

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
OCTOBER 25, 1993



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

PRESENT

Mr. Fred Broemmer  
Ms. Mary Brown  
Mr. Dave Dalton  
Ms. Mary Domahidy  
Mr. Bill Kirchoff  
Mr. Walter Scruggs  
Ms. Victoria Sherman  
Chairman Barbara McGuinness  
Mr. Douglas R. Beach, City Attorney  
Mr. Jerry Duepner, Director of Planning  
Ms. Laura Griggs-McElhanon, Senior Planner  
Mr. Joseph Hanke, Planner II  
Ms. Sandra Lohman, Executive Secretary

ABSENT

Ms. Pat O'Brien

INVOCATION: - City Attorney Douglas R. Beach

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Commissioner Sherman read the "Opening Comments."

- A. P.Z. 25-93 Naidu; a request for rezoning from "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-2" 15,000 Square Foot Residence District and "FPR-2" Flood Plain 15,000 Square Foot Residence District, for a 2.9 acre tract of land located on the north side of Conway Road, approximately 1700 feet east of the intersection of Conway Road and White Road (Locator No. 18R320010).

Joe Hanke, Planner II gave a slide presentation of the proposed site and surrounding area.

Mr. Larry Wurm of James Engineering and Surveying Company, Inc., 7810 Forsyth, Clayton, MO 63105, spoke on behalf of the petitioner noting the following:

- He described the zoning of the subject tract and surrounding developments.
- Three (3) lots are proposed.
- The smallest lot (Lot #3 which fronts Conway Road) will consist of 15,000 square feet minimum. The remaining two (2) lots comprise of approximately 1.25 acres each.
- The petitioner has performed a Flood Plain Study.
- Lots 1 and 2 have approximately 18,000 square feet of developable area, clear of the Flood Plain.
- There is a creek which cuts through the property from the northwest down to the southeast portion. There is to be no development on the northeast side of the creek.
- No common ground is proposed for this development.

#### COMMENTS/DISCUSSION BY COMMISSION

- The NPDES Permit requirement was discussed.

Mr. Wurm stated this Permit will not be required, as the subject parcel is less than five (5) acres.

- The proposal is for three (3) single-family, detached homes with a sale value of \$550,000 each.
- The homes will have three (3) or four (4) car garages.
- The size of the homes will range from 3500 square feet to the limit allowable.
- A builder has not yet been selected for this development.
- A private driveway is proposed, to be located on the west side of the development, in the approximate location of the existing driveway.

- The petitioner is proposing a single directional loop around the trees on the east side of the existing roadway. This private driveway would be maintained by the Trustees of the proposed subdivision.
- Parking for guests was discussed; but Mr. Wurm stated it would be premature to determine at this time, as there will be various means of accommodating parking.
- Concern was expressed regarding the possible loss of the trees along Conway Road.

Mr. Wurm stated there was a lot of overgrowth on the subject site. Many of the trees within the site (approximately 20-25%) are either dead or in various stages of dying.

- Landscaping along Conway Road, to the west abutting Cookshire, and to the east, will be addressed at the Preliminary Plat stage.
- The developer intends to save as many healthy trees as possible, outside of what would be considered overgrowth.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION

#1 Mr. John C. Hoppin, 14301 Conway Road, Chesterfield, MO 63017, as an individual.

Mr. Hoppin noted the following:

- Creve Coeur Creek, which flooded out of its banks this summer, runs between Baywood to the east, his property, and Cookshire Subdivision. The water table is saturated.
- Concern that additional development will negatively impact the water table.
- Concern was expressed regarding Flood Plain impact from the proposed development.
- Requested his greenspace be protected from adjoining development.

- The plan presented this evening is different from the one he was given previously by Department Staff.

Mr. Duepner noted that the plan given to Mr. Hoppin was a sketch plan. It was the only plan in the file at that time of his visit to City Hall.

- Concern about preservation of trees, as the petitioner has already begun clearing the site.

City Attorney Doug Beach stated the owner of any land can clear it, up until such time as a plan is approved by the City.

#### COMMENTS/DISCUSSION BY COMMISSION

- It was noted that the Commission has received some additional information dated May 13 1993, from the Chesterfield Department of Public Works. (Mr. Hoppin was provided copies of this information.)
- The general stormwater situation in this area was discussed. Mr. Hoppin noted it has gotten progressively worse due to developments to the north, etc.
- The flood lines are within five (5) feet of the proposed development.
- Mr. Hoppin's home had water seepage in the basement this past summer. It reached the highest point ever.

