

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 10, 1994



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

PRESENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Linda McCarthy
Ms. Patricia O'Brien
Chairman Barbara McGuinness
Mr. Douglas R. Beach, City Attorney
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Toni Hunt, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Michael Casey

INVOCATION - City Attorney Doug Beach

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - None

APPROVAL OF THE MINUTES

Commissioner Domahidy made a motion to approve the minutes from the meeting of September 26, 1994. The motion was seconded by Commissioner Dalton and **approved** by a voice vote of 8 to 0.

PUBLIC COMMENTS

1. Thomas Cunningham, 100 North Broadway, St. Louis, MO 63102, spoke regarding P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows).
 - He is an attorney for Husch & Eppenberger, representing E.M. Harris this evening.
 - Their revised plan represents a reasonable and responsive reaction to some atypical circumstances that exist north of Wild Horse Creek Road, as recognized by the City's Comprehensive Plan.
 - To the west of the subject site is a "C-8" strip commercial center; to the east is an "R-2" and "R-3" residential development.
 - The revised plan before the Commission this evening is consistent with Staff recommendations and, more importantly, consistent with previously approved development in the area.
 - Less than one (1) year ago this Commission recommended, and the City Council approved, The Bluffs at Wildhorse (minimum 10,000 square foot lot single-family development), adjacent to the subject tract.
 - The proposed E.M. Harris development compares quite favorably and stacks up favorably with previously approved development north of Wild Horse Creek Road, and is similar to developments (densities) throughout the City of Chesterfield that are of high quality (i.e., The Forest, Shenandoah, White Plains, Villages at Baxter Ridge, etc.). All of these have minimum square footage and single-family lots between 9,000 and 10,000 square feet.
 - He requested favorable Planning Commission consideration of the proposal and recommendation to Council.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien asked what size home would be placed on a 10,000 square foot lot.

Mr. Frank Ganninger, President of E.M. Harris Building Co., noted the size of the homes would range between 2,000 and 3,000 square feet, maybe a little bit more.

Chairman McGuinness inquired about the price of the proposed homes.

Mr. Ganninger noted the base price will probably start around \$190,000, and will run up to \$225,000 - \$235,000, with the average price between \$225,000 and \$250,000 (a twenty percent (20%) to thirty percent (30%) higher average price than that of the lowest base price).

Commissioner O'Brien asked what the dimensions would be of a footprint for a 3,000 square foot house.

Mr. Ganninger replied the base two-story house would probably be 40' x 35' (1400 square feet per floor, excluding the garage area).

Commissioner O'Brien inquired whether he would be able to place a 3,000 square foot house on a 10,000 square foot lot.

Mr. Ganninger said he would, as they have a similar development in the west part of the County (i.e., 2250 to 3400 square foot houses on 10,000 square foot lots).

Commissioner O'Brien noted she objects to having a small lot filled up with a house.

Mr. Ganninger noted the developer is willing to go to eight (8) foot side yard setback (in lieu of the typical six (6) foot side yard setback) in order to give a more open space look to the development.

2. Theodosios Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005, spoke regarding P.Z. 13 & 14-93 E.M. Harris, and P.Z. 18 & 19-94 Chesterfield Village, Inc.
 - He reminded the Commission that two (2) weeks ago they decided to hold off all discussions on P.Z. 13 & 14, and P.Z. 18 & 19-94, and that they would not take any action on these until the West Area Study Committee would come back with its recommendations. He further stated this motion was made by Dr. Domahidy, there was some discussion, and it was supported by Mr. Broemmer, Mr. Bly, Mr. Casey, etc.
 - It would be prudent for the Commission to wait for two (2) or three (3) weeks in order for the West Area Study to come up with a conclusion, keeping in mind what is at stake (i.e., the future of Chesterfield, the character of Chesterfield, and all the deliberations of the past month).

OLD BUSINESS - None

NEW BUSINESS

- A. **P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows)**; "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District; north side of Wild Horse Creek Road, east of Long Road.

Senior Planner Griggs-McElhanon summarized, for the record, the lot sizes and setback requirements recommended by the Department. She noted the Department has not received a revised plan since the Commission's last meeting; therefore, the Department has not changed its recommendations.

Commissioner Domahidy stated she thought Mr. Cunningham indicated earlier that a revised plan had been submitted.

Senior Planner Griggs-McElhanon noted there was a revised plan presented to the Commission at its last meeting, on which the recommendations in Attachment A are based.

Chairman McGuinness inquired whether the Commission wished to hear this presentation tonight or desires to wait for a more sensitive plan.

Commissioner Domahidy noted it is not her desire to **hold** action on this matter indefinitely. She further noted she understands there has been some revision to the plans, and is willing to hear the Department's presentation in order to move forward.

City Attorney Doug Beach noted Commissioner Domahidy's request at the last meeting was to look for change, and it appears there hasn't been any change; therefore, he assumes the developer does not wish to make changes.

Commissioner Domahidy noted, as reflected in the minutes of September 26, 1994, her motion was to **hold**. She further noted her reason for requesting the matter be held was for more sensitivity in design, in response to concerns raised by the West Area Study.

Chairman McGuinness stated Commissioner Domahidy's reason wasn't, in fact, to hold it for the West Area Study, but was a request for more sensitivity in design.

Commissioner Domahidy said this is true, and noted it is her understanding that the meeting summary is a fair reflection of what is on the tape of the September 26, 1994 meeting.

Commissioner Bly noted Mr. Cunningham had stated that the developer will adjust their plan so the minimum lot sizes would be the same as adjoining properties.

Director Duepner noted it was his understanding that Mr. Cunningham indicated lots would be a minimum of 10,000 square feet (similar to the development to the east), but the plan received by the Department reflects a minimum of 8,000 square feet.

Chairman McGuinness stated the role of the Planning Commission is to receive plans and react to plans, not develop them. She noted the Planning Commission did not move to hold for the report of the West Area Study Committee, but to instruct the developer to come back with a more sensitive plan.

Commissioner O'Brien noted she placed the Sachs petition on hold pending the West Area Study discussion.

Commissioner Dalton made a motion to **hold** P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows). The motion was seconded by Commissioner Broemmer.

City Attorney Beach noted the procedure which calls for a **hold** is a motion which takes it over to the next meeting for discussion. He further noted a motion to **table** would be appropriate if you intend to hold for a specified time.

Commissioner Dalton noted, according to the minutes, the motion to hold was made in order to gain more sensitivity and design to the concerns articulated since the beginning of the West Area Study; therefore, since we haven't received anything different since then, would that be appropriate?

Commissioner Domahidy requested clarification regarding 10,000 square foot lots currently not depicted on the plan.

Director Duepner noted that 8,000 square foot minimum lots are depicted on the plan; however, if you go to a minimum of 10,000 square foot minimum lots you would be increasing the smallest lots by 2,000 square feet, not a substantial change. He further noted that, if there are minimums imposed relative to the total development, the maximum number of lots would be determined by those criteria.

Commissioner Kirchoff noted he doesn't believe minimum lot size is enough justification to hold, as we have acted on other petitions where we have increased the minimum lot size, rather than waiting for the petitioner to do so. He further noted that, since the petitioner hasn't changed his request since the last meeting, there is no good reason to believe he is going to change it if we wait another two (2) weeks; therefore, it is more appropriate we act on it. Commissioner Kirchoff noted he would make a motion for the 10,000 square foot minimum lot size, with the standard side yard dimension of eight (8) feet.

