

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
May 28, 1997



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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  
Mr. Charles Eifler  
Mr. Robert Grant  
Mr. Dan Layton, Jr.  
Ms. Linda McCarthy  
Mr. Allen Yaffe  
Chairman Michael Casey  
Mayor Nancy Greenwood  
Mr. Douglas R. Beach, City Attorney  
Councilmember Mary Brown (Ward IV) - Council Liaison  
Mr. Michael G. Herring, City Administrator/Acting Director of Planning  
Ms. Laura Griggs-McElhanon, Assistant Director of Planning  
Ms. Patricia Detch, Planner I  
Mr. Michael Walker, Planning Technician  
Ms. Sandra Lohman, Executive Secretary

**ABSENT**

**INVOCATION** - City Attorney Douglas R. Beach

**PLEDGE OF ALLEGIANCE** - All

**PUBLIC HEARINGS:**

**Commissioner Dan Layton read the first portion of the "Opening Comments."**

- A. **P.Z. 12-97 Kelly Homes, Inc., (Waverly Place)**; a request for a change in zoning from "R-2" 15,000 square foot Residence District to "R-5" 6,000 square foot Residence District for a 4.5 acre tract of land located on the west side of Baxter Road, 500 feet south of the intersection of Clayton Road. (Locator Numbers: 21R13-0828, 21R13-0846, 21R13-0837, and 21R13-0855) **AND**
- B. **P.Z. 13-97 Kelly Homes, Inc., (Waverly Place)**; a request for a Planned Environment Unit (PEU) Procedure in the "R-5" 6,000 square foot Residence District for a 4.5 acre tract of land located on the west side of Baxter Road, 500 feet south of the intersection of Clayton Road. (Locator Numbers: 21R13-0828, 21R13-0846, 21R13-0837, and 21R13-0855) Proposed Use: Single-family attached residences.

Planning Technician Michael Walker gave a slide presentation of the subject site and surrounding area.

Mr. D. J. Zavrados, Zavrados Engineering, spoke on behalf of the petitioner noting the following:

- described the subject site and surrounding area;
- the property fronts on to Baxter Road;
- the subject site will have one (1) entrance, that being from Baxter Road;
- there would be twenty-seven (27) attached single-family units;
- the property slopes from north to south;
- all drainage currently on the property flows to the south and west;
- a detention basin would be placed on the southern portion of the parcel, the size to meet the current new requirements of MSD;
- met with neighbors of the subject parcel and noted that the drainage was the predominant concern;
- currently all water from the site flows on to Quinnmore Drive property (to the south);
- there are several drainage structures along the southern property line, and would pipe some water to an existing storm structure in an effort to control the water flow towards Quinnmore;
- the petitioner may pipe water into the existing storm sewer system along Baxter Road, this would be determined at the engineering stage;
- the proposed units would be priced from \$200,000 on up;
- the proposed land use plan for the subject parcel is commercial - therefore, the petitioner believes the attached single-family homes would provide a good buffer to the detached single-family homes along the south and western sides of the subject site;

#### QUESTIONS/DISCUSSION BY COMMISSION

- The street shown on the westernmost part of the subject tract is not intended to connect with property to the south. There is no connection to the subdivision to the south of the subject site.

- There would be no ingress/egress, stub streets, etc., to either the commercial property or to any property to the south.
- The left turn arrow into the office park along Baxter Road would be lined-up directly across from the entrance to the proposed development, as required by St. Louis County Department of Highways and Traffic.
- Whether or not there are any left turn restrictions, at this time, coming out of the existing office park on to Baxter Road going south was discussed, but could not be determined.
- Buildings would range from two (2) to six (6) units. Of the units, none would have windows on the sides. All units have windows on the front and rear walls.
- A garage and driveway will be provided for off-street parking (i.e., a total of four (4) parking spaces for each house).
- All streets would be private.
- The petitioner hasn't decided whether or not the proposed development would be gated.
- There was a question about the lot sizes of the existing homes in Ballwin to the south and west of the subject site.
- The subject site is currently zoned "R-2" Residential, however the Future Land Use Plan calls for Commercial.
- A landscape buffer to the property adjoining the existing bank, on the north, is not shown on the plan at this time.
- The privacy fence, owned by the existing bank, on the north property line was discussed. The developer may offer to make some repairs to the fence.
- The existing bank building will be removed from the adjacent site, regardless of the future development on that parcel.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**

