

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
November 25, 1996**



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

PRESENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Dave Dalton - arrived later
Mr. Robert Grant
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Chairman Michael Casey
Mr. Douglas R. Beach, City Attorney
Mr. Jerry Kelley, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Mr. Paul Mann, Planner II
Ms. Patricia Detch, Planner I
Mr. Michael Walker, Planning Technician
Ms. Sandra Lohman, Executive Secretary

ABSENT

Ms. Carol Kenney
Mr. Allen Yaffe

INVOCATION - Commissioner Dan Layton, Jr.

PLEDGE OF ALLEGIANCE - All

Chairman Casey announced that P.Z. 26-96 and P.Z. 27-96 The Nooning Tree Ltd. Partnership will be **tabled** this evening.

Chairman Casey recognized Councilmember Barry Streeter (Ward II) - Council Liaison; and Councilmember Larry Grosser (Ward II).

PUBLIC HEARINGS:

The first portion of the "Opening Comments" was read by Commissioner Broemmer.

- C. P.Z. 33-96 City of Chesterfield; to amend the Zoning Ordinance of the Municipal Code of Chesterfield, Missouri so as to regulate the placement of communications antennae and support structures within the jurisdictional limits of the City; to establish procedures and criteria for obtaining a permit to affix an antenna or build a support structure within the City; to establish procedures and criteria for obtaining a Conditional Use Permit to affix an antenna or build a support structure within the city; to establish other provisions regarding communications antennae and support structures; to provide an effective date; to provide for conflict and severability; and for other purposes.

City Attorney Douglas R. Beach presented the proposed "Ordinance" draft, and introduced Ms. Patricia Chapman, of D. Garvey Corporation. He noted that she has been responsible for advising site selection teams and securing zoning approvals for buildouts of new PCS Communication Networks in Atlanta and Georgia. He further noted she has also participated in drafting tower related legislation for a number of local governments in the Atlanta area, as well as having experience in the private sector as a planner in charge of directing the comprehensive planning zoning staffs. Mr. Beach noted:

- the basic document provided to the Commission came originally from Ms. Chapman, and was then reformatted to comply with our Zoning Ordinance, making it user-friendly;
- presented information about the Telecommunications Act of 1996, noting various changes since that time;
- the regulations and controls resulting from the 1996 Telecommunications Act are only useful if the City has a precise ordinance in place; and
- this item will be voted upon later this evening and presented to the City Council for final action at its meeting on Monday, December 2, 1996.

Commissioner Dave Dalton arrived during Mr. Beach's presentation.

Ms. Patricia Chapman, D. Garvey Corporation, assisted by Laura Griggs-McElhanon, Assistant Director of Planning, presented slides of various types/styles of communications antennae/towers, noting the following:

- met with various committees to determine matters of public interest with respect to towers in suburban communities;
- not all antennae require towers;
- 60% to 70% could be located on existing structures (i.e., water towers, church steeples, tall buildings, etc.); and
- described all types of structures depicted on the slides, some of which are already in place within the City.

SPEAKERS IN FAVOR: - None

SPEAKERS IN OPPOSITION: - None

SPEAKERS NEUTRAL: - None

REBUTTAL: - Waived

Commissioner Broemmer read the next portion of the "Opening Comments."

- A. P.Z. 31-96 Sebastian Rucci (Eagle Crest Estates); a request for a change in zoning from "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-1" One Acre Residence District and "FPR-1" Flood Plain One Acre Residence District for a 52.99 acre tract of land located on the south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road. (Locator Numbers 18U320048, 18U340112, 18U340080, and 18T110015).

AND

- B. P.Z. 32-96 Sebastian Rucci (Eagle Crest Estates); a request for a Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District and "FPR-1" Flood Plain One Acre Residence District for the same 52.99 acre tract of land located on the south side of Wild Horse Creek Road, approximately 2,500 feet west of the intersection of Wilson Road and Wild Horse Creek Road. (Locator Numbers 18U320048, 18U340112, 18U340080, and 18T110015). Proposed Uses: Single-Family Residences.

