

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
SEPTEMBER 12, 1994



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

PRESENT

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

ABSENT

Ms. Mary Domahidy  
Mr. Bill Kirchoff

INVOCATION - Councilmember Ed Levinson

PLEDGE OF ALLEGIANCE - All

Chairman McGuinness recognized Councilmember Ed Levinson - Council Liaison (Ward II); Councilmember Linda Tilley (Ward IV); and Councilmember Bill Devers (Ward II).

PUBLIC HEARINGS - There was no public hearing this evening.

APPROVAL OF THE MINUTES

Director Duepner noted a change to the minutes on page 34, relative to P.Z. 12-94 Carl R. Tisone as follows: Toni Hunt, Planner I, summarized the request and submitted conditions contained in Attachment A, as directed by the Planning Commission.

Commissioner O'Brien made a motion to approve the amendment to the minutes from the meeting of August 22, 1994, as stated by Director Duepner. The motion was seconded by Commissioner Casey and passed by a voice vote of 7 to 0.

Commissioner O'Brien made a motion to approve the minutes, as amended, from the meeting of August 22, 1994. The motion was seconded by Commissioner Casey and passed by a voice vote of 7 to 0.

## PUBLIC COMMENTS

1. Mr. Thomas A. Cunningham, 100 North Broadway, St. Louis, MO 63102 spoke regarding P.Z. 13 & 14-94 and P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows).
  - The petitioner is requesting Commission's favorable action on the two (2) Staff reports for the two (2) respective petitions.
  - The revised plan for P.Z. 13 & 14-94 has been prepared and is available for review. This revised plan meets all conditions on page 8 of the Staff report.
  - His letter dated August 31, 1994, summarizes the revisions made by the petitioner to incorporate each of the Planning Department's recommendations into the revised plans.
  - Petitioner's representatives are available to answer questions.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired whether it was feasible for the developer to build one (1) house per acre on the land.

Mr. Cunningham stated he doesn't believe so.

Commissioner Dalton inquired regarding the currently zoning of the land.

Mr. Cunningham stated he believes it is zoned "NU" Non-Urban and "FPNU" Flood Plain Non-Urban Districts.

Commissioner Dalton stated this means he could "physically" build one (1) house currently on three (3) acres.

Mr. Cunningham stated you can do it physically and lawfully; however, whether or not you can do it economically is entirely another matter.

2. Mr. Eric Zust, 17206 Wild Horse Creek Road, Chesterfield, MO 63005, spoke regarding P.Z. 13 & 14-94 and P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows).

- He is the closest neighbor to the proposed E.M. Harris development.
- At the Planning Commission meeting last month he mentioned certain problems he had with conditions in the Staff's report. Subsequently, he met with E.M. Harris and the Volz Engineering people and has reached a resolution to all of his concerns regarding both proposed developments.
- The open ravine across the back of his property will be hooked-up with the storm sewers out of Country Place. Mr. Zust has agreed to provide utility easements across his property for that purpose.
- In summary, he noted all interested parties met to work everything out, and everyone is happy with the current proposed development.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired, for the record, how the E.M. Harris development would affect his property.

Mr. Zust replied they met and he agreed to provide the utility easement across his property. He noted the stormwater on his property will be handled with the hook-up of a concrete, underground sewer pipe.

Commissioner Dalton inquired whether the stormwater is affected directly from the petitioner's property.

Mr. Zust replied he believes that stormwater runoff primarily from Country Place, with a small amount from his property, created the large ravine. E.M. Harris is going to hook-up across his property and take care of the problem. There will be some inlet points, probably at his property, or at Country Place, to pick-up the runoff, and then the preponderance of the water would be coming out of the existing storm sewer at Country Place. The storm sewers will, essentially, all be underground.

3. Mr. Theo Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005, spoke regarding P.Z. 13 & 14-94 and P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows).

- He would like to see our local government act according to the wishes of local residents.

- He reminded the Commission that a large group of concerned citizens came here on August 22, 1994, and made a concerted presentation, noting they believed the Commission was doing a great job; but, were concerned with the West Area Study, and with the way things were going on in Chesterfield.
- The timing of this hearing tonight is critical, particularly with regard to the West Area Study, as he does not believe we should be acting upon sub-dividing, and allow people to build houses on anything smaller than one+ (1+) acre lots until the West Area Study is completed.
- He noted the previous concerns expressed regarding:
  - traffic conditions ;
  - impact to schools - residents are interested in the Chesterfield part of the Rockwood School District, and will present more on that at the meeting of September 26, 1994;
  - wildlife;
  - environment;
  - storm waters; and
  - a desire for one+ (1+) acre lots.
- Signatures received since the August 22, 1994 meeting are in excess of 600 at this time, and will be presented at the Commission meeting of September 26, 1994.
- He has agreements from residents of other Wards who would like to see the West Area of Chesterfield remain as a desirable place to live.
- Trustees of his subdivision have expressed sentiment that, if this rezoning pattern continues, they would like to consider a way to secede from the City of Chesterfield and to join Wildwood or Clarkson Valley.
- There are other subdivisions (i.e., in Wildhorse Subdivision) who are observing what we are doing tonight, and considering whether they should stay in Chesterfield, move on with Wildwood, or whether they should approve any kind of motion on what city to join.
- they believe the petitions tonight should all be considered part of the West Area Study, and not be granted less than one+ (1+) acre lots, nothing less.

