

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: September 12, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary
September 11, 2006

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Monday, September 11, 2006 in Conference Room 101.

In attendance were: **Councilmember Mary Brown (Ward IV); Councilmember Barry Flachsbart (Ward I); Councilmember Barry Streeter (Ward II); and Councilmember Dan Hurt (Ward III).**

Also in attendance were Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; Maurice L. Hirsch, Jr., Planning Commission Chair; Planning Commissioner Wendy Geckeler; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Teresa Price, Director of Planning; Mara Perry, Senior Planner; Aimee Nassif, Senior Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 7:30 a.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the August 24, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of August 24, 2006. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 to 0.** (Councilmember Hurt was not available for the vote.)

II. OLD BUSINESS

- A. **P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center):** A request for a change of zoning from "NU" Non-Urban to "E-Half Acre" Estate District for a 2.245 acre tract of land located north of Wild Horse Creek Road and west of Long Road. (18V510017&18V510095).

Staff Report

Ms. Aimee Nassif, Senior Planner, reported that Staff received a phone call late in the day on August 30th from the Petitioner's new engineer regarding the green sheet amendments. Public Works began re-reviewing the plans to determine how the green sheet amendments affected the Petitioner's road improvements and access. After this review, it was determined that several items needed to be changed. On September 5th, a meeting was held with the Petitioner and Public Works to work through all the issues. The written report was forwarded to the City Attorney for review. The final report was then available for City Council late September 6th. Because of the last-minute changes, City Council asked that this item be held and returned to the Planning & Zoning Committee for review.

Ms. Nassif stated that the changes are necessary in order to build the site as presented. The changes are as follows: **(Changes in red)**

AMENDMENT 1 STRUCTURE SETBACKS, page 2

- a. ~~One hundred seventy five (175)~~ **One hundred fifty (150)** feet from the right-of-way of Wild Horse Creek Road on the southern boundary of the E ½ Acre District.

AMENDMENT 2 PARKING SETBACKS, page 3

No parking stall, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. ~~Three hundred and fifty five (355)~~ **Three hundred (300)** feet from the right-of-way of Wild Horse Creek Road.

AMENDMENT 3 ACCESS/ACCESS MANAGEMENT, page 5

2. ~~Access to Wild Horse Creek Road shall be limited to one street approach. The street approach intersection shall be aligned directly across from Chesterfield Elementary School entrance or as directed by the Missouri Department of Transportation and the City of Chesterfield. No direct access from any lot shall be permitted.~~ **The main entrance to the subject site shall be on the north side of the development from a planned roadway loop that is to intersect Wild Horse Creek Road near Wild Horse Parkway and near Greystone Manor Parkway.**

AMENDMENT 4 ACCESS/ACCESS MANAGEMENT, page 5

3. ~~The entrance should be lined up with the four leg of the intersection at the signal, with additional signal improvements to the signal.~~ **One entrance to Wild Horse Creek Road shall be permitted until such**

time that access to the site is provided on the north side. The entrance shall be aligned directly across from the Chesterfield Elementary School entrance and provide for two way traffic, with a second outbound lane at least one hundred (100) feet in length, as directed by the Missouri Department of Transportation and the City of Chesterfield. The developer shall be responsible for making any required improvements to the existing signal at this location at the time the property is developed. As soon as access is provided on the north side, the entrance to Wild Horse Creek Road shall be closed, unless such access is required by the Monarch Fire Protection District. If required, such access shall be gated for use only by the Fire District, and any excess pavement not required by the Fire District shall be removed and restored to green space. An Amended Site Development Section Plan and Amended Landscape Plan for the revised entrance area, in accordance with the requirements of this governing ordinance, shall be required at that time.

**AMENDMENT 4
ACCESS/ACCESS MANAGEMENT, page 6**

5. A maximum of two drives ~~entrances~~ shall be permitted along the north/south roadway **primary entrance**. ~~The closest entrance to Wild Horse Creek Road shall be a minimum of 275 feet as measured from the centerline of the entrance to the Wild Horse Creek Road right of way.~~

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6. ~~Cross access shall be provided on all three (3) sides of the development.~~ **Cross access shall be provided to adjacent parcels, as well as to those parcels that will access the future planned roadway loop, as directed by the Department of Public Works.**

**AMENDMENT 6
PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION, page 6**

3. Install streetlights and street trees along both sides of the **future roadway loop** ~~north/south roadway and along the north side of Wild Horse Creek Road~~ as directed by the City of Chesterfield.

