

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
SEPTEMBER 12, 2011**

The meeting was called to order at 6:30 p.m.

I. ROLL CALL

PRESENT

Ms. Wendy Geckeler
Ms. Debbie Midgley
Mr. Stanley Proctor
Mr. Robert Puyear
Mr. Michael Watson
Mr. Steven Wuennenberg
Chair Amy Nolan

ABSENT

Mr. Bruce DeGroot
Ms. Laura Lueking

Mayor Bruce Geiger
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Mr. Shawn Seymour, Senior Planner
Mr. Justin Wyse, Senior Planner
Ms. Susan Mueller, Principal Engineer
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

Chair Nolan acknowledged the attendance of Mayor Bruce Geiger; Councilmember Connie Fults, Council Liaison; Councilmember G. Elliot Grissom, Ward II; and Councilmember Derek Grier, Ward II.

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

- A. P.Z. 07-2011 Chesterfield Outlets (T-O Ventures):** A request for a change of zoning from a “NU” Non-Urban District and an “FP NU” Flood Plain Non-Urban District to a “PC” Planned Commercial District and a “FP PC” Flood Plain Planned Commercial District for a 59.144 acre area of land located north of North Outer 40 Road and east of Boone’s Crossing (17T420016, 17T430048, and 17U640103).

STAFF PRESENTATION:

Senior Planner Justin Wyse gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Wyse stated the following:

- On September 6, 2011, Staff received a request from the Petitioner to modify the portion of the property to be rezoned by withdrawing the request to rezone the property located north of the levee. The original area requested for a change in zoning was 59.144 acres.
- With the modification, the petition is to rezone a 48.625 acre area of land from “NU” Non-Urban District and an “FP NU” Flood Plain Non-Urban District to a “PC” Planned Commercial District.
- The site was originally zoned “NU” in 1965 by St. Louis County prior to incorporation of the City of Chesterfield. In 1978, St. Louis County placed the “FP” Floodplain Overlay over the majority of the subject site, which restricted the uses for the site.
- In 1997-98, the existing levee was constructed. A Letter of Map Revision (LOMR) is currently in process. This LOMR will reflect the existence of the levee, which will allow the removal of the “FP” Floodplain Overlay from the site.
- The Project Narrative submitted by the Petitioner proposes an outlet center on the site of approximately 500,000 square feet.
- Staff has met with St. Louis County, the Missouri Department of Transportation, as well as the Petitioner and their consultants regarding the Traffic Impact Study, which is currently underway. It is anticipated that a draft Study will be submitted to all of the appropriate Agencies within the next two weeks. The Study will identify any roadway improvements necessitated by the proposed development.
- The Petitioner is requesting 30% open space instead of the required 35%.
- The Preliminary Plan shows the building will be located along the northern portion of property with parking in front and along the sides of the development.
- The intent of the development is to provide a “shopping as entertainment” experience.
- Requested Uses - Permitted:
 - (1) Administrative office for educational or religious facility
 - (5) Art gallery
 - (6) Art studio
 - (9) Automobile sales, new
 - (12) Bakery
 - (13) Bar

- (14) Barber or beauty shop
 - (16) Bowling center
 - (17) Brewpub
 - (26) Coffee shop
 - (27) Coffee shop, drive-thru
 - (28) Commercial service facility
 - (29) Community center
 - (34) Drug store and pharmacy
 - (35) Drug store and pharmacy, drive-thru
 - (36) Dry cleaning establishment
 - (37) Dry cleaning establishment, drive-thru
 - (39) Education facility-specialized private schools
 - (40) Education facility-vocational school
 - (41) Educational facility-college/university
 - (42) Educational facility – kindergarten or nursery school
 - (45) Filling station and convenience store with pump stations
 - (46) Film drop-off and pick-up station
 - (48) Financial institution
 - (49) Financial institution, drive-thru
 - (51) Grocery-community
 - (52) Grocery-neighborhood
 - (53) Grocery-supercenter
 - (54) Gymnasium
 - (57) Hospital
 - (58) Hotel and motel
 - (59) Hotel and motel, extended stay
 - (70) Office, dental
 - (71) Office, general
 - (72) Office, medical
 - (76) Professional and technical service facility
 - (79) Recreation facility
 - (81) Restaurant, fast food
 - (82) Restaurant, outdoor customer dining area
 - (83) Restaurant, sit down
 - (84) Restaurant, take out
 - (85) Restaurant, with drive-thru window
 - (86) Retail sales establishment, community
 - (87) Retail sales establishment, neighborhood
 - (88) Retail sales establishment, regional
 - (89) Retail sales, outdoor
 - (93) Tackle and bait shop
 - (97) Theater, indoor
- Requested Uses - Accessory:
 - (2) Amusement park
 - (8) Automatic vending facility
 - (10) Automobile sales, accessory to Automobile sales, new
 - (19) Cafeteria for employees and guests only
 - (31) Day care center, child
 - (33) Donation collection bin
 - (44) Farmers market
 - (61) Kennel, boarding

