PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
DECEMBER 11, 2017

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

I. ROLL CALL

PRESENT	ABSENT
Commissioner Wendy Geckeler	Commissioner Allison Harris
Commissioner Laura Lueking	
Commissioner John Marino	
Commissioner Debbie Midgley	
Commissioner Mary Monachella	
Commissioner James Rosenauer	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Councilmember Dan Hurt, Council Liaison
Mr. Jay Godsy, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Cecilia Dvorak, Project Planner
Mr. Mike Knight, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; Councilmember Guy Tilman, Ward II; Councilmember Ben Keathley, Ward II; and Councilmember Michelle Ohley, Ward IV.

Chair Hansen then thanked the police officials and staff for their input on the preceding Work Session.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

A. **P.Z. 17-2017 Aventura at Wild Horse Creek (Above All Development)**: A request for a zoning map amendment from the "PC&R" Planned Commercial and Residential District, the "C8" Planned Commercial District and the "LLR" Large Lot Residential District to an "R-6" Residence District for a 12.6 acre tract of land located on the south side of Old Chesterfield Road, northwest of the intersection with Wild Horse Creek Road (17T310016, 18T630173, 18T630205, 18T640226).\

STAFF PRESENTATION:
Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Comprehensive Land Use Plan
The Comprehensive Land Use Plan designates the site as *Urban Core*. While the request is to zone to the "R6" Residential Zoning District, the Applicant has stated their intent to build a multi-family development.

The Comprehensive Plan has a number of applicable Plan Policies which suggest that multi-family projects should be located close to higher-density commercial and residential development to ensure preservation of the character of single-family neighborhoods. The Plan Policies also specify the Urban Core as the most appropriate location for multi-family development. The "R6" Residence District would permit a maximum of 274 multi-family units within the subject site.

Request
The Petitioner is requesting to rezone the subject site to "R6" Residence District. Since this is a conventional zoning district, there is no preliminary plan or Attachment A required as the fixed development criteria are established by the "R6" Residence District.

"R6" Residence District Regulations
- Minimum Lot Size: 2,000 square feet for each unit of a multi-family dwelling
- Building Setbacks
  - 20 ft. from the right of way
  - 15 ft. from the rear property line
  - 10 ft. from the side property line
- Parking Setbacks:
  - 20 ft. from the right of way
  - 10 ft. from any Residential District
  - No setback required from any Commercial or Industrial District
- Minimum Open Space: 40%
- Maximum Building Height: 4 Stories

Along with the "R6" District regulations, other Unified Development Code regulations will apply including landscaping and lighting requirements.

Permitted Uses

1. Single-family detached
2. Single-family attached
3. Multiple-family
4. Public safety facilities
5. Churches and other places of worship
6. Home occupation
7. Libraries, public or private
8. Parks
9. College/university
10. Primary school
11. Secondary school
12. Kindergarten, nursery school
13. Public facilities

Tree Stand Delineation

As a part of the Site Plan procedure, and as required of multi-family developments in this district, the Petitioner will be required to preserve 30% of the existing tree canopy.

Issues

- Outstanding Agency Comments

Discussion

Commissioner Rosenauer questioned whether the Petitioner had considered rezoning to the "R-6AA" Residential District, which requires 3,000 sq. ft. per unit and would allow approximately 180 units on the site. Commissioner Lueking noted that while the Petitioner has stated their intent of only building 170 units, the requested "R-6" zoning would allow 274 units on the site. *(These concerns were referred to and addressed by the Petitioner later in the meeting.)*

Councilmember Hurt asked if Staff would be reviewing a sky plane calculation for this development considering its location along Wild Horse Creek Road. Mr. Wyse confirmed that this would be taken into consideration.

Chair Hansen asked for clarification on the required setbacks. Ms. Dvorak stated that the minimum building setback is 20 feet from both Old Chesterfield Road and Wild Horse Creek Road. In addition to the setback, there is a required 30-foot landscape buffer. Ms. Dvorak also explained that a boundary adjustment will be needed because there are currently four parcels on the site. If the current property lines were maintained, setbacks would be required from each property line.

