

CORRECTED

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 8, 2005

The meeting was called to order at 7:10 p.m.

I. PRESENT

ABSENT

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Lynn O'Connor
Dr. Maurice L. Hirsch, Jr.
Ms. Lu Perantoni
Mr. Thomas Sandifer
Ms. Victoria Sherman
Chairman Stephanie Macaluso

Councilmember Mike Casey, Council Liaison
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Mr. Kyle Dubbert, Project Planner
Mr. Nick Hoover, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner O'Connor

III. PLEDGE OF ALLEGIANCE

Chair Macaluso acknowledged the attendance of Councilmember Mike Casey, Council Liaison and Councilmember Bruce Geiger, ~~Ward III~~ **Ward II.**

IV. PUBLIC HEARINGS – Commissioner Hirsch read the “Opening Comments” for the Public Hearings.

- A. **P.Z. 11-2005 129 Long Road (Citrin Property)**: A request for rezoning from “M3” Planned Industrial to “PC” Planned Commercial district for a .43-acre parcel located on the west side of Long Road, approximately 550 feet south of Chesterfield Airport Road (Locator Number 17U140032)

Project Planner Kyle Dubbert gave a PowerPoint presentation showing photos of the subject site and surrounding area.

PETITIONER’S PRESENTATION:

1. Mr. Jeff Citrin, 17892 Bonhomme Fort Court, Chesterfield, MO stated the following:
 - He is petitioning that the subject property be rezoned from residential to commercial.
 - The subject site is the only residential property left on Long Road.

2. Mr. Jim Exler, Zavradino’s Engineering, 17813 Edison, Chesterfield, MO representing Jeff Citrin stated the following:
 - The site is a one-half story building located next to Gator Flats.
 - The aim is to use the building for a business that would have a low traffic use – such as a tax office or insurance agent.
 - Other uses have also been included in the petition to make everyone aware of the different types of business that could possibly be housed on the site.
 - Long-range plans could include removing the building and re-building further to the rear of the property.
 - Discussions have been held with the neighboring property owners regarding future cross access if the site is re-built. Presently cross access is not possible because of a berm between the Gator Flats property and the subject property.
 - St. Louis County has approved the entrance to the subject property. MSD has no issues with the plans.
 - The site will have a couple more parking spaces than required.
 - The site will have a larger loading zone right behind the house that should ease some of the traffic from trucks entering the site.
 - Most of the trees on the site will remain; a couple of trees on the parking lot would need to be removed.

SPEAKERS IN FAVOR:

1. Ms. Mary McCarthy, Valley Farmers Market, 128 Long Road, Chesterfield, MO stated the following:
 - She is not opposed to the change of zoning at the subject location, which is directly across from her business, Valley Farmers Market.
 - She has questions about the driveway/Long Road access allowed the petitioner since she had to change her driveway access per direction from St. Louis County. The County mandated that her driveway access be in the east of her property.
 - Because of this access, it has crippled her business. Neighboring property owners have not been cooperative in allowing signage for the Farmers Market.

- County directed her to remove her driveway on Long Road, along with a piece of concrete installed by McDonald's.
- She questions why a property directly across the street from her property is allowed access off Long Road while she was denied access.
- Speaker stated that neighboring properties are dumping their storm water into the back of her property. Public Works has advised her that this a personal private property owner issue but she has concerns that there is a master plan which includes the storm drainage in the back of the properties.
- Speaker asked for support from the City in dealing with these issues.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

1. With respect to requested uses, are child care centers, nursery schools and day nurseries permitted in this area? Does the City want to deal with day care centers off the end of the airport runway?
2. Is it possible to scale the permitted uses down to just offices?
3. Contact St. Louis County regarding the rationale behind the driveway access issue raised by Mary McCarthy.
4. Explore cross access with Gator Flats in the future, especially if the building is removed.
5. Provide information on the permitted uses of Gator Flats, along with the commercial areas across the street – the Market, Amoco, McDonald's, Quick-Lube.
6. Is rezoning from “**M3 Planned Industrial**” to “Planned Commercial” or from “**Residential**” to “Planned Commercial”? *Point of clarification from the Director Planning noted that the zoning is from “M3” without a governing ordinance.*
7. Taking into consideration that the structure on the site may be re-built, is there the possibility of doing deferred zoning for the site?