Assistant Director Laura Griggs-McElhanon gave a slide presentation of the subject site and surrounding area.

Mr. John King, Attorney for the petitioner, presented the request noting the following:

- described the subject tract and surrounding area;
- proposing 48 single-family residential lots on 52.9 acres;
- Lots 1 and 34 which front on Wild Horse Creek Road are full one (1) acre lots;
- remainder of the lots range from a little over 15,000 square feet to a half acre in size, providing a transition;
- Lots 35 through 48, across Caulks Creek, are all one (1) acre in size, and would contain homes ranging in size from approximately 3,000 square feet to 6,000 square feet, and range in price from \$275,000 or \$300,000 upwards to \$500,000 or \$600,000;
- common ground buffering is located on both the east and south property lines;
- entrance to the subdivision is one (1) curb cut located off of Wild Horse Creek Road, on the north side of the property;

- a stub street would be connected to Riverdale Drive, located in Chesterfield Estates Subdivision; and
- a Flood Plain Study is being done, and Sebastian Rucci is in attendance tonight to answer questions regarding flood plain matters.

QUESTIONS/CONCERNS BY COMMISSION

- Lots 2 through 33 range in size from 15,000 plus square feet to above one half acre. The homes on these lots would be in the area of 3,000 to 4,000 square feet, and priced from \$250,000 to \$275,000 base, upwards to \$350,000 or \$400,000. They would be two-story homes and, if they are 3,000 square feet will have a 1500 square foot footprint.

Mr. Sebastian Rucci answered questions from the Commission and Councilmember Streeter.

- The proposed development would not increase nor adversely affect the water problems upstream or downstream from this property.
- No owner of the proposed development would need to obtain flood plain insurance, as some of the land will be removed from the Federal Flood Plain.
- Councilmember Streeter requested the Commission to look at the possibility of future erosion problems very closely when considering this proposal.
- Mr. Rucci and Todd Brady attended two (2) or three (3) meetings with neighbors regarding the proposed development.

SPEAKERS IN FAVOR:

1. Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005, spoke in favor of the rezoning, but in opposition to the Planned Environment Unit (PEU) Procedure. Mr. Jim Winn, 24 Chesterfield Lakes, Chesterfield, MO 63005, provided the slides for her presentation.
2. Ms. Juanita Fox, 13 Chesterfield Lakes, Chesterfield, MO 63005, continued with the narrative corresponding to the slide presentation. The slides depicted several locations within the City which incurred damage due to lack of effective stormwater control both during and after development of various projects.

Concerns expressed/depicted on slides included:

- inadequate stormwater runoff control measures (bales of hay, mud fences);
- damage to roads and property due to erosion, siltation;

- reclaiming of flood plain areas has caused problems in the past (i.e., Chesterfield Estates, Country Place Subdivision).
 - damage to Bonhomme Creek; and
 - wetlands damage (trees, wildlife).
3. Dr. Theo Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005, spoke on behalf of Citizens for Responsible Growth in favor of P.Z. 31-96, in opposition to P.Z. 32-96, as presented tonight. He presented a video to the Commission which showed damage to Caulks Creek due to lack of stormwater control. He noted the following additional concerns:
- why wasn't the flood plain to the northeast, fronting Wild Horse Creek Road, included in the density calculations.
 - previous stormwater calculations have not been accurate;
 - the potential exists for future subdividing of proposed lots;
 - computer calculations do not take into consideration affect of additional development's water problems and the effect upon Caulks Creek and Bonhomme Creek; and
 - Citizen's for Responsible Growth are not in favor of the PEU.

COMMENTS/DISCUSSION

- As a general rule, over the past three (3) years, the problem of erosion, siltation across streets has been increasing as developments have been going up throughout the Wild Horse Creek Road area.
- Ditches along streets *have* been increasing *in width and depth* due to stormwater runoff resulting from additional development.