1. Joe Bradley, 502 Hatteras Drive, Ballwin, MO 63011, spoke as an individual, noting the following:
  - lots on the west side of the proposed development vary from between one-third and one-half of an acre;

- serious concern about no setbacks from the property;
- proposed density is too great and out of character with surrounding area;
- would like mature trees preserved;
- at the present time, most of the water is absorbed into the existing land - but, a development such as the one proposed would cause a significant amount of water to flow into the yards of existing residences along Hatteras Drive, regardless of the type of detention basin utilized;
- would like interpretation of the “minimum MSD requirements;” and
- would like developer to use the Amberleigh development at Clayton and Schoettler as a model for the proposed development.

**SPEAKERS - NEUTRAL:**

1. Ernest Pritchard, 309 Quinnmore, Ballwin, MO 63011, spoke as an individual noting the following:
  - concern about additional water runoff from the proposed site onto Quinnmore; and
  - his lot, along Quinnmore, just south of the basin, is over 9,000 square feet in size.

**REBUTTAL:**

Chairman Casey noted concerns had been raised regarding the density of the project, tree preservation, drainage issue (stormwater runoff), and the setbacks.

Mr. Zavradinis noted the following:

- new MSD requirements are so stringent that the issue of water drainage becomes a non-issue in many of the zoning applications applied for;
- currently, 4 of the 4.5 acres of the entire site drains to the south, and at least 80% of water would be detained/retained;
- with regard to density, the developer wants to keep unit pricing high so that the property values of the proposed units would match or exceed the units of the neighboring homes; and
- the developer has flexibility regarding setbacks, as the fifteen (15) foot rear yard setback is a requirement in the “R-2” District, and is matched with the proposed “R-5” District zoning.

## COMMENTS/DISCUSSION BY COMMISSION

- The square footage of each unit would be from 1500 to 2500 square feet, and ranging in price from \$200,000 on up;.
- The drainage of the proposed site was discussed.
- The cul-de-sacs and streets are of adequate size to accommodate emergency vehicles.
- Setbacks were discussed.
- The petitioner anticipates having to put in landscaping/screening/fencing between the units proposed on the west of the site and residences on Hatteras Drive.

**Commissioner Layton read the final portion of the “Opening Comments.”**

Chairman Casey recognized Councilmember Mary Brown (Ward IV) - Council Liaison; Councilmember Linda Tilley (Ward IV); and City Administrator/Acting Director of Planning Michael G. Herring.

## **APPROVAL OF THE MINUTES:**

A motion to approve the minutes of May 12, 1997, as amended on pages 1 and 4, was made by Commissioner Grant, seconded by Commissioner Broemmer and **passes by a voice vote of 9 to 0.**

## **PUBLIC COMMENT**

1. Wendy Geckeler, 26 Chesterfield Lakes Road, Chesterfield, MO 63005, spoke in opposition to P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates). She gave a handout to the Commission.
2. Douglas Elliott, Trustee of Chesterfield Estates Subdivision, 1410 Chesterfield Estates Drive, Chesterfield, MO 63005, spoke in opposition to P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates).
3. Michael J. Doster, Attorney for the petitioner, 16476 Chesterfield Airport Road, Chesterfield, MO 63005, spoke in favor of P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates).
4. Charla Trusheim, 1452 Chesterfield Estates Drive, Chesterfield, MO 63005, spoke in opposition to P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates).
5. Rich Stegmann, 16930 Wild Horse Creek Road, Chesterfield, MO 63005, spoke in favor of

P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates).

6. Mike Lawless, President of Lawless Homes, 298 Vance Road, Valley Park, MO 63088, spoke in favor of P.Z. 31 & 32-96 Sebastian Rucci (Eagle Crest Estates).