REBUTTAL:

Regarding the driveway access off of Long Road, Mr. Jim Exler stated the following:

- The existing driveway is on the north side of the property (on the Gator Flats side). This driveway will be removed and a new one will be constructed further south on the property.
- They have taken St. Louis County Highway Department's proposed plan for the future expansion of Long Road and incorporated it into their drawing to insure that the proposed driveway falls into their classification.
- Because the driveway has been shifted further south, there is enough distance between it and the other access point for Gator Flats.
- When Long Road gets widened, the proposed driveway will be slightly moved back into the property.

Regarding the uses of Gator Flats, Mr. Exler stated that it includes the following types of business:

- Tailor shop
- Barbeque place
- Nail salon

Responding to questions from the Commission, Mr. Exler stated the following:

- There are seven parking spaces with one handicapped space. The City's requirement is five.

Commissioner Hirsch read the Closing Comments for Public Hearing **P.Z. 11-2005 129 Long Road (Citrin Property)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be September 12, 2005.

- B. P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):** A request for an amendment to City of Chesterfield Ordinance 1708 to permit additional uses and amendments to several area, height, lot and setback requirements in conjunction with a revised preliminary plan for a 24.9-acre "PI" Planned Industrial district located on the north side of Chesterfield Airport Road across from its intersection with Trade Center Boulevard. (LOCATOR NUMBERS 17V62-0049, 17V62-0050, 17V62-0072)

Project Planner Christine Smith Ross gave a PowerPoint presentation showing photos of the subject site and surrounding area. Ms. Smith Ross stated the following:

- There are two proposed additional uses:
 - Filling stations, including emergency towing and repair services for **south** of Long Road Crossing Boulevard.
 - Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises for **north** of Long Road Crossing Boulevard.
- Following is a comparison of the other amendments relative to the proposed Preliminary Plan:
 - Ordinance 1708 permits up to **246,000 sq. ft.** of total development based on ability to comply with the City's parking requirements. The subject plan proposes **234,000 sq. ft.**
 - Ordinance 1708 authorizes up to **7 buildings**. The proposed plan contains **10 buildings**.
- Staff will review other proposed amendments with Public Works and will include them in the Issues Report.
- The Comprehensive Plan for the subject area shows "Mixed Commercial" use. Appropriate uses would be retail and office – possibly warehousing and distribution in conjunction with office development.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney for the applicant, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO stated the following:
 - The development was originally zoned "PI" by Ordinance 1708.
 - A Site Development Concept Plan has been approved and recorded. If the ordinance amendment is approved, the petitioner would have to submit an Amended Site Development Concept Plan.
 - There are five lots on the subject site.
 - The plan proposes 3 buildings on the north lot (Lot 1). Under the existing ordinance, 150,000 sq. ft is permitted on Lot 1 – they do not seek to change that square footage.
 - They are seeking the addition of Retail uses for Lot 1.
 - Lot 2 shows 1 building. Lot 2 is limited to 26,000 sq. ft. under the existing ordinance.
 - Lot 3 is limited to 24,000 sq. ft. under the existing ordinance.
 - Lot 4 is limited to 28,000 sq. ft. under the existing ordinance.
 - Lot 5 is limited to 34,000 sq. ft. under the existing ordinance.
 - The total square footage for the south portion of the site is limited to 112,000 sq. ft. under the existing ordinance. They are not seeking to increase that amount. It is likely that it will be less than 112,000 sq. ft.
 - On the existing approved plan, there is a storm water ditch that cuts across the southern portion of the site. The drainage ditch has now been moved to the north. This has been a motivating factor for the applicant to review the plan and determine whether or not the approved plan and zoning ordinance are still appropriate.
 - The applicant is also seeking changes because the market has changed with more retail coming to the Valley than originally had been anticipated. Most of the interest for the subject site has been from retailers. They are seeking the additional use of retail on the north side of the site.
 - On the south end, they are seeking the additional use of filling station. They are also seeking a change that would allow 5 outparcels along the south portion of the site.
 - The filling station use is proposed in the southern section on one of two locations – on either of the corner outlots at the intersection of what will become known as Trade Center Boulevard North and Chesterfield Airport Road. They are not seeking any towing or repair services – they are proposing a service station with pumps and a convenience store.
 - For the "center portion" of the site, they are requesting a change to allow 60,000 sq. ft. The site has more room now that the storm water drainage ditch has been removed.

2. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:
- The 25 acres of this site were rezoned in 2000. A Site Development Concept Plan was approved in 2001. At that time, no one envisioned retailing continuing to move to the west. Consequently, the Concept Plan that was adopted revolved around the idea of a corporate office tenant on the north half. The middle properties were envisioned as a service center, potentially an office use and service center along Chesterfield Airport Road.
 - Since then, the market has changed; the value of the property has appreciated; and Chesterfield Commons is developed, which has caused the Petitioner to re-think the plan.
 - Since the drainage channel was removed, it allowed the Petitioner to re-look at the development.
 - On the proposed plan, access to Chesterfield Airport Road would remain the same as on the original plan. There would be a paralleling road, similar to Chesterfield Commons, which would serve the back of all the outparcels.
 - They are able to have shared cross access because there is no physical obstruction of the drainage channel.
 - The development to the north is unchanged with the exception that there could be three separate buildings on three separate outlots.
 - As opposed to a corporate office user, there is the possibility of a mid-size retailer, such as Amini's.
 - The concepts relating to engineering, road access, and utilities are the same as in 2001. The sanitary sewer infrastructure is in place. The roads are under construction, along with the water line. All of this is intended to be finished by the end of the year.

Responding to questions from the Commission, Mr. Stock stated the following:

- The filling station will be serviced by one access road.
- Regarding the use of "vehicle sales", there is no pending contract for vehicle sales. They are asking that the use be allowed in the northern portion of the site.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

ISSUES:

1. Pedestrian circulation.
2. Review the possibility of parking for an auto sales facility.
3. Clarification of what is being requested for the filling station use. Do emergency towing and repair services need to be included?

4. Confirmation of what, if any, current zoning practices/updates the ordinance will need in addition to the requested amendment.
5. Regarding the proposed filling station - lighting issues; traffic in terms of ingress/egress; signage for the site.
6. The possibility of a traffic light at Trade Center Boulevard with respect to safety issues.
7. Has a filling station been placed next to a restaurant anywhere in the Commons and Airport Road development?
8. Issues relating to stacking, coming in and out of the lot, queuing and circulation.
9. Will the use of a filling station include a car wash?
10. Provide the current zoning for the site and the uses that were previously approved..
11. The rear elevation of the building on Lot 4 that backs up to Long Road.
12. Consider a cross access easement on each end of the drive behind the outparcels.

Commissioner Hirsch read the Closing Comments for Public Hearing **P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park)** noting that the earliest possible date the Planning Commission could vote on the subject petition would be September 12, 2005.

V. APPROVAL OF MEETING MINUTES

Commissioner Sherman made a motion to approve the minutes of the July 25, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

1. Ms. Jeannie Armiller, 190 Carondelet Plaza, Ste. 600, Clayton, MO speaking **for the petitioner** for **The Villages of Kendall Bluff** stated she was available for any questions.
2. Mr. Mike Falkner, 5091 New Baumgartner Road, St. Louis, MO 63129 speaking **for the petitioner** for **The Villages of Kendall Bluff** stated he was available for any questions.
3. Mr. Steve Lander, 679 Old Riverwoods Lane, Chesterfield, MO speaking **as a neutral party** regarding **The Villages of Kendall Bluff** stated the following:
 - He has concerns with the extensive grading and the destruction of the hillside on the eastern part of the development bordering his property.
 - He has concerns that unit 19B will be a water runoff problem onto his property.
 - He has consulted an Engineering Firm whose opinion is that the only solution to the possible water runoff problem is a dedicated underground storm water system. At this point, this system is not required by the City.

