

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
OCTOBER 25, 2021**

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

I. ROLL CALL

PRESENT

ABSENT

Commissioner Caryn Carlie
Commissioner Allison Harris
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Nathan Roach
Commissioner Jane Staniforth
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

Councilmember Mary Monachella, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning
Mr. Chris Dietz, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Mary Monachella, Council Liaison; and Councilmember Mary Ann Mastorakos, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

- A. P.Z. 11-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):** A request for a change in zoning from Large Lot Residential (LLR) to E-1 AC Estate District for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road (18V130099, 18V140065, & 18V140098).

STAFF PRESENTATION:

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

Request

The Applicant is requesting to rezone three parcels from “LLR” into “E-1AC” Estate District to establish the density for a 35-home single family residential development. This is the first step of a two-step process of requesting a Planned Unit Development (PUD) with flexible design standards.

Site History

The site was zoned “NU” Non-Urban prior to the City’s incorporation. A Conditional Use Permit was issued in 1990 for 17803 Wild Horse Creek Road for the sale of sand, mulch, gravel, etc. In 1999, the properties at 17815 and 17831 Wild Horse Creek Road were rezoned to “LLR” District to accommodate a proposed addition to the private school, followed by 17803 Wild Horse Creek Road being rezoned and incorporated into the “LLR” District in 2015.

Comprehensive Plan

The subject site is located within the *Suburban Neighborhood Character Area*, which is defined primarily by single-family detached homes typically oriented toward the interior of the site and buffered by transitional uses, topography, preserved open space, and landscaped areas.

Design Standards

The *Design Standards* for the E-1AC Estate District are shown in the table below.

E-1AC Estate District	
Minimum Lot Size	1 acre
Maximum Height	50 feet
Front (ROW) Setback	25 feet
Side Setback	25 feet
Between Structures	40 feet
Landscape Buffers	Required

Discussion

Chair Hansen commented that the maximum height of 50 feet seems rather tall. Mr. Justin Wyse, Director of Planning, pointed out that a house can reach this height when taking into consideration the pitch of the roof on a two-story home, and noted that there are homes within Chesterfield near this height.

Commissioner Tilman asked for clarification on how the site could be developed with 35 one-acre lots under the E-1 AC Estate zoning when the parcel is only 35 acres in size. He pointed out that some of the acreage would be used for streets, common ground, and access points resulting in less than 35 acres for the development of lots. Mr. Wyse clarified that under the E-1 AC Estate zoning, 35 one-acre lots would not be possible. It was then pointed out that for this petition, the Commission is voting to establish the zoning district for the site – not the number of lots.

- B. P.Z. 12-2021 Estates at Fire Rock (McBride Berra Land Co., LLC):** A request for a change in zoning from E1-AC Estate District to a Planned Unit Development (PUD) for 35.0 acres located at 17803, 17815 and 17831 Wild Horse Creek Road to permit 35 single-family homes (18V130099, 18V140065, & 18V140098).

STAFF PRESENTATION:

Request

The Applicant is requesting a Planned Unit Development (PUD) as the second step in the change of zoning process to allow a single-family residential development of 35 homes with 1-acre density.

The request includes:

- 35% open space
- 88% preservation of the existing tree canopy
- One vehicular access point from Wild Horse Creek Road into the site's interior with public right-of-way and sidewalks throughout
- Preservation of Blake Mound, designated as a structure of historic interest by the Chesterfield Historic Landmark & Preservation Committee
- Amenities:
 - Walking path around Blake Mound
 - Pavilion and educational monument near mound
 - Parking area for resident use while visiting mound
 - 12.5 acres of common ground

Lot Criteria

The Lot Criteria for the requested PUD is shown in the table below.

Estates at Fire Rock - PUD	
Minimum Lot Size	22,000 sq. ft.
Minimum Lot Width	110 feet
ROW Setback	25 feet
Side Setback	8 feet
Rear Setback	25 feet
Between Structures	20 feet

Planned Unit Development

A Planned Unit Development is intended to:

- Encourage flexibility in design standards that result in exceptional design, character and quality of new developments.
- Promote most appropriate use of land.
- Facilitate the provision of streets and utilities.
- Preserve the natural and scenic features and open space.

It was noted that the Petitioner has met all the UDC requirements and minimum design standards for a Planned Unit Development regarding property ownership, underground utilities, establishing density, common ground, buffers, and consistency with the Comprehensive Plan and City Code.

There are also 12 additional design features to be considered when evaluating whether a site warrants a PUD designation. Although satisfaction of all or any of these design features is not mandatory, the approval of PUD zoning will be predicated on the use of them or any other design feature deemed desirable by the City of Chesterfield. Proposed inclusion of these design features within a PUD can increase the flexibility of design

standards and the ability of the developer to negotiate the mitigation of other requirements.