Dr. Theo Korakianitis gave a copy of the pictorial survey by Wendy Geckeler, 26 Chesterfield Lakes, Chesterfield, MO 63005-4513, dated November-1996, entitled "Inadequacies of Storm Water and Soil Erosion Regulations in Chesterfield."

SPEAKERS IN OPPOSITION: - None

SPEAKERS NEUTRAL: (With reservations due to stormwater problems.)

1. Mr. William Ruby, 404 Griffith Lane, Chesterfield, MO 63005, spoke as an individual, noting concerns about adverse effect to Griffith Lane (the eastern boundary of the subject site).
2. Doug Elliott, 1410 Chesterfield Estates Drive, Chesterfield, MO 63005, spoke as an individual, and noted he is now opposed to the plan, as proposed. He noted that Caulk's Creek already presents a dangerous situation due to flooding during heavy rains, as children are now required to vacate the common ground of his subdivision due to resulting high volume water.
3. Ron Cawood, 16992 Riverdale Drive, Chesterfield, MO 63005, spoke as an individual, noting he has a 15,000 square foot lot in Chesterfield Estates Subdivision, and does not have room to plant trees on either side of his home. He also noted that, three (3) weeks after he moved in to his home, there was a problem with his neighbor's deck which encroached on the building line.

REBUTTAL:

Mr. Sebastian Rucci noted the following:

- problems resulting from many developments depend upon what time of the year the grading work is done;
- the computer program the developer has used for the flood plain study is produced by FEMA;
- he would obtain approval of FEMA, MSD and City Staff regarding storm water issues;
- the proposed development will not fix existing storm water problems, but it will not make them worse;
- the proposed development will not adversely affect the private road mentioned earlier by Mr. Ruby;
- the developer will perform a soil analysis to determine best means to prevent erosion;
- lots on ridge are one (1) acre, walk-out, and extremely beautiful;
- the development is an adequate transition to Chesterfield Estates Subdivision; and
- density-wise, from an economic perspective, the project does not support a bridge across the Creek.

Commissioner Broemmer read the final portion of the "Opening Comments."

APPROVAL OF THE MINUTES:

A motion to approve the minutes was made by Commissioner Grant, seconded by Commissioner Bly and **passes by a voice vote of 7 to 0.**

PUBLIC COMMENTS:

1. Mr. Tom Krull, Volz Engineering, spoke in favor of P.Z. 28 & 29-96 Hardesty Homes (Picardy).
2. Mr. Brett Hardesty, 232 Chesterfield Industrial Blvd., Chesterfield, MO 63005, spoke in favor of P.Z. 28 & 29-96 Hardesty Homes (Picardy), requesting a change in Condition 4.(l). of the staff's report.

NEW BUSINESS:

- A. **P.Z. 26-96 The Nooning Tree Ltd. Partnership**; "NU" Non-Urban District to "R-3" 10,000 square foot Residence District; east side of Olive Boulevard, approximately 1,500 feet south of the intersection of Olive Boulevard and White Road and on the west side of White Road approximately 1,000 feet south of the intersection of Olive Boulevard and White Road.

AND

- B. **P.Z. 27-96 The Nooning Tree Ltd. Partnership**; a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; east side of Olive Boulevard, approximately 1,500 feet south of the intersection of Olive Boulevard and White Road and on the west side of White Road approximately 1,000 feet south of the intersection of Olive Boulevard and White Road.

Assistant Director Griggs-McElhanon noted the Department of Planning is requesting this item be tabled. She further noted the traffic study should be received tomorrow, which will be forwarded to the City's Public Works Department and St. Louis County for their review and comment.

Councilmember Streeter noted the P & Z Committee, at its meeting of November 21, 1996, instructed City Administrator Mike Herring to send a letter to St. Louis County requesting them to perform a traffic study along White and Conway Roads. He inquired what impact, if anything, this traffic study might have on holding or tabling the Nooning Tree development.

