PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
FEBRUARY 13, 2006

The meeting was called to order at 7:06 p.m.

I. PRESENT **ABSENT**

Mr. David G. Asmus
Mr. David Banks
Dr. Lynn O'Connor
Ms. Lu Perantoni
Ms. Victoria Sherman
Chairman Stephanie Macaluso

Mr. Fred Broemmer
Dr. Maurice L. Hirsch
Mr. Thomas Sandifer

Councilmember Mike Casey, Council Liaison
City Attorney Rob Heggie
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development
Mr. Nick Hoover, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Mayor Nations, Councilmember Mike Casey, Council Liaison; Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II, Councilmember Mary Brown, Ward IV; and Councilmember Connie Fults, Ward IV.

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE – All

PUBLIC HEARINGS – Commissioner Asmus read the "Opening Comments" for the Public Hearing.

A. **P.Z. 39-2005 Westland Acres (Westland Acres Development LLC):** A request for a change of zoning from "NU" Non-Urban District to "E-Half Acre" Estate District for 61.0 acre tracts of land located north of Strecker Road, east of Church Road. (19V640050, 19U43038, 19V640016, 19V620227, 19V620184, 19V620117, 19V620074, 19U430083, 19U430072, 19U410063, 19U410030, 19U410173, 19U410140, 19U410018, 19V640038)

Project Planner Aimee Nassif gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Nassif stated the following:

- Public hearing notices were posted on January 26, 2006.
- The request is for E-Half Acre District with a density of one acre.
- The average lot size is 19,706 sq. ft.
- The tree preservation proposed is 51%.
- The site includes over 115 total acres situated in both the City of Wildwood and the City of Chesterfield.
- The developer proposes 56 lots in Chesterfield on 61 acres; and 46 lots on 56 acres in Wildwood.
- The Westland area is an historic community founded by a freed slave named William West in 1881.
- The community includes the Union Baptist Church of Chesterfield, a cemetery, and approximately twelve (12) residences.
- The density requirement for this area is 1 acre.
- The following are open issues with the Department of Planning:
  - Coordination between the City of Chesterfield and the City of Wildwood during the rezoning process.
  - One cul-de-sac length proposed exceeds the 1,000 foot maximum requirement.
  - Two of the lots on the preliminary plan straddle the city limit line between Chesterfield and Wildwood.

It was clarified that although the Preliminary Plan shows 58 acres, the legal description is for 61 acres in Chesterfield.

PETITIONER'S PRESENTATION:

1. Mr. Brad Goss, Attorney representing Westland Development, LLC, 21 Maryhill Drive, St. Louis, MO stated the following:
   - The request is for E-Half Acre zoning with a PEU.
   - Westland Acres is an historical site dating back to the 1860s. It was founded by William West, an emancipated slave. The Colored African Baptist Church was on the site, which was a predecessor to the current church, Union Baptist Church. The cemetery on the site dates back to the Civil War era.
   - The site is 115 acres owned by the West family and their descendents.

- The Land Use Plan for Chesterfield depicts the subject area as residential, single-family, and one acre. They feel the plan for Westland Acres is consistent with the Land Use Plan as it proposes a detached single-family residential subdivision at a density of one unit per acre.
- The historical context of the Westland community is being preserved with the proposed development.
- Proposed lots will be clustered with substantial common ground provided as buffering for the entire site. A buffer area will be provided along the eastern boundary line of the site between the proposed lots and Pacland Place.
- The site straddles the boundaries between Chesterfield and Wildwood.
- The site includes over 115 acres with 56 acres in Wildwood and about 61 acres in Chesterfield. They propose one-acre density for the site resulting in 102 home sites.
- The Monarch Fire Protection District has approved the plan with stipulations regarding fire hydrant placement, parking restrictions, and that Church Road be improved to 32' wide of pavement.
- Speaker noted how the proposal addresses various points of the Comprehensive Plan:
  - 1.4 Quality New Development – They feel this goal is met in many ways with respect to the site. In particular, watershed consideration has been in the forefront with this development. They do not propose development of the creeks and watersheds that cross the site. They propose taking surveys and soundings of the lakes in Pacland Place and Country Lake Estates in Wildhorse to insure that the water quality is being preserved. To insure the environmental quality of the project, they will perform a Phase I Environmental Site Assessment of the entire site. The assessment is currently being done by SCI Environmental.

    The homes will start from the high $600,000 - $700,000 price range. They will be single-family detached homes and will include a range of housing – 2500 to 4000 sq. ft.
  - 2.1.2 Historic Preservation – The Church and cemetery will remain. They are adding to the site various historical features - an historical cabin will be relocated to the southwestern portion of the site; public art that commemorates the heritage of the site will be added to prominent locations on the site; a kiosk will be provided at the entrance to the site which will include commemorative plaques explaining the history of the area. In addition, nature trails will be added to the site with appropriate signage.

    The City of Wildwood designated the area as historic in 2005, through Ordinance 1185 which requires the preservation of the site's history. The street names will include the names of the descendents of the West family. An interpretive walking trail will be included. An oral history will be recorded of the site and will be filed in the Library of Congress. They will plan and implement a celebration to immortalize the community and its historic preservation efforts.

    An archeological survey will be done of the entire site and will be filed with the Library of Congress.

There will be maintenance of the historic assets by the Homeowners Association or their appropriate entity.