Commissioner Domahidy noted that, in holding the matter at the last meeting, the developer was given an opportunity to come back with a better plan, one more in keeping with the ongoing discussions. She further noted the developer's failure to come back with another plan places the Commission in a position of almost having to impose more directly what it wishes.

Commissioner Bly made a motion to suspend the rules and ask Mr. Cunningham to explain his earlier statements. The motion was seconded by Commissioner McCarthy **and passes by a voice vote of 6 to 2, with Commissioners Dalton and Domahidy voting no.**

Mr. Cunningham reported as follows:

- He is not sure the revised plan he referred to has had a full hearing before the Planning Commission.
- The plan currently depicts 105 lots, with minimum 8,000 square foot lots.
- They would be willing to address a 10,000 square foot lot minimum.
- The petitioner has been somewhat uncertain as to who should make the first move, and would like some direction from the Commission.

Chairman McGuinness noted it was her understanding that the petitioner was to come back with a revised plan.

Mr. Cunningham noted they would like direction from the Commission regarding densities, as they agree with the remarks of the Planning Director, in that the plan submitted is amenable to a density adjustment.

Commissioner Bly inquired if 10,000 square foot minimum for lot sizes would be acceptable.

Mr. Cunningham said that is correct.

Commissioner McCarthy stated she would like to see the Commission pursue this, see a complete presentation of the proposal, and move forward.

Commissioner Broemmer noted he does not want to continue holding.

Upon a roll call the vote on the motion to hold was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, no.

The motion fails by a vote of 2 to 6.

Director Duepner summarized the revised plan that was included in their packets at the meeting of September 26, 1994. He noted the Department does not have a plan that depicts a minimum lot size of 10,000 square feet.

Commissioner Bly made a motion to **approve** the Department's report with the following changes to Attachment A:

- Page, 1. Permitted Uses: the minimum lot size be 10,000 square feet instead of 8,000 square feet on all lots;

The motion was seconded by Commissioner O'Brien.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired regarding zoning of surrounding developments.

Commissioner Domahidy commended the portions of the Staff report that reference retention of trees and requirement of a landscape study by an Urban Forester or Landscape Architect. She also noted support of Condition 4.q. of Attachment A, and would like to see this condition included for other developments in the Wild Horse Creek Area. Commissioner Domahidy noted she supports the requirement of the thirty (30) foot wide minimum for landscaped common ground along Wild Horse Creek Road, and recommended utilization of natural, Missouri types of trees and vegetation to achieve this buffer.

Commissioner O'Brien inquired about the "R-2" zoning of adjacent properties with regard to the minimum lot sizes of the western perimeter lots.

Director Duepner replied the minimum lot size to the west is 10,000 square feet.

Commissioner Dalton noted he would like to see this as "R-2" to provide the continuity of flow.

Commissioner O'Brien asked Director Duepner to explain the difference between "R-2" and "R-3" Zoning with regard to density calculations.

Director Duepner noted the density calculations at "R-3" was 126 lots; at "R-2," (utilizing the right-of-way they proposed) the Department calculated approximately 84 lots. He noted the previous recommendation was a combination of "R-2" and "R-3."

Commissioner Broemmer noted, in an effort to reduce the density and keep the project moving, he would like to make a motion to **amend** the Department's recommendation to say that it all be approved at an "R-2" with a PEU and minimum lot size of 12,000 square feet.

Commissioner Dalton seconded the motion.

COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness noted Mr. Broemmer wants to have the entire site "R-2" with a minimum lot size of 12,000 square feet.

Commissioner Kirchoff noted he has no problem voting for whatever the Commission could legally justify; however, he would have a problem voting for 12,000 square foot minimum if the adjacent zoning has 10,000 square foot minimum lots. He further noted he would support "R-2" with a 10,000 square foot minimum.

Commissioner O'Brien noted she believes it important to maintain the 22,000 square foot lots along the Bluff and 15,000 square foot lots along Wild Horse Creek Road. She expressed concern that, if this motion passes, it appears everything would be 12,000 square feet, irrespective of what has been determined by Staff.

Chairman McGuinness noted Commissioner O'Brien is correct in that this is an amendment to the original motion. She further noted the amendment would take out the "R-3" and everything but 12,000 square feet.

Director Duepner noted his understanding of the motion as being minimum lot sizes from 10,000 to 12,000 square feet, and the other conditions relative to other areas of the development would be unchanged.

Chairman McGuinness said the amendment was 12,000 square feet minimum, and therein lies the conflict.

Commissioner Broemmer noted the intent of his amendment is to reduce the density, do away with the "R-3" zoning (looking with an 80% minimum), and the minimum lot size would be 12,000 square feet.

Chairman McGuinness stated Mr. Broemmer's intention is to delete the "R-3" zoning and only change the 10,000 to 12,000 square foot minimum lot sizes, the remaining lots stay as stated in Attachment A.

Commissioner Broemmer stated it would all be "R-2" 15,000 square foot with the PEU, minimum lot size of 12,000 square feet; therefore, there would be no 10,000.

Director Duepner noted, if the motion is approved for "R-2" zoning, it would delete the 105 units. He further noted that by changing the setbacks, common ground and lot sizes, the number of lots possible on the site are affected accordingly.

Commissioner Dalton concurred that the amendment to the original motion is to delete the "R-3" zoning and change the 10,000 square foot minimum lot size to 12,000.

Director Duepner suggested that, if this motion is put on the floor, it would basically change permitted uses to state:

This Planned Environment Unit authorizes a development of detached single-family residences with a minimum lot size of 12,000 square feet; lots on the southern edge of the development (lots 105, 1 and 2, as depicted on the revised Plan) shall be a minimum of 15,000 square feet; and lots on the northern edge of the development shall be a minimum of 20,000 square feet.

City Attorney Beach noted the effort is to put what you said into the framework of what will result (i.e., the Department wants the reference to 105 lots deleted so it will be a matter of whatever number of lots possible after the changes are decided). If you leave the number of lots in the motion, it leaves a question as to how the developer can work the plan to include up to a certain number of lots.

Commissioner Broemmer agreed to change his motion to delete the 105 lots referenced in page 1 of Attachment A.

Commissioner Dalton concurred with the explanation of the motion he seconded, and noted we are not going to be able to identify the number of houses, but will be working with the zoning.

Chairman McGuinness summarized the original motion as amended would be to:

- delete the number of houses;
- change "R-3" to "R-2" Zoning; and
- minimum lot size to 12,000 square feet.

Commissioner O'Brien inquired about the standard side yard setbacks for "R-3" versus "R-2."

Director Duepner noted "R-3" is eight (8) feet, and "R-2" is ten (10) feet.

Commissioner Domahidy noted she agrees with the intention to decrease the density, but questions whether the 12,000 square foot minimum is appropriate when the adjacent site is 10,000 square foot minimum.

Commissioner Bly noted he agrees with Commissioner Domahidy and he believes a more natural transition point to these larger densities would be Long Road and Wilson Road.

