

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
JUNE 13, 1994



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

**PRESENT**

**ABSENT**

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

**INVOCATION** - Councilmember Barry Flachsbart

**PLEDGE OF ALLEGIANCE** - All

Chairman McGuinness recognized The Honorable Mayor Jack Leonard and Councilmember Barry Flachsbart (Ward I).

**PUBLIC HEARINGS** - None

**APPROVAL OF THE MINUTES**

Commissioner O'Brien made a motion to approve the minutes from the meeting of May 23, 1994. The motion was seconded by Commissioner Dalton and **passed by a voice vote of 9 to 0.**

## PUBLIC COMMENTS

1. Ms. Mary Jane Lyons, 2290 Schoettler Road, Chesterfield, MO 63017, spoke regarding of P.Z. 8 & 9-94 The Hayden Company.

Ms. Lyons read her letter (included in the packet) to the Planning Commission, and summarized as follows:

- Requested a setback of thirty (30) feet, or more, on the north end of the proposed development.
- The location of her house is shown incorrectly on the land use map; it is twenty-three (23) feet from the private road.
- Would like a security fence along the north end of the proposed site to assure her of privacy and security.
- At Highway 40 and Schoettler Road (The Oaktree Estates), they have a wrought iron fence - therefore, she doesn't understand why the developer is reluctant to put in a security fence along the north end of the property.

## COMMENTS/QUESTIONS BY COMMISSION

Commissioner O'Brien asked Ms. Lyons what direction her house faces (i.e., Schoettler Road or the private road).

Ms. Lyons said her front door faces Schoettler Road and the side faces the private road.

2. Mr. Dennis M. Hayden, The Hayden Company, #7 The Pines Court, St. Louis, MO 63141, spoke regarding P.Z. 8 & 9-94, noting the following:
  - Requested that, as shown on the preliminary development plan, the Commission allow the petitioner to put an easement dedicated to landscaping, in lieu of a common ground strip next to Lots 17 and 18.
  - The purpose of the easement would be to allow them to landscape, as well as prevent some very restrictive BOCA Code requirements from being placed on those two (2) units - as these two (2) units are designed for entry from the side, with bay windows, etc., which would be looking at the proposed landscaping.

- If the property line is closer than six (6) feet to the units on Lots 17 and 18, the windows and openings would have to be replaced by a fire wall.
- The petitioner's request to allow an easement on Lots 17 and 18 instead of common ground, is so they can keep, at least, a six (6) foot space between the outside wall of the houses and the property line.
- The developer would be willing to live with the thirty (30) foot setback on the northern property line from the structure. As two (2) units back up to the northern property line (Lots 32 and 33) are actually in-grade units with patios on the back of them, he would like an amendment to allow the developer to build a low deck (patio-type deck) instead of a concrete patio. This type of a patio could be allowed to encroach the thirty (30) foot setback line, but maintaining the thirty (30) foot setback from the main structure.
- The fence has been extended as much as possible through the northern property line; however, at this time, they are unable to determine exactly where the existing tree mass would remain or be taken out. The petitioner would like to run the fence all the way to the trees, and not have to remove any trees in order to put in a fence. He suggested the ordinance could be structures so the petitioner could extend the fence all the way to the existing tree buffer, etc.

#### COMMENTS/QUESTIONS BY COMMISSION

City Attorney Doug Beach asked Mr. Hayden what assurances the City would have regarding landscape maintenance, should the common ground be replaced with an easement.

Mr. Hayden noted that, in a single-family attached development, all of the lots are covered by an easement for the purpose of maintaining the exterior of the units and landscaping. He suggests that, on the Final Development Plan and Plat, the subject lots be encumbered with an easement strictly for the purposes of the landscaping. He further noted the indentures would have to be written to permit the Association to maintain the landscaping on this easement.

City Attorney Doug Beach noted he would like it written to **require** maintenance of the easement.