- He has concerns about the emergency access road. A portion of the proposed property lies within the property of Surrey Place, which borders his property and Old Riverwoods Subdivision. He would like reassurance that the 50' non-disturb area required for the eastern section of the development include the road, which is part of the Kendall Bluffs but not lying on Kendall Bluffs' property. As presently proposed, he does not think the non-disturb area can be maintained.
- He asked that the developer be required to take the necessary steps to eliminate any potential run-off problems through a dedicated underground storm water system.

Responding to questions from the Commission, Mr. Lander stated that his 2003 engineering report was presented to the Commission and City Council at that time.

4. Mr. Ed Unwin, Sterling Engineering, 5055 New Baumgartner, St. Louis, MO in attendance with respect to **The Villages of Kendall Bluff** indicated he was available for any questions.
5. Mr. Anthony J. Haligan, 3010 Royal Boulevard S, Suite 150, Alpharetta, GA speaking **for the petitioner** indicated he was available for any questions pertaining to **Stoney River Legendary Steaks at Drury Plaza.**
6. Mr. Larry Hasselfeld, Drury Development Corporation, 8315 Drury Industrial, St. Louis, MO speaking **for the petitioner** for **Stoney River Legendary Steaks at Drury Plaza** stated the following:
 - Drury Development is the owner of the real estate and they approve of the site and elevations being presented.
 - Sachs Properties, who maintained approval rights on the site, has issued its formal approval on the restaurant elevations.
 - He feels that Stoney River needs to maintain its strong corporate restaurant identity.
7. Mr. Keith Schutz, Johnson Studio Architects, 127 Peach Tree Court, Atlanta, Ga speaking as the architect **for the petitioner** for **Stoney River Legendary Steaks at Drury Plaza** stated the following:
 - They have previously met with the Architectural Review Board and listened to their concerns about compatibility issues of the restaurant design with the hotel architecture.
 - Stoney River is trying to maintain a separate entrance and identity from the hotel.
 - ARB suggested that there be a better separation of the restaurant's architecture from the hotel's architecture. As a result, they are proposing a reflective glass box between the buildings to help separate them visually.
 - They took some of the architecture of the restaurant further around to the back where the back of the house meets the back of the house of the hotel areas.

- They are trying to be compatible with the colors and finishes of the building by using a color on the stucco and clapboard siding that would match the limestone color of the hotel. They are using an accent color in the shingles that would match the brick color of the hotel.

Commissioner Perantoni expressed concern with the dissimilar styles between the hotel and the restaurant. She noted that the buildings in this area have a contemporary look while the restaurant has an historical style. She is not opposed to the design of the building but is opposed to the location of it.

8. Mr. Chris Mueller, Stock & Associates, 527 Chesterfield Business Parkway, Chesterfield, MO speaking **for the petitioner** indicated he was available for any questions pertaining to the Site Plan for **Stoney River Legendary Steaks at Drury Plaza**.
9. Mr. Donald A. Flower, President of Flower Homes, 1518 Madison's Creek, Wildwood, MO 63038 speaking **as the petitioner** for **P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.)** stated the following:
 - During the Public Hearing in May, a lot of support was shown for the project.
 - After the Public Hearing, the petitioner worked with both Planning and Public Works to address the issues raised.
 - Petitioner is comfortable with the Attachment A prepared for this project.
 - They are comfortable with 25' rear building lines but if the Commission wants more, it would be possible to establish an area behind the back walls of the houses of 50-60' to allow for pools, patios, and gazebos.
 - The Petitioner is asking for flexibility on the preservation of trees until the actual grading plans are prepared.
 - The Petitioner clarified that no homes are being built on Griffith Lane - it is to be used only as an emergency access for the Fire Department.
 - Landscaping is proposed behind the trees that the City may be removing on Wilson Road.