Commissioner McCarthy noted concern that the proposed changes might mean losing the bordering large lots. She further noted she would much rather see a 10,000 square foot minimum on the interior lots while maintaining the green open areas a little bit larger on the bordering properties.

Chairman McGuinness asked Director Duepner if this can be done.

Director Duepner noted this is why the number of lots is not indicated and, at this time, it is not possible to calculate the number of lots remaining, if you have the 20,000, 15,000 and 12,000 square foot minimums.

Commissioner McCarthy noted her main concern could be satisfied with adjustment of the side yard setbacks, and she is in disagreement with the 12,000 square foot minimum lot size.

Director Duepner noted, by this amendment, the Commission is capping the number of lots that would be able to be developed on this site, as well as the minimum lot sizes. He further noted the zoning ("R-2") and the minimum lot sizes will determine how many lots can be built.

Commissioner O'Brien noted concern that, if the vote automatically goes to "R-2," it will automatically affect the side yard setbacks.

Director Duepner noted the PEU gives the flexibility to recommend side, front and rear yard setbacks. He noted the amendment to the motion, as it stands now, deals only with the minimum lot sizes and the zoning classification, and the other conditions described in Attachment A would still be part of the motion, unless there is a motion to amend those as well.

Commissioner Kirchoff inquired regarding the side yard setbacks for the adjacent development to the east.

Director Duepner noted he would have to check this information.

Commissioner Broemmer stated that, in making the change from "R-3" to "R-2" zoning, he assumed the normal setbacks associated with "R-2" would go along with that. He noted that, if this is not the case, he would have to further amend the motion to include these provisions.

Commissioner Domahidy noted this is a good example of the flexibility of a PEU.

Chairman McGuinness noted the Commission can continue to amend the original motion until it is acceptable.

Director Duepner noted, in response to Commissioner Kirchoff's earlier question, the side yard setbacks of the development to the east are six (6) feet. He further noted that "R-2" side yard setback is ten (10) feet, "R-3" side yard setback is eight (8) feet. He noted the Bluffs had no minimum requirements for distance between structures.

Commissioner Kirchoff noted he would like to go with an eight (8) foot side yard setback requirement.

Director Duepner noted the report recommends a side yard setback of six (6) feet with sixteen (16) feet between structures. He further noted the petitioner also indicated they would agree to the eight (8) foot setback.

Chairman McGuinness summarized the motion to amend the original motion as follows:

- "R-2," minimum lot size of 12,000 square foot, with all other conditions in place, except the reference to 105 detached single-family units be deleted.

Upon a roll call the vote on the amendment to the original motion was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, yes; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, yes.

The motion fails due to a tie vote of 4 to 4.

Commissioner McCarthy made a motion to amend the original motion as follows:

- "R-2" Zoning with a PEU;
- 10,000 square foot minimum lot sizes;
- Attachment A, page 1, - delete the reference to a maximum of 105 single-family residences;

- Attachment A, page 2, Conditions 4.b. - side yard changed from six (6) to eight (8) foot minimum.

Commissioner O'Brien seconded the motion.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired whether the buffering on the commercial side of the proposed site could be increased.

Commissioner Domahidy noted she believes that with the "R-2" zoning there would be room.

Upon a roll call the vote on the amendment to the original motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The amendment to the original motion passes by a vote of 6 to 2.

Chairman McGuinness summarized the motion on the floor as follows:

- "R-2" Zoning with 10,000 square foot minimum lot sizes, all other perimeter lot sizes staying in place, the side yard setbacks are eight (8) feet, and the 105 single-family units are deleted.

Commissioner Dalton made a motion to amend the original motion, as amended, to establish a landscape common ground area on the commercial side of the development that would compliment any of the existing natural wooded area.

Director Duepner noted this would go on page 5 of Attachment A, under Landscape Requirements.

Senior Planner Griggs-McElhanon pointed out the western edge of the development on the plan.

Commissioner Dalton noted, if there is no existing vegetation along this portion of the site, then it should be established.

Chairman McGuinness requested clarification from Commissioner Dalton.

Commissioner Dalton noted his amendment to the original motion is to change Condition 4.r. of Attachment A to read: A minimum thirty (30) foot wide landscaped common ground area shall be required along Wild Horse Creek Road and adjacent to the western line adjoining existing commercial zoning.

The motion was seconded by Commissioner O'Brien.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien inquired whether Commissioner Dalton thought about the possibility of also landscaping to the eastern side of Bonhomme Creek, between the two (2) natural areas.

Director Duepner pointed out Bonhomme Creek on the plan, noting the portions of the site in the flood plain and the area for stormwater discharge.

Commissioner Kirchoff noted he agrees with Commissioner Dalton's motion, as the subject lots are approximately thirty (30) feet above the elevation of the "C-8" Zoned area, and will be very visible from Wild Horse Creek Road.

Upon a roll call the vote on the amendment to the original motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The amendment to the original motion, as amended, passes by a vote of 8 to 0.

Chairman McGuinness summarized the action on the original motion as follows:

- "R-2";
- 10,000 square foot minimum lots;
- eight (8) foot side yard setback, with sixteen (16) feet between structures;
- removal of the reference to 105 detached single family residences;
- all figures in place along the perimeters of the site; and
- added landscaping abutting the adjacent commercial.

Commissioner O'Brien inquired regarding the standard front yard setback for "R-2" District.

Director Duepner noted the front yard setback for "R-2" District is twenty-five (25) feet, and "R-3" District is twenty (20) feet.

Commissioner O'Brien made a motion to amend the original motion, as amended, to have a standard front yard setback for "R-2" of twenty-five (25) feet, noting she doesn't like the way big houses look on small lots when they are sitting on the sidewalk.

Commissioner Kirchoff seconded the motion.

Director Duepner noted that, if the petitioner seeks to go down to a forty (40) foot right-of-way, as proposed, this adds five (5) feet to the front yard setback from the right-of-way; the twenty-five (25) feet is measured from the edge of the right-of-way; and the sidewalk is within a five (5) foot sidewalk and utility easement outside of the right-of-way.

Commissioner O'Brien inquired regarding the visual change.

Director Duepner noted there is a change if the established setback is twenty-five (25) feet, and they elect to go down to a forty (40) foot right-of-way, it becomes an effective thirty (30) foot setback from the right-of-way.

Commissioner Kirchoff noted the effect of the motion is to change Attachment A, Condition 4.a. to read twenty-five (25) feet instead of twenty (20) feet, and inquired what the front yard setback is on the adjacent development to the east.

Director Duepner noted it was twenty (20) feet from the right-of-way. He further noted the right-of-way was reduced from forty (40) feet; thereby making it a twenty-five (25) foot setback.

Upon a roll call the vote on the amendment to the original motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The amendment to the original motion, as amended, fails due to a tie vote of 4 to 4.

Director Duepner summarized the original motion, as amended:

The motion is for "R-2" Zoning with a Planned Environment Unit; with a minimum lot size of 10,000 square feet (15,000 square feet along the south line, and 20,000 square feet along the north line); with the requirement for a thirty (30) foot landscape strip adjoining the western line and adjoining commercial zoning, as approved by the Planning Commission and with an eight (8) foot minimum side yard.

Upon a roll call the vote on the ORIGINAL motion, as amended (summarized above) was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, no.

The ORIGINAL motion, as amended, passes by a vote of 5 to 3.

