

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: January 9, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary – **January 5, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, January 5, 2006 in Council Chambers.

In attendance were: **Chair Mike Casey** (Ward III); **Councilmember Jane Durrell** (Ward I); **Councilmember Connie Fults** (Ward IV); and **Councilmember Bruce Geiger** (Ward II).

Also in attendance were Councilmember Barry Streeter, Ward II; Councilmember Mary Brown, Ward IV; Stephanie Macaluso, Planning Commission Chair; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Kyle Dubbert, Project Planner; Nick Hoover, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Casey called the meeting to order at 5:32 p.m.

I. APPROVAL OF MEETING SUMMARY

Councilmember Fults made a motion to approve the Meeting Summary of **December 12, 2005**. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of **4 to 0**.

II. OLD BUSINESS

- A. **Justus Pointe at Chesterfield Village**: Amended Site Development Concept Plan, Landscape Plan, Lighting Plan for a 3.3 acre parcel located East of Justus Post Road at the intersection of Justus Post Road and Milbridge Drive.

And

- B. **Justus Pointe at Chesterfield Village**: Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Section Plan for a 2.31 acre parcel located East of Justus Post Road at the intersection of Justus Post Road and Milbridge Drive.

Project Planner Nick Hoover gave a history of the subject project:

- In 1973, St. Louis County approved Ordinances 6814 and 6815, which changed the zoning from “NU” to “R6/PEU”. Conceptual plans were approved at that time, which showed 160 units being designated for two parcels of land at the subject location.
- In August, 1996, the City of Chesterfield approved Ordinance 2021, which incorporates a series of amendments made to the original Ordinances - making one ordinance. Ordinance 2021 is the governing Ordinance for the subject site.
- The project was held by the Planning Commission on September 12, 2005 due to a number of pending issues.
- On November 28, 2005, the Planning Commission approved the Amended Site Development Concept Plan and Landscape Plan with the deletion of Building #7. The motion was amended to include the notification of surrounding residents of all future amendments to the Concept Plan. The motion passed 6-2.
- At their November 28, 2005 Meeting, the Planning Commission also approved the Site Development Section Plan, Landscape Plan, Lighting Plan, and Architectural Elevations, with the elimination of Building #7, by a vote of 6-2.

Information regarding the current proposal:

- Includes six multi-family units with a total of 48 units.
- The site will be accessed via Milbridge.
- The proposed exterior finishes are brick, stone, vinyl siding and asphalt shingle.
- The project was reviewed by the Architectural Review Board and approved by the Planning Commission.

Planning Commission Report

Planning Chair Stephanie Macaluso stated that the Planning Commission originally held the project because of issues related to the number of units being proposed for the site and because of parking concerns. The elevations have been revised since the first submittal. Regarding parking, she noted that because of the type of zoning on the site, the Planning Commission could not do too much since the proposed parking fell within the requirements of the overlay zoning. With the elimination of Building #7, Mr. Bruno had agreed to include parking in this area. The two Commissioners who voted against the project felt there were too many units being proposed for the site.

Comparison of Other Bruno Home Sites to Justus Pointe

At the suggestion of Mr. Bruno, Councilmember Geiger stated that he and Mike Watson, President of the Chesterfield Village Association, visited two other sites built by Bruno Homes – one on Lindell and one on Waterman. Both sites are sandwiched between large streets designed for parking and moving a lot of traffic. The buildings are larger than, or equal to, the size being proposed for Justus Pointe. The buildings are located between commercial and retail operations, and next to a lot of asphalt parking lots. The backs of the units are masses of vinyl and an array of garage doors. The buildings are situated so that only the fronts are seen from Lindell and Waterman.

Councilmember Geiger stated that the Justus Pointe site is surrounded by a lake, a recreation center with pool, single-family attached homes, Chesterfield Parkway, and

Justus Post Road. He noted that Justus Post Road is quite different than Lindell and Waterman regarding traffic and parking. All four sides of the buildings will be visible as opposed to just the front elevation.

Chesterfield Village Association (CVA)

Councilmember Geiger pointed out that both Sycamore and Oak subdivisions are part of CVA. CVA has its own indentures and recreation facility. The Justus Pointe project would be part of the CVA Indentures. The Trustees of the CVA have some serious concerns about the proposed development, which they feel have not yet been addressed.