Commissioner Lueking asked that ingress/egress be added to the list of issues noting that this was a concern for the apartment complex proposed for the site across the street from the subject property.

PETITIONER'S PRESENTATION:

1. Mr. Bryan Aston, Above All Development, 10411 Clayton Road, St. Louis, MO 63131.

Mr. Aston stated that the intent is to build 170 multi-family units under the "R6" Residential zoning district, which is consistent with the City's Comprehensive Plan. If approved, they will continue to work with Staff to ensure that the development adheres to, and meets, the "R6" zoning regulations, as well as landscape and tree preservation requirements. Mr. Aston noted that they have the support of both Sachs Properties and Dr. Marilyn Johnston, the current owner of the property.

Mr. Aston then provided the following information about the proposal:

- 170 units
- Three buildings with no basements; two of which will be 3 stories, and one of which will be a 3-4 split with the front of the building being 3 stories and the back being 4 stories.
- Mix of 1, 2, and 3-bedroom apartments
- All surface parking
- Amenities include a fitness center, swimming pool, and direct access to the proposed City walking trail
- Vehicular access will be from Wild Horse Creek Road only; this access has been approved by the Fire Marshall.

Information was also provided about Above All Development, which has a combined experience in the development of over 10,000 multi-family units nationwide. They have local developments in St. Peters, City of St. Louis, Ellisville, and Maryland Heights (currently under construction).

Above All Development is also a supporter of Compassion International, which is a Christian child advocacy program providing education, healthcare, safety, and nourishment to children living in extreme poverty throughout the world. Above All Development supports this organization by contributing $38/month for each unit at an Aventura development, which in turn, is used to sponsor a child. If the proposed development is approved, the company will have a total of 935 units thereby supporting 935 children each month.

Mr. Aston then explained that when the development was first being reviewed, 220 units were being considered, which is why the "R6" zoning was requested. Due to some site constraints, the project has been scaled back to 170 units. Accordingly, they will consider the Commission's request to utilize "R6AA" zoning for the property.

2. Mr. Jeff McCurdy, Above All Development, 10411 Clayton Road, St. Louis, MO 63131 stated he was available for questions.

3. Mr. Jim Whislor, Above All Development, 12300 Old Tesson, St. Louis, MO 63128 stated he was available for questions.

Discussion

Chair Hansen advised Mr. Aston that since the site is located within the City's urban core, there are high expectations of exceptional design.

Commissioner Geckeler asked if any of the Aventura developments have underground parking. Mr. Aston confirmed that all the other developments have surface parking only – no garages or underground parking is provided.

Mr. Wyse noted that the site is heavily-wooded and asked if they intend to comply with preserving 30% of the existing tree canopy. Mr. Aston confirmed that they will.

SPEAKERS IN FAVOR:
1. Mr. Mike Doster, 16090 Swingley Ridge Road, Chesterfield, MO 63005.

Mr. Doster stated that he was representing Sachs Properties, which is in support of the proposal.

2. Ms. Marilyn Johnston, 16560 Old Chesterfield Road, Chesterfield, MO 63017 stated she would pass on speaking.

3. Mr. Brian Kerrigan, 1524 Walpole Drive, Chesterfield, MO 63017.

Mr. Kerrigan stated that he has been a resident of Chesterfield for 20 years and that he supports this project for the following reasons:
- The Aventura projects in Ellisville and St. Peters appear to be well-done and well-maintained.
- No current residents will have to be displaced for this development to be built.
- The apartments could provide housing for employees that will be working in new developments being constructed Chesterfield.
- He admires the company's commitment to donating in excess of $35,000/month to Compassion International.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:
1. Sky Exposure Plane
2. Access/Traffic
3. R6AA zoning
4. Urban Core design standards
5. Underground parking
6. Open space requirements

B. P.Z. 19-2017 Downtown Chesterfield (Sachs Properties): A request to amend the legal description and preliminary plan of existing "PC&R" Planned Commercial & Residential Ordinance 2449 for a 104.9 acre tract of land located at the southwest corner of the intersection of U.S. Highway 40/I-64 and Chesterfield Parkway West.