B. Update of the City of Chesterfield Comprehensive Plan: Proposed revisions per recommendations of the West Area Study Committee.

Director Duepner summarized the memorandum and attachments. He noted, at this time, possible action by the Planning Commission could include referral back to the West Area Study Committee for review, or action by the Commission on the recommendation of the Committee.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Domahidy noted the Planning and Zoning Committee commented there was no consensus, and that probably reflected the situation in the West Area. She invited questions from all Commission Members.

Director Duepner noted the Commission has the recommendation from the West Area Study Committee and has received comments from the Planning and Zoning Committee, and it is up to the Commission to act.

Commissioner Kirchoff noted he is in favor of one (1) acre density, not one (1) acre minimum lot size.

City Attorney Beach noted the Planning Commission has the final word on the Comprehensive Plan; however, it is sent to Council as a formality.

Commissioner Domahidy noted the issue on the table tonight is how to proceed.

Director Duepner noted, in terms of the process, it was tested in the market of a public hearing, referred back to the West Area Study Committee who forwarded a recommendation and, in accordance with Commission policy, comments have been received from the Planning and Zoning Committee. He further noted the matter before the Commission is what is the next step.

Chairman McGuinness asked the Committee Chairs what they would like to do.

Commissioner Domahidy noted she and Mr. Dalton split on their vote, and that most of the members on the Committee are Planning Commissioners in attendance tonight. She further noted this would send a clear message back to the group regarding the direction the Commission would like to see the Committee follow in terms of the density for the area.

City Attorney Beach noted that if the Commission approves something, this does, in fact amend the Comprehensive Plan; however, if the Commission denies something, it is left up in the air.

Commissioner Domahidy noted the Committee has discussed other issues in addition to the Comprehensive Plan, and inquired whether the Committee would be dissolved.

Chairman McGuinness noted that, if the Commission votes on the amendment tonight, the Committee may take up issues other than the Comprehensive Plan.

Commissioner Domahidy said that would be helpful to the Committee.

Chairman McGuinness made note of the various issues before the Commission.

Commissioner Broemmer noted the E.M. Harris petition voted on tonight would not fit into the plan which was the recommendation of the West Area Study Committee.

Commissioner Bly made a motion to approve the plan as recommended by the West Area Study Committee (top plan).

City Attorney Beach noted the West Area Study Committee recommended the one (1) acre minimum lot size.

The motion dies for lack of a second.

Commissioner Bly made a motion to approve the plan as recommended by the West Area Study Committee. The motion was seconded by Commissioner Dalton.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Kirchoff requested clarification of the two (2) plans.

Director Duepner identified both plans, noting the differences.

City Attorney Beach noted the West Area Study Committee Plan should be identified as Plan A, and the other Plan B.

Director Duepner noted Plan A is the West Area Committee recommendation after the Public Hearing (i.e., minimum one (1) acre lot size), and Plan B was the Committee recommendation presented at the public hearing on August 22, 1994.

Commissioner Kirchoff noted he is opposed to the one (1) acre lot size; but would agree to one (1) acre density. He further noted we need the flexibility to use some degree of PEU with any kind of zoning.

Commissioner Bly noted that he made a motion to vote on the Plan presented by the West Area Study Committee tonight so it would, at least, get heard. He further noted he favors the original plan presented at the public hearing.

Commissioner McCarthy noted, for the record:

- She sympathizes with the people who have come before the Commission expressing various views on the character of Chesterfield.
- She believes that Wild Horse Creek Road, as well as other roads in Chesterfield, can be preserved and be characteristic of what we are all striving for in Chesterfield in several different ways.
- She does not want us to limit ourselves to one (1) acre minimum lot size with land development, as this alone will not preserve the character of our City.
- She would like to see larger exterior lots, with larger side and rear setbacks, mixed with interior clustering of homes complimented by extensive open space, which will protect the countryside character we all want to see in Chesterfield.
- She believes the view from the road is crucial, and topography can be used very effectively with landscaping, berm requirements, etc.
- She is in favor of the original plan submitted at public hearing (Plan B), which allowed flexibility.

Upon a roll call the vote was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, no.

The motion fails by a vote of 2 to 6.

Director Duepner suggested the possibility of sending it back to the Committee with comments from the Planning Commission.

Chairman McGuinness noted she believes the Commission should make some sort of recommendation.

Commissioner Bly made a motion to approve the West Area Plan (Plan B), as submitted at the public hearing. The motion was seconded by Commissioner McCarthy.

Director Duepner noted this is Plan B, which was presented at the public hearing and shows a combination of two (2), one (1), one-half (1/2), and one-quarter (1/4) acre densities.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton made a motion to amend the original motion to change the pink area on Plan B from one-quarter (1/4) to one (1) acre density. The motion was seconded by Commissioner Broemmer.

Commissioner Domahidy noted she is sympathetic with this amendment, as the parcels are adjacent to Chesterfield Farms and existing homes on one (1) acre lots. She further noted she questions whether the original one-quarter (1/4) acre designation is the most appropriate at this time.

Commissioner Kirchoff noted that, considering what is developed in the area, he can't imagine any legal possibility that one (1) acre density could be enforced in that area. He further noted his belief that the least dense we can reasonably expect to prevail is probably one-half (1/2) acre density, due to surrounding area (i.e., "R-2," "R-6," etc.).

Commissioner Bly noted he believes a good transition would be an "R-3" with no PEU, or an "R-3" with a minimum square foot on that property.

Chairman McGuinness noted this is conceptual, we are not zoning this area.

Commissioner McCarthy noted she believes that Caulks Creek provides the natural barrier going into a lower density property, therefore she would be opposed to changing the original Plan B.

Chairman McGuinness noted she has a concern regarding taking something that was tested in the market of public opinion and failed, and changing it to something else; but, she doesn't want to build a millionaire's row.

Commissioner O'Brien noted she agrees with Commission Kirchoff (i.e., in favor of one-half (1/2) an acre).

Commissioner Dalton stated that, in our planning, he doesn't believe we are addressing dollars. He further stated we are looking at a density issue tonight.

Commissioner Domahidy called for the question.

Chairman McGuinness clarified the motion as being a change from one-quarter (1/4) to one (1) acre density (it would become yellow on the map).

Upon a roll call vote the amendment to the original motion was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, abstain due to a business conflict; Commissioner O'Brien, no; Chairman McGuinness, no.

The amendment to the original motion fails by a vote of 2 to 5 with 1 abstention.

Commissioner Kirchoff made a motion that the pink area on Plan B be changed in designation from presently reading one-quarter (1/4) acre density to read one-half (1/2) acre density. The motion was seconded by Commissioner Bly.

Upon a roll call vote the amendment to the original motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, abstain due to a business conflict; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The amendment to the original motion passes by a vote of 6 to 1, with 1 abstention.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Kirchoff noted the following:

He does not have a problem with all comments made, as he would like to see development of one (1) acre density. He further noted that could have reasonably been done a year or so ago, but, at this point and time, it is just too late to do that. He believes, from a legal standpoint, you can't do what generally the public has asked us to do, and we are doing as much as we can legally expect to stand.

