PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
January 13, 2003

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

I. PRESENT **ABSENT**

Mr. David Banks
Mr. Fred Broemmer
Mr. Mike Kodner
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Mr. B. G. Wardlaw
Chairman Victoria Sherman
Mr. Doug Beach, City Attorney
Mayor John Nations
Ms. Jane Durrell, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Barbara Weigel, Senior Planner
Mr. David Bookless, Project Planner
Mr. Mike Hurlbert, Project Planner
Ms. Annissa McCaskill, Project Planner
Ms. Kathy Lone, Planning Assistant

II. INVOCATION: Commissioner Banks

III. PLEDGE OF ALLEGIANCE:

Chairman Sherman recognized the attendance of Mayor John Nations, Councilmember Bruce Geiger (Ward II), Councilmember Mike Casey (III), Councilmember Mary Brown (Ward IV), Councilmember Connie Fults (Ward IV) and Council Liaison Jane Durrell (Ward I).

IV. PUBLIC HEARINGS:

Commissioner Nolen read the first portion of the "Opening Comments."

A. **P.Z. 27-2002 Royal Oak Estates**: A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 12.4 acre tract of land located north of Wildhorse Creek Road, to the west of the "Tara at Wildhorse" subdivision, in a subdivision known as "Royal Oak Ranch" (Locator Numbers 18V-11-0112 & 18V-13-0055).

Project Planner David Bookless gave a power point presentation showing the subject site and surrounding area.

1. Mr. Ed Griesedieck, One City Center, St. Louis, MO 63101, attorney for **P.Z. 27-2002 Royal Oak Estates**, stated the following:

- Petitioner is Miceli Homes;
- Proposed development is an expansion and the completion of Tara at Wildhorse Subdivision;
- Proposed development is attached to Tara at Wildhorse Subdivision through the stub street;
- Access for the proposed development would be through the Tara at Wildhorse Subdivision;
- Lots of the proposed development are slightly larger but with a lower density then Tara and slightly more expensive;
- Proposed development would have 10 homes on 12.4 acres;
- Rezoning from 'NU' Non-Urban to 'E-3' Residence District;
- The current small drive access to the proposed site would be gated and used only as an additional emergency access for the Fire Department;
- There is a steep bluff at the north end of the proposed site, a deep ravine on the west side of the proposed site, and a deep ravine on the east side of the Tara at Wildhorse Subdivision;
- Each lot is over ½ acre in size;
- There would be two (2) landscaped cul-de-sacs in the proposed development;
- All homes would be custom-built;
- Homes would have between 4,000 to 5,000 square feet;
- Homes would average between $800,000 to $850,000;
- Petitioner would match the street ornamental lighting and lamps throughout Tara at Wildhorse and lighting would be according to City code;
- Stormwater would meet or exceed the City and the MSD 1997 Standards;
- Sidewalks would be on both sides of the street;
- No additional signage would be requested.

Mr. Griesedieck stated that the petitioner was aware of a letter from the Spirit of St. Louis Airport objecting to this proposed residential rezoning. Mr. Griesedieck stated that a written notification is given to all homeowners of Tara at Wildhorse concerning noise from the airport.

Mr. Griesedieck stated that the petitioner would make any required improvements to the emergency access road.

SPEAKERS IN FAVOR –

1. Mr. Maurice Hirsch, Jr., 17905 Wild Horse Creek Road, Chesterfield, MO 63005, speaking in favor of **P.Z. 27-2002 Royal Oak Estates**;

- Speaker stated that he supports the proposed development.

SPEAKERS IN OPPOSITION –

2. Ms. Mary Ann Smythe, 17041 Wild Horse Creek Road, Chesterfield, MO 63005, speaking in opposition to **P.Z. 27-2002 Royal Oak Estates**;

- Speaker stated that this site has been designated for 2-acre lots;
- Speaker asked the Planning Commission to deny this project.

3. Ms. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005, speaking in opposition to **P.Z. 27-2002 Royal Oak Estates**;

- Speaker stated that the Comprehensive Plan designates this area for 2-acre lots;
- Speaker asked the Planning Commission to reject this petition.

SPEAKERS – NEUTRAL – None

REBUTTAL –

Mr. Griesedieck stated that with the way that this site is configured and with its geographic limits, it is necessary that the access be through the Tara at Wildhorse Subdivision. Mr. Griesedieck stated that the proposed site has larger lots, more expensive homes and is less dense then Tara at Wildhorse. Mr. Griesedieck stated that the ravine to the west of the site is approximately 100 feet deep and cannot just be filled in and developed.