- (68) Newspaper stand
 - (75) Parking area, including garages, for automobiles
 - (80) Research facility, accessory to Office – general and medical
 - (91) Sales yard operated by a church, school, or other not for profit
 - (98) Theater, outdoor
 - (101) Vehicle repair and services facility, accessory to Automobile sales, new
 - (102) Veterinary clinic
- The predominant zoning in the area is Planned Commercial District (“PC” and “C8”) with “FP NU” Floodplain Non-Urban zoning north of the levee,
 - The Comprehensive Land Use Plan designates the site as *Mixed Commercial* use, which includes *retail, low-density office, and limited office/warehouse* type developments as appropriate uses of the site.
 - In referencing the Chesterfield Commons and Chesterfield Groves developments, the Comprehensive Plan states: “*It is logical to accommodate similar mixed commercial use developments in the Valley where combinations of commercial uses can occur.*” The Comp Plan specifically cites the area of the subject site – north of the Interstate and east of Boone’s Crossing – as an appropriate location for such a development. This same area is also included as a potential *office park*.
 - The *Regional Retail* designation within the Comprehensive Plan was removed several years ago. The Comp Plan now recommends that *no new Regional Retail Centers should be developed in the City*.
 - The definition of a *regional retail development* is: *A center characterized by two (2) or more national retail anchor stores at a minimum of 150,000 square feet that provides general merchandise and services and attracts customers from Chesterfield and surrounding municipalities that will travel .5 hours or greater to reach the center.*
 - Issues
 - Uses – several uses are not consistent with the proposed development; such as *drive-thru* and *auto sales*
 - Traffic Impact Study results – the Study is underway and Staff is anticipating receiving results within the next couple of weeks
 - Access and circulation for the site is being reviewed

Commissioner Geckeler asked for the rationale for requesting a reduction in open space. It was noted that the Petitioner would address this issue in his presentation.

PETITIONER’S PRESENTATION:

1. Mr. Mike Doster, representing T-O Ventures, LLC, 16090 Swingley Ridge Road, Chesterfield MO stated the following:
 - If this project goes forward, they expect it to be the first high-end fashion center of its kind in the St. Louis area.
 - Originally, the petition included a strip of land north of the levee to be used for an accessory use parking. Since filing the application, they have determined that this land is no longer needed so this portion of the property has been withdrawn from the petition.

