**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**AUGUST 25, 2014**

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

## I. ROLL CALL

| **PRESENT** | **ABSENT** |
|---|---|
| Ms. Wendy Geckeler | Ms. Amy Nolan |
| Ms. Merrell Hansen | |
| Ms. Fay Heidtbrink | |
| Ms. Laura Lueking | |
| Ms. Debbie Midgley | |
| Mr. Stanley Proctor | |
| Mr. Steven Wuennenberg | |
| Chair Michael Watson | |

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mary Ann Madden, Recording Secretary

## II. PLEDGE OF ALLEGIANCE

## III. SILENT PRAYER

Chair Watson acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; and Councilmember Connie Fults, Ward IV.

## IV. PUBLIC HEARINGS –

Commissioner Proctor read the "Opening Comments" for the Public Hearing.

**A. P.Z. 14-2014 City of Chesterfield (Wild Horse Creek Road Overlay District Updates):** An ordinance repealing Article 02 Section 04B.3 and Section 07 and Article 03 Section 05C and Section 08 of the City of Chesterfield Unified Development Code and replacing them with new sections to update development review process and standards for the Wild Horse Creek Road Overlay District.

**STAFF PRESENTATION:**
Ms. Aimee Nassif, Planning and Development Services Director gave a PowerPoint presentation on the petition.

**Proposal History**

- The area pertaining to this petition is comprised of approximately 110 acres of land located on the north side of Wild Horse Creek Road and south of the bluffs, which is referred to as the "Bow Tie" area.
- In 1990 Comprehensive Plan was created. At that time, this area was identified as a mix for *Office Campus* and *Residential* uses.
- A Citizens Committee was formed in 2003 to study the area and determine whether the *Office Campus* and *Residential* uses were still appropriate.
- The bow tie area became a *study area*, which is a specific geographic area of a city that has special or unique conditions that may require an additional layer of protection or zoning tools. It is different than a "PUD" Planned Unit Development, which is a negotiated area – a study area is an area that includes strict standards above and beyond the traditional zoning code.
- FAA standards recommend that residential development should be avoided in areas above the 65 DNL (day-night noise level) line. Residential development below the 65 DNL line is acceptable.
- The Comprehensive Land Use Plan allows 1 acre density on the eastern side of the bow tie and ½ acre density on the western side of the bow tie with the northern portion being designated as *Neighborhood Office.* There was not full consensus at that time and it was always the City's desire to relook at the area to determine whether residential development would be appropriate for the entire bow tie area.
- After the completion of ongoing litigation regarding this area, and through discussions over the past several years with Planning Commission, area residents, and City Council, it was determined that now is the appropriate time to present the necessary updates to the Unified Development Code. These updates have been presented to the Planning and Public Works Committee, who gave feedback and direction. The updates were then reviewed by the Ordinance Review Committee, chaired by Commissioner Nolan. The draft amendments are now ready for Planning Commission review.

**Comparison of Current Regulations to the Proposed Updates**

Ms. Nassif then presented the following table outlining the Current Regulations compared to the Proposed Updates:

| Current Regulations | Proposed Updates |
|---|---|
| Allows for *Neighborhood Office* development within surrounding residential areas and developments. | Permits *Residential* development only. |
| Only permits E-1 and E-1/2 zoning. | Allows for E-1, E-1/2 and E-2 zoning. |
| WH Study provided minimum lot size & minimum average lot size requirements. | A minimum lot size is still proposed but the average lot size requirement has been removed. |
| Setback from Wild Horse Creek Road negotiated. | Lots must be set back a minimum of 50 feet from Wild Horse Creek Road. |
| 40% open space in residential developments required, but this could include someone's yard. | Areas of open space defined. 30% open space is required, which is more attainable and consistent with other residential developments. |
| Process not clearly defined. Subject to unintended consequences such as Estate District being approved, but WH Overlay not. | Clearly defined process. WH Overlay request is part of underlying zoning process and consideration. |
| Language unclear on whether or not PUD is permitted. | Special study areas not appropriate for negotiated zoning standards and districts. Therefore language added prohibiting PUDs. |
| Examples of sound attenuation methods not provided. | Language added. |

Ms. Nassif then provided further explanations on the proposed updates, as follows:

- The Ordinance Review Committee recognized that there is no benefit to negotiating established standards so that language has been clarified in the proposed updates by removing the ability for modifications.
- The WH Overlay is a special zoning overlay that goes on top of the zoning district. If a developer would want to zone to E-One Acre in this area, the property would be zoned to E-One Acre with the WH Overlay. The zoning maps would show the WH Overlay Sub-Area on all the designated properties, which requires all the additional sets of standards found in the Code.