4. Mr. Al Michenfelder, Ziercher & Hocker, 231 S. Bemiston, 8th Floor, Clayton, MO 63105, spoke regarding P.Z. 20-94 Chesterfield Village, Inc. (Wildhorse/Baxter Center).
  - the "C-8" zoning for the subject parcel was put in place by St. Louis County in 1988.
  - The southwest quadrant was designated for 13,000 square feet of restaurant space in a "C-8" District, for a 2.9 acre tract.
  - When Baxter Extension was built a slight realignment took place which resulted in a decline in the size of the parcel from 2.9 acres to 2.5 acres, a .4 of an acre reduction. The petitioner is requesting a .6 acre addition, to bring it up to 3.1 acres total.
  - The additional .6 of an acre is necessary to permit that quadrant, initially designated by the County in the preliminary development plan and ordinance itself for restaurant uses, with adequate room for parking and buffers. He noted he faxed a letter today to the Planning Department with this information.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired how many restaurants were originally planned for the site.

Mr. Michenfelder noted the ordinance does not specify a number, it simply states 13,000 square feet of restaurant space.

Mr. Tom Krull noted that the preliminary plan showed one (1) restaurant with three-hundred (300) seats, 13,000 square feet in size.

Mr. Dalton inquired what a three-hundred (300) seat restaurant would equate out to be at this time.

Mr. Krull noted it would be a very large restaurant.

Mr. Michenfelder noted, at that time, no specific restaurant was designated for the site.

Mr. Dalton asked Mr. Michenfelder to name one (1) full-service restaurant of that size which could be developed on the proposed site.

Mr. Michenfelder stated Applebee's, and noted it would be difficult to draw a direct analogy, except that the proposed restaurants will be full-service (i.e., bar, liquor license, and full menu). No fast food type restaurants are proposed.

5. Mr. Mark Trusheim, 1452 Chesterfield Estates Drive, Chesterfield, MO 63005, spoke regarding P.Z. 13 & 14-94 and P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows).

- He noted his comments were regarding the Commission's role as a planning body and its credibility as such.
- The current Comprehensive Plan states there should be nothing less than one-half (1/2) acre lots along this section of Wild Horse Creek Road.
- The densities proposed are approximately double what is recommended in the Comprehensive Plan and West Area Study.
- E.M. Harris petitions are a test of what the Planning Commission believes its role is (i.e., a Planning Commission that abides by its plans and roles, or a group that allows and believes in development for development sake, outside of the planning and the process). If the latter is the case, then make it very clear and public on less than a case by case basis, so everyone doesn't have to appear before the Commission time and time again to discuss it. He suggested we just say this is the way we want Chesterfield to be developed, without a Plan, and that we value property owner's rights above all else, within their own particular structures and abilities. That we are, in many cases, very strong on personal freedom and liberty, and that people should be able to use their property as they wish.
- He doesn't believe the E.M. Harris project is in accordance with any of the proposed zoning for this area, or the City's Plan, and is somewhat mystified why the Commission would entertain such a proposal that is flagrantly in violation of its own stated plans for this part of Chesterfield.

#### COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness noted the Department receives petitions and, if they meet the timely submittal requirements and pay a fee, the Commission has to hear them.

Mr. Trusheim noted it is surprising to him that they would even propose such a thing, knowing what is feasible or likely to be passed by the Planning Commission.

Councilmember Levinson requested clarification of Mr. Trusheim's concern.

Mr. Trusheim noted the Planning Commission has set forth a Plan for development. He further noted that he and his neighbors have a vision of an overall zoning of one (1) acre, or one+ (1+) acre density development for that area of Chesterfield.

Commissioner O'Brien inquired about the square footage of Mr. Trusheim's lot.

Mr. Trusheim stated his lot is approximately one-half an acre (23,000 square feet), and zoned "R-1" and "R-1A" with a PEU.

**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.

Senior Planner Laura Griggs-McElhanon noted the handouts presented to the Commission this evening and summarized the original and revised proposals. She further noted the Department's recommendation of **approval** of "R-2" 15,000 square foot and "R-3" 10,000 square foot Residence Districts for a maximum of 257 units, subject to the conditions in Attachment A, as amended by the September 12, 1994 memorandum from the Director of Planning.

**COMMENTS/DISCUSSION BY COMMISSION**

Chairman McGuinness noted that letters received from residents indicated they had a problem with access and connection of stub streets. She further noted that the Planning Department follows good planning practices, good planning guidelines, and the Comprehensive Plan; however, sometimes public policy written on paper does not translate well for real people in their real lives.