- They believe they have proposed uses that comply with the *Mixed Commercial* use designated in the Comprehensive Plan for this site. This use includes *retail*.
- In his presentation, Mr. Wyse referred to the definition of *Regional Retail Center*. The Petitioner does not believe that the proposed project falls within that definition, which states: *A center characterized by two (2) or more national retail anchor stores at a minimum of 150,000 square feet ...* They do not anticipate having tenants in excess of 25,000 square feet. For comparison purposes, it was noted that Chesterfield Mall has Sears at 155,000 sq. ft.; Macy's at 240,000 sq. ft.; and Dilliard's at 250,000 sq. ft.
- The requested uses have been divided into two parts – the uses requested by the Petitioner and the uses requested by the Owner, Monarch Chesterfield Levee District.
- Uses requested by the **Petitioner** fall into the following categories:
 - Retail and Office Uses
 - Civic Uses
 - Accessory Uses
- Permitted Uses requested by the **Owner** for PC District:
 - (9) Automobile sales, new
 - (27) Coffee shop, drive-thru
 - (35) Drug store and pharmacy, drive-thru
 - (37) Dry cleaning establishment, drive-thru
 - (45) Filling station and convenience store with pump stations
 - (49) Financial institution, drive-thru
 - (85) Restaurant, with drive-thru window
- Accessory Uses requested by the **Owner** for PC District
 - (10) Automobile sales, accessory to Automobile sales, new
 - (80) Research facility, accessory to Office – general and medical
 - (101) Vehicle repair and services facility, accessory to Automobile sales, new
- They are requesting a reduction in the open space requirement from 35% to 30%, which is a result from an improvement to the Site Plan, which will be further explained by Mr. Stock in his presentation.

Chair Nolan expressed concern about the Accessory Use of *amusement park*. Mr. Doster explained that this use was “driven by the definition in the Code.” He noted that an *amusement park* could constitute a child’s ride that may be included on the premises on a temporary basis. If there is concern over the use, they are agreeable to limiting, or even eliminating, the use. It was included as an accessory use for those occasions when a special event may be held and a child’s ride is included as part of the event.

2. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The subject site is approximately 48.6 acres in size and is somewhat unique in its geometry – approximately 3,900 feet wide along the north property line in an east/west direction and approximately 660 feet in depth in a north/south direction.

- The site is bound by the levee to the north. The top of the levee is at an approximate elevation of 474 and the site elevation is from 461-474. The site is elevated on the eastern portion and slopes down to the west. Immediately to the east is the Hardee's Ice Rink; along the south, the site fronts North Outer 40, which is an existing two-lane road and part of the I-64 interstate system under the jurisdiction of MoDOT. To the west is the former Westbridge Bank, along with an undeveloped piece of property at the corner of Boone's Crossing and North Outer 40.
- Regarding the levee and its elevation at 474, it was noted that the 100 year and the 500 year elevations on the Missouri River are 466 and 468. The site is designed around the critical elevations of the property with "proposed buildings located closer to the north creating more of an impermeable surface with the roofs and the plaza." To the east would be the car parking lot sloping out to the Outer Road.
- The site is in a watershed - everything going east from Boone's Crossing, everything south of the levee, and everything north of I-64 will drain east across the front of the subject site and will end up in the very east corner of the site at I-64 and where the levee connects.
- Under the Storm Master Drainage Plan, there is to be an open channel across the front of the site along the Outer Road. If such a channel is constructed, they will be able to meet the 35% open space requirement.
- In lieu of having an 80-foot wide open rock channel, they are proposing to enclose the channel. They do not believe that an open channel is the "architectural aesthetic look" that this development or the City would want to have. Their proposal would incorporate linear rain gardens in place of the channel and the installation of a box culvert. With the enclosed channel, the open space would be reduced by 5%, which is the reason for the requested 30% open space vs. the required 35%. They feel the quality of the frontage is more important than the quantity.
- In order to create effective drainage, they are proposing to continue an open swale going to the east to the reservoir being constructed by the U.S. Army Corps of Engineers.
- There have been two meetings with MoDOT, St. Louis County, and the City of Chesterfield regarding the ongoing Traffic Study. The report is being finalized and it is anticipated it will be submitted to all Agencies this week.
- The intended road improvements along North Outer Forty are outlined in the Traffic Study. They will be replacing the two-lane sections with four-lanes from Boone's Crossing up the western third of the site and then scale down to three lanes for the remaining two-thirds of the site.
- The utilities for the site are in place with water and the sanitary sewer.

Commissioner Watson asked if the Corps of Engineers is aware of the site's hard surface and drain-off that will be coming to their retention pond. Mr. Stock replied that the Corps is aware – what the Corps is excavating is part of an overall approved plan that has been developed by the City in conjunction with the

Monarch-Chesterfield Levee District. The size of the reservoir, as excavated, takes into account all the developed run-off from the subject property, the Hardee's property, and the remaining undeveloped properties.