**NEW BUSINESS:**

- A. **P.Z. 31-96 Sebastian Rucci (Eagle Crest Estates)**; “NU” Non-Urban District and “FPNU” Flood Plain Non-Urban District to “R-1” One Acre Residence District and “FPR-1” Flood Plain One Acre Residence District; south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road.

**AND**

- B. **P.Z. 32-96 Sebastian Rucci (Eagle Crest Estates)**; Planned Environment Unit (PEU) Procedure in the “R-1” One Acre Residence District and “FPR-1” Flood Plain One Acre Residence District; south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road.

Assistant Director Griggs-McElhanon summarized the Department's report, which contains a recommendation of approval of P.Z. 31-96, and P.Z. 32-96, subject to conditions contained in Attachment A, dated April 14, 1997, as amended by the memorandum (included in the packet) from the Department dated May 28, 1997.

**DISCUSSION/COMMENTS BY COMMISSION:**

- The issue of one (1) acre lots along Wild Horse Creek Road will be on the slate for review by one of the panels during the moratorium.
- The subject development complies with the West Area Study recommendations.

A motion to waive the rules in order to ask questions of the engineers for the project was made by Commissioner Layton, seconded by Commissioner Dalton **and passes by a voice vote of 9 to 0.**

Mr. Mark Doering, Doering Engineering (Engineer on record for subject site), responded to questions as follows:

- The cost of the bridge is estimated at \$500,000.
- The bridge is currently being designed as a clear span bridge (no columns in the creek), eight (8) or ten (10) feet higher than the one hundred year flood event. Should the design of the bridge change, the piers would be located along the sides of the channel, consist of a concrete reinforced structure, designed to hold the force of the water and prevent debris from washing soil away from the sides of the creek. The bridge design would be in accordance with bridge standards set forth by the City.
- Straightening of the channel will increase the velocity of the water. This will be reviewed

and approved by the Chesterfield Public Works Department, Army Corps of Engineers, and Metropolitan St. Louis Sewer District.

- If the velocity in the channels of the one hundred year flood event are those that are erosive, some type of rock blanket, or some other protection precaution, will be taken along the area where the velocity exceeds five (5) feet per second. These issues will be worked-out through the review process with the Chesterfield Public Works Department, Army Corps of Engineers, and Metropolitan St. Louis Sewer District.
- Assuming they use a no support, straight span, the supports on both sides of the cut will be well above the flood plain. The bridge will not be supported in the flood plain, assuming the developer utilizes a single span.
- The longer spans require deeper beam sizes for strength, and the bridge will be whatever is economically correct. If the piers are in the water, they will withstand a flood.
- The three reviewing agencies which will review the engineering hydraulic calculations for the creek flood plain situation, require that the developer not do anything to this creek to cause the water to rise at the uppermost point of the subject property (i.e., backing any water up into the property beyond the subject site).
- Engineering studies are provided to justify to the three entities (mentioned above) that the developer does not back the water up any further than it does at present, on their property line on the upstream portion of the creek.
- If Chesterfield Estates Subdivision has flooding currently, they will have the same amount of flooding when the subject development is completed. The developer will not change what currently exists (i.e., will not decrease or increase the water problems).
- The proposed lots, located perpendicular to the creek, will be raised so that the floors of the basements will be four (4) feet above the level of the one hundred year flood plain level. The current requirement is two (2) feet.

Mr. Todd Brady, Engineer, responded to questions as follows:

- The study performed shows the water surface elevation upstream is lowered about nine (9) inches, and the water surface elevation downstream is about even with the existing flood study currently on record with FEMA.
- Velocities that run through the creek become slightly increased from the existing, and this is where the engineers will perform erosion control described earlier.
- With regard to the requirements for the upstream and downstream property lines, they need to keep the water surface and velocity below the existing conditions in order to meet the requirements of FEMA, Corps of Engineers and MSD.

A motion to approve P.Z. 31-96 was made by Commissioner Grant and was seconded by

Commissioner McCarthy.

**Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 9 to 0.**

A motion to approve P.Z. 32-96, as recommended in the May 28, 1997 Department of Planning Memo, was made by Commissioner McCarthy and seconded by Commissioner Grant.

Commissioner Broemmer proposed an amendment to the motion to require the lots along Wild Horse Creek Road to be a minimum of one (1) acre in size, and the remaining lots be a minimum of 22,000 square feet in size, exclusive of the common ground area. The motion was seconded by Commissioner Layton.

**Upon a roll call the vote on the amendment was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, no; Commissioner Layton, yes; Commissioner McCarthy, no; Commissioner Yaffe, no; Chairman Casey, no.**

**The amendment fails by a vote of 5 to 4.**

Commissioner Layton proposed an amendment to the original motion that the PEU be amended so that the minimum lot size be 22,000 square feet on all lots. **The amendment dies for lack of a second.**

**Upon a roll call vote on the original motion the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, no; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 7 to 2.**

- C. P.Z. 9-97 Sprint PCS, L.P. c/o CIS Communications, L.L.C. (St. Thomas Church); a request for a Conditional Use Permit in a "NU" Non Urban District for a 12,000 square foot tract located within an 18.35 acre parcel of land located on the south side of Wild Horse Creek Road, 3,800 feet west of the intersection of Wildhorse Parkway (Locator Number: 18V12-0111). Proposed Use: Cellular telephone tower.

A motion to hold this item was made by Commissioner Yaffe, seconded by Commissioner Grant and passes by a voice vote of 9 to 0.

- D. P.Z. 10-97 Taylor-Morley Inc., (The Estates at Baxter Ridge Addition); "NU" Non Urban District to "R-1" One Acre Residence District and "R-2" 15,000 square foot Residence District; south side of Wild Horse Creek Road, 2,000 feet west of the intersection of Baxter

Road.

**AND**

- E. P.Z. 11-97 Taylor-Morley Inc., (The Estates at Baxter Ridge Addition);** a Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District and "R-2" 15,000 square foot Residence District; south side of Wild Horse Creek Road, 2,000 feet west of the intersection of Baxter Road.

Assistant Director Laura Griggs-McElhanon summarized the Department's report, which recommends approval of P.Z. 10-97 and P.Z. 11-97, subject to conditions in Attachment A.

COMMENTS/DISCUSSION BY COMMISSION:

- The existing Southwestern Bell facility was discussed.
- The underlying zoning district in a PEU Ordinance is irrelevant, as it applies to minimum lot sizes and setbacks, because the setbacks and minimum lot sizes are as contained in Attachment A.
- Tree preservation and landscaping are addressed in conditions 4.l. of Attachment A.

Commissioner Eifler made a motion to amend Condition 4.l. of attachment A, 3rd sentence as follows: "Prior to removal of any trees on the site, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval."

The motion was seconded by Commissioner Layton.

COMMENTS/DISCUSSION BY COMMISSION:

- The effect of the amendment on the development was discussed.

A motion to waive the rules in order to ask questions of the Engineer for the project, was made by Commissioner McCarthy, seconded by Commissioner Eifler **and passes by a voice vote of 9 to 0.**

Mr. Tom Krull, Engineer for the project, responded to questions as follows:

- Identified the trees which will remain on the site.
- The developer cannot, in most cases, successfully plant an Oak Tree the size required; therefore, these trees are preserved whenever possible.
- The effect of the proposed amendment would not be realized until the development reaches the grading requirement stage of the project.
- The amendment would not prohibit the developer to come on to the subject tract to conduct soil samples, etc., but would prevent them from moving dirt without a grading permit.

Assistant Director Griggs-McElhanon restated the amendment as follows:

“Prior to removal of any trees on the site, a landscape plan depicting all existing tree masses and those to be retained shall be submitted to the Planning Commission for review and approval.”

**The amendment was approved by a voice vote of 8 to 0, with Commissioner Bly abstaining.**

A motion to approve P.Z. 10-97 Taylor Morley was made by Commissioner McCarthy and seconded by Commissioner Yaffe.