- 2.1.4 Compatible In-Fill Residential Construction – They feel they are meeting this goal with one-acre density overall for the site. The homes will be compatible with the surrounding homes of Pacland, Wildhorse, and Country Lake Estates.
- 2.1.5 Provide Buffer for Existing Residential Development - On the eastern portion of the site, they will provide buffers to the existing subdivisions that the site abuts.
- 2.1.6 Reinforce Existing Residential Development Pattern – They feel they are accomplishing this goal. In reviewing the subdivision maps surrounding the subject site, Speaker stated that the site is surrounded to the south, west and north by R-1 development.
- 2.1.9 Encourage Planned Residential Development – By confining the development to the ridge lines, they are able to preserve substantial areas of common ground to the north and east of the site in Chesterfield.
- 10.1.2 Encourage Clustering – The site plan proposes clustering to preserve natural features and open space. The development is preserving 51% of the trees on site – 26 acres of forested land are being preserved.
- 8.3.2 Cooperation with Other Municipalities – They intend to work closely with the City of Wildwood to preserve the historicity of the site.

SPEAKERS IN FAVOR:

1. Ms. Kelly Shamel, Attorney with Jenkins & Kling, 10 S. Brentwood Blvd., Clayton, MO stated the following:
   - She represents Joyce James, an owner of property located within the area sought to be rezoned for the Westland Acres development.
   - Ms. James is a co-applicant for request for rezoning but, at this time, has not yet entered into an agreement to sell her property or an agreement as to how her property might be jointly redeveloped.
   - It is anticipated that such an agreement may be reached in the near future.
   - Ms. James' property is located entirely within Chesterfield.

2. Mr. Cliff Frazier, 17077 Church Road, Chesterfield, MO stated the following:
   - He is a fourth generation, direct descendant of William West, who purchased the subject site approximately 140 years ago –shortly after being freed from slavery.
   - The property has been in the West family since that time.
   - He feels anyone should be happy to see a blighted area be developed into a subdivision.
   - He feels he deserves the opportunity to improve his land as all the other land along Wild Horse Creek Road has been developed.

SPEAKERS IN OPPOSITION:

1. Mr. Dave Potter, Trustee of Pacland Place, 1533 Pacland Place, Chesterfield, MO stated the following:
   - He noted that approximately 15 residents from Pacland Place were in attendance at this Public Hearing.
   - They are not opposed to development of Westland Acres but they have some concerns about some of the characteristics of this particular development, along with concerns with any proposed development.
   - Speaker shared pictures of the site showing large items of debris – washers, dryers, water heaters, Pepsi machines, small bottles, cans, tires, air conditioners, large piles of trash on hillsides and in ravines, oil filters, and a number of barrels.
   - They have concern about what lies beneath the soil as they do not know what may have been in the discarded containers on the site.
   - They have concerns about erosion of the site.
   - A lot of the debris is within a very short distance of Pacland Place homes and is within the watershed of the Pacland lake.
   - Speaker outlined the following concerns:
     - Environmental Concerns – They have concerns about contamination of the well water used by all the residences of Pacland Place. They have concerns about what may occur when the soil is disturbed. They have concerns about contamination of the Pacland lake. The runoff from Westland Acres may affect neighboring creeks and lakes outside of Pacland.
     - Spreading Trash and Debris – The debris has a tendency to work its way downhill. Since he purchased his home in 2002, he has picked up seven 35-gallon trash cans full of bottles, cans, broken glass and other small debris.
     - Destruction of Trees and Vegetation – They do not feel that development can occur without the destruction of trees and natural vegetation. They are particularly concerned about their destruction in the erosion-prone areas.
     - Erosion – Once development begins, the availability of natural soil to absorb water is significantly decreased. Construction will cause a disturbance of existing vegetation, which reduces the ability of the soil to absorb water. As a result, he feels there will be increased runoff resulting from the development of this acreage – which will result in increased erosion unless appropriate precautionary measures are taken. They fear silt and sediment will end up in the lakes and creeks.
     - E-Half Acre Zoning – They believe the zoning is inappropriate and is inconsistent with any zoning in the surrounding area. They feel it is inconsistent with the City's Master Plan and is inappropriate for the existing topography.
     - Infrastructure – They question whether the streets, traffic, utilities and other service capabilities of Chesterfield are adequate to service the 100+ additional homes proposed for the site.

- One Point of Ingress/Egress to the Site – They have concern over only one point of ingress and egress for over 100 homes. This access is also in a flood plain.

- Speaker outlined the following requests:
  - At a minimum, they feel a Phase I and Phase II environmental study should be done. They understand that an environmental study has been done and provided to Wildwood and they question if this study has been provided to Chesterfield – and if not, why not. They feel the study should specifically address contamination of water and soil, particularly the well water.
  - They feel Chesterfield should require comprehensive clean-up – cleaning up all of the debris and all of the contaminations that may result from the debris.
  - They ask for proper, permanent erosion control.
  - They ask for the protection of existing trees and vegetation wherever possible, in particularly in the erosion-prone areas.
  - They ask for a manual clean-up of the trash as they feel a clean-up with equipment would destroy the existing vegetation.
  - They ask for protection of their water and soil. They feel that more than "all legal requirements" should be met.
  - They ask that the zoning request be reviewed so that the proper zoning is put in place.
  - They request a buffer transition to adjacent large-lot developments. If the site is zoned 3-acres, no buffer would be required.
  - They request that the infrastructure be reviewed to insure that it is not overloaded.