Vision for the Area

Councilmember Streeter stated that while the proposal meets the zoning requirements established by St. Louis County in 1973, a different vision was held for Chesterfield in 1973 than the vision today. He felt the vision of 1973 no longer applies to this area and that the proposed project should be consistent with the surrounding areas. He is looking for a very high-quality development for this site and has concerns that the proposed development does not fit this vision.

Developer's Presentation

Mr. Richard Bruno, President of Bruno Homes, addressed the Committee stating the following:

- The site is owned by Sachs Properties and is adjacent to commercial properties, single-family, multi-family, multi-family rental, pool house, the Mall, and Monarch Trace with carports.
- The project includes six 8-unit buildings. Each building will have 4 one-level, 2-bedroom/2-bath units; and 4 two-level 3-bedroom/2-1/2 bath townhomes. The townhomes are accessed through an enclosed stairwell.
- The basement level is the garage level. The cars are below the living units. There are eight garage doors at the back of the building. The common stairwell also goes down to the garage level.
- Two buildings will face Justus Post, three buildings will face Milbridge, and one building will face the lake inlet near the rec building.
- They have met with Staff, residents and special-interest groups. They believe they have addressed all the concerns expressed through their correspondence with the City.

Councilmember Streeter noted that Justus Pointe residents will become part of the CVA and will be allowed to use the rec center and pool. He asked Mr. Bruno what amenities Justus Pointe would bring to the area. Mr. Bruno responded that the Justus Pointe residents would be paying approximately \$75,000/year through monthly assessments, which could be spent on amenities.

Parking

Mr. Bruno stated that the parking requirement for the site is 1.5 spaces/unit, requiring 72 spaces. The project has oversized garages under each home, which will accommodate two vehicles, providing 96 spaces. The project also includes 33 outside parking spaces - for a total of 129 spaces. The proposal exceeds the parking requirements by 57 spaces. If

the garages would be used for only one vehicle, they exceed the parking requirements by 9 spaces. In addition, there is parking behind the garage doors, which has not been included in the parking count.

Councilmember Geiger pointed out that the garage parking is “tandem parking”, which requires that two vehicles be parked back-to-back as opposed to side-by-side. He does not feel tandem parking should be counted as two spaces. The Hayden project on Conway and the Stonehill development in Chesterfield have tandem parking, which differ from the tandem parking being proposed for Justus Pointe. These developments have side-by-side parking for two cars and a third-car option, which would be tandem parking.

Councilmember Geiger expressed concern that the proposed tandem parking would result in cars being parked along Justus Post, which is not designed for a lot of parking or traffic.

Councilmember Geiger stated that in Phase I, there are 17 street parking spaces inside of the project; there are 8 parking spaces on Milbridge; and if tandem parking is counted as one, there are 48 garage parking spaces – totaling 73 spaces, which meets the 1.5 spaces/unit minimum parking requirement of 72 spaces. He noted that the new multi-family project of Monarch Trace has 2 spaces/unit.

Councilmember Geiger stated that the elimination of Building #7 would allow for 8 more parking spaces. He noted, however, that this is not necessarily permanent parking as development could be allowed under Phase II, which could possibly eliminate these 8 parking spaces.

Chair Casey summarized that the project does meet the parking requirements for the district and noted the concerns expressed about tandem parking.

Mr. Bruno stated that he has seen tandem parking work since most people prefer to have their vehicles in a secured, enclosed place.

Councilmember Streeter stated that Buildings 1, 2, 3, and 6 have little access to the off-street parking and expressed concern about visitor parking for these buildings.

Landscape Plan

Councilmember Geiger asked if any trees would be lost as a result of some of the buildings being moved. Mr. Bruno indicated that no trees would be removed.

Presentation by Attorney for Sachs Properties

Mr. Greg Smith, Attorney for Sachs Properties, addressed the Committee stating the following:

- The proposed development is the continuation of a Planned Environmental Unit, originally approved by St. Louis County, and then by the City.
- The plan was a very broad, visionary plan for a then-completely undeveloped piece of property. This plan continues to be carried out today.

- The plan called for the development of a series of amenities, such as the lake. The amenities associated with both Oak and Sycamore subdivisions were anticipated, from the very beginning, to accommodate a variety of properties and a variety of uses.
- Sachs Properties has been carrying out this plan for 30 years, and continues to carry out this plan, which they feel is still very relevant and very appropriate for the environment in which it exists.
- There were a variety of densities called for by this plan, which were well-thought through and re-affirmed by the City in 1996.
- The developer has chosen to greatly reduce the density for this site and tried to be responsive to the concerns of the residents.
- Speaker encouraged the Committee to approve the continuation of the plan that has long been in development..