SPEAKERS IN FAVOR:

1. Mr. Scott Reese, Principal with Summit Development Group and Partner in the Hardee's Iceplex, 100 S. Brentwood Blvd., Clayton, MO stated the following:
 - The ice rink is a "destination" with approximately 600,000-700,000 people per year visiting the site. The nearby ball fields are also a "destination" site.
 - The proposed development is comprehensive in nature, adds to the entertainment theme to the north side of Highway 40, addresses the traffic, and addresses the storm water drainage.
 - He is in support of the project and if there is anything they can do to facilitate the project, they will make themselves available to do so.

Commissioner Watson asked if they are doing "any kind of handshake agreement with the Petitioner on the road improvements". Mr. Reese indicated that there are no agreements at this time – they have seen the preliminary plans and they are happy to discuss alternative arrangements based on the upcoming Traffic Study. They are amenable to working on some additional improvements both on-site and off-site if needed.

2. Mr. David Human, representing the Monarch-Chesterfield Levee District, 190 Carondelet Plaza, Clayton, MO stated the following:
 - Mr. Wyse's presentation identified a couple of issues with respect to *drive-thru* and *automobile sales* uses.
 - Mr. Doster also identified specific uses requested by the Owner, the Levee District.
 - At this time, the Levee District has no objection to withdrawing both the permitted uses and accessory uses which were requested by the Levee District.

SPEAKERS IN OPPOSITION:

1. Mr. Jeff Wagener, 7701 Forsyth, St. Louis, MO stated he would pass on speaking.

SPEAKERS – NEUTRAL: None

ISSUES:

- Mr. Wyse pointed out that currently there are overhead utilities that run along the frontage of the site, which will be relocated and put underground.
- Mr. Wyse stated that he has spoken to Mr. Doster, who has indicated they have no objection to limiting the square footage for single tenants to no

more than 150,000 square feet. They feel this limitation would insure compliance with the Comprehensive Plan with respect to regional retail.

- B. P.Z. 08-2011 Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC):** A request for a change of zoning from “PI” Planned Industrial District to a new “PI” Planned Industrial District for a 16.7 acre tract of land located north of the intersection of Spirit Drive North and Chesterfield Airport Road and south of Interstate 64/U.S. Highway 40-61. (17V620083, 17V620094 and 17V610040)

STAFF PRESENTATION:

Senior Planner Mara Perry gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The Petition was posted per State statute and City of Chesterfield requirements.
- Surrounding the subject site are other “PI” Planned Industrial Districts that were similarly zoned but are not developed at this time.
- The site was originally zoned “M3” Planned Industrial District prior to the incorporation of the City of Chesterfield. In 2001, Ordinance 1717 was approved, which changed the zoning to “PI” Planned Industrial District and added a number of uses. In 2007, Ordinance 2376 was approved, which is an Ordinance Amendment for setbacks and open space.
- All of the requested permitted uses are taking the place of uses that were permitted in Ordinances 1717 and 2376.

Requested Permitted Uses:

- Automatic vending facility
 - Cafeteria for employees & guests only
 - Commercial Service Facility
 - Day care center, child
 - Dwelling, employee
 - Educational facility - vocational school
 - Financial institution
 - Laboratories-professional, scientific
 - Manufacturing, fabrication, assembly, processing, or packaging facility
 - Office, dental
 - Office, general
 - Office, medical
 - Parking area, including garages, for automobiles
 - Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility
 - Professional and technical service facility
 - Research facility
 - Substance abuse facilities – Outpatient
 - Warehouse - General
- The Petitioner is requesting that they be allowed to retain the 30% open space as required under their existing Ordinance. Under the new “PI”

District, the open space requirement is 35% open space. The surrounding "PI" Districts currently all have a 30% open space requirement.