**AMENDMENT 7
PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN
CIRCULATION, page 7**

Add the following to the end of Section L.:

Provide required right of way, pavement, and appurtenant storm drainage facilities, as directed by the Department of Public Works, for that part of a roadway loop that is planned to be located near the north side of the development and is to intersect Wild Horse Creek Road near Wildhorse Parkway and near Greystone Manor Parkway.

**AMENDMENT 8
PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN
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10. Provide a five foot wide sidewalk, conforming to ADA standards, along the east/west connector roadway **future roadway loop** as directed by the City of Chesterfield.

**AMENDMENT 9
PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN
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Delete Items: L.1, L.2, L.12, L.13, and L.14.

- ~~1. Provide a 40 foot right of way, with 10 foot minimum roadway improvement, maintenance, utility, drainage and sidewalk easements on both sides from Wild Horse Creek Road to the northern property lines. The centerline radius shall be a minimum of 275 feet. Construct a minimum of 26 foot pavement with seven foot shoulders on both sides and appurtenant storm drainage facilities as required by the City of Chesterfield Department of Public Works.~~
- ~~2. Additional widening shall be provided to accommodate for two outbound traffic lanes and for one inbound traffic lane at the intersection with Wild Horse Creek Road. The pavement widening shall continue for a minimum distance of 100 feet as required by the Missouri Department of Transportation (MoDOT) and the City of Chesterfield's Department of Public Works.~~
- ~~12. At the time of development of both 17655 Wild Horse Creek Road and the internal roadway system and once access to this site is provided elsewhere, the access on Wild Horse Creek Road for this subject site is to be closed, unless required by Monarch Fire District, which will then be a gated access for the Fire District only, and the rest to be restored to green space.~~

~~13. The main entrance to this subject site shall be at the back side of the development adjacent to the parking lot.~~

~~14. An amended Site Development Section Plan and Amended Landscape Plan in accordance with the requirements of this site governing ordinance shall be submitted to the Department of Planning for the entrance area.~~

**AMENDMENT 10
SETBACKS, page 3**

2. Parking Setbacks

No parking stall, ~~internal driveway~~, or roadway, except points of ingress and egress, will be located within the following setbacks.

Councilmember Streeter made a motion to forward P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center) to City Council with a recommendation to approve, as amended. The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

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

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center)].

III. NEW BUSINESS

A. Briarcliffe Villas Site Development Plan: Site Development Plan and Landscape Plan for a 29.43 acre parcel zoned "R-3" PEU. The site is located north of Olive Boulevard, east of the intersection with Hog Hollow.

Staff Report

Ms. Mara Perry, Senior Planner, stated that the subject Site Development Plan has Automatic Power of Review. The site includes 82 single-family attached and detached homes. The Plan was approved by the Planning Commission by a vote of 8 to 0 with the condition that additional landscaping be provided around the fire gate as approved by the Department of Planning.

DISCUSSION

Trees along the Eastern Boundary of the Site

Councilmember Durrell asked how many large trees would be saved along the eastern property line. Ms. Perry stated that the plan indicates that seven existing trees are to be preserved.

The Petitioner, Mr. Hardesty of Hardesty Homes, replied that eight trees are located in a cut area, where dirt is being cut down to a slope. It is their intention to try and save as many trees as possible; however, as the slope is created, it is possible that some trees may not be able to be saved. It was pointed out that many of the trees in this specific area are not on the subject property – these trees will not be touched. Mr. Hardesty invited Ms. Durrell to walk the site with him when the trees are flagged.

Councilmember Flachsbart made a motion to forward the Site Development Plan and Landscape Plan for Briarcliffe Villas to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

Note: This is a Site Development Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on Briarcliffe Villas.]

- B. Fox Hill Farms Site Development Plan:** A Site Development Plan, Architectural Elevations, and Landscape Plan for a 40.08 acre lot of land zoned E-Half Acre “Residence District” located 1700 feet south of Wildhorse Creek Road and 250 feet west of Wilson Road.