3. Mr. Dwight H. Smith, 2297 Schoettler Road, Chesterfield, MO 63017, spoke regarding P.Z. 8 & 9-94 The Hayden Company, noting the following:
  - His property (Westerly Subdivision) joins the proposed development on the corner.
  - He expressed support for Ms. Lyons' request for a privacy fence extend along the entire northern portion of the proposed site, as he has kids, almost daily, coming from Parkway West through his property.
  - He believes a fence is necessary in order to keep the existing situation from becoming worse.
  
4. Mr. Al Michenfelder declined speaking.
  
5. Mr. Bryce Hastings, 101 S. Hanley, Clayton, MO 63105, spoke on behalf of P.Z. 10-94 JCCA, noting the following:
  - Due to a concern with regard to the square footage limitations in the Department's report, the petitioner desires to have the petition on **hold** until they have a chance to re-study and re-present to the Commission.
  - The JCCA desires to present a master plan, with more of an overview of what might be in the future. They believe 69,000 square feet might be too restrictive for the overall plan.

#### COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness noted that JCCA representatives had asked for 68,000/69,000 square feet, thus the Planning Department has responded accordingly.

Mr. Hastings noted they did not realize it would be that critical an issue.

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. 8 & 9-94 The Hayden Company (The Terraces at Clayton)**; "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; northeast corner of the intersection of Schoettler Road and Clayton Road.

Senior Planner Laura Griggs-McElhanon summarized the Department's position as follows:

- A handout was presented to the Commission this evening (a memo from Jerry Duepner dated June 13, 1994), which is what Mr. Hayden referred to this evening. This memo was in response to Mr. Hayden's letter of June 10, 1994, which is included in the packet.
- She noted a correction to page 4, paragraph 4, second line from the bottom of the Department's report. This sentence should read "The Department is of the opinion that a twenty (20) foot setback should be maintained for all units, including decks in this area."
- The Department will defer to the City Attorney for appropriate wording regarding the petitioner's request for a landscaped easement versus the common ground adjacent to Lots 17 and 18; however, the Planning Department has consistently recommended that landscaped areas be common ground, and will continue to do so.
- The Department continues to be of the opinion that the setback from the deck, if the deck is considered a structure, should be twenty (20) feet along the northern boundary.

- In response to Mr. Hayden's request for thirty (30) feet for the structure, allowing an elevated deck to encroach - the Department could agree with a thirty (30) foot setback for the primary structure, and twenty (20) feet for the deck.
- The Department has not specifically addressed the fence; however, fences, walls and landscaping are considered part of a landscape area. The Department believes this is a private property issue to be handled by the two (2) property owners.

She further noted the Department's recommendation of approval, subject to the Conditions in Attachment A, as amended with the memo dated June 13, 1994, handed out this evening.

A motion to approve the rezoning, including the June 13th memorandum from the Department, was made by Commissioner Domahidy. The motion was seconded by Commissioner Kirchoff.

#### COMMENTS/DISCUSSION BY COMMISSION

- The fence along the northern property line is to be similar to the fence proposed along the road frontage, without the brick piers.

City Attorney Doug Beach noted an amendment to the motion would be needed to allow a landscape easement to be created along Lots 17 and 18, and conditioned upon the indentures requiring the trustees to maintain the easement with landscaping. He further noted that, if we wanted to include the petitioner's request regarding setbacks for Buildings 32 and 33, an amendment would be needed.

- The landscaping along the perimeter of the development is a consistent requirement of the Department of Planning.
- The number of off-street parking spaces were proposed by the developer.
- The street width is planned to be twenty-four (24) feet, but may be widened to twenty-six (26) feet. This is the option of the developer at the present time.

Commissioner Kirchoff indicated it is his belief that developments such as that being proposed tonight should provide twenty-six (26) foot wide streets. He further noted he believes the Commission should ask for additional pockets of parking.

Commissioner Kirchoff made a motion to **amend** the original motion, to allow the twenty (20) foot easement in lieu of common ground, for landscaping adjacent to Units 17 and 18, with the wording to be satisfactory to Mr. Beach. The motion was seconded by Commissioner Bly.