Responding to questions from the Commission, Mr. Potter stated the following:

- **Regarding the possibility of hazardous waste on the proposed site:** He does not know if the site has had any hazardous waste dumped on it. In one small area of the site, he estimates that there are a dozen large barrels, numerous containers of paint cans, etc. and he does not know if these containers were empty when placed on the site. If they were filled, he has concerns about what may have been in them. He feels that any potential risk needs to be addressed.

2. Bill Shannahan, Trustee of Pacland Place, 1515 Pacland Ridge Court, Chesterfield, MO stated the following:
   - Pacland subdivision borders the entire eastern side of Westland Acres.
   - Pacland subdivision has three-acre lots encompassing over 100 acres and has been there for approximately 40 years.
   - To the south of the site, it is zoned LLR, currently rezoned from NU. To the north, it is zoned R1.
   - The proposed site has already been designated "one-acre". Speaker questioned why the developer would bring in a proposal that does not fit the plan.
   - Speaker feels that Westland Acres is an attractive piece of land and will demand an appropriate price – whether the site is developed as 50, 25, or 15 homes.
   - Speaker also owns two acres in Westland Acres and has firsthand knowledge of the site. His property is not part of the project requesting rezoning.

- The site had been used as a trash dump before regulations and environmental issues were a concern to the community.
- Speaker requests that the developer be required to perform a Phase II inspection as a minimum.
- If an entire environmental clean-up is required, Speaker questioned how runoff will be prevented from going into wells, surrounding lakes and creeks.
- In the green space being proposed, there is subsurface trash which has been covered over the years with soil, vegetation, vines, trees, and leaves. He questioned how the trash will be removed without removing the green space as the trash has been closely intertwined with the vegetation and trees for decades.
- Wildwood has a Natural Resource Protection Report that is required by developers before they can proceed. He questioned if Chesterfield has something similar.
- He asked that, when reviewing the proposal, the Commission consider the surrounding neighborhoods, along with the health and well-being of the residents for the near future and decades to come.

3. Mr. Bob Clausen, 16901 Pacland Ridge, Chesterfield, MO stated the following:
   - He opposes the development as proposed. He is not opposed to the development of Westland Acres – but is opposed to a development of such high density.
   - He and his wife have the same concerns of those already expressed by Mr. Potter and Mr. Shannahan.

4. Mr. Ted Liebig 1516 Pacland Ridge Court, Chesterfield, MO stated that his concerns have already been expressed by the previous speakers.

5. Mr. Jeff Edwards, 17704 Greystone Terrace, Chesterfield, MO stated the following:
   - His wife is a Trustee of the Wildhorse subdivision but was unable to make the meeting so he is speaking on her behalf.
   - Most of their concerns have already been addressed.
   - He has concern about the surface transportation road system in the West County area.
   - Development is occurring all around Strecker Road and Wild Horse Creek Road, which will exacerbate the current traffic problems. Speaker questioned what kinds of things will be done to address the traffic issues that more densely-zoned areas will bring.

6. Ms. Judi Hart, Wildhorse Creek Road Association,17631 Bridgeway Circle Drive, Chesterfield MO stated the following:
   - She and her husband have lived at their present address since 1989. They own and operate LJ Hart & Company, which has been located in Chesterfield since 1992.
   - The Wildhorse Creek Road Association likes much of the proposed plan. They are pleased to see the history of the area preserved.
   - They do have the following concerns:
     - The Requested Zoning – As proposed, the E-Half Acre zoning will allow lots as small as 15,000 sq. ft. – or approximately 1/3 acre in size. This is not

consistent with the surrounding homes, including Wildhorse, Highlands, and Pacland Place subdivisions, all of which will abut the subject property. They have concerns that such zoning would set a precedent for future zoning decisions in an area that has 1-3 acre residential use.

- Buffer Zone - In the past, as adjacent development has been proposed, the neighboring homeowners have requested that the Commission insure that a natural buffer be maintained between the proposed development and the existing subdivision. The result has been an asset to all the properties involved. They ask for such a buffer on all of the proposed development.
- Increased Traffic – They have concerns about the increased traffic and its impact on Strecker Road and Kehs Mill Road. Speaker felt that other subdivisions in the area will be proposed in the near future. They want to be sure that plans are made ahead of time to prepare for the impact of the increased traffic. They believe the plans would need to include Chesterfield, Wildwood and St. Louis County. These are narrow, winding roads with no shoulders. There is already a problem with the Kehrs Mill Road and Long Road intersection.
- Drainage – Their issues regarding drainage have been addressed by previous speakers.

SPEAKERS – NEUTRAL:

1. Mr. Jerry Murphy, Trustee of Wildhorse subdivision, 17633 Lasiandra Drive, Wildwood, MO stated the following:
   - Wildhorse subdivision consists of 485 homes, which exist both within Chesterfield and Wildwood city limits.
   - Many of their concerns have already been expressed by the previous speakers.
   - Speaker felt that the plans for the project have changed from one-acre zoning to half-acre zoning.
   - Because of the topography of the site, construction will be limited to ridge line construction with very deep valleys and ravines, some containing streams. This type of construction usually translates into serpentine roadways. Speaker feels there are enough existing traffic problems with half the density being proposed for the subject development. The traffic issues will be increased if the "double-density construction" is allowed.
   - Ridge line development translates into homes with little or no back yard. Double-density housing eliminates much of the side yard area, which Speaker feels will force children to play in the serpentine streets that have a limited view.
   - They have concerns that the half-acre zoning would set a precedent for future development in the area.
   - His neighborhood straddles the border between Chesterfield and Wildwood. Presently, there is no change of zoning between the two areas – the lots are similar in size, the construction is similar. He feels there should be coordination between Wildwood and Chesterfield in the planning of this development to make one, cohesive community. Wildwood has indicated that their one-acre planning will stand and no lots less than 22,000 sq ft. will be permitted in Wildwood.