Commissioner McCarthy noted the following:

She agrees with Commissioner Kirchoff, and believes it has been very effective (i.e., the citizens showing their support or opposition for petitions). She further noted what has been most beneficial to the Planning Commission is that they truly do understand and sympathize, and will give more consideration to areas of landscaping, buffering and setbacks, etc. She noted we are doing the best we can, legally, and will do our very best to protect the image of Chesterfield, as we live here also. She thanked the citizens for their support in coming to our meetings.

Chairman McGuinness inquired why some of the blue area couldn't become one (1) acre.

Commissioner Bly noted it appears there are few parcels left in that area to be decided.

Chairman McGuinness asked the West Area Study Committee Co-Chairs to explain why some of the area depicted on the map in blue could not be designated as one (1) acre density.

Commissioner Domahidy requested Director Duepner to identify the blue and blue striped areas on the map.

Director Duepner noted the following:

The blue indicates the area to the immediate east of Long Road, on the north side of Wild Horse Creek Road, which is basically the area of the E.M. Harris petition. He further identified the other areas, noting the blue striped area is a large lot subdivision, immediately to the south of Bentley Place, just south of Wild Horse Creek Road. There is another blue area immediately adjacent to the east side of the Chesterfield Estates Subdivision. Those areas have the potential for possible rezoning and re-subdivision in that immediate area.

Commissioner Broemmer requested clarification of Plan B.

Director Duepner noted he was referencing those areas designated on Plan B as the one-half (1/2) acre areas, and what is out in the West Area.

City Attorney Beach noted, what is really being said, is that parcels shown as blue on the third Plan are the only items still an issue in that Area.

Director Duepner noted the reference is to the area immediately adjacent to Chesterfield Estates, areas adjacent to Bentley Place, the potential area south of Bentley Place, and the area east of Long Road.

City Attorney Beach inquired about the dividing line on Plan B.

Director Duepner noted it basically follows a creek line.

Commissioner Domahidy inquired whether the developments adjacent to those parcels singled-out are one (1) acre developments.

Director Duepner noted the Chesterfield Estates is a combination of "R-1" and "R-1A," Country Place development is an "R-1" density, and Bentley Place is a combination of "R-1" and "R-1A."

Commissioner Dalton made a motion to amend the original motion to include all areas not already zoned and noted in blue, to one (1) acre density, on the south side of Wild Horse Creek Road. The motion was seconded by Commissioner Broemmer.

Commissioner McCarthy left the meeting.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly inquired about the zoning in Chesterfield Estates.

Chairman McGuinness asked Director Duepner to point out the "R-1" and "R-1A."

Director Duepner noted he believes the "R-1A" is along the eastern line of Chesterfield Estates.

Director Duepner restated the motion and depicted various areas on Plan B.

Commissioner Kirchoff stated it is his belief that the irregular area to the east should remain one-half (1/2) acre, in that the property immediately west of that is "R-1A," which is essentially one-half (1/2) acre. He further stated he believes it to be compatible with that.

Upon a roll call the vote on the amendment to the original motion as amended was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, no; Commissioner O'Brien, yes; Commissioner McGuinness, yes.

Commissioner McCarthy was not present for the vote.

The amendment to the original motion, as amended, passes by a vote of 5 to 2.

Chairman McGuinness inquired whether anyone would like to speak to the office campus issue.

Director Duepner noted that it was not part of the public hearing, nor the proposed amendment.

Chairman McGuinness noted input from residents indicated they believed it was part of the public hearing.

Chairman McGuinness summarized the original motion, as amended, as follows:

To approve what was presented at public hearing with exception that the eastern area designation would be one-half (1/2) acre; part of the blue area would be one (1) acre density.

Commissioner McCarthy returned to the meeting.

Commissioner Bly made a motion to amend the original motion, as amended, to make the small blue triangular section south of Wild Horse Creek Road, west of Caulks Creek, changed to one-half (1/2) acre density. The motion was seconded by Commissioner Kirchoff.

Upon a roll call the vote on the amendment to the original motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, no; Commissioner Kirchoff, yes; Commissioner McCarthy, abstain; Commissioner O'Brien, no; Chairman McGuinness, no.

The amendment to the original motion, as amended, fails by a vote of 2 to 5, with 1 abstention.

Director Duepner noted the areas of change on Plan B, as presented at the public hearing.

Upon a roll call the vote on the ORIGINAL motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, abstain; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The ORIGINAL motion, as amended, passes by a voice of 6 to 1, with 1 abstention.

City Attorney Beach noted it is appropriate for the Planning Commission to pass a Resolution that would state that the Planning Commission of the City of Chesterfield after a duly held public hearing held on August 22, 1994, and after considering the views of all those who came before it, and after review of the recommended changes to the Comprehensive Plan and the planning documents as prepared and presented to the Planning Commission by the Planning Department, and after consideration of the plan, its supporting documents which included the zoning district maps, Conceptual Land Use Plan, Parks System Plan, recommended Street Plan, and Planning Policies, all of which are made a part hereof, does hereby approve the attached documents which will be Plan B to the Comprehensive Plan and its implementing documents. He further noted this would be an appropriate Resolution based upon the vote.

Commissioner Bly made a motion to approve the Resolution as stated by City Attorney Doug Beach. The motion was seconded by Commissioner O'Brien.

Director Duepner pointed out on the map (Plan B) the various areas, as amended. He noted the verbiage, as modified to reflect what is depicted on the map as follows:

This generally implies low density, single family residential (1/2 to 2 acre density) in the West Sub-area, with 2 acre density north of Wild Horse Creek Road, west of the northern prolongation of the west corporate limits of the City of Chesterfield south of Wild Horse Creek Road; 1 acre density north of Wild Horse Creek Road, east of the aforesaid 2 acre density area and west of the proposed "Office Campus"; 1 acre density south of Wild Horse Creek Road, west of Wilson Road (excluding Westland Acres); 1/2 acre density north of Wild Horse Creek Road, east of Long Road and west of the site of the proposed First Baptist Church of Chesterfield; 1/2 acre density south of Wild Horse Creek Road, east of Wilson Road and north of Wild Horse Creek Road, west of an area generally bounded by Chesterfield Farms subdivision on the north, east to a line approximately 400 feet west of, and parallel to, Reuther Lane; and, 1 acre density north of Wild Horse Creek Road, west of the aforesaid 1/2 acre density area and east of the west line of the proposed First Baptist Church of Chesterfield. Special emphasis should be placed on maintaining the rural setting along Wild Horse Creek Road.

Director Duepner also noted the resolution would also include the change in the boundaries in the West Area, as presented at the public hearing, part of what was discussed originally.

The Resolution passes by a voice vote of 7 to 1, with Commissioner McCarthy abstaining.

Chairman McGuinness called a recess at 9:25 p.m.

Chairman McGuinness reconvened the meeting at 9:33 p.m.

- C. **P.Z. 18 & 19-94 Chesterfield Village, Inc., Louis S. Sachs and Nancy R. Sachs (Wildhorse Hills)**; "NU" Non-Urban District to "R-3" 10,000 square foot Residence District and a Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; south side of Wild Horse Creek Road, west of the intersection of Wild Horse Creek Road and Baxter Extension Road.

Senior Planner Griggs-McElhanon replied to a question posed at the prior Commission meeting regarding the zoning and minimum lot size for The Forest Subdivision. She noted its location and zoning of "R-1" with a PEU, and has a minimum lot size of 9,000 square feet. She further noted there is a large amount of common ground located off Baxter Road that is part of the subdivision.