Director Duepner noted the blue copies provided are the more recent comments received relative to the petitions, including comments relative to lot sizes, connections of stub streets, and access.

Commissioner Dalton inquired relative to the number of houses in White Plains Subdivision, as he sees this as a similar situation with regard to connecting streets.

Director Duepner noted White Plains is zoned "R-2" Density Development, with one (1) entrance and one (1) exit at this time (correction: White Plains is zoned "R-3"). There was a stub street to the south that was to have been connected to Amherst, but was not. There were also several stub streets to the west which were never connected; however, they abutted into what eventually became a multi-family development.

Commissioner Broemmer suggested that if we look at an "R-1" density instead of an "R-2" or "R-3," perhaps the stub streets may not be such an issue.

Chairman McGuinness stated she doesn't believe density is an issue with residents, but residents don't want the stub streets connected.

Commissioner O'Brien made a motion to **approve** the request, in accordance with the Department's recommendation. **The motion dies for lack of a second.**

Commissioner Bly made a motion to **approve** the Department's report, deleting the connecting streets and pedestrian access. The motion was seconded by Commissioner O'Brien.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly requested clarification of the pedestrian walkway.

Director Duepner noted the developer proposed an access adjacent to common ground area presently utilized as a nature study area. The Department is recommending that the access be located further southward, adjacent to the school property, in order to prevent disturbance of the nature study area, and to bring the access as close to the school as possible.

Commissioner Bly inquired what effect this access would have on Shenandoah residents.

Director Duepner noted it would provide a walkway directly to the school, away from the common ground area.

Commissioner McCarthy inquired whether Shenandoah Valley would be the grade school utilized by the proposed subdivision.

Director Duepner noted indications are that it would not; however, this has not been determined.

Commissioner McCarthy expressed concern about opening up an avenue of letting people enter into a private area that's not necessary.

Director Duepner noted that Staff believes residents of the proposed subdivision would want to access Shenandoah School facilities (i.e., playground, tennis courts, etc.), and this access would provide this means.

Commissioner McCarthy noted concern that Shenandoah residents would have to pay assessment and maintenance fees for common ground and recreational facilities, or playground areas for their children, while allowing access to people who don't pay anything towards those assessments.

Director Duepner noted Staff is suggesting access to the school property, not to the Shenandoah common ground area.

Chairman McGuinness stated that she believed that the Principal of Shenandoah, Joe Brown, had indicated at a previous meeting that he didn't want this access.

Director Duepner noted he believed Mr. Brown indicated he didn't want any emergency access. He further noted there was discussion whether or not the proposed subdivision would be in the enrollment area of the Shenandoah School.

Commissioner McCarthy asked Staff to contact the Rockwood School District to obtain planning projections for all of its schools.

Councilmember Levinson noted the following:

- Residents of Shenandoah Subdivision told him that, as long as the size of the proposed lots are the same, if not larger than theirs, they are generally fine with the proposed developments, if it stands on its own.
- Residents of Shenandoah Subdivision questioned why they should be made part of another subdivision, and are worried about more vehicular problems with additional access points.
- If the School District doesn't find it necessary to provide the access through Jonesborough or Eagle Pass, then there is not much need for this.
- He doesn't believe, with regard to the internal access, that filling in a ditch of thirty-five (35) feet which would take out a large number of trees is good development policy.
- Residents of the Gallery of Chesterfield Subdivision are pleased with the revised circulation pattern, as it reduces the amount of traffic to White Road.

Councilmember Levinson inquired about the condition regarding the right-of-way in the zoning ordinance.

Director Duepner noted this is a standard requirement in the Subdivision Ordinance. To allow the forty (40) foot right-of-way, it has to be per request, and submitted to the Public Works Department at the time of the proposal on the development plan.

Councilmember Levinson noted the following:

- The density proposed is compatible with the overall density in Whitree and The Gallery of Chesterfield, both "R-2."
- Shenandoah Subdivision is a combination of "R-3" to "R-1A" Residence Districts.
- Residents generally like landscape easements, in lieu of common ground, as they promote more privacy and make lots appear larger.

Director Duepner noted that Shenandoah is a combination of "R-1A," "R-2," and "R-3" Residence Districts, and the request tonight is a combination of "R-2" and "R-3," with approximately twenty (20) units over what would be permitted in the "R-2." He further noted the other developments in the area (i.e., The Whitree and The Gallery at Chesterfield) were all done at an "R-2" Residence District; therefore, the proposed development is very close to the overall density in the area.

Senior Planner Laura Griggs-McElhanon handed out a fax to the Commission which was received today. She noted the fax gives information regarding the average lot sizes in The Gallery of Chesterfield Subdivision which abuts the proposed Villages A, B.

Chairman McGuinness summarized the motion on the floor is the Department's report without the pedestrian access and no connection of stub streets.