Speaker feels there will be tension between residents of Wildwood and Chesterfield if smaller lots are allowed in Chesterfield.

2. Mr. Mark Oppenhuizen, 1410 Country Lake Estates Drive, Chesterfield, MO stated the following:
   - His lot is directly adjacent to the north side of the proposed development.
   - His concern regarding density has already been addressed by previous speakers.
   - He has concern about sediment muddying the lake in his subdivision. He urged the Commission to insure that proper barriers are put in place to prevent erosion during the construction process.

3. Ms. Joanna Browning, Planner, City of Wildwood, 16962 Manchester Road, Wildwood, MO stated the following:
   - The Mayor, City Council representatives and other staff members of Wildwood were not able to attend this meeting because of a conflicting Wildwood City Council meeting. She has been asked to provide comments in their absence regarding Westland Acres.
   - The Public Hearing before Wildwood's Planning & Zoning Commission has been scheduled for March 6, 2006, 6:30 p.m.. All are welcome to attend and provide additional input on the proposal.
   - The Public Hearing will be the first in many steps in the consideration of the change in zoning and the application of the Planned Residential Development overlay district as requested.
   - City officials from both Wildwood and Chesterfield have met prior to this Public Hearing to discuss and coordinate the review process associated with the subject proposal. They appreciate the participation and cooperation of the City of Chesterfield and they look forward to assisting Chesterfield in any way they can.
   - The City of Wildwood anticipates future meetings with Chesterfield in order to provide a seamless review process relating to this proposal.
   - Significant to Wildwood's process will be the fact that this property has been placed on their City's Historic Registry, which may offer opportunities and incentives for preservation and retention of the community's character.
   - The City of Wildwood is committed to working closely with all residents in both communities to insure that the decisions made are in the best interests of all parties.

Responding to questions from the Commission, Ms. Browning stated:

- **Regarding density being allowed in Wildwood for the subject proposal:** As part of the property's placement on Wildwood's Historic Registry, it is required that they have a maximum density of one home per acre. The R1, one-acre residence district, is what is being requested. They are requesting a Planned Residential Development Overlay District, which would allow the clustering of the homes. The minimum lot size could be 13,500 sq. ft. Some houses will be on less than one acre. The density would be maintained as one home per acre.
- **Regarding Wildwood's Natural Resource Protection Analysis:** The Natural Resource Protection Analysis is a requirement of the City of Wildwood. She

would have to defer to the Petitioner to determine whether it was completed on the entire site or just on the Wildwood property. The report and analysis submitted to Wildwood was just for Wildwood property. The report basically identifies the areas of the site that are appropriate for development, along with areas that should be preserved.

REBUTTAL:

Mr. Brad Goss stated the following:

- **Density:** The proposal is the same density as neighborhoods surrounding the site – one home per acre. This is not a "double-dense", "triple-dense", or "multiple-dense" development.

- **Zoning:** They are seeking the E-Half Acre zoning because of an "anomaly" in the Chesterfield code. In Wildwood, they are allowed an R1 density with a PEU, which allows them to build to a minimum of a 13,500 sq. ft. lot. Chesterfield does not allow this. In Chesterfield, in order to build on lots that are consistent with what they are allowed to build on in Wildwood, they have to apply for the E-Half Acre zoning. They are then marrying this to the Planned Environmental Unit to assure Chesterfield that they only have one-acre density. This is consistent with what is around the site and is consistent with the Comprehensive Plan.

- **Traffic:** The traffic considerations raised, in terms of a density development, do not apply because the site will be developed as one-acre zoning.

- **Access:** Chesterfield had the opportunity in 1997 to extend a stub street into the subject property with Country Lake Estates when it was approved, but this was not done. There are no stub streets that stub into the development. In Wildhorse, there is one access point for 485 homes. The proposed development would only have 102 homes for one access point. The Monarch Fire Protection District has reviewed and approved the plan with some recommendations, which they will follow.

- **Consistency of Plans:** The project and plans have not changed – they have remained consistent. It's the same plan presented to Wildwood and to the Historic Preservation Commission – the same number of homes and the same amount of density.

- **Environmental Concerns:** They share the same concerns expressed by the neighboring subdivisions regarding environmental and runoff issues. They want to take soundings of the neighborhood lakes to determine the water quality to insure that they do not do any harm done to them. They will perform Phase I environmental studies. If the environmental site assessments require further environmental investigations, they will perform them.

- **Buffers:** They plan to provide substantial buffer areas around their development. They feel this is consistent with the Comprehensive Plan. He noted that Country Lake Estates did not provide any buffer areas – lots that abut right up to the Westland Acres property.

- **Destruction of Trees and Vegetation:** Destruction is not occurring - they have in excess of what the City of Chesterfield's Tree Preservation would require.