Mr. Bookless stated that the following issues would be reviewed and addressed:

- Contact with neighboring homeowners;
- Location of the gate;
- Improvements to the access road;

- Relative proximity to the airport and whether the homes will be constructed to mitigate any possible noise;
- West Area Study designating this site 2-acre lots;
- Whether the ravines could be filled in or left as is;
- What Tara at Wildhorse Subdivision residents were told about this proposed subdivision;
- Review Wilson Farm Estates Subdivision and the connecting subdivision that is located in Clarkson Valley which consists of larger lots then Wilson Farm Estates. Compare and see how they were able to work out two (2) subdivisions having access from one into the other one with the difference in lot sizes.

Commissioner Nolen read the next portion of the 'Opening Comments.'

Commissioner Layton left the dais for the next Public Hearing.

B. **P.Z. 29-2002 The Bluffs at Appaloosa Way**: A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 13.5 acre tract of land located north of Wildhorse Creek Road, to the west of the "Appaloosa Way" subdivision (Locator Numbers 18T-42-0194, 18T-42-0161, 18T-44-0059, 18T-44-0015, 18T-42-0039

Project Planner David Bookless gave a power point presentation showing the subject site and surrounding area.

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, attorney for the petitioner of **P.Z. 29-2002 The Bluffs at Appaloosa Way**, stated the following:

    - Simon Development, Inc. and Planning Commissioner Dan Layton are co-petitioners;
    - Rezoning from 'NU' Non-Urban to 'E-3' Residence District, ½ acre density;
    - This request is consistent with the City's Comprehensive Plan for ½ acre density;
    - Simon Development, Inc. also developed the neighboring Appaloosa Way Subdivision;
    - The proposed development would be similar to Appaloosa Way;
    - The existing roadway into the Hi Point Subdivision would be moved farther away from the Woodcliffe Place Drive (approximately 140 feet farther away) to provide a safer situation with regards to ingress and egress onto Wild Horse Creek Road;
    - On the Preliminary Development Plan, lots 1 through 9 are the lots that Simon Development would develop, lots 10, 11 and 12 (the

Layton property) are not under contract to Simon Development. Lots 10, 11 and 12 are subject to first writer refusal if these lots would be sold in the future;
- The cul-de-sac road to be built has been approved by the Fire District;
- Lot 6 has a septic tank and well which would be removed if this development is approved;
- A small piece of common ground that is currently part of Appaloosa Way would be transferred to this subdivision;
- The proposed development would have a meandering sidewalk and generous landscaping.

Mayor Nations asked Mr. Doster if the petitioners would object to a Planned Environment Unit (PEU) being placed on this proposed site to limit the number of homes to twelve (12).

Mr. Doster stated that he would have to consult with the petitioners.

2. Mr. Richard Halsey, Hall & Halsey Associates, Inc., 424 S. Clay Avenue, St. Louis, MO 63122, land planner for petitioner and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he was present to answer questions.

3. Mr. Barry Simon, 1215 Fern Ridge Parkway, St. Louis, MO 63141, petitioner and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he was present to answer questions.

SPEAKERS IN OPPOSITION –

4. Mr. Douglas Richard, 1620 South Hanley Road, St. Louis, MO 63144, attorney for residents of the Hi Point Subdivision and speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he was representing homeowners Dennis and Patty Shearn and Lynn and Joyce Reuther;
- Speaker stated that the original Indentures for this subdivision stated that all homes would be single-family with the lots being a minimum of 3 acres. In 1995, the Indentures were modified to allow 1.5 acres per lot. The Indentures call for three (3) trustees but at the present time there are only two (2) and one of the current trustees is Dan Layton, one of the petitioners;
- Speakers stated that there have not been any subdivision meetings concerning this petition.

City Attorney Beach stated that subdivision indentures are private relationships between the people who live in the subdivisions and the City must go forward with regards to following its ordinances. The City's ordinances do allow for a developer who has land under contract or landowners to petition to rezone their property. If there are legal issues between the homeowners, that is for a Civil Court of Law to resolve. The petitioners are seeking to rezone those portions which they control. If there are other actions, like the resident saying that a trustee is not following the Indentures, that is not for the City of Chesterfield to resolve.

5. Ms. Patty Shearn, 210 Hi Point Road, Chesterfield, MO 63005, resident of the Hi Point Subdivision and speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker considers this petition being a conflict of interest;
- Speakers stated that meetings took place without the knowledge of some of the residents of the subdivision;
- Speaker stated that she was not notified by the petitioners of this proposal.

6. Mr. Dennis Shearn, 210 Hi Point Road, Chesterfield, MO 63005, resident of the Hi Point Subdivision and speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way;**

- Speaker expressed concern of the inappropriateness of how this went about with Dan Layton being a trustee of the subdivision and a member of the City of Chesterfield Planning Commission;
- Speaker stated that he was not invited to any of the meetings with Mr. Simon, the developer.