**Upon a roll call the vote was as follows: Commissioner Bly, abstain; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 8 to 0, with 1 abstention.**

A motion to approve P.Z. 11-97 Taylor Morley, as amended, was made by Commissioner McCarthy and seconded by Commissioner Yaffe.

COMMENTS/DISCUSSION BY COMMISSION:

- In a PEU the underlying zoning district is irrelevant with respect to minimum lot sizes - Attachment A dictates the minimum lot size as 12,000 square feet.

**Upon a roll call the vote on the amended motion was as follows: Commissioner Bly, abstain; Commissioner Broemmer, no; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 7 to 1, with 1 abstention.**

**Commissioner Layton left the meeting at this time.**

- F. **P.C. 20-86 Thomas A. Stern (Woodchase Plaza)**; request for amendment of “C-8” Planned Commercial District Ordinance; north side of Olive Boulevard, east of Woods Mill Road (Highway 141), for a 20% parking space reduction.

Assistant Director Griggs-McElhanon noted the Department’s recommendation of approval, as stated in the staff report, subject to revision of condition 5.c. Parking and Loading Requirements, after first sentence, add the following sentence: “They must maintain a minimum of 291 parking spaces.”

**Commissioner Layton returned to the meeting at this time.**

Commissioner Grant made a motion to waive the rules to allow one (1) question for the representatives of the petition. The motion was seconded by Commissioner McCarthy and **passes by a voice vote of 9 to 0.**

Commissioner Grant noted that the Commission discussed this in the work session before tonight's meeting and, tentatively, decided to reduce the parking to what is in existence today, as opposed to what the full twenty percent (20%) reduction would allow. He inquired whether or not the developer has plans to remove these eleven (11) parking spaces, assuming this amendment passes.

Mr. Norm Hennenberg stated developer does not have plans to remove eleven parking spaces.

A motion for approval of P.Z. 20-86 Woodchase Plaza, as amended, was made by Commissioner Grant and was seconded by Commissioner Bly.

**Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Eifler, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Commissioner Yaffe, yes; Chairman Casey, yes.**

**The motion passes by a vote of 9 to 0.**

**SITE PLANS, BUILDING ELEVATIONS, AND SIGNS - None**

**IX. COMMITTEE REPORTS:**

- A. **Ordinance Review Committee** - No report.
- B. **Architectural Review Committee** - No report
- C. **Site Plan/Landscape Committee** - No report.
- D. **Comprehensive Plan Committee**

Commissioner Grant noted the Committee is scheduled to meet at 9:00 a.m., on Saturday, June 7, 1997.

- E. **Procedures and Planning Committee** - No report.
- F. **Nominating Committee**

Commissioner McCarthy, on behalf of the Nominating Committee, made a motion to propose the following nominations: Commissioner Rick Bly as Chairman; Commissioner Bob Grant as Vice Chairman; and Commissioner Mike Casey as Secretary.

Commissioner Grant seconded the motion for the nomination of the Rick Bly as the Chairman.

Chairman Casey asked for nominations from the floor.  
There were no additions.

**The nomination of Rick Bly as Chairman passes by a voice vote of 9 to 0.**

Commissioner Bly seconded the motion for the nomination of Commissioner Robert Grant as Vice Chairman.

Chairman Casey asked for nominations from the floor.  
There were no additions.

**The nomination for Robert Grant as Vice Chairman passes by a voice vote of 9 to 0.**

Commissioner Bly seconded the motion for the nomination of Chairman Michael Casey as Secretary.

Chairman Casey asked for nominations from the floor.

Commissioner Dalton made a motion to nominate Commissioner Fred Broemmer for Secretary. The motion was seconded by Commissioner Layton.

The results of the secret ballot were read by Commissioner Bly.

Michael Casey was approved as Planning Commission Secretary by a vote of 5 to 4.

A motion to adjourn was made by Commissioner Eifler, seconded by Commissioner Yaffe **and passes by a voice vote of 9 to 0.**

The meeting adjourned at 9:11 p.m.

  
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**Robert Grant, Secretary**