- **Natural Resource Protection Plan:** In Wildwood, there is a specific ordinance that sets out a certain protocol with respect to natural resource protection, which they had to follow. It was not applied to the Chesterfield site because the Wildwood ordinance does not apply to Chesterfield. Instead, they applied Chesterfield's Tree Preservation Plan requirements. These requirements were not applied to Wildwood.

  Chair Macaluso stated that since the Petitioner is trying to come forward with one community in one subdivision, she felt that if one City is requesting something, it should be applied to the entire site. She felt that the reports should be shared between the two cities to insure that one community is coming forward. Mr. Goss replied that the Natural Resource Protection Plan and the Tree Preservation Plan achieve essentially the same goals – they are just named differently.

- **Ridge Line Development:** The site will be developed along the ridges – not disturbing the more sensitive topography below.

Responding to questions from the Commission, Mr. Goss stated the following:

- **Regarding zoning/density:** If they were zoned at one-acre, there would be more destruction because the boundaries of the lots would be pushed out making them a lot closer to the subdivisions that surround them.

  Commissioner Banks noted that the number of homes to be built could be reduced. Chair Macaluso felt the proposal is giving Chesterfield a higher density of homes than what is proposed for Wildwood. She noted that a lot of study went into the Comprehensive Plan when one-acre zoning was designated for this site and felt that the Petitioner is disregarding the Comprehensive Plan.

- **Phase I & Phase II Environmental Studies:** Mr. Goss stated that he had served on the national committee that established the STM protocols for environmental site assessments. There is a protocol that is undergone when conducting an environmental site assessment. It consists of several different areas – (1) a search of records, both historical records and records associated with any kind of potential environmental threats in the surrounding area; (2) a check with the various regulatory bodies that have jurisdiction over the site, such as the Fire Protection District, which can provide information as to what kind of activity took place in the area; (3) an interviewing process would take place with people who either lived on the property or had done business on the property to determine

what kind of activities took place on the site; (4) a review of the site by an environmental professional who walks the site and looks for areas of concerns. If areas of concern are found, they would make recommendations for further study as appropriate under a Phase II protocol. Any soil testing would be conducted . during a Phase II process.

Phase I has been started but has not yet been completed.

Commissioner Asmus stated that he found the Petitioner's responses very acceptable regarding the protocols for the Phase I environmental assessment.

ISSUES:

1. Traffic concerns with Strecker and Kehrs Mill Roads.
2. Erosion concerns with lakes and nearby properties.
3. Completion of a Phase I environmental study.
4. Consistency between the Wildwood zoning request (one acre) and Chesterfield's zoning request (half acre).
5. Compliance with the Comprehensive Plan for lot size.
6. Appropriateness of a Phase II study at this time.
7. Runoff from Westland Acres.
8. Only one entrance into the project.
9. Is the project in just the Monarch Fire District or is another fire district in Wildwood involved?
10. How will the trash be handled in the areas that will remain undeveloped? Will it be removed manually? How will the half-buried trash be handled?
11. Provide proper signage and notification to residents regarding the possibility that the cul-de-sac (near West Hill Road) may be extended into the subject property.
12. One cul-de-sac length proposed exceeds the 1,000 foot maximum requirement.
13. Two of the lots on the preliminary plan straddle the city limit line between Chesterfield and Wildwood.
14. Coordination with the City of Wildwood.
15. Check to see whether the entrance to the subdivision is in a flood plain.
16. Address the detailed list provided by Mr. Dave Potter, Trustee of Pacland Place.
17. What residential developments in Chesterfield, if any, have been in both Chesterfield and Wildwood and to what extent was the zoning mirrored between the two municipalities?
18. Provide names and addresses of the residents of the Pacland subdivisions.
19. Are walking trails and art being proposed for the Chesterfield site similar to what is being proposed in Wildwood?
20. Provide information on how the historical nature of the site is being preserved in Chesterfield.
21. Provide information on the buffering zone in Chesterfield.
22. Provide information on the detention area being proposed in the upper right-hand area of the Chesterfield site. How will this prevent erosion going down into the surrounding lower areas?
23. Take measures to save tree #23, #24, and #25.

Ms. Nassif noted that Staff has met with Wildwood and will continue to meet with their Department of Planning to insure there is one collaborative effort with the zoning process.

Commissioner Asmus read the Closing Comments for Public Hearing **P.Z. 39-2005 Westland Acres (Westland Acres Development LLC)** noting the earliest possible date the Planning Commission could vote on the subject petition would be March 13, 2006.

(The meeting recessed from 8:40 p.m. to 8:55 p.m.)

V. APPROVAL OF MEETING MINUTES

Commissioner Banks made a motion to approve the minutes of the January 23, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 5 to 0.** (Commissioner Sherman abstained from the vote as she was absent from the January 23rd meeting.)

VI. PUBLIC COMMENT

1. Mr. Dan Rothwell, Chairman, Chesterfield Landmarks Preservation Commission, 15720 Callender Court, Chesterfield, MO stated the following:
   - The Landmarks Preservation Commission wants to be of assistance to the Planning Commission and Planning Department.
   - In 1997, a listing was compiled of all of Chesterfield's historical properties, with the most recent update being September 2005. The list is in the process of being updated again.
   - In Chesterfield, four of the historical buildings have been placed on the National Register of Historic Places; three buildings have been placed on the Chesterfield Historical Register; approximately twenty buildings are century structures; twenty-five historical structures are located in Faust Park; and the City has approximately 150 archeological sites.
   - The Landmarks Preservation Commission would like to be kept informed of any properties under consideration.