STAFF PRESENTATION:
Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Comprehensive Land Use Plan
The Comprehensive Land Use Plan designates the site as *Urban Core*.

Request
The Petitioner is requesting to change the legal description of the ordinance and the Preliminary Plan to match the new legal description.

The request would essentially remove a 2.95 acre tract from the PC&R District and place it in an "R6" Residence District, as discussed under petition P.Z. 17-2017. Additionally, the Applicant wishes to add an approximately 3.36 acre site located across Wild Horse Creek Road. No changes are being requested for the conditions of the development, only that the boundaries of the district be modified.

The PC&R District requires a minimum of 70 acres. This request will ultimately add about 0.5 acres and will not affect this requirement.

This petition is intended to run concurrently with P.Z. 17-2017 which was heard earlier tonight.

Issues

- Outstanding Agency Comments

Preliminary Plan

The proposed Preliminary Plan is consistent with the Preliminary Plan approved under Ordinance 2449 with the boundary changes adjusted.

PETITIONER'S PRESENTATION:

1. Mr. Bryan Aston, Above All Development, 10411 Clayton Road, St. Louis, MO 63131 stated he was available for questions.

SPEAKERS IN FAVOR:

1. Mr. Mike Doster, 16090 Swingley Ridge Road, Chesterfield, MO 63005.

Mr. Doster stated that he was representing Sachs Properties and they are in support of the proposal.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:

No additional issues were raised.

C. P.Z. 18-2017 Falling Leaves Estates II: A request to change the zoning from an existing Planned Unit Development (PUD) to a Large Lot Residential District (LLR) for a 17.4 acre tract of land located west of Wilson Avenue and northwest of the intersection of Wilson Avenue and Clarkson Road (19T220214, 19T210161).

STAFF PRESENTATION:

Project Planner Mike Knight gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Knight then provided the following information about the subject site:

"LLR" Large Lot Residential District Regulations
If approved, the site will have to adhere to the established regulations of the Large Lot Residential District, which include permitted uses, structure heights, and lot area requirements. The minimum single-family lot size for the LLR district is three acres, and the uses provided are largely similar to comparable residential districts.

Permitted Uses

1. Single family dwelling
2. Churches and other places of worship
3. Cemetery or mortuary
4. Educational facility
5. Group residential facility
6. Group home
7. Library
8. Secondary school
9. Mechanical sewage treatment facility
10. Stables and kennels
11. Public utility facility

Site History/Request
In 1977, the site changed zoning from "NU" to "R1", and was subsequently changed in 2015 to a "PUD" Planned Unit Development. The PUD preliminary plan showed 16 single-family detached lots with a minimum acreage of 22,000 sq. ft. Since then, two brothers have approached the applicant about purchasing the entire 17 acres with the intent of building two homes on the property. Consequently, the applicant is now requesting to rezone the property from "PUD" to "LLR" Large Lot Residential.

As the request is a conventional zoning, there is no preliminary plan or Attachment A required.

PETITIONER'S PRESENTATION:

1. Mr. Mike Falkner, Vice-President of Sterling Engineering, 5055 New Baumgartner, St. Louis, MO 63129 stated he was available for questions.

2. Mr. John Fischer, representing Fischer Family Investments, 1919 Wilson Road, Chesterfield, MO 63005.

Mr. Fischer stated that in 2015 the 17.4 acre site was approved for a Planned Unit Development for a 16-home subdivision. Recently they were contacted by parties who are interested in purchasing the entire tract to build two homes and to keep the land in its natural state. They are, therefore, requesting to rezone the tract to Large Lot Residential, which would allow the natural beauty of the property to be preserved. They intend to replace the two existing homes with new homes, and use the existing residential drives and entry.