Senior Planner Griggs-McElhanon gave a brief summary of the proposal and noted the Department's recommendation of **approval** of P.Z. 18 & 19-94 to be rezoned to "R-3" 10,000 square foot Residence District for a maximum of 154 lots, subject to conditions in Attachment A.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Domahidy inquired whether the Department has the same landscape condition for Chesterfield Village as was in the E.M. Harris report.

Senior Planner Griggs-McElhanon said yes, and referred to page 5 of Attachment A (Condition 4.v.). She further noted this is a standard condition to be included in all reports.

City Attorney Beach inquired regarding property located between the new Baxter Road Extension and the subject property.

Senior Planner Griggs-McElhanon noted there is currently an approved "PEU" Multi-Family development that has not been built, located between the subject proposal and Baxter Road Extension. She further noted the County has sent a letter indicating the road connection to Baxter Road Extension will be off-set from Lydia Hill in an effort to discourage cut-through traffic.

Commissioner Kirchoff made a motion to approve the Department's recommendation. The motion was seconded by Commissioner O'Brien.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton made a motion to amend the original motion to change the "R-3" density to "R-1A" density.

Chairman McGuinness inquired what the ripple effects would be of this recommended amendment.

Senior Planner Griggs-McElhanon noted the following changes in Attachment A:

- 1. PERMITTED USES: maximum number of lots be deleted;

Upon further discussion Commissioner Dalton noted he was recommending a straight "R-1A" Zoning, delete the 154 detached single-family residences, and make the minimum lot size 12,000 square feet.

Senior Planner Griggs-McElhanon noted that, without a PEU there would be no Attachment A.

Chairman McGuinness noted that without a PEU we have no authority to attach any conditions. She further noted this is why the proponents of density were making the case, especially with the West Area Study, that if you take a minimum lot size (i.e., one (1) acre development) the developer has the ability to completely grade the land down to nothing, and the environment suffers.

City Attorney Beach noted that unless a PEU is offered, you have a straight zoning, without 12,000 square foot lots, it would be 22,000 for "R-1A" Zoning.

Commissioner Dalton made a motion to amend the original motion for straight "R-1A" zoning. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Bly noted that, due to the topography of the lots in The Forest Subdivision, there are not many of the lots larger than 9,000 square feet.

Commissioner Broemmer suggested the amendment could be "R-1A" with a PEU, and a minimum lot size of 12,000.

Chairman McGuinness noted we have to deal with the amendment on the table, or take it off the table.

Commissioner Kirchoff noted he doesn't believe there any chance of it legally standing, given the surrounding development and zoning.

Director Duepner summarized the surrounding development and zoning.

The voice vote on the amendment to the original motion fails by a vote of 2 to 6, with Commissioners Dalton and Broemmer voting yes.

Commissioner O'Brien made a motion to amend the original motion recommending the following changes to Attachment A:

- 1. PERMITTED USES: This Planned Environment Unit (PEU), then delete the maximum number of detached single-family residences; there shall be a minimum lot size of 10,000 square feet, except for lots on the northern perimeter of the site which shall be a minimum of 15,000 square feet.
- 4.b. - Side yard shall be a minimum of eight (8) feet with a minimum of sixteen (16) feet between structures.
- The zoning be changed from "R-3" to "R-2" District.

The motion was seconded by Commissioner Bly.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner McCarthy referred back to page 4 of the Department's report, noting she doesn't believe the motion on the floor is in keeping with the development of the surrounding area, and recommended we consider something more appropriate with surrounding zoning and development in place. She further noted she concurs with the Department's recommendation.

Commissioner O'Brien noted she believes the Commission has been consistent in setting lots that abut Wild Horse Creek Road at 15,000 square feet. She further noted if the Commission had a chance to revisit the Woodcliffe Place development, she would not vote for "R-3" Zoning. She noted she believes the "R-2" density is appropriate, the density on the south side of Wild Horse Creek tends to be higher than on the north side; the 15,000 square foot lot sizes for lots abutting Wild Horse Creek are consistent with everything the Commission has approved in the last six (6) months to a year; they are abutting higher density developments - however, they are not built yet, and we have no guarantee that the petitioner will not come back requesting something different. She noted she believes the internal lot sizes are the same as those for Woodcliffe, and that is also consistent.

Senior Planner Griggs-McElhanon noted that Woodcliffe was originally approved for internal lots at 10,000 square feet, but it was later amended down to 7700 square feet.

Commissioner O'Brien noted she would not vote the same on Woodcliffe today as she did previously, and we don't need to perpetuate the same kind of lot sizes if we no longer feel they are appropriate.

Commissioner Kirchoff noted he agrees, in part, with Ms. O'Brien, in that he tried to move the internal lot sizes of Woodcliffe to larger lots, but that didn't work. He further noted, at this point, regardless of whether it was appropriate or not, we have to deal with its existence, and believes that Woodcliffe is going to have a major impact on the ability of this zoning to stand; therefore, he doesn't believe we can be significantly more stringent on the current request than what is at Woodcliffe. Commissioner Kirchoff also noted various lot comparisons and setback comparisons between Woodcliffe and the proposed amendment.

Commissioner O'Brien noted she believes that if we follow this reasoning, all of the "NU" development (i.e., Hi Point Hill, single family homes) would have to go "R-2" density. She further noted that just because Woodcliffe is already there, that doesn't mean something we build on the subject tract shouldn't be better.

Commissioner Kirchoff noted he is talking about density, as he envisions it could be better and still be of comparable density. He further noted that if you are asking the proposed development to be less dense than Woodcliffe, he doesn't see how it can stand, and it would be a matter for the courts to decide.

Commissioner O'Brien pointed out that the major piece of property to the west of Woodcliffe is "NU" Non-Urban, and is a five (5) acre subdivision, and there is a potential for "R-2" on the other side.

Commissioner Kirchoff noted that, at the time that came through, the argument was that the closer you get towards the Mall, the density increased. He further noted this also applied to Wildhorse Springs.

Commissioner Dalton noted The Forest is a good example of diversity when you have high density next to it, because The Forest abuts the same piece of property and it's zoned "R-1" with a PEU. He further noted he doesn't see that we are deviating too far from it, and it also abuts up close to the commercial.

Commissioner McCarthy noted she doesn't believe The Forest relates with the current parcel due to the topography situation. She further noted she would like the Commission to consider the surrounding property of the petitioner's request, with all of the multiple-family, not just Woodcliffe Place. She noted she would find it difficult to give them less than what was given to Woodcliffe, taking into consideration that Woodcliffe only has a very small portion of multi-family, and the subject parcel is practically surrounded by it.

Commissioner Kirchoff said that he concurred with Commissioner McCarthy, and noted he mentioned Woodcliffe because he believes it is just about as stringent as you can be and still be reasonable.

Chairman McGuinness restated the amendment on the floor as follows:

To change Attachment A -

- Condition 1. PERMITTED USES - 10,000 square foot minimum lot size; northern perimeter of the site to be a minimum of 15,000 square feet; deletion of the maximum of 154 detached single-family residences;
- Condition 4.b. - minimum side yard setback shall be eight (8) feet;
- The zoning is to be "R-2" District.