Staff Report

Ms. Mara Perry, Senior Planner, stated that Automatic Power of Review was requested for the Site Development Plan. It was approved by the Planning Commission by a vote of 8 to 0 on August 28, 2006. The proposal includes 34 single-family detached residential homes. The Landscape Plan is in compliance with the City’s requirements.

DISCUSSION

Road Extension into Eagle Bluff Court

Landscaping will be provided in this location. The Petitioner has been working with the Department of Public Works on the proper connection coming into the cul-de-sac area.

Entrance into Subdivision

The subdivision entrance will have a gated entrance with a waterfall on both sides of the entrance. There will be one sign at the entrance.

Councilmember Fults asked that pictures of the proposed waterfalls be presented at the City Council meeting.

Councilmember Streeter made a motion to forward the Site Development Plan, Architectural Elevations, and Landscape Plan for Fox Hill Farms to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

Note: This is a Site Development Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on Fox Hill Farms.]

- C. St. Luke's Hospital - CV-ICU Addition Site Development Section Plan:** A Site Development Section Plan, Architectural Elevations, and Landscape Plan for a section of a 55 acre lot of land zoned "MU" Medical Use District located at the southwest corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Staff Report

Ms. Mara Perry reported that this project has automatic Power of Review. It was approved by the Planning Commission on August 28, 2006 by a vote of 8 to 0.

The addition is 22,000 sq. ft. The existing helipad had to be relocated, which necessitated some minor landscaping and lighting changes. The parking lot area has been re-configured. The plans are in compliance with landscaping, lighting, and parking requirements.

The elevations were approved unanimously by the Architectural Review Board.

Councilmember Streeter made a motion to forward the Site Development Section Plan, Architectural Elevations, and Landscape Plan for St. Luke's Hospital - CV-ICU Addition to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

Note: This is a Site Development Section Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on St. Luke's Hospital - CV-ICU Addition.]

- D. P.Z. 05-2006 Barry Simon Development (Tuscany Reserve):** A request for a change of zoning from “LLR” Large Lot Residential to “E-One Acre” Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Staff Report

Ms. Aimee Nassif, Senior Planner, stated the proposal includes 45 homes on 58.1 acres with a density of one acre. The Public Hearing was held on March 13, 2006 where issues were raised concerning compatibility with surrounding developments relative to density, as well as compatibility and consistency with the Comprehensive Plan.

The petition was passed by the Planning Commission by a vote of 5 to 3. Changes to the Attachment A include:

- Restriction of any non-single family uses.
- Adding a 50’ landscape buffer around the northern boundary of the property.

Planning Commission Report

Planning Commission Chair stated that the five Planning Commissioners who voted in favor of the project did so because:

- It is in compliance with the Comprehensive Plan’s designation of one-acre density.
- It meets the requirements of the E-District Ordinance under which it was filed.
- It fits in with Westland Acres to the west.
- It seems to include fairly large lot sizes overall, including four three-acre lots.

The three Commissioners, who voted against the project, did so because:

- Some felt it should not change from “LLR” and should remain at three-acre density.
- Some felt this development was not a good “gateway” into Chesterfield coming up Kehrs Mill Road.
- Some felt that most of the surrounding developments are three acres as opposed to one acre.
- Some felt the development was not compatible with developments in the contiguous cities of Wildwood and Clarkson Valley.
- Some felt that the statement of surrounding developments being one-acre was misleading given that there are some lots which are not part of subdivisions and that the balance of the Linda Vista property remains “LLR”.
- One Commissioner felt that the one-acre density was acceptable but preferred larger setbacks along Kehrs Mill Road; fewer lots of a larger size; and felt it would change the character of Kehrs Mill Road in this area.

DISCUSSION

Zonings of Surrounding Developments

Ms. Nassif outlined the zonings of the surrounding developments:

- Pacland Place is zoned “NU” with three-acre density.
- Estates of Pacland Place is zoned “NU” with three-acre density.
- Westland Acres is requesting a rezoning to “One-Half Acre” with a one-acre density.
- The City of Wildwood has three-acre zoning and one-acre zoning.
- Country Place is zoned “R1”.
- Pacland Place Addition is three acres.
- Linda Vista School is zoned “LLR”.
- There is one lot owned by Monks, which is not part of a development and which has not been platted.