Responding to questions from the Commission, Mr. Flowers stated the following:

- He is not opposed to the setbacks proposed by the City as long as they don't interfere with the back yards of the houses.
 - They will be submitting much more specific drawings relative to tree preservation, which will show what trees are on the site. They are asking that "exact language" not be used at this point in the Attachment A with respect to a particular percentage and number of trees to be preserved.
10. Mr. Jim Hall, Hall & Halsey Associates, Inc., 424 South Clay Avenue, St. Louis, MO speaking **for the petitioner** stated he is the land planner for **P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.)** and was available for any questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Chesterfield Industrial Park Lot 1A Lot Split**: A Record Plat for the re-subdivision of Lot 1A, approximately 1.97-acres, of Chesterfield Industrial Park into Lots 1A-1, approximately 1.19-acres, and 1A-2, approximately .75-acres.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Hirsch and **passed by a voice vote of 9 to 0**.

- B. **Enclave on Kehrs Mill Record Plat**: A Record Plat for an approximately 1.093-acre tract of land, zoned "R-3" Residential, located on Kehrs Mill Road north of Clayton Road and east of Clarkson Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Record Plat. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0**.

- C. **Logan College of Chiropractic (The Logan Center)**: An Amended Site Development Plan, Architectural Elevations, Landscape Plan, Light Plan and Architect's Statement of Design for a 111.2 acre tract of land zoned "NU" Non-Urban and "FPNU" Flood Plain Non-Urban, north of Clayton Road and west of Schoettler Road at 1851 Schoettler Road. (20R430037)

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan, Architectural Elevations, Landscape Plan and Light Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0**.

- D. **McBride & Son Center - Hampton Inn**: Amended Site Development Concept Plan for a 9.3 acre parcel located west of Boone's Crossing, and north of Chesterfield Airport Road.

And

- E. **McBride & Son Center - Hampton Inn**: Amended Site Development Section Plan for a 3.4 acre parcel located west of Boone's Crossing, and north of Chesterfield Airport Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to hold the Amended Site Development Concept Plan and the Amended Site Development Section Plan until additional information and clarification regarding developments proposed to

the west of these sites with respect to sidewalks and pedestrian traffic flow are presented. The motion was seconded by Commissioner Hirsch and **passed by a voice vote of 9 to 0.**

- F. **Spirit Trade Center Lots 2 & 3 (MOHELA) Phase Two:** An Amended Site Development Section Plan, Landscape Plan, and Lighting Plan for phase two of an office development on Lots 2 and 3 of Spirit Trade Center, zoned "M-3" Planned Industrial, and located north of Edison Road, south of Chesterfield Airport Road and on the west side of Spirit Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan, Landscape Plan and Lighting Plan. The motion was seconded by Commissioner O'Connor and **passed by a voice vote of 9 to 0.**

- G. **Stoney River Legendary Steaks at Drury Plaza:** Amended Site Development Plan, Landscape Plan and Architectural Elevations for a restaurant on a 4.85 acre tract of land, zoned "PC" Planned Commercial District, located adjacent to Chesterfield Mall on the southwest corner of I-64/Hwy 40/61 and MO 340 (Clarkson Rd).

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and to hold the Landscape Plan and Architectural Elevations pending additional presentation with respect to the Architectural Elevations and Landscape Plan involving a comparison of paletting and landscaping for the restaurant. **The motion died due to the lack of a second.**

Commissioner Hirsch made a motion to approve the Amended Site Development Plan, Landscape Plan, and Architectural Elevations with the stipulation that the stucco and clapboards on the restaurant match as closely as possible the color of the limestone on the Drury Plaza Hotel; and that the shingles have accent colors that would match as closely as possible the color of the brick on the Drury Plaza Hotel. The motion was seconded by Commissioner Banks.

Commissioner Broemmer stated he agrees with the ARB comments wherein it was noted that ARB does not take issue with the proposed design or material of the restaurant but that the dissimilarity of style with the hotel makes it inappropriate for the proposed location.

Commissioner Sherman thought the two different styles could provide an eclectic look to the area.

Commissioner Perantoni stated that it is very important to her as to what happens in this part of the City. She questioned if there was something that could be proposed that would allow the building to remain similar in context with the hotel and other nearby buildings while using artwork or signage to make it distinctive.

The motion to approve **passed by a hand-count of 7 to 2.** (Commissioners Broemmer and Perantoni voted “no”.)

Ms. Teresa Price, Director of Planning, asked for clarification as to which set of elevations are to be used – the ones reviewed by ARB or the revised elevations. It was noted that the revised elevations are to be used.