Commissioner O'Brien noted that well over one-hundred (100) letters were received from residents of the subdivisions surrounding the proposed development. She further noted that, since it has been one (1) year since the Commission has discussed this item, there is a tremendous amount of interest among the people living in the area, and several important changes have been made to the plan, she believes we may need a public hearing on this matter.

Director Duepner noted, at this point, the Department believes the changes in the plan are not substantial enough to warrant another public hearing. He further noted that the lot sizes have increased, the number of units has decreased, and the general issues discussed at the public hearing (i.e., the road connections, etc.) still need to be addressed. He noted that, if the Commission believes otherwise, it is in their ability to send it back to public hearing.

Commissioner O'Brien noted that, since there are new Commissioners who didn't have the benefit of the public hearing, the interest in this project demonstrated by the residents, and the time lapse, it would be worthwhile to hold another public hearing.

Commissioner Broemmer made a motion to amend the original motion to approve the Department's recommendation, with the exception of no access streets or walks, and with "R-1" and "R-1A" District Zoning. The motion was seconded by Commissioner Dalton.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner McCarthy inquired about the comment from the Fire Department regarding the connecting streets located by the detention pond (i.e., whether this was a recommendation or condition).

Director Duepner noted that all comments from the Fire District are recommendations, and Fire Marshall Nichols recommended that streets be connected.

Commissioner McCarthy asked if Mr. Nichols indicated he would not recommend approval, if we did not have that connecting street.

Director Duepner noted the Fire District makes recommendations only relative to review of the plan, similar to what is provided by the County Highway Department, and others.

Commissioner O'Brien noted she would like to know how the vision of the petitioner has been affected due to the loss of one-hundred (100) lots, and since this parcel is on the fringe of the Urban Core, and surrounding development is more dense, she doesn't see why we have to increase the lot sizes.

Councilmember Levinson noted he believes it more appropriate to discuss the lot sizes, setbacks or side yards, rather than the zoning category.

Director Duepner noted that if it were just "R-1A" District, there could be 169 units. He further noted that Shenandoah is approximately 2.2 units to the acre, Whitree is approximately 2.3 units to the acre, and this proposal is approximately 2.5 units to the acre (i.e., with "R-2" and "R-3" Zoning). This is the overall gross acreage, without taking out right-of-way, streets, etc.

**The amendment to the original motion fails by a voice vote of 2 to 5, with Commissioners Broemmer and Dalton voting yes.**

COMMENTS/DISCUSSION BY COMMISSION on the original motion to approve the Department's report, with the exception of the stub street connections and walkways.

Commissioner Bly inquired how the lots line up with The Gallery and Shenandoah.

Director Duepner noted the lots along the western line (Village B) are minimum of 13,200 square feet; the lots in The Gallery range (in that area) from to 13,008 to 15,000, up to the corner-most lot which is 38,000 (located in a cul-de-sac).

Commissioner Bly noted the lots match up in width, not in depth.

Commissioner O'Brien noted the numerous comments from residents indicating their concerns with their interaction with the Planning Department, and concerns about what the development is going to look like. She further noted the issues of concern go beyond the pedestrian walkways, cut-throughs and cul-de-sacs, etc.; therefore, she believes if we don't hold another public hearing, we need to give the residents more time to respond.

Chairman McGuinness noted the Planning Commission is the beginning of the process, as this will go to the Planning and Zoning Committee of the Council, and to the Council; however, in the interim the Council could call a public hearing for residents to attend.

Councilmember Levinson noted the petitioner kept in touch with residents, and the letters received express desires of the residents.

Commissioner McCarthy made a motion to amend the original motion to approve the Department's report with the following exceptions:

- the lot sizes be considered comparable to The Gallery and surrounding developments;
- no connecting street through the center of the property; and
- a fifteen (15) foot landscape easement around the perimeter of the property adjoining any single-family lot be included in the landscape design.

The motion was seconded by Commissioner Bly.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien requested clarification regarding the part of the amendment which refers to lots being comparable in size to those of surrounding properties.

Commissioner McCarthy noted she was referring to lots on the perimeter.

Director Duepner offered the following comments:

- With regard to deleting the stub street connection, he suggested the wording be - "The developer shall provide permanent turnarounds within public rights-of-way (not temporary turnaround easement) for the existing stub streets within Shenandoah Subdivision Plats 4 and 6 (Eagle Pass Drive and Jonesborough), as approved by the Chesterfield Department of Public Works."
- The petitioner would be required to provide those turnarounds.

Chairman McGuinness inquired whether or not residents of Shenandoah want the turnarounds.

Director Duepner noted he did not poll the residents. He further noted the turnaround on Jonesborough could be accommodated within the existing right-of-way, but might require a modified standard for the turnaround, and the turnaround at the end of Eagle Pass might be modified, not a standard cul-de-sac.

City Attorney Doug Beach stated the lot sizes need to be clarified in the motion.