Councilmember Fults pointed out that there are four lots (lots 8, 9, 37, & 38) in the center of the proposed development that must remain three acres in size because these lots are part of the Pacland Place Indentures. It was noted that these four lots are specifically called out in the Attachment A.

Roads

All the roads are public roads.

The cul-de-sac street is approximately 1200-1300 feet in length. The Petitioner received a variance for the length of the cul-de-sac after meeting with the Department of Public Works. Monarch Fire, along with all the applicable Agencies, approved the cul-de-sac length based on the inclusion of a gated emergency-only access.

Drainage

All drainage will be directed to two wet retention ponds to be created.

Lot Sizes

The minimum lot size is 22,000 sq. ft. There are 21 lots less than one acre and 24 lots one acre or larger.

Comments from Councilmember Fults:

Councilmember Connie Fults, Ward IV, expressed concern about the following items:

- The large-lot character of the area being changed by allowing one-acre zoning.
- Setbacks: She felt the 60’ setback along Kehrs Mill and the 30’ setback from Linda Vista School are not large enough; that the larger setbacks in Pacland Place and Pacland Estates should be taken into consideration when establishing the subject project’s setbacks; and that all the setbacks throughout the whole development should be consistent.

Large Lot Residential (LLR) Zoning

Mike Doster, Attorney for the Petitioner, gave background history on the “LLR” zoning:

- The zoning was not done at the request of property owners or petitioners; it was done at the request of the City.
- The impetus of the zoning came from a site plan expansion request from Linda Vista School, which was currently zoned “NU”; however the Courts have ruled that “NU” is an inappropriate category in which to keep property. Linda Vista School, at the request of the City, agreed to the “LLR” zoning.
- The preamble in the Zoning Ordinance for “LLR” states: “LLR is suitable where no public infrastructure is available or desirable.” Mr. Doster noted that this would describe Pacland Estates and Caulks Creek Ridge; however, the proposed development will have public infrastructure.

Councilmember Fults asked that the LLR zoning be researched. She stated that she has had conversations with a former Council member, who has a different viewpoint on how the “LLR” zoning got placed on the subject area.

LLR vs. Estate Zoning:

- The Estate District is a planned environment while LLR is not.
- The Estate District has more requirements for buffering and setbacks than LLR.
- LLR has larger density than the Estate District.
- LLR is straight zoning and there are no specific development criteria.
- LLR requires three-acre lot sizes.

Comments from Trustee of Pacland Place

Mr. Charlie Macaluso, Trustee of Pacland Place, stated that the Pacland Place residents are objecting to the proposed development based on how it will change the character of the area. He stated that, excluding Westland Acres, 93% of the properties that touch the proposed project are three acres or larger. Many of the abutting parcels are in the flood plain and range in size from 3-12 acres. These lots cannot be subdivided because of being located in the flood plain.

Comments from Planning Commissioner Geckeler

Commissioner Wendy Geckeler pointed out that while the neighboring subdivision of Country Place is one-acre density, it has a detention pond and gated fire entrance providing a pastoral scene. The houses are not seen from the road. The homes from the proposed development will be seen from the road.

She felt that having the four three-acre lots in the middle of the proposed development raises consistency issues.

She referred to an aerial view showing the proposed site super-imposed among all the surrounding areas. She felt this view gives a clear look at how sparsely-populated the area is. The proposed development looks very dense in contrast to the surrounding area. She felt the aerial view shows the proposed development

as being out of character with the surrounding area. Councilmember Flachsbart requested a copy of the aerial view. Ms. Nassif stated that the packets include an aerial view in the Vote Report on page 6, along with a density map.

The Committee members agreed that the character of the area would be changed with the proposed development.

Possible Suggestions for Amending the Plan

The following suggestions were made for amending the proposed plan:

- Review all the setbacks – especially the setbacks from Kehrs Mill and Linda Vista School.
- Reduce the number of lots.
- Increase the minimum lot size allowed.
- Allow the Petitioner to submit a new plan that is more consistent with two-acre zoning.
- Establish more buffering along Kehrs Mill Road.
- Designate “LLR” zoning from Kehrs Mill Road all the way to the entrance to Strecker Road and from this point back, allow nothing less than one acre.