#### SPEAKERS NEUTRAL - None

Chairman McGuinness requested Mr. Wurm to address the following issues: stormwater; water table; watershed; impact of Creve Coeur Creek; the plan for fill on Lot 3; saving the trees; detention and retention plans; etc.

#### REBUTTAL

Mr Wurm noted the following:

- With regard to flood plain - the Creek flooded across Conway Road this past summer. Neither Cookshire Subdivision nor the proposed site was affected.

- He doesn't believe that three (3) homes on this 2.9 parcel will adversely impact downstream property owners.
- The developer will meet all requirements of the City and Metropolitan St. Louis Sewer District for stormwater management.
- The developer performed a thorough analysis of how badly inundated this parcel was before coming before the City with the rezoning request.
- The water table problem is one he doesn't believe can be addressed at this time.
- The trees being removed are to relieve residents of Cookshire of dead limbs on their property. Many of the trees are dead and need to be removed.
- The developer believes removal of the trash and overgrowth will benefit the surrounding properties.

#### COMMENTS/DISCUSSION BY COMMISSION

- The water table problems could be alleviated by sump pumps in basements, water-proofing, etc.
- The Flood Plain will remain undisturbed by this project. Soil will be brought into the site for one (1) of the lots.
- Provision of a stormwater detention area for the proposed site has yet to be determined.

Commissioner Sherman read the remainder of the "Opening Comments."

#### SHOW OF HANDS

IN FAVOR 1      IN OPPOSITION 2      NEUTRAL 6

- B. P.Z. 26-93 Glenn Novack/Redia McGrath (The Wedge); a request for a change of zoning from "NU" Non-Urban District to "C-8" Planned Commercial District for a 1.95 acre tract of land located north of Old Olive Street Road at Chesterfield Airport Road. (Locator No. 17W620224). Proposed Use: Gas Station/Convenience Store.

Joe Hanke, Planner II gave a slide presentation of the proposed site and surrounding area.

Mr. Mike Rufkahr, Doering Engineering, 1721 S. Lindbergh, Suite 104, St. Louis, MO 63125, spoke on behalf of the petitioner noting the following:

- The purpose of the request is to bring the existing use, which is a non-conforming use, into compliance with current regulations.

#### COMMENTS/DISCUSSION BY COMMISSION

- The petitioner has remodeled the existing building.
- The petitioner is proposing a new canopy and additional pump island.

Ms. Redia McGrath, 18432 Olive Street Road, Chesterfield, MO 63017, noted the following:

- She stated that, as of today, both she and Glen Novack own the subject parcel; however, she is in the process of buying him out.

#### COMMENTS/DISCUSSION BY COMMISSION

- The back 3.5 acre parcel, which was rezoned earlier this year, has been put on hold due to flood related expenses, and the fact that there is no road to access this new parcel. She is making improvements to the existing development on the property.

Director Duepner noted this item will not be acted upon tonight due to necessary revisions to the plan. The Department was not in receipt of these plans in time to prepare a report. This matter will be presented to the Commission at its next meeting.

- Business is being conducted upon the site at present. The inability to act on the request tonight would just delay construction of the canopy and prevent adding another pump.

Director Duepner noted the problem is that setback requirements will be dictated by the plan. A plan was not provided for which the Department could proceed with conditions. This has been discussed with the petitioner, and they indicated they understand why the Department is unable to make a recommendation at this time.

- It was suggested that action upon this request tonight be expedited.

Joe Hanke, Planner II, stated that other jurisdictions still need to respond, in writing, to this request.

Mr. Rufkahr noted he met last Friday with persons from St. Louis County and asked why they haven't submitted comments. St. Louis County indicated they had not received plans from the City, and assured him they would work within the timeframe.

Director Duepner noted that plans were sent to St. Louis County along with the public hearing notice. The public hearing notice was sent out just to make the fifteen (15) day requirement for tonight's meeting. Normally a public hearing notice is sent at least twenty-five (25) to twenty-eight (28) days prior to a public hearing. He noted the Department is still fast-tracking this request.

- It was suggested that all businesses in Chesterfield Valley be given the same consideration and cooperation as that provided to the Smokehouse.

SPEAKERS - None

REBUTTAL - Waived

SHOW OF HANDS:

IN FAVOR 11      IN OPPOSITION 0      NEUTRAL 0

#### APPROVAL OF THE MINUTES

Commissioner Sherman made a motion to approve the minutes from the meeting of October 11, 1993. The motion was seconded by Commissioner Scruggs and **passed** by a voice vote of 8 to 0.