Senior Planner Laura Griggs-McElhanon noted the following:

- The minimum lot size in the Shenandoah Subdivision is 9,000 square feet.
- Lots around the perimeter of Shenandoah, on the two (2) sides abutting the proposed development, are less than 10,000 square feet.
- The current proposal is for 11,200 square foot lots on the perimeter, which is larger than those along the perimeter of Shenandoah.
- There are four (4) lots in The Whitree Subdivision that are adjacent to the proposal; but they are adjacent to what is proposed to be common ground.

Commissioner McCarthy noted the Department's report is consistent with the intent of her amendment.

**The amendment to the original motion passes by a voice vote of 6 to 1, with Commissioner Broemmer voting no.**

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien requested clarification of a letter received from Jeff Dalin, Stan Goldenberg and Mark Wunning of The Gallery of Chesterfield.

Senior Planner Laura Griggs-McElhanon noted the following:

- At the public hearing owners of three (3) or four (4) lots within The Gallery of Chesterfield requested landscaping and/or a berm to separate their lots from the proposed development.
- It is the Department's opinion that when you have lots similar in size, it is inappropriate to include landscaped separation in a "PEU" condition; however, that does not preclude the developer from entering into an agreement with the adjacent property owners. It was recommended that the developer look into doing that. It had been indicated previously by the petitioners that they were discussing that issue with The Gallery residents, and that they were willing to do that; however, the Department does not believe it appropriate to make that a condition of the approval.

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

Chairman McGuinness inquired about condition 4(q), as stated earlier by Director Duepner.

Director Duepner noted the original motion was for no stub street connection, and Ms. McCarthy's motion was relative to connecting the two (2) streets internally within the development. He further noted there does need to be a motion relative to the suggested wording [Condition 4(q)].

Commissioner Bly made a motion to further amend the original motion to include the wording [Condition 4(q)], as stated earlier by Director Duepner. The motion was seconded by Commissioner McCarthy.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien noted that in one (1) of those one-hundred plus letters received, it was indicated that money had been set aside when Shenandoah Subdivision was developed for the purpose of completing turnarounds at some time in the future.

Director Duepner noted the only money placed in the Shenandoah Escrow Account was for removal of the temporary turnaround that currently exists at the end of Jonesborough. He further noted that this is normally the only requirement put in place in terms of a stub street.

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

Commissioner McCarthy inquired whether there is an alternative to Eagle Pass, should there not be enough room for a turnaround.

Director Duepner noted that, if an acceptable design cannot be found to make it fit on that site, it would have to be shifted over to the Nooning Tree site. He further noted that it would be the Department's recommendation that it should be a modified turnaround, not a "full cul-de-sac" turnaround.

Councilmember Levinson noted concern about the aesthetics of the cul-de-sacs.

Councilmember O'Brien suggested putting in a qualifying phase that might indicate there is apparently room in Jonesborough, but that if it's feasible at Eagle Pass, this will be done.

Director Duepner noted the following:

- The issue becomes one of a design criteria in terms of City street standards and Public Works design criteria for turnarounds. At present they do not have a "hammer-head" turnaround in their design criteria. This is something to be worked-out. The Department would like to arrange the wording of this condition with enough flexibility to try to work it out on Jonesborough and at the end of Eagle Pass, with a minimal amount of disturbance.

Councilmember Levinson noted he had a discussion with Mr. Geisel, Director of Public Works, in which Mr. Geisel advised him it is not currently in our design standards; however, if an ordinance is passed resulting from Planning Commission and Council actions, then the Department of Public Works will comply.

**The amendment to the original motion passes by a voice vote of 7 to 0.**

Commissioner O'Brien made a motion to amend the original motion to make sure that Staff understands they will do whatever needs to be done to create the least amount of disturbance and to speak to the Shenandoah residents to obtain their input, the input of the Resident's Association, et al. The motion was seconded by Commissioner Bly and passes by a voice vote of 7 to 0.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton made a motion that the frontages on lots in Villages A and B be increased to between 105 and 110 feet; and in Village E be increased up to 90 feet.

Director Duepner noted the petitioner is exceeding our current Subdivision Ordinance criteria.

**The motion dies for lack of a second.**

Director Duepner summarized the original motion, as amended, as follows:

- Approval of "R-2," "R-3," which would be a maximum of 257 lots.
- Lot sizes along the perimeter of the site would be comparable to abutting subdivision lots.
- There would be no connecting street.
- There would be a fifteen (15) foot landscape easement around the entire perimeter, in lieu of common ground.
- Walkway connections be eliminated.
- There would be a requirement for the provision of permanent turnarounds within the public rights-of-way.
- To cause minimal amount of disturbance and meet with affected residents of the Shenandoah Subdivision.
- As recommended by the Staff relative to the entrance at Olive Boulevard (as on the handout in terms of potential or possible signalization). The paragraph reads as follows:

"The entrance to Olive Boulevard shall be designed and constructed in a manner to accommodate future signals and basic lighting as directed by MHTD. The signals and lighting at the entrance at Olive shall be installed by the developer when warranted and approved by MHTD, as directed by MHTD. A special escrow shall be established for these improvements, as approved by MHTD and the City of Chesterfield."