RE: P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)

In Opposition:

1. Mr. Tom Fleming, Trustee, Wild Horse Ridge subdivision, 17067 Winter Wheat, Chesterfield, MO distributed a hand-out to the Commission and stated the following:
   - In reviewing the February 8, 2006 Issues Report, he felt that six of the Petitioner's responses are not complete or are not completely accurate.
   - The residents are in unanimous opposition to the spot-rezoning of one lot in their subdivision located at 406 Winter Wheat.

- They feel that NU is the appropriate zoning for their subdivision. The current zoning has worked for the residents for more than 25 years.
- There is currently a home on the subject lot that had been occupied from 1976-2004.
- Their large-lot subdivision is visited by more than a dozen residents daily from adjacent subdivisions for walking. On weekends, children play and ride bikes in their subdivision streets because of the low traffic volume.
- Regarding whether they are a registered subdivision, Speaker noted that on June 27, 2005, he delivered a letter to the Planning Commission substantiating the existence of their subdivision. The letter included enclosures of the subdivision's Road Maintenance Agreement filed with St. Louis County; their State and Federal Income Tax returns for 1994 and 2004; Speaker's Deed of Trust referencing Wild Horse Ridge subdivision; and a letter with an envelope from the City of Chesterfield addressed to Speaker as Trustee of Wild Horse Ridge subdivision.
- The City, County, State and Federal Government recognize their subdivision.
- On December 13, 2005, Speaker sent a letter to Teresa Price, Director of Planning, pointing out that the Dollar Building has made no attempt to meet with the residents of Wild Horse Ridge or Bentley Place subdivisions, as required by City ordinance.
- Dollar Development has ignored two invoices for their annual Road Maintenance fee dated 5/23/05 and 7/21/05. This Road Maintenance Agreement was signed by the former owner and obligates future property owners of Lot 406 Winter Wheat.
- On January 19, 2006, he and Col. Lee McKinney met with Mike Geisel, Department of Public Works, to inquire as to why the Department of Public Works was not requiring the developer to improve the access road to the proposed site. Mr. Geisel explained that the City does not have the ability to require offsite improvement to bring the access road up to the City standards. Mr. Geisel added that while the existing access may be suitable for the limited units currently served, there is substantial question as to whether or not the access is adequate for an increased number of lots. A memorandum regarding this has been sent from Mr. Geisel to Ms. Price dated January 26, 2006.
- Speaker sent a letter to Chair Macaluso, dated January 23, 2006, explaining their concerns about the future of their subdivision's entrance. He requested that the Planning Commission require the developer to improve the site entrance to City standards by including it in the development or determine that the subject parcel is not adequate for the building of three homes. They ask the Planning Commission to determine the adequacy of access not only for this development, but for the reasonable and foreseeable development of the adjacent properties.
- Speaker feels that quality development in Chesterfield should not be at the expense of the quality of life of its residents.
- They ask that the Planning Commission deny the request for a change in zoning on Winter Wheat.

2. Col. Lee McKinney, Vice President, Bentley Place subdivision Trustees, stated the following:
   - The homeowners are in opposition to the redevelopment.
   - Development could lead to serious runoff problems that would create additional flooding in Caulks Creek, which is currently causing an erosion problem in Chesterfield Estates.
   - They feel this development would set a precedent for future development in the area, which would further complicate the problems that would arise from this development of three homes.
   - Heavy-load construction traffic could not travel on the current access road, which leads from Wild Horse Creek Road to the subject property. The access road backs upon the rear of many homes in Bentley Place and most of the road is owned by the property owners, who would oppose the upgrading of the road.
   - They oppose the upgrading of the road because (1) they feel it would result in a change in the character of the subdivision; (2) they feel it would decrease their property values by having additional traffic on the road; (3) they feel it would lead to additional safety problems for the residents and children that live and play in the back yards of the Bentley Place homes that abut the access road; and (4) upgrading would require eminent domain, to which they are opposed. They feel this would be a very poor use of eminent domain, which would simply benefit a private interest as opposed to a public interest.

3. Mr. Tom McCarthy, Attorney for the Wild Horse Ridge subdivision, McCarthy, Leonard, Kaemmerer, Owen, & McGovern, Suite 250, 400 South Woods Mill Road, Chesterfield, MO stated the following:
   - It is his opinion that the subdivision has an enforceable Road Maintenance Agreement and they will take whatever legal means to enforce this Agreement.
   - The access road to the subdivision is 19.5 feet – substandard by any measure.
   - If this particular proposal is allowed, more development proposals will be presented for the area without overall road improvements.
   - If the development is approved, they petition the City to undertake the necessary changes for the access road. He feels this will require the use of eminent domain and it is his opinion that the Missouri Legislature will not allow private-on-private condemnation.
   - They feel the road needs to be at least 40 feet.

Chair Macaluso stated that the Petitioner has asked that this petition be held until February 27, 2006

Petitioner

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated the following:
   - They sent a letter to the Commission on February 10, 2006 asking that **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)** be held until the

next meeting as they would like additional time to address the issues outlined in the Attachment A.

- He will speak to Mr. Tom McCarthy to try and address some of the issues raised by both Mr. McCarthy and Mr. Fleming.

RE: P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility)

Petitioner

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO stated he was available for questions.