PUBLIC COMMENTS:

#1 Mr. Greg Smith, 100 N. Broadway, Suite 1300, St. Louis, MO 63102.

Mr. Smith spoke, on behalf of Miceli Development Corporation, regarding Somerset West (P.Z. 22, 23 & 24-93 Miceli Development):

- He emphasize the proposed development would have 85' front lots. The homes are intended to be 2800 square feet, with lot sizes ranging from 10,000 to 20,000 square feet.
- The petitioner believes the emphasis should be placed in the front side of the house, rather than distance between the houses.
- The petitioner is recommending twelve (12) feet between the homes.
- The petitioner does not see the benefits, in terms of safety or aesthetics, of a separated entrance. The Staff has suggested a traffic study to consider stacking distance and traffic generation, with forty-five (45) lots permitted. The petitioner does not believe this is necessary, as they would be providing an access of one (1) lane in and one (1) lane out.

COMMENTS/DISCUSSION BY COMMISSION

- There was discussion about the petitioner's rationale with regard to their request for less distance between houses.

Mr. Smith noted the petitioner is requesting six (6) foot side yard setbacks, and the Staff is recommending sixteen (16) feet between structures. He believes the width of the home is sacrificed with this requirement. All garages will be front entry.

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 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 stated the Department recommends this item be held. The Department has been in contact with the petitioners, and they have been working on this, but have not submitted a revised plan.

A motion to hold this item was made by Commissioner Scruggs. The motion was seconded by Commissioner Brown and passed by a voice vote of 8 to 0.

- B. P.Z. 22, 23 & 24-93 Miceli Development Corporation (Somerset West); "NU" Non-Urban District to "R-2" 15,000 Square Foot Residence District, and "R-3" 10,000 Square Foot Residence District and Planned Environment Unit Procedure in the "R-2" and "R-3" Residence Districts; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Long Road.

Senior Planner Laura Griggs-McElhanon presented the request in four (4) parts: 1) the property located to the north, not a part of the subject petitions; 2) the proposed request; 3) the staff recommendation; and 4) the attorney's comments received last Friday from Mr. Thomas A. Cunningham, Attorney for the developer. She stated the Department recommends approval of P.Z. 22, 23 & 24-93 to be rezoned to "R-2" 15,000 square foot Residence District for a maximum of forty-five (45) units, subject to the conditions in Attachment A, as amended by the Department Memorandum dated October 25, 1993. The Department recommends forwarding the petition on to City Council.

A motion to approve the Department's recommendation was made by Commissioner Domahidy and seconded by Commissioner Broemmer.

## COMMENTS/DISCUSSION BY COMMISSION

- The northern property line generally lies at the bottom of the bluff, adjacent to the railroad tracks.

- There was discussion regarding the need for connection of two (2) stub streets. It was suggested that one (1) would be sufficient, thereby saving trees.

Senior Planner Laura Griggs-McElhanon noted, based on the sketch plan of the forty-six (46) lots proposed, three lots were lost due to conditions added by the Department. One was lost due to the second stub street being put in; one was lost when the lot sizes were increased along the northern property line; and one was lost when the lots at the entrance were reconfigured (widening of the entrance). It could be that the petitioner would only lose one (1) lot due to the stub street connection.

A motion to **amend** the original motion was made by Commissioner Brown to eliminate one (1) stub street to the east. The motion was seconded by Commissioner Broemmer.

#### COMMENTS/DISCUSSION BY COMMISSION

- There was discussion about the pros and cons of the additional stub connection.
- If the stub street is eliminated, The Hayden Company would have to come in to amend their PEU Ordinance to eliminate that requirement for Somerset. They would also have to amend their site plan and improvement plans. It would necessitate elimination on the other parcel, as well.
- It was suggested the function of the neighborhood, in terms of pedestrian traffic, should be considered. Provision of a walkway, or some other type of connection, was suggested to allow people in Somerset better access to Somerset West.

**Upon a roll call the vote on the amendment was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner Scruggs, yes; Commissioner Sherman, no; Chairman McGuinness, yes.**

**The motion passed by a vote of 5 to 3.**

Commissioner Scruggs made a motion to amend the original motion, as amended, to require a walkway to connect the two (2) subdivisions where this street is currently located. The motion was seconded by Commissioner Sherman.