Director Duepner noted concern that, in the past, the Department has consistently recommended that landscape areas be within common ground. He further noted he is not certain whether or not an easement poses a different situation.

Commissioner Kirchoff debated the "consistently" adverb. He noted that, until more recent times, landscaping was discussed in easements.

Director Duepner noted the exceptions made were not by the Planning Commission, but by City Council. He further noted two (2) examples (Countryside at Chesterfield and Wellesley Place) for which the Commission had recommended that landscaping be in a common ground area.

Commissioner Kirchoff noted that it is his belief that, prior to that time, the Commission was consistently doing landscaping in easements.

City Attorney Doug Beach noted that Mr. Hayden has agreed to include landscape maintenance in the indentures.

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

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

Commissioner Kirchoff made a motion to amend the original motion, as amended, for a thirty (30) foot structural setback on the north property line (Units 32 and 33), and to include a twenty (20) foot setback with respect to any decks that might be associated with those units. The motion was seconded by Commissioner McCarthy.

#### COMMENTS/DISCUSSION BY COMMISSION

Director Duepner noted that, as Ms. Griggs-McElhanon pointed out, as opposed to making it specific for lots, we could make it blanket in terms of the north line.

Commissioner's Kirchoff restated the amendment as being for the structural setback along the north line of this development to be thirty (30) feet, with an exception that a twenty (20) foot setback be established to allow decks to encroach into the thirty (30) foot setback. Commissioner McCarthy concurred with this wording.

**The amendment to the original motion, as amended, passed by a voice vote of 9 to 0.**

The vote on the original motion, as amended twice, was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.

**The original motion, as amended twice, passes by a vote of 9 to 0.**

C. **P.Z. 10-94 Jewish Community Centers Association (JCCA):** Amendment of "C-8" Planned Commercial District Ordinance; east side of Chesterfield Parkway North, north of the intersection of Chesterfield Parkway North and Olive Boulevard.

Mr. Joe Hanke, Planner II noted the following:

- The Department had been in discussions today with Mr. Hastings regarding correspondence received from him dated June 10, 1994.
- In view of Mr. Hastings' request, the Department would concur that, at this point, the issue of the square footage is significant enough that additional discussions between the petitioner and Department should take place.

Mr. Hanke noted, in view of the above, the Department recommends the matter be held.

#### COMMENTS/DISCUSSION BY COMMISSION

- The Department's recommendation regarding the gross floor area was based upon what the petitioner alluded to during the public hearing. The Department believes, at this point, there is sufficient fluctuation of square footage in the types of uses proposed, that there needs to be more discussion to clarify this issue.

Commissioner Domahidy made a motion to hold this matter. The motion was seconded by Commissioner Casey.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien inquired about the Department rationale regarding the setback and size of the proposed building.

Mr. Joe Hanke, Planner II responded as follows:

- The original St. Louis County ordinance, for the uses originally specified, had a limitation of three (3) floors.
- The Department of Planning believes that three (3) floors relates to a maximum height of forty-five (45) feet.
- For this particular building, based on sections received, the height proposed was approximately sixty-five (65) feet. Therefore, the calculations on page 13 of Attachment A were based on the original proposal brought before St. Louis County.
- The Department is of the belief that appropriate setbacks are necessary to set back a taller building from Chesterfield Parkway in order to accomplish the goal of the original St. Louis County report - to maintain relatively lower buildings in the three (3) floor, forty-five (45) foot range adjacent to Chesterfield Parkway.
- The rationale was used that, if there was additional height for a building, it was scaled to be set back a proportionate amount of space from Chesterfield Parkway.

Commissioner O'Brien inquired about the setback for a three (3) story building.

Mr. Hanke noted the Department was equating three (3) stories to forty-five (45) feet. The original setback was thirty (30) feet for an equivalent three (3) story building.

Commissioner O'Brien noted she regards this as the Urban Core. She further noted that, in most downtown areas, buildings are closer than thirty (30) feet from the road.