**Unchanged Standards**

The following standards have not changed since the 2003 study and the subsequent ordinances of 2005 and 2006:

- Uses permitted in Estate Districts
- Landscape Buffer
- Structure Setbacks
- Structure Height
- Avigation Easement required
- Comments from Spirit of St Louis Airport
- Preservation and protection of natural slopes and features
- Building Design/Architecture
- Site Design/Inclusion of pedestrian and community amenities

The Ordinance Review Committee recommended approval of the proposed updates by a vote of 5-0. Any recommendations from the Planning Commission will be forwarded to the Planning & Public Works Committee and then onto City Council, followed by adoption into the Unified Development Code.

**REPORT FROM THE ORDINANCE REVIEW COMMITTEE:**

On behalf of the Ordinance Review Committee, Commissioner Proctor stated that the recommendations of the Committee are outlined on page 6 of the Staff Report. He noted that the Committee supported the recommendations with a couple minor changes as shown below:

- The average lot size was eliminated; and
- Because there is no longer the ability to negotiate modifications to the specific design requirements, the requirement of a 2/3 vote of Planning Commission approving any such modifications has been eliminated.

The Committee supported the position that a PUD is not allowed and that *Neighborhood Office* be eliminated.

## DISCUSSION

**Minimum Lot Size/Minimum Average Lot Size**

Chair Watson asked Ms. Nassif to explain the difference between *minimum lot size* and *minimum average lot size.*

Ms. Nassif stated that the *minimum lot size* is the minimum size that any individual lot in a development can be. As an example, on a 10 acre lot, zoned to E-One Acre with the WH Overlay, the minimum lot size can drop to a half-acre in size. This flexibility allows preservation of the open space and natural features, inclusion of a trail system, and enhanced landscape buffers.

Having the *minimum average lot size* requirement basically nullified the *minimum lot size* flexibility because while some lots could be smaller, other lots would have to be larger in size – such as 1½ to 2 acres. It was recognized that having a *minimum average lot size* requirement would make it very difficult to meet all the additional design requirements – such as being required to having a 2-acre lot and being able to stay off the bluffs to the north and off Wild Horse Creek Road to the south. The *minimum average lot size* was never a requirement in the Code; it was only a requirement in the study so the Ordinance Review Committee chose not to include it in the proposed updates.

**1/2 Acre Zoning**

Commissioner Geckeler expressed concern about having 1/2 acre zoning in this area. Ms. Nassif explained that currently the west side of the bow tie area allows E-1/2 acre zoning and that is not changing. But the proposed updates would allow E-1 and E-2 acre zoning, along with the E-1/2 acre zoning.

**Super-majority Vote**

Regarding the knot and eastern area of the bow tie, Commissioner Lueking stated she would like a required super-majority vote of the Planning Commission for approval of any variation to the design requirements given the smaller size and narrowness of the property. She pointed out that the proposed *Specific Design Requirements* of Table 1 require a trail, internal roadway, and 30% common ground, which she feels would cause a developer to request the E-1/2 acre zoning because nothing larger would fit. She also has concern that these requirements will result in the rear of homes backing Wild Horse Creek Road.

She pointed out that this area has unique topography and if there is no flexibility to the design requirements, the result will be small lots and backs of homes along Wild Horse Creek Road.

**Principal Facades of the Building**

Commissioner Lueking referred to the language in Table 1 regarding *Building Design* which states: *Rear and side facades shall be designed with similar detailing and be compatible with the principal facades of the building.* She suggested adding the language "*as directed by Code".* She felt the additional language would insure that developers would have to take into consideration the character of the surrounding areas and neighborhoods and would prevent materials like stucco and EIFS being used on the rear of homes.

Commissioner Wuennenberg stated his interpretation of this design requirement means that the rear and side facades of homes would be required to use materials, such as stone and brick, to match the front façade.

Discussion was then held on what defines the *principal* façade. It was noted that the principal façade refers to the front of the house.

Ms. Nassif then pointed out that the proposed Scope of Provisions on page 1 notes that in addition to the regulations of the "WH" Overlay District, these regulations are *supplemented and qualified by additional general regulations appearing elsewhere in the UDC and additional regulations as required in the underlying estate district zoning*. If the Commission desires stronger language, Ms. Nassif suggested that it be added to the Scope of Provisions section.

Both Chair Watson and Commissioner Wuennenberg felt no additional language is needed.