**Commissioner Rick Bly left the meeting at this time.**

- As recommended by the Department relative to setbacks and other conditions as contained in the report.

#### COMMENTS/DISCUSSION BY COMMITTEE

Commissioner O'Brien requested clarification of the landscape easement versus the landscaped common ground.

Director Duepner noted the lot owners would be responsible for the landscape easement across their property.

**Commissioner Rick Bly returned to the meeting at this time.**

Chairman McGuinness noted that a landscape easement makes a resident's property look larger and promotes privacy, whereas, common ground is open for anyone to use.

Councilmember Levinson inquired whether or not the petitioner asked for a six (6) foot side yard setback.

Senior Planner Laura Griggs-McElhanon noted the following:

- The Department, in preparing its report, compared the setbacks of Village B to The Gallery at Chesterfield, which were straight ten (10) foot side yard setbacks resulting in twenty (20) feet between structures. Because of that setback the Department felt that more flexibility would be granted if you had a minimum side yard setback of eight (8) feet, but requiring twenty (20) feet between structures.
- The Department recommended side yard setbacks going down to zero for Villages C, D and E, as Shenandoah goes down to three (3) foot side yard setbacks, with twelve (12) feet between structures.
- The Department tries to match lot sizes along with setbacks.

Councilmember Levinson noted it has been his experience that on a lot with 100 foot of frontage and side entry garage, within a certain price range, you almost need to go to a six (6) foot side yard setback, as long as you maintain the eighteen (18) to twenty (20) foot separation of the houses.

Commissioner O'Brien inquired about the installation and maintenance of the landscape buffer.

Chairman McGuinness noted the landscape buffer will be installed by the builder and maintained by the property owner.

Commissioner McCarthy noted it is quite common for a developer to offer a perspective homeowner landscaping on their property.

Director Duepner noted the landscape easement area would have to be depicted on the Site Development Plan.

**Upon a roll call the vote on the original motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Casey, yes; Commissioner Dalton, no; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.**

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

**Chairman McGuinness recessed the meeting at 8:55 p.m.**

**Chairman McGuinness reconvened the meeting at 9:04 p.m.**

- B. **P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows)**; "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District; north side of Wild Horse Creek Road, east of Long Road.

Senior Planner Laura Griggs-McElhanon noted the following:

- The Department did not receive the revised plan in sufficient time to afford the opportunity for the Department to review and report on it to the Planning Commission tonight. (The revised plan was distributed to Commission Members.)
- The current Chesterfield Comprehensive Plan designates this site for multi-family and a public school. The public school site has been sold by the School District, which leaves the multi-family designation on the Plan. The Department would note that that multi-family designation is currently on the table for consideration by the West Area Study Committee to be eliminated and made a single-family designation. The proposed Plan currently shows one-half acre, as was presented and discussed at the last Planning Commission meeting.

Commissioner Dalton inquired when this was proposed.

Senior Planner Laura Griggs-McElhanon noted this proposal (amendment to Comprehensive Plan) was submitted at the public hearing at the last meeting (August 22, 1994), and the E.M. Harris public hearing was the meeting prior to that (July 25, 1994).

**Commissioner O'Brien returned to the meeting at this time.**

Senior Planner Laura Griggs-McElhanon continued her presentation as follows:

- She summarized the zoning of surrounding development, the current request, and the Department's report.
- The Department is of the opinion that significant revisions are necessary to the preliminary plan to conform to Staff's recommendations; therefore, the Department recommends the Planning Commission withhold forwarding a recommendation to City Council pending receipt of a revised plan from the petitioner.
- The revised plan has been submitted and an amended report, with recommended conditions, would be presented at the next Planning Commission meeting.
- The Department requests concept approval of the overall development by the Commission tonight, but is not speaking to conditions, as they have yet to be established.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly inquired regarding the minimum lot sizes at The Bluffs at Wildhorse.

Senior Planner Laura Griggs-McElhanon noted the following:

- Lots adjacent to Somerset are required to be a minimum of 12,000 square feet, which is the minimum in Somerset.
- Lots adjacent to Wild Horse Creek Road are required to be a minimum of 15,000 square feet.
- Lots along the northern edge are required to be a minimum of 22,000 square feet.
- Internal lots could be a minimum of 10,000 square feet.

Commissioner Dalton inquired why we continue to let the developer spend mega dollars on engineering when we know people don't want this, or anything under "R-1" District.

Chairman McGuinness noted we don't tell the developers how to spend their money.

City Attorney Doug Beach noted the Commission is looking for approval of a concept, as there are currently no conditions to approve.

Director Duepner noted that prior to having a revised plan, the Department is recommending approval of an "R-2" and "R-3" District concept, but to hold for a revised plan.