Mr. Wyse explained that the current PUD zoning includes requirements that are not necessary for just two homes, such as a public street and other infrastructure, so the "LLR" zoning is being requested.

Discussion

Chair Hansen noted that the "LLR" zoning would allow five homes on the site and asked for clarification as to whether there is any intent other than for two homes on the site.

Mr. Fischer confirmed that the intent is for two homes on the site but explained that when the Record Plat is submitted, it will show four lots in the development. This is necessary because the purchase is to take place over a period of time. In order to

facilitate the extended purchase, it is necessary to have the two additional lots to sell to the same purchasers in the future.

Commissioner Rosenauer inquired as to whether the intended new construction on the site will require the installation of sidewalks along Wilson Avenue. Mr. Knight replied that the act of rezoning does not require sidewalks, but when the adjoining parcel along Wilson Avenue redevelops, sidewalks will be required.

3. Mr. Mike Doster, 16090 Swingley Ridge Road, Chesterfield, MO 63005 passed on speaking.

SPEAKERS IN FAVOR:

1. Mr. John Foster, 18 Wheatley Court, Chesterfield, MO 63005 stated that he is one of three trustees for the Wilson Farm Estates subdivision, along with Jane Staniforth and Wayne Roberts. He noted the subdivision's support of the subject petition stating that they feel it is a very appropriate use of the property.

2. Ms. Julie Jacobsmeyer, 16327 Wilson Farm Drive, Chesterfield, MO 63005 stated that she and her husband live adjacent to the subject site enjoying its natural beauty, and, as such, are in favor of the petition.

3. Mr. Matt Voelker, 1804 Newburyport Road, Chesterfield, MO 63005 stated he is a trustee of Chesterfield Meadows subdivision and they are in support of the project.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the November 27, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Monachella and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living)

1. Mr. Mike Doster, Land Use Attorney on the Shelbourne Development Team, 16090 Swingley Ridge Road, Chesterfield, MO 63005.

Mr. Doster requested that the Planning Commission provide a positive recommendation to City Council on the subject petition. He stated that at the Public Hearing several Commissioners commented on the appropriateness of the site for this use and noted that the community in the area is supportive. Staff has indicated that they have satisfactorily addressed all the issues.

Mr. Doster stated that they are also requesting a modification to the parking setback on the east side of the property from 30 feet to 5 feet. This is necessary to accommodate an existing shared parking arrangement with the adjacent restaurant.

Discussion

Responding to Councilmember Hurt, Mr. Doster clarified that Sachs Properties wants to keep the reciprocal parking arrangement in place for the existing restaurant tenant, and any possible future tenant, to address any overflow parking from the restaurant. The parking lot is partially on the property that Shelbourne is acquiring so the underlying fee simple will be owned by Shelbourne, but it will be subject to this reciprocal arrangement.

2. Mr. Mark Hallowell, 403 Meadowbrook Avenue, St. Davids, PA 19087 was available for questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

A. P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living): A request for a zoning map amendment from a "C8" Planned Commercial District to a new "UC" Urban Core District for an 8.2 acre tract of land located southeast of the intersection of Chesterfield Parkway West and Chesterfield Center (18S110148).

Project Planner Mike Knight stated that the Public Hearing for this petition was held on November 13, 2017, at which time three issues were raised by Planning Commission. It was also noted that a letter in opposition was received this afternoon from the nearby Sheridan development. This letter will be included in the meeting packet of the next scheduled public meeting.

Mr. Knight then reviewed the issues and the Applicant's response:

1. Status of the Certificate of Need. *The applicant has responded that the Certificate of Need was approved at State level on November 9, 2017.*

2. Restrictions and appropriateness of drive-thru activity within this site. *The applicant has responded that all of the uses requested for this petition are the same uses as were approved for The Sheridan within Ordinance 2861, adopted by the City of Chesterfield on August 3, 2015. This includes the restriction that restaurant uses shall not be permitted to have a drive-thru*. Staff has included this same restriction in the draft Attachment A.