Councilmember Flachsbart made a motion to hold P.Z. 05-2006 Barry Simon Development (Tuscany Reserve) until the September 21st Planning & Zoning Committee meeting allowing the Petitioner time to reflect upon the comments made. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

- E. **P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz):** A request for a change of zoning from “NU” Non-Urban to “PC” Planned Commercial District for a 1.47 acre tract of land located north of Wild Horse Creek Road and west of Long Road. (18V610074, 18V610085). Proposed use: Office.

Staff Report

Ms. Aimee Nassif stated that the Petitioner proposes using the existing house as an office. The main issue raised by the Planning Commission concerned the existing pool behind the house. The Attachment A addresses the pool in that if the site is ever redeveloped, the pool must be removed. At this time, the pool will remain fenced for safety purposes. The parking has been reduced to allow additional landscaping and buffering. The Petitioner meets the open space requirements and has agreed that any signage would fit into the character of the area.

It was noted that the site is located in the “Neighborhood Office” area.

DISCUSSION

Cross Access

Councilmember Hurt felt cross access easements should be provided to both the east and west adjacent properties for flexibility in any future development.

Councilmember Hurt made a motion amending Section I.K.3. of the Attachment A as follows: (Changes in green)

Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the east and west as directed by the City of Chesterfield.

The motion was seconded by Councilmember Streeter.

Mr. Marty Henson, Petitioner, stated that they did not want cross access to the west because it destroys the value of the property. Cross access could not be near the road because it could cause stacking issues on Wild Horse Creek Road. If cross access is done at the back of the property, any redevelopment would have to move the structures forward in order to get the parking and cross access behind the building.

It was noted that cross access to the west is not being required with the proposed development – but could be required for any future proposals to the site.

The motion **passed** by a voice vote of 4 to 0.

Councilmember Streeter made a motion to forward **P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)** to City Council with a recommendation to approve with the Green Sheet amendment. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

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

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)].

F. Proposed Language for Zoning Ordinance

Councilmember Flachsbart noted that the Zoning Ordinance includes language of “goods and services of any type” and he would like to have this verbiage removed. He asked the Planning Commission to review language proposed by Mike Doster relative to this issue.

Chair Hirsch responded that the Planning Commission will be reviewing this language, along with all the uses for “PI” and “PC” to determine if they can be better organized, clarified and implied redundancies removed.

Councilmember Flachsbart made a motion supporting the Planning Commission’s review of the existing uses under “PI” and “PC” zoning. The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

G. Real Estate Signage

Councilmember Flachsbart noted that MoDOT does not allow signage in rights-of-way and that the City cannot make a City ordinance countermanding a State law.

He would like the issue discussed at the next Planning & Zoning Committee that he is able to attend. (Councilmember Flachsbart indicated that he would not be available for the Sept 21st meeting.)

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 8:44 a.m.

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~~13. The main entrance to this subject site shall be at the back side of the development adjacent to the parking lot.~~

~~14. An amended Site Development Section Plan and Amended Landscape Plan in accordance with the requirements of this site governing ordinance shall be submitted to the Department of Planning for the entrance area.~~

**AMENDMENT 10
SETBACKS, page 3**

2. Parking Setbacks

No parking stall, ~~internal driveway~~, or roadway, except points of ingress and egress, will be located within the following setbacks.

Councilmember Streeter made a motion to forward P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center) to City Council with a recommendation to approve, as amended. The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

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

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center)].

III. NEW BUSINESS

A. Briarcliffe Villas Site Development Plan: Site Development Plan and Landscape Plan for a 29.43 acre parcel zoned "R-3" PEU. The site is located north of Olive Boulevard, east of the intersection with Hog Hollow.

Staff Report

Ms. Mara Perry, Senior Planner, stated that the subject Site Development Plan has Automatic Power of Review. The site includes 82 single-family attached and detached homes. The Plan was approved by the Planning Commission by a vote of 8 to 0 with the condition that additional landscaping be provided around the fire gate as approved by the Department of Planning.