Discussion

Cross Access to Adjacent Property

Commissioner Wuennenberg pointed out that there is an existing single-family residence on Wild Horse Creek Road abutting the subject site to the west, and questioned whether a cross access easement to that site would be appropriate. He also asked for clarification as to whether infrastructure has been completed for a left turn lane off Wild Horse Creek Road into that property. Mr. Wyse indicated that these items will be reviewed.

Blake Mound

Commissioner Carlie requested information on the ownership of Blake Mound. Mr. Dietz reported that currently all of the property is owned by a bank; ultimately Blake Mound will come under the ownership of the subdivision's HOA. It was noted that there are other historic sites throughout the city located within private developments – such as a cemetery within Schoettler Grove, and an historic site within the Chesterfield mobile home park.

Commissioner Tilman stated that there needs to be documented guidance as to how the Blake Mound property can be used.

Chair Hansen questioned whether there is a guarantee that the mound property will never be developed. Mr. Wyse explained that if the project is approved, the mound area would be platted as common ground preventing any future development of it.

Commissioner Staniforth inquired about any plans to prevent vandalism and questioned whether a fence would be provided around the mound.

Amenities for PUD Designation

Chair Hansen asked that the Applicant provide information on proposed amenities that would warrant designating the site a Planned Unit Development.

Commissioner Wuennenberg requested that Staff provide a comparison between E-1 AC zoning and the proposed Planned Unit Development. He did note that the Applicant is providing a significantly-enhanced landscape buffer along Wild Horse Creek Road – 50 feet vs 30 feet.

Chair Hansen noted that the Applicant is requesting an 8-foot side setback vs the 25-foot side setback required under E-1 AC.

PETITIONER'S PRESENTATION:

1. Ms. Jeannie Aumiller, McBride Berra Land Development, 17415 North Outer Forty Road, Chesterfield, MO.
2. Mr. Mike Falkner, Vice-President of Sterling Engineering, 5055 New Baumgartner Road, St. Louis, MO – available for questions.

Ms. Aumiller provided the following information about the proposed development:

Property Details

The property is surrounded by residential land uses, a church, and golf course. The existing school on the 35-acre site is ceasing operations at the end of this school year.

Blake Mound

The site includes Blake Mound which is an Osage National Sacred Site and part of the Bonhomme Creek Archeological District listed on the U.S. National Registry of Historic Places. An informational marker will be placed on site to identify the mound. Mark Leach has spent time educating their team about the importance of Blake Mound. It is agreed that the mound needs to be preserved and protected. In order to prevent any damage or deterioration, public access will be extremely limited with prior approval required. Archaeological professionals approved by the City will be allowed access to study the mound, with notice provided to the HOA.

In order to preserve Blake Mound, it will be designated as common ground. In addition, the covenants, conditions, and restrictions (CC&Rs) regarding the common ground will be recorded, and will include special prohibitions and protections of what can and cannot be done by both the HOA and the public. The mound site will not be open to the public but a process will be put in place whereby the HOA board could approve access to professional groups or individuals for study purposes. It is anticipated that someone from the City, or some other appropriate agency, will partner with the HOA in making such decisions. It is felt that having the mound within a residential area is beneficial as it will provide “a lot of eyes and ears on the site 24/7”.

An educational marker will be installed on the site providing information about the mound’s historic significance. A trail will encircle the mound and will be accessible only to the residents of the subdivision. In addition, a pavilion will be constructed in the area along with a few parking spaces, which too are only accessible to the subdivision.

Residential Consistency

Homes are consistent with homes in the neighboring subdivisions. The development will have the same look and feel along Wild Horse Creek Road, with substantial landscaping beyond the minimal requirements. In addition, none of the homes will be adjacent to the road.

Planned Unit Development

They feel strongly that the 1-acre PUD designation fits in well with the surrounding uses. The PUD is instrumental in clustering the lots and preserving Blake Mound. The proposed development is consistent with the Comprehensive Plan, and meets the PUD requirements of open space and buffers. Thirty-five percent (35%) of the site is open space/common ground with 88% of tree preservation. Extensive landscape buffers include a 50’ landscape buffer along Wild Horse Creek Road and 30’ buffers along the remaining perimeters of the site.

Design features include luxury home products with exceptional design elements; one-acre density; 22,000 sq. ft. minimum lot size; homes oriented to the interior of the site; walking trails offering passive and active recreational amenities; and preservation of Blake Mound.

Cross Access

Ms. Aumiller stated that cross access can be provided to the single-family residence abutting the site.

Discussion

Responding to questions, Ms. Aumiller provided the following information.