- The primary reason for rezoning to the new "PI" District is that the original Preliminary Plan was very tight and specific with all the setbacks written exactly to how the footprints of the buildings were shown. On the previous Preliminary Plan, the existing Cambridge Engineering building showed an addition to the building but no stand-alone building.
- The Comprehensive Land Use Plan designates the site within two different districts – the *Mixed Commercial Use* and the *Office Park* use.
- Staff has no outstanding issues at this time. All Agency comments have been received. Because of the new Master Plan for the Airport, the Airport has asked for additional requirements of an aviation easement should three of the proposed uses be permitted.

PETITIONER'S PRESENTATION:

1. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated the following:

- The subject site was zoned to "PI" Planned Industrial under Ordinance 2376 about ten years ago. That Preliminary Plan has not come to fruition.
- The Petitioner, Mr. Kramer, would like to construct a one-story building, and possibly a second one-story 10,000 square foot office building, as soon as possible.
- The current site specific Ordinance 2376 has setbacks which prohibit them from moving forward with the proposed buildings. Consequently, the Petitioner is requesting a rezoning to the new "PI" Planned Industrial District using the recently revised performance criteria compiled by the City of Chesterfield. The new rezoning will allow for more flexibility.
- No new uses are being requested.
- Based on their needs, they are requesting that Kramer Commerce Center be rezoned using the current criteria for the "PI" District, with the exception that the minimum open space remain at 30% as allowed in the current ordinance.
- A minimum open space of 30% will allow Kramer Commerce Center to remain consistent with the surrounding Planned Industrial Properties. (Terra Corporate Park, Chesterfield Exchange, Waller Hoch Corporate Center, Long Road/Lipton Parcel, Long Road Crossing Development, and Sentrus.)
- Not much has happened within this 125-acre corridor other than the infrastructure with the road, the sewer, and water, along with Walgreen's, the small retail, and the Saturn dealership.
- The Preliminary Plan shows the existing Cambridge Engineering building, two single-story 10,000 square foot office buildings fronting on Long Road Crossing Boulevard, and Lot 3, whose Site Development Plan was approved a few years ago, which was intended to be a multi-tenant office warehouse building. This project has not moved forward because of the economy and is larger than what Mr. Kramer would like to construct. He

- would like to build on the other side of the street and retain the entitlement to develop Lot 3.
- They are in receipt of the letter from the Airport and feel that the uses the Airport is concerned about with respect to noise relate to schools and daycare centers. It was noted that the proposed petition would not involve such uses as they are concerned with moving the professional office use forward.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

Ms. Perry stated that the petition will be brought back at a future meeting for vote.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Puyear made a motion to approve the minutes of the **August 22, 2011 Planning Commission Meeting**. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 7 to 0**.

VI. PUBLIC COMMENT

1. Mr. Jim Hennessy, 16660 Old Chesterfield Road, Chesterfield, MO stated he was available for any questions or comments regarding the sign for Lena Burkhardt Estates (16660 Old Chesterfield Rd).
2. Mr. Mike Falkner, 5091 New Baumgartner, St. Louis, MO stated he was available for any questions regarding the Arbors at Wild Horse Creek.
3. Ms. Jeannie Aumiller, McBride & Son, 16091 Swingley Ridge, Chesterfield, MO stated she was available for any questions regarding the Arbors at Wild Horse Creek.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Lena Burkhardt Estates (16660 Old Chesterfield Rd)**: A request for a new sign on a 0.32 acre tract of land zoned "PC" Planned Commercial District with a Landmark Preservation Area ("LPA") procedure located on the south side of Old Chesterfield Road, east of Baxter Road.

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the request for a new sign for **Lena Burkhardt Estates (16660 Old Chesterfield Rd)**. The motion was seconded by Commissioner Puyear.

Commissioner Wuennenberg made a motion to amend the motion to limit the color of the sign posts to black. The motion was seconded by Commissioner Geckeler.

Chair Nolan allowed Mr. Jim Hennessy, the Petitioner, to respond to the amendment. Mr. Hennessy asked that the Commission consider allowing a hunter green color for the posts, which he felt would give the sign a more historical look than the color black.

Commissioner Wuennenberg then withdrew his amendment to the motion.