DISCUSSION

Trees along the Eastern Boundary of the Site

Councilmember Durrell asked how many large trees would be saved along the eastern property line. Ms. Perry stated that the plan indicates that seven existing trees are to be preserved.

The Petitioner, Mr. Hardesty of Hardesty Homes, replied that eight trees are located in a cut area, where dirt is being cut down to a slope. It is their intention to try and save as many trees as possible; however, as the slope is created, it is possible that some trees may not be able to be saved. It was pointed out that many of the trees in this specific area are not on the subject property – these trees will not be touched. Mr. Hardesty invited Ms. Durrell to walk the site with him when the trees are flagged.

Councilmember Flachsbart made a motion to forward the Site Development Plan and Landscape Plan for Briarcliffe Villas to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

Note: This is a Site Development Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on Briarcliffe Villas.]

- B. Fox Hill Farms Site Development Plan:** A Site Development Plan, Architectural Elevations, and Landscape Plan for a 40.08 acre lot of land zoned E-Half Acre “Residence District” located 1700 feet south of Wildhorse Creek Road and 250 feet west of Wilson Road.

Staff Report

Ms. Mara Perry, Senior Planner, stated that Automatic Power of Review was requested for the Site Development Plan. It was approved by the Planning Commission by a vote of 8 to 0 on August 28, 2006. The proposal includes 34 single-family detached residential homes. The Landscape Plan is in compliance with the City’s requirements.

DISCUSSION

Road Extension into Eagle Bluff Court

Landscaping will be provided in this location. The Petitioner has been working with the Department of Public Works on the proper connection coming into the cul-de-sac area.

Entrance into Subdivision

The subdivision entrance will have a gated entrance with a waterfall on both sides of the entrance. There will be one sign at the entrance.

Councilmember Fults asked that pictures of the proposed waterfalls be presented at the City Council meeting.

Councilmember Streeter made a motion to forward the Site Development Plan, Architectural Elevations, and Landscape Plan for Fox Hill Farms to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

Note: This is a Site Development Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on Fox Hill Farms.]

- C. St. Luke's Hospital - CV-ICU Addition Site Development Section Plan:** A Site Development Section Plan, Architectural Elevations, and Landscape Plan for a section of a 55 acre lot of land zoned "MU" Medical Use District located at the southwest corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Staff Report

Ms. Mara Perry reported that this project has automatic Power of Review. It was approved by the Planning Commission on August 28, 2006 by a vote of 8 to 0.

The addition is 22,000 sq. ft. The existing helipad had to be relocated, which necessitated some minor landscaping and lighting changes. The parking lot area has been re-configured. The plans are in compliance with landscaping, lighting, and parking requirements.

The elevations were approved unanimously by the Architectural Review Board.

Councilmember Streeter made a motion to forward the Site Development Section Plan, Architectural Elevations, and Landscape Plan for St. Luke's Hospital - CV-ICU Addition to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

Note: This is a Site Development Section Plan, which requires approval by City Council. A voice vote will be needed at the September 18th City Council Meeting.

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on St. Luke's Hospital - CV-ICU Addition.]

- D. P.Z. 05-2006 Barry Simon Development (Tuscany Reserve):** A request for a change of zoning from “LLR” Large Lot Residential to “E-One Acre” Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Staff Report

Ms. Aimee Nassif, Senior Planner, stated the proposal includes 45 homes on 58.1 acres with a density of one acre. The Public Hearing was held on March 13, 2006 where issues were raised concerning compatibility with surrounding developments relative to density, as well as compatibility and consistency with the Comprehensive Plan.

The petition was passed by the Planning Commission by a vote of 5 to 3. Changes to the Attachment A include:

- Restriction of any non-single family uses.
- Adding a 50’ landscape buffer around the northern boundary of the property.

Planning Commission Report

Planning Commission Chair stated that the five Planning Commissioners who voted in favor of the project did so because:

- It is in compliance with the Comprehensive Plan’s designation of one-acre density.
- It meets the requirements of the E-District Ordinance under which it was filed.
- It fits in with Westland Acres to the west.
- It seems to include fairly large lot sizes overall, including four three-acre lots.