Blake Mound

The mound is approximately one-half acre in size at the base. Residents will not be allowed to walk on the mound – only around the mound on the designated trail. The HOA directors will be allowed on the mound for maintenance purposes.

A sign outlining restrictions regarding the mound will be erected near the mound. In addition, a site-specific disclosure regarding the mound will be given to each prospective homeowner before a contract is signed.

It was noted that there are no plans to erect a fence around the mound.

The mound will be restricted from any development because it will be designated as common ground. Maintenance of the mound will be covered under the CC&R. A deed restriction could be done for preservation of the mound, separate from the indentures for the common ground.

There will not be any utility easements through the mound area.

Commissioner Harris asked for information as to the closest proposed home to the mound. She also expressed concern that the mound will not be accessible to the residents of Chesterfield. It was pointed out that the mound can be seen from public streets within the subdivision.

Storm Water

Mr. Wyse inquired as to how storm water flowing down the mound will be handled. Mr. Falkner of Sterling Engineering stated that they have been working with MSD on how to address the situation.

SPEAKERS IN FAVOR:

Mr. Mark Leach, 1624 Ansonborough Drive, Chesterfield, MO.

Mr. Leach stated that for the past 16 years he has served as the volunteer restoration and research coordinator of Chesterfield's Blake mound and cave archeological site. He then provided the following information:

The site is an Osage National Sacred Site and is on the U.S. National Register of Historic Places as part of the Bonhomme Creek archeological district. It is the largest surviving Native American burial mound in St. Louis County.

He has led an all-volunteer effort to restore 100 years of grave robbing damage to the mound while strictly following a care-of-mound protocol he developed under consultation with local archeologists. Recently he has worked very closely with Elite Development and McBride Homes as they put together development plans for the property. He stated that they have not only met each of his concerns, but have exceeded his expectations.

Mr. Leach then summarized the plans they have discussed:

1. No impact to protected areas of the property.
2. The care-of-mound protocol has been written into the proposed subdivision's HOA Agreement.
3. Ongoing and future professional research may continue.
4. The existing trail around the mound will be improved by adding a thick layer of mulch.
5. The mound and protected areas, including the trail, will be maintained by the subdivision per HOA Agreement.
6. One lot that could have been developed is being set aside for the pavilion, educational signage, and five parking spaces.
7. He will work with the proposed subdivision trustees as the volunteer restoration and research coordinator.

He has discussed the proposed plans with archeologists at the Osage Nation, the State Historic Preservation Office, the Army Corp of Engineers, the Missouri Archeological Society, and a joint team from the University of Illinois and University of Indiana conducting ongoing research at the site. None of these organizations have voiced opposition to the development plans as outlined by Elite and McBride.

Once the pavilion and educational signage are in place, the Osage Nation is interested in holding a special mound commemoration ceremony where a delegation from the Osage Nation would perform a blessing on the site.

Mr. Leach then thanked the administration, staff, and students at Barat Academy for being "dedicated and enthusiastic stewards of the mound".

Discussion

Chair Hansen thanked Mr. Leach for his work in preserving Chesterfield's historical information. She then asked what reassurance the City has that the site will be preserved well into the future. Mr. Leach responded that the original owner, Gateway Academy, signed a protective covenant with the State of Missouri to never build on or around the mound. The covenant has been continued with Barat Academy's ownership. He also feels that the strongest protection is from all the organizations mentioned above, who would be very vocal and object to any plans that would damage the mound.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. John E. Drake, Tara at Wildhorse Homeowners Association, 962 Tara Oaks Drive, Chesterfield, MO.

Mr. Drake stated that there is a cave below the mound near the railroad tracks, which was used as a burial preparation site by Native Americans. He recommended that the McBride Berra organization conduct a complete archeological survey of the entire project site.

He also has the following requests:

- Insure that the developer does not do anything to impact the Tara at Wildhorse subdivision's common ground. He noted that soils on the site are loess, which is

a wind-blown dust that has been compacted. It is very stable when not disturbed; but when disturbed, it is very fragile and erodes rapidly. Most of the homes on the east side of Tara Oaks Drive have severe erosion problems at the very back of the property.

- Insure nothing is done with the property adjacent to the existing ravine that could cause erosion.
- Insure that the storm drainage system does not allow any water runoff from the project onto the Tara at Wildhorse's common ground property.

2. Mr. Paul Summers, Tara at Wildhorse Homeowners Association, 986 Tara Oaks Drive, Chesterfield, MO.

Mr. Summers stated that his home is the closest point to the southwest corner of the subject site's common ground. He then inquired about the following:

- Whether any pools or playgrounds would be allowed in the common area on the southwest corner of the site.
- Requested information on the square footage and price points of the proposed homes.
- Because of the already heavy traffic along Wild Horse Creek Road during the morning peak hours, they strongly endorse left-hand turn lanes to help with traffic congestion.