Commissioner Dalton made a motion to approve "R-1" District Zoning, and hold for a revised plan with a Planned Environment Unit. The motion was seconded by Commissioner Broemmer.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly noted he doesn't agree with an "R-1" Zoning, with the continuation down the road, but he believes it should be a minimum of 10,000 square feet. He further noted that it shouldn't be smaller than anything going down along that side of Wild Horse Creek Road.

Chairman McGuinness requested clarification of Commissioner Bly's suggestion.

Commissioner Bly noted he does not believe "R-1" One-Acre District is appropriate due to the topography of the subject site. He further noted he believes 8,000 square foot lots are too small.

Commissioner Broemmer noted there has been a considerable amount of discussion, from a density standpoint, in the West Area Study, and numerous speakers, time and time again, stated that anything short of one (1) acre development would be totally unacceptable.

Commissioner Bly noted he believes it is the Planning Commission's job to make a recommendation to a proper plan and let the Council deal with the political realities of the situation.

Commissioner Dalton noted concern about the impact on traffic and the School District. He further stated that he believes the developer could put one (1) house on one (1) acre, and would like to pursue this action.

Senior Planner Laura Griggs-McElhanon acknowledged that petitions from residents were received at the August 22, 1994 Public Hearing from the following subdivisions: Walnut Hill Farms, Chesterfield Meadows, Chesterfield Estates, Hi Pointe, Wilson Manor, Wilson View Estates, Chesterfield Lakes, Country Place, Pacland Place, and residents along Wild Horse Creek Road. She noted they were opposing everything less than one (1) acre, and the Department will enter this into the record every time a petition comes up in that area.

Commissioner O'Brien requested clarification regarding the designation of the subject parcel in the Comprehensive Plan.

Director Duepner noted it was designated for multi-family, noting it is located east of the intersection of Wild Horse Creek Road and Long Road, and immediately abuts the property zoned "C-8" District along its western line.

Commissioner O'Brien noted it has been her understanding that, at major intersections where commercial development exists, the plan is to have higher density buffering lower density development.

Director Duepner noted there is a planning practice/principle in terms of transitional density and intensity development, and that was, in part, the theory behind the site at Long Road, as it was already zoned commercial when the Comprehensive Plan was approved. He further noted that that is the reason for the designation of multi-family adjacent to it, and recognition of a potential school site, at that time, further eastward. That was the practice followed eastward from the subject site for the Bluffs of Wildhorse and Somerset.

Commissioner O'Brien noted she believes that, in reality, requiring "R-1" One-Acre Zoning for the subject parcel is not logical. She further noted she believes the new proposal is more appropriate than one (1) acre zoning.

Commissioner Dalton stated he would like to see, in writing from the School District, the Highway Department, MSD, and the County Water, what impact this development would have on their facilities, and how soon they would be able to provide this type of service. He noted he believes we need to take a second look at the Comprehensive Plan which was developed several years ago when there was very little density in the subject area, as we had no vision that we would have the multitude so soon. The vision should be one that will flow for everyone, and will not unjustly impact the people.

Director Duepner noted that we received comments from MSD, the State Highway Department, the County Highway Department and the City's Department of Public Works. He further noted we did not receive comments from the School District, but the purpose of forwarding these entities a public hearing notice and a copy of the plan is to solicit their comments and recommendations relative to, if this development were to take place, what they would recommend.

Commissioner Dalton stated that is in regard to the sanitary and the stormwater, but he believes we need to look at the long-range impact of what is being started in that area. He would like them to respond regarding how long it would take them to update their respective facilities, and what kind of a long-range impact would this present to their facilities.

City Attorney Doug Beach suggested the Department solicit, in writing, specific information from the entities mentioned earlier. He further suggested the Commission vote on whether or not they want this information solicited.

Commissioner Dalton withdrew his motion.

Commissioner Dalton made a motion to obtain information from the School District, the Highway Department, MSD, and the County Water Company on both the short-range and long-range consideration they have for this development. Commissioner McCarthy seconded the motion.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Broemmer referred to the recent meeting of the West Area Study Committee, and inquired regarding the process of obtaining this information.

Chairman McGuinness noted this motion is going to be an official request of the Planning Commission.

City Attorney Doug Beach noted the information could be the same information, but it would be presented to the Planning Commission here in accordance with the considerations made on a formal basis, as a matter of record.

**The motion was approved by a voice vote of 7 to 0.**

A motion to hold this item, until requested information is received, was made by Commissioner O'Brien. The motion was seconded by Commissioner Dalton and **approved by a voice vote of 7 to 0.**

- C. **P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows)**; "NU" Non-Urban District to "R-1" One Acre Residence District and Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District; south side of Wild Horse Creek Road, east of Long Road

Senior Planner Laura Griggs-McElhanon summarized the report and the Department's recommendation of the request to be rezoned to "R-1" One Acre Residence District for a maximum of twelve (12) units, subject to the conditions in Attachment A.

Commissioner Bly made a motion to approve the request per the Department's recommendation. The motion was seconded by Commissioner McCarthy.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien inquired about what effect the grading for the common ground would have on existing trees.