The three Commissioners, who voted against the project, did so because:

- Some felt it should not change from “LLR” and should remain at three-acre density.
- Some felt this development was not a good “gateway” into Chesterfield coming up Kehrs Mill Road.
- Some felt that most of the surrounding developments are three acres as opposed to one acre.
- Some felt the development was not compatible with developments in the contiguous cities of Wildwood and Clarkson Valley.
- Some felt that the statement of surrounding developments being one-acre was misleading given that there are some lots which are not part of subdivisions and that the balance of the Linda Vista property remains “LLR”.
- One Commissioner felt that the one-acre density was acceptable but preferred larger setbacks along Kehrs Mill Road; fewer lots of a larger size; and felt it would change the character of Kehrs Mill Road in this area.

DISCUSSION

Zonings of Surrounding Developments

Ms. Nassif outlined the zonings of the surrounding developments:

- Pacland Place is zoned “NU” with three-acre density.
- Estates of Pacland Place is zoned “NU” with three-acre density.
- Westland Acres is requesting a rezoning to “One-Half Acre” with a one-acre density.
- The City of Wildwood has three-acre zoning and one-acre zoning.
- Country Place is zoned “R1”.
- Pacland Place Addition is three acres.
- Linda Vista School is zoned “LLR”.
- There is one lot owned by Monks, which is not part of a development and which has not been platted.

Councilmember Fults pointed out that there are four lots (lots 8, 9, 37, & 38) in the center of the proposed development that must remain three acres in size because these lots are part of the Pacland Place Indentures. It was noted that these four lots are specifically called out in the Attachment A.

Roads

All the roads are public roads.

The cul-de-sac street is approximately 1200-1300 feet in length. The Petitioner received a variance for the length of the cul-de-sac after meeting with the Department of Public Works. Monarch Fire, along with all the applicable Agencies, approved the cul-de-sac length based on the inclusion of a gated emergency-only access.

Drainage

All drainage will be directed to two wet retention ponds to be created.

Lot Sizes

The minimum lot size is 22,000 sq. ft. There are 21 lots less than one acre and 24 lots one acre or larger.

Comments from Councilmember Fults:

Councilmember Connie Fults, Ward IV, expressed concern about the following items:

- The large-lot character of the area being changed by allowing one-acre zoning.
- Setbacks: She felt the 60’ setback along Kehrs Mill and the 30’ setback from Linda Vista School are not large enough; that the larger setbacks in Pacland Place and Pacland Estates should be taken into consideration when establishing the subject project’s setbacks; and that all the setbacks throughout the whole development should be consistent.

Large Lot Residential (LLR) Zoning

Mike Doster, Attorney for the Petitioner, gave background history on the “LLR” zoning:

- The zoning was not done at the request of property owners or petitioners; it was done at the request of the City.
- The impetus of the zoning came from a site plan expansion request from Linda Vista School, which was currently zoned “NU”; however the Courts have ruled that “NU” is an inappropriate category in which to keep property. Linda Vista School, at the request of the City, agreed to the “LLR” zoning.
- The preamble in the Zoning Ordinance for “LLR” states: “LLR is suitable where no public infrastructure is available or desirable.” Mr. Doster noted that this would describe Pacland Estates and Caulks Creek Ridge; however, the proposed development will have public infrastructure.

Councilmember Fults asked that the LLR zoning be researched. She stated that she has had conversations with a former Council member, who has a different viewpoint on how the “LLR” zoning got placed on the subject area.

LLR vs. Estate Zoning:

- The Estate District is a planned environment while LLR is not.
- The Estate District has more requirements for buffering and setbacks than LLR.
- LLR has larger density than the Estate District.
- LLR is straight zoning and there are no specific development criteria.
- LLR requires three-acre lot sizes.

Comments from Trustee of Pacland Place

Mr. Charlie Macaluso, Trustee of Pacland Place, stated that the Pacland Place residents are objecting to the proposed development based on how it will change the character of the area. He stated that, excluding Westland Acres, 93% of the properties that touch the proposed project are three acres or larger. Many of the abutting parcels are in the flood plain and range in size from 3-12 acres. These lots cannot be subdivided because of being located in the flood plain.

Comments from Planning Commissioner Geckeler

Commissioner Wendy Geckeler pointed out that while the neighboring subdivision of Country Place is one-acre density, it has a detention pond and gated fire entrance providing a pastoral scene. The houses are not seen from the road. The homes from the proposed development will be seen from the road.