Presentation by Residents

Mr. Don Gravelin, President of Sycamore subdivision and Board Member of CVA, addressed the Committee stating the following:

- He represents the concerns of 148 homeowners.
- Their subdivision lies at the heart of the City.
- They feel that STAGES, the library, City Hall, the Butterfly House, the YMCA, and the sculptures throughout the City are the envy of neighboring cities.
- They feel that putting 48 units on 2.4 acres in Phase I does not enhance the City's focal point.
- They feel there is a better solution for the location. They feel 36 two-story townhouses would be more appropriate for the site.

Mr. Pat Plunkett addressed the Committee stating the following:

- He expressed concern that the inlet would be silted over and lost during the construction process.
- He expressed concern that the tree line would be impacted during construction through root damage.
- He left photographs of the site with the Committee asking them to insure that the site remains "as is" after the construction process is complete.

Mr. Jim Cook, Chairman of the Architectural Control Commission of the CVA, addressed the Committee stating the following:

- There has been no attempt on the part of the developer to contact the Architectural Control Commission, which has jurisdiction over the buildings, color schemes, etc. of Oak, Sycamore, and the proposed Justus Pointe.
- The CVA covenants include a restriction, which does not permit any parking on the streets within the two subdivisions. The streets are not wide enough for parking, which would interfere with emergency vehicles. Adequate off-street parking has been provided for the subdivisions.
- He questioned how 8 parking spaces on Milbridge could be assigned to Justus Pointe without any input from the residents of Oak, who currently cannot park on Milbridge.

Councilmember Geiger asked if the City gets involved with private indentures, such as those in CVA. Ms. Price, Director of Planning, stated that, as a rule, the City does not enforce private indentures.

Mr. Greg Smith, Attorney for Sachs, stated that he disagrees completely with the statement made regarding the CVA Board's authority to have architectural control over the proposed development.

Issues

1. Respond to the tree line concerns expressed by Mr. Plunkett.
2. Respond to the lake siltation concerns.
3. Provide information on the City's definitions of "street", "driveway" and "parking lot".
4. Provide comments from Public Works as to why the City does not require roads throughout the subject area to be brought up to Chesterfield street standards.
5. Provide color elevations of the front, side and rear of the proposed buildings.
6. Include language on the Site Plan that would prohibit construction traffic on Milbridge.
7. Include language on the Site Plan that would prohibit construction parking on Milbridge.
8. Include language on the Site Plan requiring the clearance of mud and debris from the streets during construction.
9. Review language requiring building lines that would protect trees.
10. Provide language stating that the 8 additional parking spaces in Phase II are permanent and cannot be counted towards any future development.
11. Provide comments from Public Works regarding "street" vs. "parking lot".

Councilmember Geiger asked the Committee to consider that the proposed project includes multi-story buildings with stairwells as opposed to elevators. He felt that the City could be doing a lot better project-wise for this location.

Councilmember Geiger made a motion to hold Justus Pointe at Chesterfield Village until the January 19, 2006 meeting. The motion was seconded by Councilmember Fults.

Councilmember Durrell suggested that the project be moved forward to Council instead of holding it. She felt that the Committee's issues could be addressed at the next Committee Meeting but then new concerns could be raised by Council members not at this meeting, which would delay any vote on the project. She felt that it could be held at the Council stage if necessary.

Vote on the motion to hold **passed** by a voice vote of 3 to 1. (Councilmember Durrell voted "no".)

[At this point, the meeting moved to and re-convened in Conference Room 101.]

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

Chair Casey stated that the Attorney for P.Z. 15-2005 has asked that this item be held.

Councilmember Fults made a motion to hold P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park). The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Councilmember Durrell asked the name of the main street going north as she has seen two different names for it. Mr. Doster replied that it is Trade Center Boulevard North.