Senior Planner Griggs-McElhanon noted there would be a minimum lot size of 28,000 square feet, with a requirement for Lot 1 and Lot 12 to be one (1) acre, and subtracting the road right-of-way, would give you the remaining area for common ground.

Commissioner O'Brien inquired whether or not lots abutting the common ground area should be enlarged, should the forestry study indicate most of the existing trees would have to be removed.

Director Duepner noted the reason for common ground in any development is, in part, for open space to preserve natural features. He further noted that, in this case, the Department believes a forestry study would enable the Department to work with the developer in an effort to minimize disturbance and maintain as many existing trees as possible, preferably on the lots themselves.

Commissioner Broemmer requested clarification of the size and tree area on Lot 1.

Director Duepner noted the tree area shown on the plan is part of Lot 1; however, once a lot is established as a private lot, we have no restrictions over removal of trees. He further noted there are common ground areas along Wild Horse Creek Area (the buffer area), and a common area just south of Lot 12 (on the west side of the entrance).

**Upon a roll call the vote on the motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, no; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.**

**The motion was approved by a vote of 6 to 1.**

- D. **Update of the City of Chesterfield Comprehensive Plan: Proposed revisions per recommendations of the West Area Study Committee.**

(Note: This item was placed on the agenda as information only. It has been referred to the West Area Study Committee.)

- E. **P.Z. 18 & 19-94 Chesterfield Village, Inc., Louis S. Sachs and Nancy R. Sachs (Wildhorse Hills)**; "NU" Non-Urban District to "R-3" 10,000 square foot Residence District and a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; south side of Wild Horse Creek Road, west of the intersection of Wild Horse Creek Road and Baxter Extension Road.

Senior Planner Laura Griggs-McElhanon summarized the items being evaluated relative to this petition, noted the Department recommends this matter be held until the meeting of September 26, 1994, and asked whether the Commission has conditions to add to the list.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton directed information be provided, as requested earlier for the E.M. Harris petition (i.e., input from the School District, MSD, Highway Department, and County Water).

Commissioner Bly noted he believes the size of the proposed lots is too small, but he doesn't believe "R-1" Zoning is appropriate this close to the Urban Core.

Commissioner O'Brien made a motion to hold this matter. The motion was seconded by Commissioner Casey and **passed by a voice vote of 7 to 0.**

- F. **P.Z. 20-94 Chesterfield Village, Inc. (Wildhorse/Baxter Center)**; "NU" Non-Urban District to "C-8" Planned Commercial District and Amended "C-8" Planned Commercial District; southwest corner of the intersection of Wild Horse Creek Road (State Highway CC) and Baxter Road Extension.

Joe Hanke, Planner II, summarized the items being evaluated relative to this petition, noted additional correspondence from Mr. Michenfelder today, noted the Department recommends this matter be held until the meeting of September 26, 1994, and asked whether the Commission has conditions to add to the list.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton would like information regarding the impact this would have on MSD, the Highway Department, County Water, and the Schools. He noted that, since Baxter Road has not been completed and there is already a lot of commercial on Baxter in that area, he is concerned about the appropriateness of additional commercial.

Commissioner Bly noted, as pointed out in the public hearing, this particular parcel was already zoned giving permission for this use. He further noted he believes what is proposed is an improvement overall, but has concern about the indefinite timeframe in this proposal.

Commissioner O'Brien requested the Planning Department look at supporting documentation to the previous ordinance issued by St. Louis County, so that we are certain what the original conditions were.

Commissioner McCarthy made a motion to hold this matter. The motion was seconded by Commissioner Bly and **approved by a voice vote of 7 to 0.**

## SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

There were no Site Plans, Building Elevations nor Signs for review.

## COMMITTEE REPORTS

### A. **Ordinance Review Committee** - No report.

Committee Chairman Rick Bly reported they are trying to arrange a time for a meeting next week.

A meeting was set for Thursday, September 22, 1994, at 8:00 a.m.

Commissioner O'Brien inquired about a tree ordinance.

City Attorney Doug Beach noted he doesn't believe we could restrict removal of trees on privately owned land. He further noted he will look into this further.

### B. **Architectural Review Committee** - No report.

**C. Site Plan/Landscape Committee**

Senior Planner Laura Griggs-McElhanon reported she would be calling members of the Committee to set up a meeting when Committee Chairman Kirchoff returns to discuss what occurred at the Planning and Zoning Committee relative to the Chesterfield Valley proposed Guidelines, as well as to discuss the input received on Institutional Guidelines. The Committee hopes to finalize them and forward on to the Planning and Zoning Committee.

**D. Comprehensive Plan Committee**

Committee Co-Chair Dave Dalton reported the Committee will meet Wednesday, September 14, 1994, at 5:00 p.m.

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

**F. Nominating Committee - No report.**

The meeting adjourned at 10:00 p.m.

  
**Patricia O'Brien, Secretary**

[MIN9-12.094]