Upon a roll call the vote on the amendment to the original motion was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The amendment to the original motion fails due to a tie vote of 4 to 4.

Chairman McGuinness noted the motion on the floor is to approve the Department's report.

Commissioner Bly made a motion to amend the original motion by changing Attachment A as follows: Condition 1. PERMITTED USES to - 10,000 square foot minimum lot size, northern perimeter lots to be a minimum of 12,000 square feet,; and delete reference to maximum number of detached single-family residences; Condition 4.b. - side yard setbacks shall be a minimum of eight (8) feet; and a combination of "R-2" and "R-3" Zoning.

Director Duepner noted the location and acreage for "R-2" and "R-3" zoning would need to be clarified.

Commissioner Bly noted he would like the perimeters on the northwest along Wild Horse Creek Road to be an "R-2" section, the west an "R-2" section, and going to "R-3" on the south and east.

Director Duepner noted he is at a loss in terms of percentage, etc., and requested further clarification.

Commissioner Bly noted he is trying to achieve more consistency for each direction around the property (i.e., going to a higher density on the apartment side, and the "R-5" on the east - and lowering the density along Wild Horse Creek Road to the west).

Director Duepner noted the problem is that, with the Planned Environment Unit, what the underlying zoning is doing is determining how many units are allowed for the site.

Commissioner Kirchoff noted you could decrease the number of units on the site by leaving it as "R-2," which would give you the maximum number possible, but then other constraints such as minimum lot size and minimum lot size along Wild Horse Creek Road would further constrain the overall allowable number of lots. He further noted you can achieve an "R-2," "R-3" blend without actually going to an "R-2" and "R-3" zoning combination, and you can get it by zoning to "R-3" with other constraints which reduce the lot number from the maximum allowable under that zoning category.

Commissioner Bly **amended** his motion as follows:

Stay with "R-3" Zoning, go with 12,000 square feet on Wild Horse Creek lots, 10,000 square feet on the interior lots, side yard setbacks at eight (8) feet, and drop the allowable number of units.

The motion dies for lack of a second.

Commissioner O'Brien asked Commissioner McCarthy to clarify what she would specifically be interested in proposing.

Commissioner McCarthy noted her concerns are landscaping along Wild Horse Creek Road, and that she believes what the Department has recommended is appropriate. She further noted she believes the entire recommendation of the Department is appropriate land use for the area.

Commissioner Dalton made a motion to **amend** the original motion as follows:

- Attachment A, Condition 4. Miscellaneous Improvements - that there would be no retention area seen.

Director Duepner raised the question as to whether or not, at this point, we could make that determination, not knowing how and where the detention area will be.

Commissioner Dalton changed his motion as follows:

- Attachment A, Condition 4.w. - change the minimum landscaped common ground area to forty (40) feet.

The motion was seconded by Commissioner Kirchoff.

Upon a roll call the vote on the amendment to the original motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, no; Chairman McGuinness, yes.

The amendment to the original motion passes by a vote of 6 to 2.

Commissioner Broemmer made a motion to **amend** the original motion, as amended, change Attachment A as follows:

- 1 PERMITTED USES: delete the 154 maximum units, change the minimum lot size to 12,000 square feet, northern perimeter lots be a minimum of 12,000 square feet.
- Condition 4.b - to read an eight (8) foot side yard setback.
- The zoning is to be an "R-2" Zoning with a PEU.

Commissioner Dalton seconded the motion.

Upon a roll call the vote on the amendment to the original motion, as amended, was as follows: Commissioner Bly, no; Commissioner Broemmer, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, yes.

The amendment to the original motion, as amended, fails by a vote of 3 to 5.

Commissioner Domahidy called to question.

Director Duepner clarified the original motion, as amended, as follows:

The motion is for approval of the Department's recommendation, except that Condition 4.w., in Attachment A be changed to require the minimum landscaped common ground area be changed from thirty (30) feet to forty (40) feet.

Upon a roll call the vote on the original motion, as amended, was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, no; Chairman McGuinness, no.

The vote on the original motion, as amended, fails due to a tie vote of 4 to 4.

Commissioner Kirchoff made a motion to approve the Department's report except that the landscape buffer goes from thirty (30) feet to forty (40) feet (Condition 4.w. of Attachment A); the minimum lot size is 9,000 square feet minimum lot size, and lots along the northern perimeter area a minimum of 12,000 square feet (Condition 1 PERMITTED USES of Attachment A). The motion was seconded by Commissioner McCarthy.

Upon a roll call the vote on the original motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, no; Chairman McGuinness, no.

The vote on the original motion fails due to a tie vote of 4 to 4.

Commissioner Dalton made a motion to hold. The motion was seconded by Commissioner Broemmer.

Director Duepner noted, if the Commission votes to hold, the Department requests some direction of what the Commission desires (i.e., a combination of "R-2" and "R-3", etc.).

Chairman McGuinness noted it is a philosophical difference. She suggested the Commission could hold this until the end of tonight's meeting, and then continue discussion.

The motion to hold fails by a vote of 2 to 6, with Commissioners Dalton and Broemmer voting yes, and Commissioners Bly, Domahidy, Kirchoff, McCarthy, O'Brien, and Chairman McGuinness voting no.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien inquired regarding the lot sizes along Wild Horse Creek Road for Wildhorse Springs.

Director Duepner noted the minimum lot size is 12,000 square feet, and lots along Wild Horse Creek Road are approximately 14,000 square feet.

Commissioner O'Brien noted there is an identical minimum lot size development to the east of the proposed development, but they are facing commercial to the west.

Commissioner O'Brien made a motion to approve "R-3" with a PEU, a 10,000 square foot minimum lot size, with a landscape buffer maintaining the existing wild growth on the southern side of the property and installing a thirty (30) foot landscape buffer to the east side of the property so the difference between lot sizes for Wildhorse Hills and the higher density developments is not so apparent, offensive or invasive.

Planner II Joe Hanke noted there is one (1) 14,391 square foot lot adjacent to Wild Horse Creek Road in Wildhorse Springs Subdivision. He further noted that adjacent to the site, on the other side of Woodcliffe Place Drive, is the detention area.

Commissioner O'Brien made a motion to approve the Department's report with the following changes:

- Attachment A - #1 This "R-3" Planned Environment Unit (without a number for detached single-family residences), with a minimum lot size of 10,000 square feet, with the northern perimeter lots being 14,000 square feet; and
- Attachment A - Add Condition 4.w to read: A thirty (30) foot landscape buffer on the eastern perimeter of the lot adjoining the multi-family, and maintaining the natural vegetation on the south lot line.

Senior Planner Griggs-McElhanon noted, for clarification, the eastern boundary is not a straight line. She inquired where Commission O'Brien is suggesting the landscape buffer.

Commissioner O'Brien restated her motion with regard to the landscape buffer as follows:

- The landscape buffer on the eastern boundary be thirty (30) feet from Wild Horse Creek Road to the bottom of the eastern property line, with the exclusion of any connecting streets.

Commissioner Kirchoff inquired whether she intends a common ground landscape buffer or just landscaping on the back of lots.

Commissioner O'Brien dropped the landscape easement portion of the motion.

