection of Wilson Road and Chesterfield Lakes Road.

Commissioner Dalton, as he did at the public hearing, stated that he will be recuse during review and vote on (P.Z. 7-94 Donald Erwin Knoesel) due to business associations.

Commissioner Dalton left the meeting at this time.

Commissioner O'Brien, as she did at the public hearing, stated that she will not participate in discussion or vote on P.Z. 7-94 due to personal reasons.

Chairman McGuinness noted that a majority vote would be necessary for approval of this petition.

Joe Hanke, Planner II, summarized the request and the Department's recommendation of approval to rezone the 3.6 acre tract from "NU" Non-Urban District to "R-1" One-Acre Residence District.

Chairman McGuinness called for a motion to approve the request.

No motion to approve was made.

Chairman McGuinness called for a motion to deny.

Commissioner Kirchoff made a motion to deny the request. The motion was seconded by Commissioner Domahidy.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Domahidy, yes; Mr. Kirchoff, yes; Commissioner McCarthy, yes; Chairman McGuinness; yes.

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

Director Duepner requested input from the Commission for the Department's report to Council.

Commissioner Domahidy noted the following reasons for her vote to deny the request.

- She does not agree with the Department's categorization regarding the character of the area, or the established pattern.
- As we are in the process of our "West Area Study," and, even though this is not included in that area, we are working toward being coherent about our vision of the area.

Chairman McGuinness stated that, in her view, the people made their case tonight.

Commissioner Kirchoff noted the following:

- The Department used the logic for recommending "R-1" zoning on the west side of Wilson due to the existence of "R-2" zoning on the east side of Wilson. He doesn't assign a lot of credibility to this way of thinking.
- The west side of Wilson is, essentially, all Non-Urban, and he doesn't connect a lot of significance with what's on the east side of Wilson. He believes the road is a natural barrier, and should be recognized as such.

Commissioner Domahidy noted she recognizes the "R-1" zoning in P.C. 21-88; however, it is well south of the subject site. She further noted that, if you look where Chesterfield Lakes starts, you could argue for a different type of pattern north of that site.

Chairman McGuinness noted she concurred with Commissioner Kirchoff in terms of the road being a natural barrier.

D. Memorandum from the Director of Planning concerning Architectural Review of Non-Residential Structures.

Director Duepner reported as follows:

- There was quite a bit of discussion at the last Planning Commission meeting about a non-residential structure within subdivisions.
- Presently, under the Architectural Guidelines, those items are not normally reviewed.

Commissioner Dalton returned to the meeting.

- It is not, at present, a requirement that recreational facilities be reviewed. If it is the desire of the Commission to establish that as a policy, he believes they would need to revise the Architectural Guidelines. However, from the Staff's viewpoint, it may be more appropriate to look on those on a case-by-case basis.
- It is reasonable to anticipate that the design will be in keeping with the single-family residences built within a development.

Commissioner O'Brien noted the following:

- Would not be anxious to revise the Architectural Guidelines at this time.
- We cannot reasonably expect a developer to automatically design a facility that's not residential to be in keeping with the homes.
- Would like the Staff to be more sensitive to internal structures in residential communities, and bring those to the Commission's attention.

Commissioner O'Brien made a motion that, if the Director sees internal facilities on a plan, it should be brought to the attention of the Commission to be reviewed architecturally. The motion was seconded by Commissioner Broemmer.

Director Duepner clarified the motion as follows:

When the matter comes before the Planning Commission concerning special procedures, if recreation facilities are proposed within the subject development, Department staff is to bring this to the attention of the Commission, should they desire to require architectural review of the facility in conjunction with the site and landscape plans.

This was agreed to by the Commission.

The motion was approved by a voice vote of 8 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. The Valley Center Plat 4 (St. Louis Family Church); Road Easement and Subdivision Record Plat; south side of Chesterfield Airport Road, east of Long Road.

Commissioner Broemmer, on behalf of the Site Plan Review Committee, made a motion to approve the Record Plat and Road Easement Plat for The Valley Center Plat 4. The motion was seconded by Commissioner Domahidy and passed by a voice vote of 8 to 0.