Mr. Hanke noted that the Department believes a parkway should visually have greenspace, not only in the median, but also an appropriate amount adjacent to the right-of-way - therein lies the rationale for the original setbacks proposed. He further noted the petitioner had shown considerably more setback from Chesterfield Parkway on their preliminary plan. By scaling the last version of the drawing submitted, it was indicated the petitioner could meet the setbacks based on the elevations submitted to the Department [four (4) stories, thirty (30) feet, plus one (1) foot for every additional foot over forty-five (45) feet].

- The site is elevated between eight (8) and ten (10) feet above Chesterfield Parkway.
- Proposing a building approximately one (1) or two (2) stories taller than what was originally envisioned for an office building on that site, was probably going to be of more bulk than what the Department believes was originally alluded to in the St. Louis County ordinance; therefore, the appropriate action would be to increase the setbacks for that building.

**The motion to hold this item passed by a voice vote of 9 to 0.**

- D. **P.Z. 11-94 Airport Tract Joint Venture (Chesterfield Business Park);** Approval of Site Development Plan in "M-3" Planned Industrial District; northwest corner of the intersection of Chesterfield Airport Road and Long Road.

Director Duepner summarized the issues being evaluated by the Department and recommendation to hold until the June 27th meeting of the Planning Commission.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired about the stormwater problems in the area.

Director Duepner noted the Public Works Department is requiring the petitioner to provide drainage through their site.

**No issues were added for review.**

A motion to hold this matter was made by Commissioner McCarthy. The motion was seconded by Commissioner Dalton and **passed by a voice vote of 9 to 0**

## SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. Ladue Associates Subdivision; "C-8" Planned Commercial District Minor Subdivision Plat; south side of Ladue Road, east of Ladue Glen Court.

Commissioner O'Brien, on behalf of the Site Plan Review Committee, made a motion to approve the Record Plat request. The motion was seconded by Commissioner Bly and passed by a voice vote of 9 to 0.

## COMMITTEE REPORTS

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

Committee Chair Kirchoff noted the Chesterfield Valley Landscape Guidelines will be reviewed by the Council's Planning and Zoning Committee tomorrow, June 14, 1994, at 5:30 p.m. He asked all members of the Landscape Committee to attend.

- D. **Comprehensive Plan Committee**

Committee Co-Chair Dalton noted the West Area Study Committee met June 1, 1994, and would like all Committee Members to read the St. Louis County Guidelines regarding Wild Horse Creek Road and submit suggestions at the next meeting on Wednesday, June 22, 1994.

Committee Co-Chair Domahidy reported that, with the staff's assistance, they have come up with a preliminary map of the densities we would recommend in that area. The Committee is working to have this, plus accompanying text, for a presentation at public hearing in July. This will be, in effect, an update of the Comprehensive Plan.

Chairman McGuinness inquired about the participation of Mr. Sid Koltun.

Senior Planner Laura Griggs-McElhanon noted she discussed the meeting with Mr. Koltun on that same day; he indicated he would like to come, but needed to talk to Vietta (at the HBA), and Mr. Teitelbaum of Premier Homes to discuss the issue. She further noted she did not hear back from Mr. Koltun. Ms. Griggs-McElhanon stated the Department will contact Mr. Koltun and advise him we need him to be at the next meeting.

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

F. **Nominating Committee**

Chairman McGuinness noted that, according to our By-Laws, the Nominating Committee will meet to discuss amongst themselves who would be good officers to serve as Chairman, Vice-Chairman and Secretary, through June of next year. She further noted they are to obtain the concurrence of those nominated and come back to the next meeting to report on the nominations. Nominations are also welcomed from the floor.

Chairman McGuinness appointed the following Commissioners to serve on the Nominating Committee: Commissioner Bly, Commissioner Casey, Commissioner McCarthy, and Commissioner Kirchoff.

Director Duepner asked the Committee members to advise him when they decide to meet so the Department may post a proper meeting notice.

The meeting adjourned at 8:00 p.m.

  
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**Barbara McGuinness, Chairman**

[MIN6-13.094]