Chairman McGuinness summarized the motion as follows:

Attachment A: Condition 1 - "R-3" PEU, no number of houses, 8,000 to 10,000, 11,000 to 14,000, Condition 4.w. from thirty (30) feet to forty (40) feet.

Commissioner Kirchoff seconded the motion.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired regarding the existing trees, and whether this would be an opportunity to maintain some open space.

Senior Planner Griggs-McElhanon pointed out the trees on the plan.

Commissioner Dalton asked if the requirement in the Department's report is to retain those trees.

Senior Planner Griggs-McElhanon noted the report states they are required to provide for retention of existing trees; therefore, trees to be retained and all proposed landscaping has to be depicted on the site plan which comes to the Planning Commission for review and approval. She further noted that this is a standard condition, and the plan originally submitted to the Commission clearly depicted the tree masses.

Commissioner Dalton inquired whether she believes the petitioner will change the terrain quite a bit in order to place houses.

Senior Planner Griggs-McElhanon referred to the preliminary plan, noting they are not required to engineer the site, and they are required to show all trees to be retained at the site plan stage.

Commissioner Dalton asked if this would be an opportunity to connect the two (2) roads.

Director Duepner noted that that was the original proposal submitted, and they revised it by leaving that area due to the topography.

Commissioner Domahidy inquired about the statement "prior to preparation of site for development."

Senior Planner Griggs-McElhanon noted a grading permit on a PEU is not issued until after the Site Development Plan is approved by the Planning Commission; however, the developer can grub (actually remove trees). She further noted the City does not have a tree protection ordinance in place.

Upon a roll call the vote on the original motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, no; Commissioner Dalton, no; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The motion passes by a vote of 6 to 2.

Chairman McGuinness noted it is the custom of the Planning Commission to send the update of the City of Chesterfield Comprehensive Plan to the City Council. She further noted the Commission is now going to send the update of the Comprehensive Plan to the City Council of the Whole.

- D. **P.Z. 21-94 David D. and Pauline T. Bolk**; Commercial Service Procedure (C.S.P.) in the "R-2" 15,000 square foot Residence District; south side of Olive Boulevard, west of Westbury Dr.

Commissioner O'Brien made a motion to hold. The motion was seconded by Commissioner McCarthy.

Director Duepner inquired whether the Commission wished the items being looked at to be read into the record.

Chairman McGuinness noted the Commission would receive and file them and consider them read.

The motion to hold passes by a voice vote of 8 to 0.

- E. **P.C. 141-79 Chesterfield Village (NW Quadrant)**; request for Extension of Time for a "C-8" Planned Commercial District Site Development Plan and Architectural Elevations; northeast and northwest quadrants of the intersection of Chesterfield Village Parkway North and Highway 40/61.

Director Duepner noted this is a request for an extension of time for a site development plan.

Chairman McGuinness inquired whether anyone had any problems with the extension of time.

No problems were expressed.

Commissioner McCarthy made a motion to approve the extension of time. The motion was seconded by Commissioner Bly **and passed by a voice vote of 8 to 0.**

- F. **P.C. 168-71 Sachs Properties, Inc. (Chesterfield Mall)**; Report on development progress; southwest quadrant of I-64/U.S. Highway 40/61 and Clarkson Road.

Director Duepner noted this information is an update in terms of what is going on.

Chairman McGuinness requested this item be received and filed.

- G. Memorandum from the Director of Planning concerning Planning Commission Meeting Summaries.

Chairman McGuinness noted she thinks everyone likes the way they are and asked if there were any dissenters.

Commissioner O'Brien noted she believed the last two (2) sets of minutes have been extremely long, and she doesn't believe they need to be that long.

Director Duepner stated we have had extremely long meetings and a lot of discussion. He noted the alternative he offers is to go back to the way the meeting summaries were done before.

Chairman McGuinness stated "Ms. Lohman you take great pride in your work, we love you, everybody is fine, everybody is out of order who doesn't like Sandy Lohman." The Commissioners applauded.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **P.Z. 21-94 Kennedy Farms**; Conditional Use Permit in the "NU" Non-Urban District Site Plan; Deep Forest Drive at Wild Horse Creek Road.

Commissioner Broemmer made a motion to approve this request, subject to the forty-two (42) foot turn-around, eighteen (18) foot wide driveway, and the fire hydrant. The motion was seconded by Commissioner Bly and **approved by a voice vote of 8 to 0.**

- B. **United Methodist Church of Green Trails**; "NU" Non-Urban District Amended Site Plan; north side of Ladue Road at Greentrails Drive.

Commissioner Broemmer made a motion to approve this request. The motion was seconded by Commissioner Bly.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired regarding comments from residents about the gate being removed.

Director Duepner noted we will be waiving the requirement for the gate, as requested by the Church. He further noted that neither the Planning Department nor the Police Department has been contact by residents regarding any problems with the gate.

The motion approved by a voice vote of 8 to 0.

- C. **Braefield Subdivision**; Planned Environment Unit (PEU) in the "R-4" 7,500 square foot Residence District Subdivision Record Plat; north side of Olive Boulevard, east of West Drive.

Commissioner Broemmer noted the Committee recommends approval of the Subdivision Record Plat for Braefield. The motion was seconded by Commissioner O'Brien and **approved by a voice vote of 8 to 0.** .

COMMITTEE REPORTS

A. Ordinance Review Committee

Committee Chairman Rick Bly reported they are going to try to schedule a meeting.

Senior Planner Griggs-McElhanon suggested the meeting be scheduled for Thursday, October 13th, at 8:00 a.m. She inquired whether the three (3) Commission Members could attend (Ms. McCarthy, Mr. Bly, Ms. McGuinness, plus John Langa).

It was decided to have the meeting on Thursday, October 13th, at 7:30 a.m., at Schnucks Station Restaurant.

B. Architectural Review Committee - No report.

C. Site Plan/Landscape Committee

Senior Planner Laura Griggs-McElhanon reported she will meet with Mr. Kirchoff to come up with some dates for a meeting, and then notify members.

D. Comprehensive Plan Committee

Committee Co-Chair Domahidy noted a meeting is scheduled for Wednesday, October 12th, at 5:00 p.m. She further noted there is some question as to what direction is to be taken.

City Attorney Beach noted that having a meeting would be appropriate in order to let people know there is still some interest.

Senior Planner Griggs-McElhanon noted that all the Committee Members have a copy of a document, similar to the Wild Horse Area Study, that needs to be addressed. She further noted the issue of the "Office Campus," expanding the boundaries, etc. The end result of this whole Committee is going to be this Document, not just the map revisions.

Commissioner O'Brien inquired whether airport noise would be discussed.

Senior Planner Griggs-McElhanon noted that may become an issue, depending on what is determined for the office campus portion, and that is why that was designated on the plan originally. She further noted that airport noise, relative to the Land Use designations on the Comprehensive plan, does definitely affect the office campus.

Commissioner Broemmer asked if we have a study that shows noise levels.

Senior Planner Griggs-McElhanon noted we have a plan that is brought to all West Area Study meetings that has those noise contours depicted.

Planner II Joe Hanke noted there was a Part 150 Study.

Commissioner Broemmer asked for a smaller version of this map to be provided.

E. **Procedures and Planning Committee** - No report.

The meeting adjourned at 10:55 p.m.


Patricia O'Brien, Secretary

[MIN10-10.094]