Commissioner Wuennenberg made a motion to amend the motion to change the color of the sign posts from yellow to hunter green. The motion was seconded by Commissioner Watson.

Mr. Wyse directed the Commission's attention to page four of the Staff Report which shows a picture of a sign with hunter green posts and similar sign colors as the proposed sign. This sign is immediately to the west of the subject site.

The motion to amend the motion restricting the sign post color to hunter green **passed** by a voice vote of 7 to 0.

The motion to approve the sign, as amended, passed by a voice vote of 7 to 0.

- B. **Spirit of St. Louis Airpark, Wings of Hope:** An Amended Site Development Plan and Architectural Elevations for a 5.052 acre tract of land zoned “M3” Planned Industrial District located a quarter mile west of the intersection of Wings of Hope Boulevard and Spirit of St. Louis Boulevard, more specifically, addressed 18370 Wings of Hope Boulevard.

Commissioner Proctor, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Plan and Architectural Elevations for Spirit of St. Louis Airpark, Wings of Hope. The motion was seconded by Commissioner Watson and **passed by a voice vote of 7 to 0.**

VIII. OLD BUSINESS

- A. **P.Z. 03-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.):** A request for a zoning map amendment from a “NU” Non-Urban District to a “E-1 AC” Estate District (one acre) of 23.422 acres in size and located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Wild Horse Parkway Drive (18V330046).

and

- B. **P.Z. 04-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.):** A request for a zoning map amendment from a “E1-AC” Estate District (one acre) to a “PUD” Planned Unit Development of 23.422 acres in size and located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Wild Horse Parkway Drive (18V330046).

Senior Planner Shawn Seymour stated that Public Hearings were held for the petitions on July 25, 2011. The petitions are a request ultimately for Planned Unit Development zoning. As the property is currently zoned “NU”, it is required to first rezone to either an “R” or “E” District in order to obtain a maximum density for the property prior to moving on to a Planned Unit Development zoning.

P.Z. 03-2011 is a petition for a zoning map amendment to change the zoning of the property from “NU” to “E-1 Acre Estate District”, which will allow a maximum zoning of one unit per acre. The property is 23.442 acres in size allowing 23 single-family units.

P.Z. 04-2011 requests a rezoning from the “E-1 Acre Estate District” to the Planned Unit Development (PUD). The maximum density being requested for the PUD, as written in the Attachment A, is 22 single-family units.

The minimum lot size being requested as a “PUD” is “no less than 24,000 square feet” and is so reflected in the Attachment A – it was noted that this size is a little larger than one-half acre.

The common ground being proposed in the Preliminary Plan is 7.5 acres, which is a little more than 32%.

The setbacks are as noted in the chart below:

Lots	Front Yard	Side Yard	Rear Yard
Lots 1 thru 13	20 ft.	10 ft.	50 ft. minimum Accommodates the 50 ft. landscaped buffer, along the western side of the site
Lots 14, 15, 19 thru 22	20 ft.	10 ft.	25 ft.
Lots 16 thru 18	20 ft.	10 ft.	25 ft. minimum

It was noted that the Preliminary Plan shows portions of tree preservation on Lots 16-18. The Plan shows a detail of where the rear yard setback will exceed the 25 feet to be on par with the tree preservation.

Tree preservation requirements are 30% of existing tree canopy; the Petitioner intends to save 49%. The Tree Manual requires a 30-foot landscaped buffer to outline the perimeter of the property. The 50-foot extended rear yard setback is required to buffer the proposed development from the neighboring Wild Horse subdivision.

During the Public Hearing, two issues were noted:

- Outstanding Agency comments – Staff has now obtained all Agency comments, which have been integrated into the Attachment A.
- The Commission requested that language be added to the Attachment A to require that the Architectural Review Board review the elevations of the proposed single-family homes at the time of site plan review – The requested language has been added to the Attachment A.

DISCUSSION

Commissioner Watson asked if the 50-foot rear yard setback for Lots 1-13 is in addition to the 50-foot landscaped buffer. Mr. Seymour clarified that Lots 1-13 have a 50-foot setback to match the landscaped buffer – the setback is not in addition to the buffer.