H. The Villages of Kendall Bluff: Site Development Plan, Architectural Elevations, Landscape Plan, and Lighting Plan for a 63.80 acre parcel located north of Olive Boulevard east of intersection with Ladue Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, Landscape Plan and Lighting Plan with an amendment to the plans that any elevations visible from Olive Street Road shall have facades similar to the entrance facades of such structures. The motion was seconded by Commissioner Sandifer and **passed by a voice vote of 8 to 1.** (Commissioner Perantoni voted “no”.)

Ms. Price pointed out that this project has an automatic power of review written in its ordinance so it will be forwarded to Council.

(The meeting recessed for a five-minute break.)

VIII. OLD BUSINESS

A. P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.): A request for a change of zoning from “NU” Non-Urban District/“FPNU” Flood Plain Non-Urban to “E-One Acre” for a 20.6 acre tract of land located on Wild Horse Creek Road, approximately .6 miles west of the intersection of Baxter Road and Wild Horse Creek Road. (18T130035)

The requested use is Detached Single Family Dwellings.

Ms. Annissa McCaskill Clay, Assistant Director of Planning, stated the following:

- Several issues arose during the prior Work Session – two of which were the setbacks from the southern boundary of the property, as well as from the western limitations of the property.
- Since the Work Session, Staff and the Petitioner have been attempting to maintain as much of the vegetative buffer on the site, as well as permitting enough space for pools, decks or accessory structures in the back yard. Staff is requesting further direction from the Commission on this point.
- The Petitioner has requested re-wording in the Attachment A as follows:
 - Section G.1: *“~~A minimum of~~ **Approximately forty-six percent (46%) of the existing tree cover shall be maintained pending**”*

submission of Petitioner's actual grading and improvement plans."

The Commission expressed concern over using the term "approximately" because it is too vague.

- Section G.2: *"The petitioner shall maintain approximately thirty (30) Monarch trees on the subject site pending submission of petitioner's actual grading and improvement plans."*

Ms. McCaskill-Clay noted that this has not been an issue on other projects because most of the other sites had only 1-3 Monarch trees. This is the first site that has so many Monarch trees.

During discussion, it was noted that at this time there is no comprehensive list of how many Monarch trees are on the site.

After discussion, it was agreed that Section G would be amended as follows:

- G.1. *"A minimum of forty-six percent (46%) of the existing tree cover shall be maintained or as otherwise approved by the Department of Planning."*
- G.2. *"The petitioner shall maintain thirty (30) Monarch trees on the subject site or as otherwise approved by the Department of Planning."*

Ms. McCaskill-Clay continued with the Petitioner's proposed re-wording of Attachment A as follows:

- Section K.8 ~~*"Remove or improve the existing Griffith Lane entrance."*~~
"The existing Griffith Lane entrance that is contained solely within the Missouri Department of Transportation (MODOT) right-of-way shall be improved to the extent MODOT may require."

It was noted that during Work Session, the Commissioners were given comments from the Missouri Department of Transportation for proposed language to the Attachment A as follows:

- Section K.8 ~~*"Remove or improve the existing Griffith Lane entrance."*~~
"For the Fire Protection Use to Griffith Lane. The improvements to Griffith Lane must meet MODOT's standard and require excavation permit."

It was noted that MODOT also added a second comment, which is shown on the Petitioner's Preliminary Plan, as follows:

“The Missouri Department of Transportation requires this developer to provide a 15 feet right of way reservation across their entire property frontage for possible future highway construction.”

Ms. McCaskill-Clay stated that MODOT had not included this comment in its submission for the Attachment A.

After discussion it was agreed that Section K of the Attachment A would be amended as follows:

- K.8 *“~~Remove or improve the existing Griffith Lane entrance.~~”*
“For the Fire Protection Use to Griffith Lane. The improvements to Griffith Lane must meet MODOT’s standard and require excavation permit.”
- **Add K.12:** *“The Missouri Department of Transportation requires this developer to provide a 15 feet right of way reservation across their entire property frontage for possible future highway construction.”*

Ms. Price referred to Attachment A, Section G – Landscape and Tree Requirements and suggested that it be re-worded as follows:

- G.2: *“~~The petitioner shall maintain thirty (30) Monarch trees on the subject site or as otherwise approved by the Department.~~”*
“The Developer’s Tree Preservation Plan must be submitted at the Site Development Plan stage addressing the 30 Monarch trees on the site.”