She felt that having the four three-acre lots in the middle of the proposed development raises consistency issues.

She referred to an aerial view showing the proposed site super-imposed among all the surrounding areas. She felt this view gives a clear look at how sparsely-populated the area is. The proposed development looks very dense in contrast to the surrounding area. She felt the aerial view shows the proposed development

as being out of character with the surrounding area. Councilmember Flachsbart requested a copy of the aerial view. Ms. Nassif stated that the packets include an aerial view in the Vote Report on page 6, along with a density map.

The Committee members agreed that the character of the area would be changed with the proposed development.

Possible Suggestions for Amending the Plan

The following suggestions were made for amending the proposed plan:

- Review all the setbacks – especially the setbacks from Kehrs Mill and Linda Vista School.
- Reduce the number of lots.
- Increase the minimum lot size allowed.
- Allow the Petitioner to submit a new plan that is more consistent with two-acre zoning.
- Establish more buffering along Kehrs Mill Road.
- Designate “LLR” zoning from Kehrs Mill Road all the way to the entrance to Strecker Road and from this point back, allow nothing less than one acre.

Councilmember Flachsbart made a motion to hold P.Z. 05-2006 Barry Simon Development (Tuscany Reserve) until the September 21st Planning & Zoning Committee meeting allowing the Petitioner time to reflect upon the comments made. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

- E. **P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz):** A request for a change of zoning from “NU” Non-Urban to “PC” Planned Commercial District for a 1.47 acre tract of land located north of Wild Horse Creek Road and west of Long Road. (18V610074, 18V610085). Proposed use: Office.

Staff Report

Ms. Aimee Nassif stated that the Petitioner proposes using the existing house as an office. The main issue raised by the Planning Commission concerned the existing pool behind the house. The Attachment A addresses the pool in that if the site is ever redeveloped, the pool must be removed. At this time, the pool will remain fenced for safety purposes. The parking has been reduced to allow additional landscaping and buffering. The Petitioner meets the open space requirements and has agreed that any signage would fit into the character of the area.

It was noted that the site is located in the “Neighborhood Office” area.

DISCUSSION

Cross Access

Councilmember Hurt felt cross access easements should be provided to both the east and west adjacent properties for flexibility in any future development.

Councilmember Hurt made a motion amending Section I.K.3. of the Attachment A as follows: **(Changes in green)**

Provide cross access easement(s) or other appropriate legal instrument(s) guaranteeing permanent access to the adjacent properties to the east and west as directed by the City of Chesterfield.

The motion was seconded by Councilmember Streeter.

Mr. Marty Henson, Petitioner, stated that they did not want cross access to the west because it destroys the value of the property. Cross access could not be near the road because it could cause stacking issues on Wild Horse Creek Road. If cross access is done at the back of the property, any redevelopment would have to move the structures forward in order to get the parking and cross access behind the building.

It was noted that cross access to the west is not being required with the proposed development – but could be required for any future proposals to the site.

The motion **passed** by a voice vote of 4 to 0.

Councilmember Streeter made a motion to forward **P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)** to City Council with a recommendation to approve with the Green Sheet amendment. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

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

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)].

F. Proposed Language for Zoning Ordinance

Councilmember Flachsbart noted that the Zoning Ordinance includes language of “goods and services of any type” and he would like to have this verbiage removed. He asked the Planning Commission to review language proposed by Mike Doster relative to this issue.

Chair Hirsch responded that the Planning Commission will be reviewing this language, along with all the uses for “PI” and “PC” to determine if they can be better organized, clarified and implied redundancies removed.

Councilmember Flachsbart made a motion supporting the Planning Commission’s review of the existing uses under “PI” and “PC” zoning. The motion was seconded by Councilmember Streeter and passed by a voice vote of 4 to 0.

G. Real Estate Signage

Councilmember Flachsbart noted that MoDOT does not allow signage in rights-of-way and that the City cannot make a City ordinance countermanding a State law.

He would like the issue discussed at the next Planning & Zoning Committee that he is able to attend. (Councilmember Flachsbart indicated that he would not be available for the Sept 21st meeting.)

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 8:44 a.m.