Commissioner Puyear questioned whether the homeowners on Lots 16-18 would have the right to remove trees from the common ground area. Mr. Seymour explained that the trees are on private property but are in a tree preservation area vs. common ground.

Ms. Aimee Nassif, Planning & Development Services Director stated that the City Code defines what a *tree preservation area* is and specifically states that in a tree preservation area, no trees are to be removed and no structure shall ever be built. The Plan which designates the tree preservation area will be attached to the legislation for the PUD.

Chair Nolan asked if there is a specific setback for those lots which do have the tree preservation area in order to protect the root system of the trees. Mr. Seymour stated that there is not a specified setback with regards to the root system. Ms. Nassif added that any Site Plan that is submitted will be reviewed by the City Arborist and will not be approved if it is determined that construction will interfere with the preservation of the trees. Mr. Seymour pointed out that residential homes are not typically built out to the setback lines. It was also noted that the preservation area would be protected from grading and the developer would not be allowed to infringe upon the drip line of the tree.

Councilmember Fults asked if homeowners on Lots 16-18 would be required to sign a document noting that the trees in the preservation area cannot be removed. Mr. Seymour stated the City does not have such a document but he believes the Petitioner will include language in the subdivision indentures regarding this issue. The Attachment A and the Site Development Plan will designate this area as *tree preservation*.

Councilmember Fults felt that a deed restriction is necessary for these lots to insure that homebuyers are aware of the restrictions relative to the tree preservation area.

Ms. Nassif stated that there will be a note on the Site Plan regarding the tree preservation area. *Tree preservation area* is new to the Tree Code because of the issues that arose in the past with residential development. Municipal Zoning Approvals will not be approved for decks, pools, additions etc. if they jeopardize the tree preservation area.

Mr. Seymour pointed out that the tree preservation area coincides with the grading of the site and that the grading drops off about 23 feet, which would make it very challenging to build anything in this area.

Commissioner Geckeler suggested that a mechanism be put in place to insure that homeowners are aware that they cannot build in the preservation area or remove any trees.

Ms. Nassif stated that the tree preservation area will be called out on the Plan, it will be included on the Plat, and there will be a note on the Site Plan – all of which are available to the homeowner.

Mayor Geiger noted that the Ordinance regarding tree preservation is enforceable by the City but the City can not enforce subdivision indentures.

Councilmember Fults felt strongly that the Developer should provide something in writing to the home buyer about the tree preservation area, which would require the buyer's signature.

Ms. Jeannie Aumiller of McBride & Son was then recognized by the Chair. Ms. Aumiller stated that they are willing to cover the tree preservation area in the subdivision indentures, which will insure disclosure for any re-sales of homes when McBride & Son is no longer involved. They are also agreeable to putting some disclosure in their contracts for those lots affected by the tree preservation area.

Commissioner Puyear made a motion to approve P.Z. 03-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.) The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

**Aye: Commissioner Proctor, Commissioner Puyear,
Commissioner Watson, Commissioner Wuennenberg,
Commissioner Geckeler, Commissioner Midgley,
Chair Nolan**

Nay: None

The motion passed by a vote of 7 to 0.

Commissioner Geckeler made a motion to approve P.Z. 04-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.) The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

**Aye: Commissioner Puyear, Commissioner Watson,
Commissioner Wuennenberg, Commissioner Geckeler,
Commissioner Midgley, Commissioner Proctor,
Chair Nolan**

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

A. P.Z. 07-2011 Chesterfield Outlets (T-O Ventures)

Commissioner Watson stated he would like a restriction applied to the square footage of the largest building that can be put into a retail center to insure it does not conflict with the Comprehensive Plan. He added that he would like the square footage well below 150,000 square feet. Mr. Doster indicated that the Petitioner would be willing to restrict the size to 75,000 square feet, but Commissioner Watson pointed out that the Petitioner does not anticipate having any tenants larger than 25,000 square feet.

City Attorney Heggie stated that the issue has been noted and that negotiations will continue on the square footage restriction.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Michael Watson, Secretary