Upon a roll call the vote on the amendment was as follows: Commissioner Broemmer, no; Commissioner Brown, yes; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, no.

The motion passed by a vote of 5 to 3.

Senior Planner Laura Griggs-McElhanon requested the Commission direct the Department to include in the report to Council a recommendation that the stub street be eliminated on the Somerset development as well.

Chairman McGuinness so directed the Department.

- The specifics of the sidewalks were discussed.
- The Trustees of the particular subdivision in which the proposed sidewalk is located would be responsible for its maintenance.

Director Duepner noted that, if elimination of the stub street is recommended for both developments, this could be addressed at the time of the site development plan.

- It was noted the required pedestrian sidewalk could reduce the number of lots.

Chairman McGuinness requested a **Minority Report** to City Council to address the walkway (i.e., more asphalt, more expense, distance, etc.).

- It was noted that the Commission recommends the maximum number of lots permitted. It is up to the developer to arrange the lots according to conditions placed upon the development.
- It was suggested that the maximum number of lots permitted be increased to forty-six (46).

Senior Planner Laura Griggs-McElhanon noted that, if the Commission considers changing the maximum number of lots to forty-six (46), it will also need to consider amending the Department's recommendation for the zoning district. The "R-2" District allows for a maximum of forty-five (45) units. If this is increased, the zoning district will have to be amended to "R-2" and "R-3" Zoning Districts.

**The vote on the original motion, as amended twice, was as follows: Commissioner Broemmer, yes; Commissioner Brown, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman McGuinness, yes.**

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

Chairman McGuinness requested a report on P.Z. 11-93 City of Chesterfield Sign Ordinance.

Joe Hanke, Planner II, stated the Committee of the Whole met last week and wrapped-up discussion of the Sign Ordinance. It is the Department's recommendation that the item be held for approximately one (1) month in order for the Department to prepare responses back to those organizations which responded previously, as a result of discussions, and for the Department to prepare a report for Planning Commission review and action.

A motion to take the matter off the table was made by Commissioner Brown. The motion was seconded by Commissioner Domahidy and **passed by a voice vote of 8 to 0.**

A motion to hold the matter was made by Commissioner Sherman and seconded by Commissioner Domahidy. **The motion passed by a voice vote of 8 to 0.**

#### SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. Baxter Road Extension (Chesterfield Farms); Road Dedication and Easement Plat; north side of Wild Horse Creek Road, west of Santa Maria Drive.

On behalf of the Site Plan Committee, Commissioner Sherman made a motion to approve the Road Dedication and Easement Plat for Baxter Road Extension. The motion was seconded by Commissioner Domahidy and **approved by a voice vote of 8 to 0.**

Director Duepner summarized the status of the RFP for revision of the City's Subdivision and Zoning Ordinances as follows:

- The request for proposal has been sent out to a number of firms, listed on the attachment handed out.
- It is anticipated that the information requested will be received by November 16, 1993.

- The Planning and Zoning Committee of Council will review the proposals and make a recommendation to City Council to retain a consultant.
- He pointed out that, in addition to revising our Zoning and Subdivision Regulations, we are requesting comments and opinions from the community regarding our existing regulations and procedures. Also, we want to develop an overall process for the effort that will provide for maximum input from the community, looking at our current ordinances and the current development process, and also looking at the Chesterfield Valley Area in terms of redevelopment.
- It is anticipated that responses will be received within the next couple of weeks. We will begin the process of interviewing and selecting consultants.
- The Department selected most of the firms on the list based on prior experience. Also, some of the out of town firms were selected because of their experience and past work in developing zoning and subdivision regulations.
- An advertising notice will be placed in the St. Louis Business Journal, the Post Dispatch and St. Louis Countian.

Chairman McGuinness called upon Commissioner Scruggs to give a report regarding the policies of the Planning Commission as they relate to the Planning and Zoning Committee.

Commissioner Scruggs referred to the statement made by Councilmember Clarke at the last meeting that the Planning and Zoning Committee does not require a Certified Landscape Architect seal on plans submitted for approval. He asked clarification of the policies.

Director Duepner noted the P & Z Committee has a policy dealing with site development plans where they can request Council review. The Committee does not have policies regarding landscaping review, as they do not normally deal with architectural review, site plans, and landscape plans. They have procedural policies.

Commissioner Kirchoff stated the Landscape Policies were changed three (3) times to bring them into conformance with Planning and Zoning Committee requests. One issue dealt with whether or not a Landscape Architect should be required. This issue was not entirely agreed upon between the Landscape Committee and Planning and Zoning Committee members.