The Commission agreed to the above amendment to Section G.2. of Attachment A.

Commissioner Perantoni stated that the Petitioner has already expressed his willingness to avoid over-wetland disturbance. She suggested that language be incorporated into Attachment A regarding wetland disturbance. City Attorney Beach stated that the Corps of Engineers controls this type of issue.

Commissioner Hirsch made a motion to amend the Attachment A as follows:

- G.1. *“A minimum of forty-six percent (46%) of the existing tree cover shall be maintained or as otherwise approved by the Department of Planning.”*
- G.2 *“~~The petitioner shall maintain thirty (30) Monarch trees on the subject site or as otherwise approved by the Department.~~ The Developer’s Tree Preservation Plan must be submitted at the Site*

Development Plan stage addressing the 30 Monarch trees on the site.”

- K.8 ~~“Remove or improve the existing Griffith Lane entrance.”~~
“For the Fire Protection Use to Griffith Lane. The improvements to Griffith Lane must meet MODOT’s standard and require excavation permit.”
- K.12: *“The Missouri Department of Transportation requires this developer to provide a 15 feet right of way reservation across their entire property frontage for possible future highway construction.*

The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

Ms. Price proposed the following language to Attachment A regarding setbacks:

“Subject to Staff writing individual lot setbacks allowing decks, pools and accessory structures to be built on each structure while addressing the Tree Stand as noted on the Preliminary Plan.”

During discussion Mr. Flowers explained that building setbacks and clearing limits are two separate issues. Building setbacks are established for buildings while clearing limits are established as to where trees will remain. He noted that a building line does not preclude a developer from clearing within it – this is accomplished through the establishment of a clearing line.

Commissioner Hirsch asked if a “do not disturb” clause would be helpful in terms of keeping the tree mass once the property is sold to homeowners. City Attorney Beach replied that subdivision indentures could address this issue by identifying areas that are not to be built on.

The petitioner cautioned against setting a precedent of establishing individual lot setbacks.

Mr. Flowers suggested that Items E.1.b and E.1.d, relating to structure setbacks, be deleted from Attachment A and that the individual lot criteria be kept. Ms. McCaskill-Clay replied that the typical lot criteria may not work for the rear of all the lots.

City Attorney Beach proposed amending the Attachment A as follows:

- E.1.b. ~~“Seventy five (75) feet from the southern boundary (S89°42’00”W) of the “E One Acre” Estate District. The Site Development Plan shall provide clearing lines for each lot which shall in total meet the 46% existing tree cover as set out in G.1.”~~

- E.1.d. ~~“Two hundred seventy (270) feet from the western boundary (N07°533’43”E) of the “E One Acre” Estate District.”~~

Commissioner Banks made a motion to amend Attachment A as proposed above by the City Attorney. The motion was seconded by Commissioner Hirsch and **passed by a voice vote of 9 to 0.**

Commissioner Banks made a motion to approve **P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.)** with the amended Attachment A. The motion was seconded by Commissioner O’Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner Perantoni, Commissioner Sandifer, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Hirsch, Commissioner O’Connor, Chairman Macaluso

Nay: None

The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS

X. COMMITTEE REPORTS:

A. Committee of the Whole

The next meeting will be August 17, 2005 at 5:00 p.m. in Conference Rooms 102/103.

B. Ordinance Review Committee

C. Architectural Review Committee

D. Landscape Committee

Ms. Price stated that the whole process of when inspections are done with the Tree Stand Delineation is coming forward from the Landscape Committee within about a month.

E. Comprehensive Plan Committee

F. Procedures and Planning Committee

G. Landmarks Preservation Commission

XI. ADJOURNMENT

The meeting adjourned at 9:41 p.m.

Lynn O'Connor, Secretary