Assistant Director Griggs-McElhanon noted this could be something the Planning Commission and Planning and Zoning Committee could consider. She further noted that, when the City provides St. Louis County with a copy of the traffic study, it might assist them in their study.

Councilmember Streeter asked the Commission to wait for the St. Louis County traffic study to come in before moving forward on this proposal.

Commissioner Grant noted that, if and when the traffic study from the petitioner is received, we (the Planning Commission) should be ready and willing to move forward at that time. Commissioner Grant made a motion to hold P.Z. 26 & 27-96. The motion was seconded by Commissioner McCarthy.

Chairman Casey noted that, since we don't know the timeframe for the St. Louis County Traffic Study, he agrees with Mr. Grant, in that a traffic study will be provided by the petitioner.

Councilmember Streeter noted it is the feeling of the P & Z Committee that development of the already approved Nooning Tree Subdivision area might have a substantial impact on traffic on both White and Conway Roads. He further noted that they believe it is in the public's best interest to make sure we understand the full implications of the approved and proposed developments on White and Conway Roads.

The motion to hold P.Z. 26 & 27-96 **passes** by a voice vote of 7 to 0.

- C. **P.Z. 28-96 Hardesty Homes (Picardy)**; "R-2" 15,000 square foot Residence District and "NU" Non-Urban District to "R-3" 10,000 square foot Residence District; northeast corner of the intersection of Clarkson Road and Kehrs Mill Road.

AND

- D. **P.Z. 29-96 Hardesty Homes (Picardy)**; a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; northeast corner of the intersection of Clarkson Road and Kehrs Mill Road.

Planner II Paul Mann presented the request and Department's recommendation of approval of P.Z. 28-96, and approval of P.Z. 29-96, subject to conditions in Attachment A, amended as follows:

Condition 5.h. - delete "along Clarkson Road" from first sentence.

Condition 5.i. - "An off-site sidewalk shall be extended to County Ridge Drive. If the developer/owner is unable to secure easements for the sidewalks, the City of Chesterfield will enter into an agreement with the Missouri Department of Transportation (MoDOT) to allow construction within the right-of-way."

Add new Condition 5.m. - "The subdivision street shall be a minimum pavement width of twenty-four (24) feet."

It was also noted that the Conditions make it clear to potential buyers that all internal streets are to remain private forever.

Tom Krull, Volz Engineering, noted that the culvert the State built under Clarkson Road is a major drainage area which connects to the Marquette High School property; the proposed detention area will not intercept this water; and the proposed development would not cause any flooding in this area.

Chairman Casey noted, for the record, that the memo handed out tonight should state "Country Ridge Drive."

A motion to approve P.Z. 28-96 was made by Commissioner Broemmer and seconded by Commissioner Layton.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Chairman Casey, yes.

The motion passes by a vote of 7 to 0.

A motion to approve P.Z. 29-96, subject to amended conditions in Attachment A, was made by Commissioner Broemmer, and seconded by Commissioner Layton.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Chairman Casey, yes.

The motion passes by a vote of 7 to 0.

- E. P.Z. 30-96 McDonald's Corporation; "NU" Non-Urban District to "C-8" Planned Commercial District and an amendment to St. Louis County Ordinance 5531 establishing a "C-8" Planned Commercial District; southeast corner of the intersection of Long Road and Chesterfield Airport Road. This request will result in a new "C-8" Planned Commercial District encompassing 2.94 acres.

Planner II Paul Mann read the issues being evaluated by the Department, asked whether the Commission had additional issues, and recommended the matter be held until the December 9, 1996 Planning Commission meeting.