Director Duepner stated that all policies agreed-upon by the Planning Commission, were reviewed by the Planning and Zoning Committee **prior** to any formal action by the Planning Commission.

Chairman McGuinness stated she has written a letter to the City Council asking for a meeting between the City Council and Planning Commission, and she hasn't received a reply. This was written before the flood.

Commissioner Scruggs noted he has heard a number of comments out on the street regarding:

- "It's difficult to deal with the City of Chesterfield."
- "It takes more time in Chesterfield to get rezoning than any other place, than in most places, and various comments to that nature."

Commissioner Scruggs presented these comments for discussion among Planning Commissioner's to decide whether or not a committee should be formed to look into streamlining the current building permit process. Some developers could be involved on that committee.

Director Duepner noted the current process, to the best of his knowledge, followed by St. Louis County.

Commissioner Kirchoff stated he has heard various complaints over the years; and he believes, for the most part, that Chesterfield is on par with other municipalities in this regard. It is his belief that municipalities are, generally, a little slower than St. Louis County. We should be better, if possible; however, we don't deserve the criticism often leveled at the City. He further stated that, before we proceed with any committee, we should identify if there is a real problem (i.e., obtain input from other people, such as Glen Borgard, who work with other municipalities).

Chairman McGuinness summarized the current Planning Commission process, noting the streamlining already achieved, and stated that any additional changes to the process would be up to the City Council (i.e., the P & Z Committee process).

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

Commissioner Dalton stated that he believes the developer's do not like the fact that the process includes input from citizens. He believes the developer's look upon this as a problem which slows down the process. He noted a flow chart was put together to aid developers/petitioner's in their understanding of the process. He believes the process (45 days) does not need to be changed.

Commissioner Broemmer stated he believes the process gives the City valuable time to make informed/quality decisions. He further stated that he would much rather receive complaints from a developer than a resident.

Director Duepner stated the petitioner does not have to make their application acceptable to the Department to be on the agenda, they just have to meet the submittal requirements.

City Attorney Beach noted, in defense of the Department, that many times the Planning Department receives submittals in the eleventh hour, and the petitioner demands we get them on the docket. There are some developers who have been in this process for years and continue to submit last-minute applications, but complain to the City when they don't make the docket. The Department makes every effort to get them on the agenda, sometimes dropping a lot of work to achieve this.

Chairman McGuinness complimented the Planning Department.

The Planning Commission members present concurred.

Commissioner Brown noted the meetings between residents and developers are important, in that they save time in the long run by working out problems before presenting their request before the Commission.

Commissioner Domahidy noted the part of the consultant's work is going to be to look at the current process. Therefore, we will get a perspective from that view, as well.

Commissioner Brown inquired whether or not St. Louis County has passed the tree ordinance.

Director Duepner noted they had not; however he will get a copy of what they have put together and pass on this information to the Commission.

## COMMITTEE REPORTS

- A. **Ordinance Review Committee** - No report.
- B. **Architectural Review Committee**

A meeting was set for Tuesday, November 9, 1993, at 8:00 a.m, in the City Council Conference Room. The purpose of the meeting is to enable the Committee to reach closure on the Guidelines.

**C. Site Plan/Landscape Committee**

Commissioner Domahidy stated Commissioner Kirchoff left a note that the Landscape Committee will meet some time the latter part of November. A date will be set later.

Senior Planner Laura Griggs-McElhanon stated she gave a draft of a letter to be sent out with the Industrial Landscape Guidelines to Commissioner Kirchoff, which she hasn't received back yet. The Committee was just beginning to start reviewing Institutional Landscape Guidelines.

Chairman McGuinness directed the Department to get in touch with Commissioner Kirchoff and set a meeting.

**D. Comprehensive Plan Committee**

Commissioner Domahidy stated this Committee has been on hold.

Chairman McGuinness directed a meeting be set for this Committee.

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

Director Duepner pointed out to the Planning Commission that this Wednesday night, at 7:00 p.m., here, there is a public meeting on the Parks Plan. This is Phase II of the Parks Plan being conducted by the Citizen's Parks and Recreation Advisory Committee, as well as Booker, who has been retained as a consultant for the Parks Study. He urged the Commission to attend.

The meeting adjourned at 9:17 p.m.

  
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Walter Scruggs, Secretary

[MIN10-25.093]