2. Mr. Rick Clawson, Architect, ACI-Boland, 11477 Olde Cabin Road, St. Louis, MO stated he was available for questions.

3. Mr. George Stock, Stock & Associates, Chesterfield, MO stated he was available for questions.

4. Mr. Doug Shatto, Crawford, Bunte & Brammeier, 1830 Craig Park Ct., St. Louis MO stated he was available for questions.

RE: P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill Road)

Petitioner:

1. Ms. Sharon Greenstein, 2785 Kehrs Mill Road, Chesterfield, MO stated the following:
   - Regarding whether her land could be zoned R-3, her Civil Engineer has advised her that her property should be zoned R-4 in order to make it more attractive to potential builders. If zoned R-4, the property would permit two homes while a zoning of R-3 would permit only one home.
   - Only one home would be permitted with R-3 because there is not enough frontage to allow two homes under this zoning.

RE: P.Z. 35-2005 & P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)

Petitioner:

1. Mr. Donald Flower, 1518 Madison Creek, Wildwood, MO stated he was available for questions.

RE: P.Z. 38-2005 Dierberg's The Marketplace

Petitioner:

1. Mr. Jerry Ebest, Dierberg's Market, 16690 Swingley Ridge Road, Chesterfield, MO stated he was available for questions.

2. Mr. Marty Henson, Henson Consulting, 2317 Ossenfort Road, Glencoe, MO stated he was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Estates at Wildhorse Canyon: Site Development Plan, Architectural Elevations and Landscape Plan for an "E-Two Acre" Estate District located on the north side of Wild Horse Creek Road, east of Eatherton.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations and Landscape Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 6 to 0**.

B. Stoneridge Office Building: Site Development Plan, Architectural Elevations, Landscape Plan and Lighting Plan for a "PC" Planned Commercial located on the south side of South Outer Forty Road, northeast of Yarmouth Point Drive and Candish Lane.

Commissioner Asmus stated that the Site Plan Committee voted to hold the Site Development Plan, Architectural Elevations, Landscape Plan and Lighting Plan until the February 27, 2006 meeting.

C. Taco Bell (Chesterfield Commons, Outlot 15): A request for two (2) attached wall signs for a 1.50-acre tract of land, zoned "C-8" Planned Commercial District, located on the south side of Chesterfield Airport Road, east of Chesterfield Commons Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the request for signage. The motion was seconded by Commissioner Banks and **passed by a voice vote of 6 to 0**.

D. **Wapango Restaurant by Cozymel's/Westfield Shoppingtown Chesterfield**: Amended Architectural Elevations for a restaurant located in a regional shopping center in a "C-8" Planned Commercial District located south of Highway 40/Interstate 64.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations with the Planning Department insuring that the final terms regarding, and the placement of, exterior improvements be in compliance with all City requirements. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 6 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)**: A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Ms. Annissa McCaskill Clay, Assistant Director of Planning, stated that the Petitioner has submitted a written request that **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company** be held until February 27, 2006.

ISSUES:
1. Review Mr. Fleming's comments concerning the Issues Report.

Commissioner Banks made a motion to hold P.Z. 5-2005 Winter Wheat Place (Dollar Building Company until February 27, 2006. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 6 to 0.**

B. **P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance):** An ordinance amending various sections of the City of Chesterfield Zoning Ordinance regarding banners in the Museum and Arts Area, development criteria for E-districts, residential tear-downs and residential additions.

Project Planner Aimee Nassif stated that the Public Hearing was held on January 27, 2006 at which time the following items were presented:

- Section 1003.141 Museums and Arts District amending the definition for signage and promotional decorative banner. No issues were raised during Public Hearing.
- Section 1003.107 "E" Estate Residence Districts – Issues raised during Public Hearing were referred to the Ordinance Review Committee. The Committee has addressed all issues and language has been amended as noted in the Staff Report.

- Sections 1003.126A and 1003.126B Residential Tear Downs and Additions – One issue was raised during Public Hearing concerning Subdivision Trustee approval. Comments from the City Attorney are included in the Staff Report.

Commissioner Banks made a motion to approve P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance). The motion was seconded by Commissioner Perantoni.

Upon roll call, the vote was as follows:

Aye: Commissioner Perantoni, Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Commissioner O'Connor, Chairman Macaluso

Nay: None

The motion passed by a vote of 6 to 0.

C. P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility): A request for an amendment to City of Chesterfield Ordinance 1669 to permit additional uses and amendments to setback requirements in conjunction with a revised preliminary plan for a 6.048-acre "PC" Planned Commercial District located south of Conway Road, approximately 900 feet east of Still House Creek Road (LOCATOR NUMBER 18R210441)

Ms. Annissa McCaskill Clay, Assistant Director of Planning, stated the following:

- At the January 23, 2006 meeting, the Planning Commission voted to hold the petition to allow Staff time to meet with the Petitioner to review the Attachment A.
- The Petitioner had requested changes to several items to clarify their accuracy.
- The Attachment A presented is the result of a meeting between the Petitioner and Staff regarding the requested changes.
- There were three particular types of changes made:
  - Revised setbacks have been made to the Preliminary Plan, which are generally more restrictive. These have been included in the Attachment A.
  - Parking and Loading Space requirements have been separated, resulting in changes to the setbacks for these areas.
  - The extension of time for commencement of construction has been increased from one year to two years.
- Regarding berming language, the Petitioner has requested that the language remain as originally approved in Ordinance 1699 stating that: "*Landscaping for the parking structure shall be provided in conformance with the Architectural Design Guidelines for the City of Chesterfield. A berm shall be constructed as required in P.Z. 6-97 (see City of Chesterfield Ordinance 1274 for specifics).* The italicized language would replace Section I.G.7. of the Attachment A.