3. Tunneling effect along Chesterfield Parkway West. *The applicant has provided the Sky Exposure Plane on the section profile, which demonstrates that the proposed building is in full compliance of the Exposure Plane.* Staff will also work with the applicant during the site development phase, which includes review by the Architectural Review Board, to avoid any tunneling effect along Chesterfield Parkway West.

Staff has also provided input to the applicant regarding the high standard of design expected within the urban core, along with the importance of connectivity. Staff has noted that the existing sidewalk must be evaluated and upgraded, as necessary, to achieve ADA compliance, and that access management principals are to be applied to this development according to the Unified Development Code (UDC).

The petition includes a request for modification of standards within the Urban Core District relative to an existing shared parking lot with the property to the east. The minimum yard setback for any parking area, parking structure, or internal drive is 30 feet. If the modification to the parking setback is approved, the typically-required 30 foot landscape buffer will not be achievable along the eastern property line. Said modification shall require a two-thirds vote of the Planning Commission. Notwithstanding the recommendation of the Planning Commission, the Council may modify the standards contained in this Section by a majority vote.

All issues have been addressed and Staff recommends action from the Planning Commission on the request.

Discussion

Councilmember Hurt stated that the City will be faced with a possible canyon effect all along Chesterfield Parkway, which he noted is a concern of his. He acknowledged that the Applicant has changed the profile but he was hoping to see a stair-step approach on the location of the buildings.

Commissioner Wuennenberg made a motion to modify the parking setback from 30 feet to 5 feet from the east boundary of the UC District, which would eliminate the requirement of a landscape buffer. The motion was seconded by Commissioner Geckeler.

Discussion

Commissioner Rosenauer requested information with respect to the objections raised in the letter of opposition received earlier today. Mr. Wyse replied that the letter came from the investors of The Sheridan development and questioned the appropriateness of the Petitioner's Certificate of Need. In addition, concern was expressed about getting The Sheridan project operational prior to having a similar business approved.

Upon roll call, the vote to approve the parking setback modification was as follows:

Aye: Commissioner Geckeler, Commissioner Lueking, Commissioner Marino, Commissioner Midgley, Commissioner Monachella, Commissioner Rosenauer, Commissioner Wuennenberg, Chair Hansen

Nay: None

The motion passed by a vote of 8 to 0.

Commissioner Wuennenberg made a motion to approve P.Z. 16-2017 Chesterfield Village Mall (Shelbourne Senior Living), as amended. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

Aye: Commissioner Lueking, Commissioner Marino, Commissioner Midgley, Commissioner Monachella Commissioner Rosenauer, Commissioner Wuennenberg, Commissioner Geckeler, Chair Hansen

Nay: None

The motion passed by a vote of 8 to 0.

B. P.Z. 18-2017 Falling Leaves Estates II: A request to change the zoning from an existing Planned Unit Development (PUD) to a Large Lot Residential District (LLR) for a 17.4 acre tract of land located west of Wilson Avenue and northwest of the intersection of Wilson Avenue and Clarkson Road (19T220214, 19T210161).

Project Planner Mike Knight stated that Staff has found the zoning request to be compliant with both the Unified Development Code and the City's Comprehensive Land Use Plan. The Planning Commission may vote on the petition, if so desired.

Commissioner Lueking noted that she normally opposes voting on a zoning petition on the same evening of its Public Hearing, but because this zoning request is going from a PUD of sixteen homes to a LLR of two homes, she is in agreement with a vote this evening.

Commissioner Lueking made a motion to approve P.Z. 18-2017 Falling Leaves Estates II. The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Marino, Commissioner Midgley, Commissioner Monachella, Commissioner Rosenauer, Commissioner Wuennenberg, Commissioner Geckeler, Commissioner Lueking, Chair Hansen

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:02 p.m.

Steve Wuennenberg, Secretary