PETITIONER'S RESPONSE

The concerns raised were then addressed by Ms. Aumiller and Mr. Falkner:

- There will not be any grading within the tree preservation area that borders the Tara at Wildhorse subdivision.
- No improvements will be permitted within the common ground buffer strip (no pools, playgrounds, etc.)
- Homes will range in size from 2,500 to 4,000 sq. ft. with an estimated price range starting in the \$600,000s with an average in the \$800,000s.

Mr. Falkner explained that there is an existing detention basin on site, which will be enlarged to meet MSD's new standards. A lot of the surface water off the front of the site will be taken to the enlarged basin. All of the surface water from the lots will be picked up and piped underground with most of it going to the large detention basin at the very north end of the site. It is their intent to work with the City and MSD on how the water is discharged off of the bluff.

A possible left-hand turn lane is at MoDOT's discretion, but the Applicant is dedicating an additional 10-foot right-of-way to MoDOT for such use if needed.

Common Ground

Total common ground is 12.5 acres with Blake Mound being ½ acre of that common ground.

Cave

Commissioner Carlie asked if the referred-to cave is part of the subject site. Ms. Aumiller said they will check into this but it appears to be within the preserved area.

ISSUES

Mr. Dietz summarized the issues raised during the Public Hearing.

1. Blake Mound
 - a. Provide more information about the cave.
 - b. Provide information on the proposed deed restriction as it pertains to the mound.
 - c. Provide information on the proximity of the home nearest the mound.
2. Access
 - a. Possible cross access into the adjacent site.
 - b. Possible left-hand turn lanes on Wild Horse Creek Road.
3. PUD Request
 - a. Provide a comparison between the requirements for E-1AC district vs the proposed PUD.
 - b. Provide information on proposed amenities to qualify as a Planned Unit Development.

Commissioner Tilman requested additional information as to whether the site could be designated as E-1/2 AC vs the requested E-1AC. He noted that all of the lots exceed ½ acre but none of the lots meet 1 acre.

V. APPROVAL OF MEETING SUMMARY

Commissioner Midgley made a motion to approve the Meeting Summary of the October 11, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Staniforth and **passed by a voice vote of 8 to 0.** (*Commissioner Midgley abstained.*)

VI. PUBLIC COMMENT

The following individuals, representing the Petitioner, were available for questions regarding **Chesterfield Blue Valley 4th Amended Site Development Concept Plan** and **Chesterfield Blue Valley, Lot 1G Amended Site Development Section Plan**:

1. Ms. Julie Michel, Sonic Automotive, 4401 Colwick Road, Charlotte, NC
2. Ms. Jigna Gopaldas, Sonic Automotive, 4401 Colwick Road, Charlotte, NC
3. Mr. Eric Fischer, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Chesterfield Blue Valley 4th Amended Site Development Concept Plan:**
An Amended Site Development Concept Plan for a 137.6 acre tract of land zoned "PC" Planned Commercial District located on the north side of Olive Street Road, west of its intersection with Chesterfield Airport Road.

Commissioner Staniforth, representing the Site Plan Committee, made a motion recommending approval of the 4th Amended Site Development Concept Plan for **Chesterfield Blue Valley**. The motion was seconded by **Commissioner Midgley** and **passed** by a voice vote of 9 to 0.

- B. Chesterfield Blue Valley, Lot 1G ASDSP**: An Amended Site Development Section Plan, Landscape Plan, Lighting Plan, Tree Stand Delineation, Tree Preservation Plan, Architectural Elevations and Architectural Statement of Design for a 6.01-acre tract of land located along the east side of Outlet Boulevard, north of its intersection with Olive Street Road.

Commissioner Staniforth, representing the Site Plan Committee, made a motion recommending approval of the Amended Site Development Section Plan, Landscape Plan, Lighting Plan, Tree Stand Delineation, Tree Preservation Plan, Architectural Elevations, and Architect's Statement of Design for **Chesterfield Blue Valley, Lot 1G** with the condition that the Applicant work with Staff to add additional landscaping along the Outlet Boulevard, as well as the I-64 frontage. The motion was seconded by **Commissioner Wuennenberg**.

Commissioner Wuennenberg stated that discussion took place in the prior Site Plan Committee meeting regarding a desire to see enhanced landscaping along the major corridors, in front of the bollards, and along the fence area to improve the look as seen from the highway since this site is an entry into Chesterfield.

Commissioner Harris added that there was discussion about the rustic look of the building. She feels that the grey paint will help recede this look but has concerns about the proposed green paint for the accent band, and suggested making it grey instead.

The motion to approve **passed** by a voice vote of 9 to 0.

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:28 p.m.



Jane Staniforth, Secretary