Director Duepner reported on the last Planning and Zoning Committee Meeting as follows:

- The Councilmember from Ward IV requested that the notification area for public hearings before the Planning Commission be expanded to one (1) mile for subdivision trustees.
- It was directed that all trustees (inside the City only) of all Wards, within a one (1) mile radius of the subject tract are to be sent a notice.
- The policy is to be continued relative to sending of a notice is to all property owners within 200 feet of the subject property (including outside of City limits).
- A memo shall be included with the notice sent to the trustees advising them of the policy so they are aware of why a notice has been sent.
- An article advising residents of this policy will be included in an upcoming issue of the Chesterfield News.

Chairman McGuinness inquired about the status of the public hearing signs.

Director Duepner stated we have placed an order for the signs, and we should have them shortly.

COMMITTEE REPORTS

A. Comprehensive Plan Committee

Committee Co-Chair Dalton reported as follows:

- The West Area Study Committee will meet the second week in May.
- The Committee is awaiting some information from the City Attorney.

City Attorney Beach noted he believes we should be cautious regarding moratoriums, as we need to determine when and how long its going to be enforced. He requested specific questions be directed to him for response.

Director Duepner noted he has discussed the potential for a moratorium, informally, with Mr. Beach, and did not request a formal opinion from him on it. He further noted that Staff was waiting to hear whether or not the Committee wishes to pursue it.

City Attorney Beach noted the following:

- A moratorium is not looked-upon favorably in the general scope.
- If we have it, you put in process:
 - why;
 - in your own opinions, how long you want it to take;
 - when is it going to start;
 - when is it going to stop;
 - what do you intend to have done in between;
 - what avenues are you going to leave open, if any, to someone who has already in the thought process,i.e., someone who has already got a contract on land;
 - where are you going to draw the line in terms of who can go forward and who cannot.

- The Committee needs to formalize its wishes, making it as narrow as possible, as short a period as possible, and that you intend to get as much done in conjunction with coming up with what your ultimate plan would be for the area while you are going about it, remembering that we are at least one (1) or two (2) years away from having a new zoning ordinance.

Committee Co-Chair Domahidy noted she understood this was to be the topic on the agenda for the next Committee meeting, with more specifics.

Director Duepner noted it is to be on the agenda for the next Committee meeting.

Chairman McGuinness noted the Staff is getting together the draft of comments from the West Area meeting, a letter, etc. for the West Area Study.

C. Site Plan/Landscape Committee

Committee Chair Kirchoff reported the Landscape Guidelines for the Gumbo Area are in the hands of the Planning Department, awaiting an opportunity to be placed on the agenda for the Planning and Zoning Committee.

Upon discussion by the Commission, it was decided to hold this item until more Commissioners are available to attend the Planning and Zoning Committee Meeting at which it is to be discussed.

Committee Chair Kirchoff reported that the completed Guidelines relating to institutional development will be sent out momentarily, as the cover letter was signed tonight. The comments requested from local civic organization will be requested to be returned by the first of June.

A. Ordinance Review Committee

Chairman McGuinness asked Mr. Bly to serve as Chairman of this Committee. She also asked Ms. McCarthy if she would also serve on this Committee.

Commissioner McCarthy replied she will serve on this Committee.

Chairman McGuinness asked if there is a senior member who would serve on this Committee also, as there are a couple things to take care of: home day care; and off-site directional signs.

Commissioner Domahidy agreed to come as she can.

Chairman McGuinness noted the following:

City Council was considering the Commission's recommendation on Billboards, and a Councilman put a blanket approval for offsite directional signs, as an amendment to that, and it was defeated and sent back here.

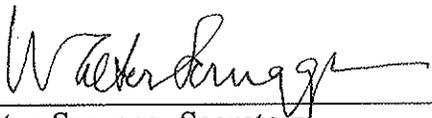
Dates of future meetings will be worked out between Commissioner Bly and Joe Hanke, Planner II.

B. Architectural Review Committee - No report.

E. Procedures and Planning Committee - No report.

Director Duepner noted Walter Scruggs has tendered his resignation, stating his last meeting will be on May 9, 1994.

The meeting adjourned at 8:15 p.m.



Walter Scruggs, Secretary

[MIN4-25.094]