7. Mr. Lynn Reuther, 202 Hi Point, Chesterfield, MO 63005, resident of the Hi Point Subdivision and speaking in opposition to **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he wants the lots to remain at 3 acres.

SPEAKERS IN FAVOR –

8. Mr. Roy Ide, 16755 Wildhorse Creek Road, Chesterfield, MO 63005, speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that he sold his property to Mr. Simon for this proposed development and is very pleased with the proposed plan.

9. Mr. Tom Schroyer, 288 Woodcliffe Place Drive, Chesterfield, MO 63005, speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that his property backs to the proposed development and he is very much in favor of the project if Mr. Simon takes care of the speakers' following concerns which are: Preserving the pine trees along the west side of the proposed development, landscape buffering along the west side, controlling the stormwater so it does not go on speaker's or his neighbor's property, and landscape the detention area to the south on all four (4) sides.

10. Ms. Lisa Machamer, 233 Hi Point Road, Chesterfield, MO 63005, resident of the Hi Point Subdivision and speaking in favor of **P.Z. 29-2002 The Bluffs at Appaloosa Way**;

- Speaker stated that she is in favor of the proposed development.

SPEAKERS – NEUTRAL – None

REBUTTAL:

Mr. Doster stated that the petitioner has tried to contact the Shearn's.

Mr. Doster stated that the new cul-de-sac down to Wild Horse Creek Road will be paid for by the new owners for lots 1-9.

Mr. Doster stated that he agrees that the Indentures are a private matter. Mr. Doster stated that the latest change to the Indentures allowing the residents to sell 1.5 acres of their property could not have been done without rezoning the property.

Mayor Nations offered to meet with the residents and the petitioner after the meeting this evening.

Mr. Bookless stated that the following issues would be reviewed and addressed:

- Distance to the Appaloosa Way entrance relative to the new street;
- Whether there should be access to the new subdivision through Appaloosa Way;
- Whether the property where the new road is located is under contract;
- What part of the subdivision is not under contract;
- Whether trustees of the neighboring subdivisions have been contacted as well as neighbors;
- How many homes could be built on this property on the 13.5 acres under an E-3';
- Whether the petitioner would be opposed to a PEU on this site and limiting the number of homes to 12;
- The airport and noise abatement;

- Location of the existing traffic circle and what parts of the existing road remain;
- Offer of the Mayor for the parties to meet tonight;
- Location and appearance of the detention;
- Keeping area clear of debris during construction;
- Continuation of winding sidewalks around the trees;
- What trees and size of trees would need to be removed;
- Average lot size of lots 1-9.

Commissioner Nolen reading the closing portion of the 'Opening Comments.'

Chairman Sherman called a recess at 8:35 p.m. and the meeting resumed at 8:41 p.m. (Commissioner Right was absent when the meeting reconvened.)

V. APPROVAL OF MEETING MINUTES

Commissioner Kodner made a motion to approve the December 9, 2002 Meeting Minutes. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 8 to 0.** (Commissioner Right was absent for the vote.)

Commissioner Layton returned to the dais at 8:41 p.m. and stated that he will excuse himself from the dais whenever **P.Z. 29-2002 The Bluffs at Appaloosa Way** is discussed.

Commissioner Right returned to the meeting at 8:42 p.m.

VI. PUBLIC COMMENT -

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO 63005, speaking in favor of **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C**.;

    - Speaker stated that he does not think that the 50% open space requirement is reasonable for this site.

2. Mr. Dean Burns, THF Realty, 2127 Innerbelt business Center Drive, St. Louis, MO 63114, speaking in favor of **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C**.;

- Speaker stated that he was present to answer questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **Chesterfield Commons East Abichandani Parcel** : Site Development Concept Plan for proposed Outlots #4 and #5 and parking (as part of the Chesterfield Commons East development) on a 6.085 acre tract of land, zoned PC Planned Commercial District located south of Chesterfield Airport Road and east of Chesterfield Commons Drive.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Concept Plan for Outlots #4 and #5 and parking for **Chesterfield Commons East Abichandani Parcel.** The motion was seconded by Commissioner Kodner **and passes by a voice vote of 9 to 0.**

B. **Spirit Trade Center, Lot 1 House of Denmark**: Site Development Section Plan, Architectural Elevations and the Landscape Plan for a new warehouse/office building on a 2.95 acre tract of land zoned M-3 Planned Industrial District located south of Edison Avenue, east of Cepi Drive and west of Spirit Drive.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Spirit Trade Center, Lot 1 House of Denmark,** subject to the following recommendations of the Architectural Review Board (ARB): 1. Adding more landscaping to the entry ways and, 2. That if the units on top of the building are not hidden then screening should be added. The motion was seconded by Commissioner Right **and passes by a voice vote of 9 to 0.**