**Houses backing onto Wild Horse Creek Road/Internal Road**

Chair Watson agreed that houses backing onto Wild Horse Creek Road is a real concern and asked Ms. Nassif for suggestions on how to prevent this from occurring.

Ms. Nassif replied that the internal roadway is not a requirement and will not be required in the knot area. The knot area has already been zoned and there is no room for a right-of-way that would meet City standards. She also pointed out that a 30-foot landscape buffer is required, along with a 50-foot setback for the developed lot.

The language for the internal roadway is *as directed by the City of Chesterfield.* So as larger developments come in, and the City finds that an internal road is warranted in order to reduce or eliminate curb cuts off Wild Horse Creek Road, then it would be required. This type of design prevents multiple curb cuts off Wild Horse Creek Road.

Councilmember Hurt asked for confirmation that when the far western road is completed, the access point to the Childcare Center would be closed and used for emergency access only. Ms. Nassif confirmed this.

**Airport Noise**

Commissioner Wuennenberg asked if there is the possibility that airport noise levels would increase at some time in the future. Ms. Nassif stated that the Airport has recently completed a 20-year comprehensive long-term plan which continues to utilize the 65 DNL line as the marker for residential development. In addition, several louder types of aircraft used in 2005 are no longer permitted to fly in and out of this airport. Also, the past seven years has shown a decrease in flights from 215,000-220,000/year to 100,000-110,000/year; and while it is anticipated that the flight level may increase, they do not think it will reach the former levels of 200,000 flights/year.

Councilmember Hurt asked if the City still requires a noise disclosure be given to homeowners who purchase property in this area. Ms. Nassif confirmed this.

**Rear Facades Facing Wild Horse Creek Road**

Discussion then returned to the concern about the rear of homes facing Wild Horse Creek Road. Commissioner Lueking repeated her suggestion to include language requiring a super-majority vote for approval of any variation to the Specific Design Requirements outlined in Table 1. She felt allowing some variation to the design requirements would prevent having a row of rear facades facing Wild Horse Creek Road.

Commissioner Proctor stated that the original proposal allowed for changes to the design requirements by a super-majority vote of the Commission. The Ordinance Review Committee specifically removed this language because it did not want any variations allowed.

Commissioner Hansen stated her agreement with having fixed standards as she did not want “to open the door yet again for everything to be negotiable”. She also agreed with language being added that would prevent a row of rear facades facing Wild Horse Creek Road.

Chair Watson stated that the bow tie area is a unique and upscale area of the City and he felt that the standards should be upheld without any variations.

**Trails**

Commissioner Geckeler asked for clarification about requirements for a trail. She had concern that any trails on the bluffs would cause the removal of trees. She then asked if trails are required to go through every part of the bow tie. Ms. Nassif replied that trails are not required through all parts of the bow tie; the City already requires sidewalks for all new developments and the sidewalks and trails could be along Wild Horse Creek Road. Trails would not be permitted on the bluffs. The only building permitted on the bluffs would be required public infrastructure.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:**

Ms. Connie Fults, Ward IV Councilmember, 129 Brighthurst Drive, Chesterfield, MO stated she wanted to clarify a few points:

- The internal roadway for the area between the childcare center and the church was designed to have all the smaller parcels along Wild Horse Creek Road front onto the internal roadway, giving up their access to Wild Horse Creek Road; this is why the language regarding the rear of buildings was included because it was anticipated that rear facades will be facing Wild Horse Creek Road once the internal roadway is constructed.
- The residents also wanted everything set off of Wild Horse Creek Road as far as possible and they wanted it screened with landscape so as not to see any buildings from the road; this is why there is language requiring the large setbacks and buffers.
- One thing that the residents requested, and is not included in the proposed amendments, is a requirement that the front facades of buildings should fit the character and materials of the surrounding neighborhoods.
- She feels that there does need to be some “wiggle room” on some of the parcels of the bow tie, such as the knot. She noted that if a 50-foot setback is required, you are already at the bluff. She agreed with a super-majority vote for variation requests on some of the eastern parcels that would be difficult to develop within the design requirements.

## DISCUSSION

Chair Watson indicated his concern that allowing variations on some parcels would set a precedent and would be similar to a PUD, which is not allowed in the WH Overlay area.

Rather than requiring both a sidewalk and trail, Councilmember Hurt asked if there is any objection to the sidewalk serving as the trail in the tighter areas of the bowtie. Councilmember Fults indicated her agreement with this suggestion.

City Attorney Heggie then recommended that the Commission vote on the three issues raised during tonight’s meeting under the “Old Business” portion of the agenda.

Commissioner Proctor read the Closing Comments for the Public Hearings.