III. NEW BUSINESS

- A. **P.Z. 22-2005 Wings Corporate Estates**: A request for rezoning from “NU” Non Urban to “PI” Planned Industrial District for 3 parcels totaling 36.6-acres, located on the east side of Eatherton Road, south of Olive Street Road and on the north side of Wardenburg Road (LOCATOR NUMBERS 18W-43-0057, 18W-44-0067, 18W-53-0025)

Project Planner Kyle Dubbert stated that the project was approved by the Planning Commission by a vote of 9-0 at its December 12, 2005 meeting. The project was forwarded to the Planning & Zoning Committee with the recommendation to add language regarding screening for outdoor equipment, which has been added to the Attachment A on page 3 in Section C.2.(ttt) and on page 7 in Section J.5.

Staff recommended changes to Setbacks regarding lots 15 and 16, as shown on page 4, Section E.1.b. and on page 5, Section E.2.b. of the Revised Attachment A.

DISCUSSION POINTS

Open Space

Open space requirements are 50% until the improvements are in place. Once the improvements are in place, open space is 30% for the overall development.

Permitted Uses

The permitted uses which the Airport asked to be eliminated have all been removed. Planning Chair Macaluso noted that the petitioner limited the uses quite extensively.

Councilmember Durrell asked why the permitted uses of “golf practice driving ranges” and “fishing tackle and bait shops” were removed. She felt the site was appropriate for both these uses. Planning Chair Macaluso stated that the Petitioner removed these uses.

Proposed Attachment A Amendments

Mr. Doster stated that the site abuts St. Louis County property and it is very likely that at some point, St. Louis County will accept the dedication of these streets as public streets and will accept the maintenance of them. He proposed the following addition (in bold) to page 8, Section I.L.4. of the Attachment A:

*“All streets within this development shall be private and remain private forever **unless accepted as public streets by a governmental agency.**”*

Mr. Dubbert stated that Brian McGownd of Public Works reviewed the proposed language and had no issue with it.

Councilmember Fults made a motion to amend Section I.L.4 of the Attachment A as noted above. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

Mr. Dubbert stated that Wardenburg Road is a 20’ wide fire lane. The setbacks approved by Planning Commission are 20’ from the southern property line of the development, which would result in having the setback right next to the fire lane. Staff recommends that the setbacks be amended in the Attachment A, Section I.E.1.b and I.E.2.b as follows:

E.1.b: Structure Setbacks:

“Twenty (20) feet from the southern boundary of the Planned Industrial District.

- *For lots 15 and 16 the setback is ten (10) feet from the northern line of the fire lane right of way known as Wardenburg Road.”*

E.2.b: Parking and Loading Setbacks:

“Five (5) feet from the southern boundary of the Planned Industrial District.

- *For lots 15 and 16 the setback is five (5) feet from the northern line of the fire lane right of way known as Wardenburg Road.”*

Councilmember Geiger made a motion to approve the proposed setbacks above for a Green Sheet. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4 to 0.

Chair Casey asked for a vote on forwarding P.Z. 22-2005 Wings Corporate Estates to Council with a recommendation for approval, which **passed by a voice vote of 4 to 0.**

Note: One bill, as recommended by the Planning Commission, will be needed for the January 18, 2006 City Council Meeting. See Bill #

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 22-2005 Wings Corporate Estates.]

B. P.Z. 26-2005 Chesterfield Ridge Phase Two (Kemp Homes): A request for a change of zoning from “NU” Non-Urban District to an “R-5” Residence District for 2.60 acre tracts of land located southeast of Clarkson Road, south of Chesterfield Ridge Road. (19T32-0039 & 19T32-0017)

And

C. P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes): A request for a Planned Environment Unit (PEU) Procedure within an “R-5” Residence District for 10.97 acre tracts of land located southeast of Clarkson Road, south of Chesterfield Ridge Road.
(19T320039, 19T320017, 19T320743, 19T320754, 19T320732, 19T320501, 19T320512, 19T320523, 19T320534, 19T320545, 19T320556, 19T320765, 19T320721, 19S110567, 19S110699, 19T320578, 19S110688, 19S110701, 19S110666, 19T320589, 19S110655, 19T320590, 19S110644, 19T320600, 19S110633, 19T320611, 19S110622, 19T320622, 19T320710, 19T320633, 19T320701, 19T320644, 19T320699, 19T320655, 19T320688, 19T320666, 19T320677, 19T320039, 19T320017)

Project Planner Nick Hoover stated that the Planning Commission recommended approval by a vote of 9-0 with the following amendment (in bold) to Section I.L.4. of the Attachment A:

*“Provide a five (5) foot wide sidewalk, conforming to St. Louis County ADA standards, adjacent to Clarkson Road and along both sides of the proposed internal drive (as shown on the Preliminary Plan). **Said sidewalk shall be constructed in such a way to preserve Tree No. 12 as delineated on the Tree Stand Delineation.** The sidewalk may be located within State right-of-way or within a six (6) foot wide sidewalk, maintenance and utility easement on the subject property.”*

Staff recommends the following amendment (in bold) to Section I.K.4 of the Attachment A:

*“A cross access easement instrument shall be executed to allow for ~~two~~ **points one point** of access to the southern parcels to form a loop from the main internal drive as directed by the City of Chesterfield.”*

DISCUSSION POINTS

Siltation Concerns

Recognizing the concerns of the neighboring residents about lake siltation, Chair Casey asked if the language in the Attachment A addresses these concerns. Ms. Price stated that the language was written by the Department of Public Works.

Erosion

Chair Casey asked if the use of fast-germinating annual grasses is adequate to retard erosion, as stipulated in Section I.R.5 of the Attachment A. Mr. Teitelbaum of Kemp Homes responded that the SWPPP requirements, along with Public Works requirements, should provide adequate protection from erosion. He further stated that they are putting up a bond to protect the lake, which will not be released until after Phase II.

Off-Street Construction Parking

Chair Casey asked where construction parking would take place. Mr. Teitelbaum replied that this would depend upon the stage of construction. Sometimes temporary turn-arounds are put in for parking purposes. Parking could also be provided on the temporary rock wash-off area.

Blasting

Mr. Teitelbaum indicated that blasting is not anticipated for this project.

Residents' Concerns

Mr. Marshall Galliers expressed concern about his subdivision's wetlands area being affected by the proposed development's storm water. He questioned whether he needs to contact MSD and the City's Engineer about his concerns or whether the Committee could address his concerns.

Mr. Teitelbaum stated he is agreeable to submitting a design that is acceptable to Mr. Galliers but that MSD and the engineers will dictate the final design for storm water drainage.

Automatic Power of Review

Councilmember Geiger made a motion to include Automatic Power of Review in the Attachment A. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4 to 0.

Road Improvements

Councilmember Durrell noted that road improvements are to be completed at 60% occupancy and asked if the improvements could be done at an earlier date. Mr. Teitelbaum replied that more than 60% of the development is already developed.

Guest Parking

It was noted that there is a small parking lot for guest parking. The street and driveways can also be used for guest parking.

Amendment of Attachment A

Councilmember Fults made a motion to amend Section I.K.4 of the Attachment A as follows:

*“A cross access easement instrument shall be executed to allow for ~~two~~ **one point** of access to the southern parcels ~~to form a loop road~~ from the main internal drive as directed by the City of Chesterfield.”*

The motion was seconded by Councilmember Durrell and **passed** by a voice vote of **4 to 0**.

Councilmember Fults made a motion to forward P.Z. 26-2005 & P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes) to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and **passed** by a voice vote of **4 to 0**.

**Note: Two bills, as recommended by the Planning Commission, will be needed for the January 18, 2006 City Council Meeting.
See Bill #
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 26-2005 & P.Z. 27-2005 Chesterfield Ridge Phase Two (Kemp Homes.)

D. P.Z. 13-2005 Stallone’s Formal Wear (Phillip & Candace Stallone): A request for rezoning from “R-3” Residence District to “PC” Planned Commercial district for a .42-acre parcel located on the south side of Conway Road, 700 feet west of its intersection with Chesterfield Parkway East. (LOCATOR NUMBER 18S22-0050)

Ms. Anissa McCaskill-Clay, Assistant Director of Planning, stated that the petitioner proposes using the existing building, with a slight expansion, for a tuxedo business. The site currently includes another building, which will be demolished. The Planning Commission recommended approval by a vote of 9-0 at its December 12, 2005 meeting.

The Landscape Architect has provided a letter indicating that they will be able to comply with the buffering requirements as mandated by the Tree Manual.

The site has 1-2 parking spaces over the requirement.

Councilmember Geiger made a motion to forward P.Z. 13-2005 Stallone’s Formal Wear (Phillip & Candace Stallone) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of **4 to 0**.

**Note: One bill, as recommended by the Planning Commission, will be needed for the January 18, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 13-2005 Stallone's Formal Wear (Phillip & Candace Stallone).

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 7:55 p.m.