- The issue regarding the Trust Fund was addressed by the City Attorney during the prior Work Session.

Chair Macaluso made a motion to delete Section I.G.7 of the Attachment A and include the berm language for this section as noted above regarding landscaping for the parking structure. The motion was seconded by Commissioner Sherman and **passed by a voice vote of 6 to 0.**

Commissioner Sherman made a motion to approve P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility) with its Attachment A, as amended. The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Sherman, Commissioner Asmus, Commissioner Banks, Commissioner O'Connor, Commissioner Perantoni, Chairman Macaluso

Nay: None

The motion passed by a vote of 6 to 0.

D. P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill Road): A request for a change of zoning from "NU" Non-Urban District to "R-4" Residence District for 1.01 acre tracts of land located west of Kehrs Mill Road and south of Coventry Farm. (21T340032)

Project Planner Aimee Nassif stated the following:

- Attached with the Staff Report are Agency comments and a letter from the adjacent property owners.
- Regarding R-3 vs. R-4 zoning: The property could technically be zoned R-3, however, this would permit the construction of only one home on the property. Because of the subdivision regulations, she would need a wider lot at the roadway frontage in order to allow two homes on the property under R-3.
- Under R-4 zoning, the property would be large enough for the construction of two homes.
- To allow two homes on the lot, the Petitioner would need 60'and 40' frontage under R-4 zoning, which she has. Under R-3, she would need to have one lot with a 70' frontage, which she does not have.

Commissioner Asmus made a motion to approve P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill Road). The motion was seconded by Commissioner O'Connor.

Upon roll call, the vote was as follows:

Aye: Commissioner Asmus, Commissioner Banks, Commissioner O'Connor, Commissioner Perantoni, Commissioner Sherman, Chairman Macaluso

Nay: None

The motion passed by a vote of 6 to 0.

E. P.Z. 35-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.): A request for a change of zoning from "NU" Non-Urban to "R4" Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

And

F. P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.): A request for a Planned Environment Unit (PEU) Procedure within an "R4" Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

Project Planner Nick Hoover stated that the Petitioner has addressed all the issues with three issues remaining open, as follows:

- Providing the minimum landscape buffer. The Department is currently working with the Petitioner on this issue. The Petitioner intends to add more landscaping to allow the City to grant him a variance.
- Street standards. Various departments within the City are working the Petitioner to make sure all requirements are met.
- MSD approval. Mr. Hoover has spoken to a representative from MSD, who has confirmed that MSD is happy with the plan. Staff is waiting for MSD's approval letter.

Responding to questions from the Commission, Mr. Hoover stated the following:

- **Regarding the Fire District's approval:** He has been trying to get in touch with the Fire Department to get their comments on the project. Mr. Flower has indicated to Staff that the Fire Department's issues are minor.

G. P.Z. 38-2005 Dierberg's The Marketplace: A request for amendments to City of Chesterfield Ordinance 689 to allow for a change in the permitted uses for the existing outbuilding and an increase in the parking reduction for a "C-8" Planned Commercial District located on the northeast corner of Clarkson and Baxter Roads. (19S130224)

Ms. Annissa McCaskill Clay, Assistant Director of Planning, stated the following:

- The Public Hearing was held on January 23, 2006 at which time several issues were raised.
- The Petitioner has addressed questions regarding the kiosk.
- Regarding the open issue of Access/Access Management, Staff is waiting for information from the Police Department regarding the turn from Clarkson Road into the development.

ISSUES:

1. Provide further clarification on issue #6 regarding 17 striped parking spaces and templates for truck turning movements.
2. Provide rationale for the request for an additional 10% parking reduction. Demonstrate how less parking spaces are needed because of the combination of uses – such as, do the "busy periods" for the different uses differ enough from one another to the point that not as many spaces are necessary?
3. Review traffic pattern. Several parking spots near the Clarkson entrance are difficult to utilize. There is not enough stacking room by pharmacy kiosk for traffic entering from Baxter heading north into the kiosk. There is a potential problem of cars turning right out of the area coming from the kiosk.
4. Is any green space being lost with the proposed changes? If so, what is the percentage being lost relative to the overall green space currently there?

IX. NEW BUSINESS

A. Public Art

Commissioner O'Connor stated that the Ordinance Review Committee is presently reviewing public art. She noted that the Westland Acres project has public art placed in the center island of a cul-de-sac. The Landscape Committee is presently trying to get the Tree Manual to reflect common standards between Planning & Zoning and Public Works. She felt common standards would also need to apply to the display of art in the public right-of-ways.

X. COMMITTEE REPORTS

A. Committee of the Whole

B. Ordinance Review Committee

The Ordinance Review Committee of February 21st needs to be rescheduled to February 28th.

C. Architectural Review Committee

D. Landscape Committee
E. Comprehensive Plan Committee
F. Procedures and Planning Committee
G. Landmarks Preservation Commission

Chair Macaluso gave a report of the Planning & Zoning Committee Meeting regarding Clock Tower, which recommended approval with changes to the hours of operation; with a reduction in the number of parking spaces; and with a review of deferred parking.

XI. ADJOURNMENT

The meeting adjourned at 9:55 p.m.

_____

Lynn O'Connor, Secretary