## V. APPROVAL OF MEETING SUMMARY

**Commissioner Lueking made a motion to approve the Meeting Summary of the August 11, 2014 Planning Commission Meeting.** The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0.**

## VI. PUBLIC COMMENT - None

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

## VIII. OLD BUSINESS

**A. P.Z. 14-2014 City of Chesterfield (Wild Horse Creek Road Overlay District Updates):** An ordinance repealing Article 02 Section 04B.3 and Section 07 and Article 03 Section 05C and Section 08 of the City of Chesterfield Unified Development Code and replacing them with new sections to update development review process and standards for the Wild Horse Creek Road Overlay District.

Ms. Nassif read the current language in the Unified Development Code regarding modifications to the design requirements as follows:

> *The requirements in Table 1 above may be modified where good cause may be demonstrated to the Planning Commission. Said modification will be granted for good architecture and urban planning. Said modifications will require a two-thirds vote of the Planning Commission. All votes for modification shall be separate and shall be prior to the Planning Commission vote of recommendation to the City Council on said project.*

**Commissioner Lueking made a motion to include the above language to the proposed amendment to Article 03-05C. of the Unified Development Code.** The motion was seconded by Commissioner Wuennenberg.

Ms. Nassif asked for clarification as to whether the motion refers to the entirety of Table 1. Commissioner Lueking confirmed that it does.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Heidtbrink, Commissioner Lueking, Commissioner Midgley, Commissioner Wuennenberg,**

**Nay: Commissioner Hansen, Commissioner Proctor, Commissioner Geckeler, Chair Watson**

**The motion failed by a vote of 4 to 4.**

Ms. Nassif read the current language in the Unified Development Code regarding trails:

> *To achieve pedestrian circulation, all development shall include trails and sidewalks.*

She then suggested the following modification to the language (change shown in **bold)**:

> *To achieve pedestrian circulation, all development shall include* ***~~trails and sidewalks~~ sidewalks and/or trails****.*

**Commissioner Lueking made a motion to include the above-amended language to the proposed Table 1 in Article 03-05C. of the Unified Development Code.** The motion was seconded by Commissioner Geckeler.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Heidtbrink, Commissioner Lueking, Commissioner Midgley, Commissioner Proctor, Commissioner Wuennenberg, Commissioner Geckeler, Commissioner Hansen, Chair Watson**

**Nay: None**

**The motion passed by a vote of 8 to 0.**

Chair Watson then asked if there is any recommended language regarding the rear facades of houses facing Wild Horse Creek Road.

Ms. Nassif stated that in 2009, the City updated its Architectural Review Standards to include criteria and design standards for architectural facades and elevations, and the "WH" Overlay section still has to meet this and all other City Code requirements

Discussion followed regarding suggestions on how to prevent a long row of rear facades from facing Wild Horse Creek Road. Discussion also included the fact that the language requiring a 30-foot landscape buffer was put in place in order to screen homes from Wild Horse Creek Road.

After further discussion, Ms. Nassif suggested adding the following language to Table 1 regarding *Protection of Wild Horse Creek Road Character:* (addition shown in **bold)**

> *To protect the scenic character of Wild Horse Creek Road, all developed lots must be set back at least fifty (50) from Wild Horse Creek Road right of way and screened from view.* ***When any residential structure's rear façade fronts Wild Horse Creek Road, additional landscape buffering and vegetative screening, such as landscape berms, shall be provided within a permanent landscape easement to screen the view of the structure from Wild Horse Creek Road.***

**Commissioner Lueking made a motion to include the above-amended language to the proposed Table 1 in Article 03-05C. of the Unified Development Code.** The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0**.

**Commissioner Wuennenberg made a motion to approve P.Z. 14-2014 City of Chesterfield (Wild Horse Creek Road Overlay District Updates), as amended.** The motion was seconded by Commissioner Proctor.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Lueking, Commissioner Midgley, Commissioner Proctor, Commissioner Wuennenberg, Commissioner Geckeler, Commissioner Hansen, Commissioner Heidtbrink, Chair Watson**

**Nay: None**

**The motion passed by a vote of 8 to 0.**

## IX. NEW BUSINESS

Ms. Nassif reported that Commissioners Wuennenberg, Lueking, and Geckeler have enrolled in the *Fundamentals of Planning & Zoning* classes being conducted by UMSL starting in October. If anyone else is interested, they should contact her by Friday, Aug 29th.

## X. COMMITTEE REPORTS

## XI. ADJOURNMENT

The meeting adjourned at 8:17 p.m.

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Steve Wuennenberg, Secretary