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C. **Gateway Academy**: Amended Site Development Concept Plan for an educational institution located west of Long Road on the north side of Wild Horse Creek Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan for **Gateway Academy**. The motion was seconded by Commissioner Banks **and passes by a voice vote of 9 to 0.**

D. **Gateway Academy**: Site Development Section Plan, Architectural Elevations and Landscape Plan for the third phase of construction in an "LLR" Large Lot Residential District located west of Long Road and on the north side of Wild Horse Creek Road.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Gateway Academy** with the following Architectural Review Board (ARB)

recommendations: 1. Increase the amount of landscaping at the front of the building and, 2. The colors for the new building should match the existing buildings on the site. The motion was seconded by Commissioner Broemmer **and passes by a voice vote of 9 to 0.**

E. **Belle Monte**: a Record Plat for a 6.315 acre tract of land zoned "R-3" Residence District with a PEU, located south of Conway Road and west of August Hill on Conway.

Commissioner Macaluso, on behalf of the Site Plan Committee, made a motion to approve the Record Plat for **Belle Monte**. The motion was seconded by Commissioner Layton **and passes by a voice vote of 9 to 0.**

VIII. OLD BUSINESS -

A. **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.**: a request for a change of zoning from an FPNU Flood Plain Non-Urban District and an NU Non-Urban District to a PC Planned Commercial District for 4.725 acre tract of land located north of I-64/Highway 40/61, west of Boones Crossing, and south of North Outer Forty Road. (Locator Numbers: 17U 61 0074, 17U 62 0127).

Permitted Uses:
(x)Medical and dental offices.
(z)Offices or office buildings.
(pp)Permitted signs (See Section 1003.168 'Sign Regulations').

Ancillary Uses:
(e)Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g)Automatic vending facilities for:
- (i)Ice and solid carbon dioxide (dry ice);
- (ii)Beverages;
- (iii)Confections.

(h)Barber shops and beauty parlors.
(i)Bookstores.
(l)Cafeterias for employee and guests only.
(m)Child care centers, nursery schools, and day nurseries.
(bb)Outpatient substance abuse treatment facilities.
(cc)Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(mm)Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

(rr)Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Project Planner Mike Hurlbert gave an overview of **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.**.

Commissioner Broemmer made a motion to approve **P.Z. 21-2002 THF Chesterfield North Interchange Development, L.L.C.** as presented in Attachment A. The motion was seconded by Commissioner Layton.

Upon a roll call the vote was as follows: Commissioner Banks, yes; Commissioner Broemmer, yes; Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Wardlaw, yes; Chairman Sherman, yes.

The motion was approved by a vote of 9 to 0.

B. **St. Luke's Hospital CUP Amendment**: Finding of Fact for denial of request by St. Luke's Hospital to amend the CUP to change the surface parking setback from its current 125 feet from Conway Road to 60 feet from Conway Road and to amend a portion of the 200 feet parking setback from Conway Road to 130 feet from Conway Road at a point 825 feet west of the east property line.

Senior Planner Barbara Weigel gave an overview of the specific findings for the denial of the Conditional Use Permit (CUP) amendment request for **St. Luke's Hospital**.

General discussion followed concerning the specific findings.

Commissioner Macaluso made a motion to adopt the four (4) Findings of Fact for denial of the Conditional Use Permit (CUP) amendment request for **St. Luke's Hospital** with the change to the eastern portion, as discussed. (Item #3 – changing western portion to eastern portion on the second line.) The motion was seconded by Commissioner Banks.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Wardlaw, yes; Commissioner Banks, yes; Chairman Sherman, no.

The motion was approved by a vote of 8 to 1. (Chairman Sherman stated that she voted 'no' because she had originally voted for the CUP amendment request.)

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS:

A. Committee of the Whole

Ms. Price stated that a Committee of the Whole meeting would be held on Wednesday, January 29, 2003 at 5:30 p.m. at City Hall to discuss the changes to the Comprehensive Plan Update. Ms. Price stated that the Planning Commission would vote on the Update at their February 10, 2003 meeting.

B. Ordinance Review Committee

Committee Chairman Layton stated that the Ordinance Review Committee has finished work on Home Occupation Permits. Commissioner Layton stated that the Committee will continue reviewing parking in retail centers, Commercial Service Procedures (CSP's), in-fills and neon lighting.

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

General discussion followed concerning the inconsistency of identification for the 'E' Residence Districts with regards to acreage and minimum lot size.

The meeting unanimously adjourned at 9:12 p.m.

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Jerry Right, Secretary