A motion to hold this until the meeting of December 9, 1996, was made by Commissioner Grant, seconded by Commissioner Bly and passes by a voice vote of 6 to 0 to 1, with **Commissioner Dalton abstaining.**

- F. **P.Z. 33-96 City of Chesterfield**; to amend the Zoning Ordinance of the Municipal Code of Chesterfield, Missouri so as to regulate the placement of communications antennae and support structures within the jurisdictional limits of the City; to establish procedures and criteria for obtaining a permit to affix an antenna or build a support structure within the City; to establish procedures and criteria for obtaining a Conditional Use Permit to affix an antenna or build a support structure within the city; to establish other provisions regarding communications antennae and support structures; to provide an effective date; to provide for conflict and severability; and for other purposes.

A motion to approve the Ordinance, as presented by City Attorney Doug Beach, was made by Commissioner Layton and seconded by Commissioner Bly.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Chairman Casey, yes.

The motion passes by a vote of 7 to 0.

- G. **P.C. 63-85 J.L. Mason of Missouri, Inc., (Bull Moose Tube)**; request for amendment of "C-8" Planned Commercial District Ordinance; west side of Clarkson Road, south of Baxter Road.

Assistant Director Griggs-McElhanon stated the request and Department's recommendation of approval, subject to conditions as stated in the Department's report.

A motion to approve the Department's recommendation was made by Commissioner Broemmer and seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Grant, yes; Commissioner Layton, yes; Commissioner McCarthy, yes; Chairman Casey, yes.

The motion passes by a vote of 7 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **Brookhill Estates Addition Plat 3**; Planned Environment Unit (PEU) Procedure in the "R-1A" 22,000 square foot Residence District Record Plat; east side of Straub Road, north of Clayton Road.

Commissioner McCarthy, on behalf of the Site Plan Committee, made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Grant and passes by a voice vote of 7 to 0.

- B. **Woodsmill Commons III**; "C-8" Planned Commercial District Freestanding Business Sign; east side of Old Woods Mill Road, south of Conway Road.

Commissioner McCarthy, on behalf of the Site Plan Committee, made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Grant and **passes by a voice vote of 7 to 0.**

- C. **August Hill Drive Road Dedication and Easement Plat**; east side of Baxter Road Extension, south of Wild Horse Creek Road.

Commissioner McCarthy, on behalf of the Site Plan Committee, made a motion to approve the Department's recommendation. The motion was seconded by Commissioner Grant and **passes by a voice vote of 7 to 0.**

IX. **COMMITTEE REPORTS:**

A. **Ordinance Review Committee**

Chairman Casey directed the Staff to contact Committee members and schedule meeting to review parking standards for office uses and restaurants.

- B. **Architectural Review Committee** - No report.

- C. **Site Plan/Landscape Committee** - No report.

D. **Comprehensive Plan Committee**

Assistant Director Griggs-McElhanon noted, in accord with policy, the Comprehensive Plan was presented to the Planning and Zoning Committee for review at its November 21, 1996 meeting. She further noted the Commission will need to approve a Resolution to amend the Comprehensive Plan.

A motion to approve the amendment to the Comprehensive Plan relative to communication towers was made by Commissioner McCarthy, seconded by Commissioner Grant and **passes by a voice vote of 7 to 0.**

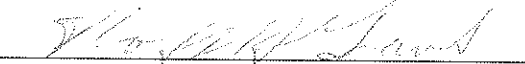
E. **Procedures and Planning Committee**

Commissioner Grant requested the review of the rezoning process be included on a future Planning Commission agenda.

Chairman Casey instructed Sandra Lohman, Executive Secretary, to poll the Commission to select a Saturday in January for a quarterly meeting. He noted the meeting would run approximately 2 hours (i.e., from 9:00 a.m. to 11:00 a.m.).

A motion to adjourn was made by Commissioner Grant seconded by Commissioner McCarthy **and passes by a voice vote of 7 to 0.**

The meeting adjourned at 9:22 p.m.


Robert Grant, Secretary

[Revised 12/9/96]

[MIN11-25.096]