CORRECTED 9/11/06
(Corrections: Pages 4 and 10)

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 28, 2006

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

I. PRESENT **ABSENT**

Mr. David Asmus — Ms. Victoria Sherman
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Tom Sandifer
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Libbey Simpson, Assistant City Administrator
for Economic & Community Development
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Sandifer

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; and City Administrator Mike Herring.

PUBLIC HEARINGS – Commissioner Perantoni read the "Opening Comments" for the Public Hearings.

A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

(b) Animal hospitals, veterinary clinics, ~~and kennels~~.
(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(m) Child care centers, nursery schools, and day nurseries.
(o) Dry cleaning drop-off and pick-up stations.
(p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
(q) Film drop-off and pick-up stations.
(s) Financial institutions.
(v) Hotels and motels.
(x) Medical and dental offices.
(z) Offices or office buildings.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
(hh) Restaurants, fast food
(ii) Restaurants, sit down
(kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

(pp) Permitted signs (See Section 1003.168 'Sign Regulations').

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

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- The subject site was posted on August 11, 2006.
- At the June 12th Public Hearing, the following use was excluded:
  - Animal hospitals, veterinary clinics, and kennels
- The purpose of this evening's public hearing is to properly include this use for consideration.
- The Comprehensive Plan categorizes the subject site as "Spirit Airport".

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO was available for questions.

Commissioner Geckeler asked if the natural buffer, on the west and south side of the property, could be maintained. She noted that there are individual trees, along with a clump of trees, on the east side and asked if they could also be maintained. Mr. Doster stated that he would add these to the list of issues to be addressed.

2. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

3. Mr. John Wagner, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

B. **P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a "NU" Non-Urban district to a E-One Acre Residential District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road (Locator Number 18U240100).

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- The Public Hearing notices were posted on August 9, 2006.
- Surrounding zoning of the subject site is "NU" to the north and to the south; the east and west are bounded by "R1" and "R1A".
- **Items currently under review by the Planning Department**:
  - Lack of a Tree Stand Delineation: The Petitioner will be submitting a Tree Stand Delineation to the Department.
  - Variety of Trees: The Tree Manual requires 20% of each category. The Petitioner does not meet this requirement at the present time.

PETITIONER'S PRESENTATION:

1. Mr. Jean Magre, The Sterling Company, Engineers for the Project, 5055 New Baumgartner Road, St. Louis, MO stated the following:
   - They request the rezoning of 4.3 acres on behalf of ~~Mayor~~ **Mayer** Homes.
   - The subject property is currently zoned "Non-Urban". The site is approximately 600 feet from Wild Horse Creek Road.
   - ~~Mayor~~ **Mayer** Homes proposes that the site be rezoned to "E1" to permit construction of four homes. Development density will be slightly less than one home per acre, which complies with the City's Comprehensive Plan for this area.
   - They feel that the requested zoning is logical in relation to surrounding zoning patterns. He noted the following zonings:
     - Country Place at Chesterfield to the west is zoned "R1".
     - Bentley Place to the east is zoned "R1" and "R1A".
     - Although properties to the north and south are currently zoned "Non-Urban", the Speaker felt that the zoning pattern seems to be toward one-acre development for this area.
   - Mayer Homes proposes four homes. Lot 4 would have access to Cripple Creek Road; the other three lots would have direct driveway access to Wild Horse Ridge Road. Mayer Homes checked on access rights and it was deemed that this property has full access rights. The Department of Public Works has indicated they have no issues with the proposed access as shown; however, the roads would have to be improved to 24 feet of pavement.
   - The requested lots would range in area from 32,577 sq. ft. to 43,173 sq. ft.
   - The builder plans to take advantage of the site's heavy tree coverage. The Tree Survey Report notes that the site is covered in young woodland

growth with an average tree diameter of about 3", with some trees approximately 18". The estimated number of trees per acre is more than 1600. There are no monarch trees on the site.

- The only grading proposed is right around the houses and what would be necessary for driveway access to the houses. More than three-quarters of the site would remain wooded.
- They are maintaining a disturbance of less than one acre on the site. In addition, they would provide the required 30-foot landscape buffer. There appears to be a break in the tree cover along the west property line only. The Landscape Plan will increase the number of trees around the perimeter in those areas where there is an apparent shortage in order to meet buffering requirements.
- Sanitary sewers would be provided to the site via an extension main that would go along the right-of-way of Wild Horse Ridge Road. There is an existing manhole close to Wild Horse Creek Road and the proposed sewer line would follow Wild Horse Ridge Road down to Wild Horse Creek Road where the connection would be made.
- The only proposed storm sewers are the culverts that would go under the proposed driveways. If the City or MSD found need for any improvement, Speaker expects they would be minor improvements to any ditches along the road, which would be made.
- The proposed homes will all be custom-built. They will be approximately 4700-5000 sq. ft.$^{+}$ in floor area. The cost will range from $1,000,000 to $1,500,000.

Responding to questions from the Commission, Mr. Magre stated the following:

- The homes will have a minimum of three-car garages.
- Mayer Homes does not intend to clear out the young woodland growth on the site. He feels City policy would have to dictate what homeowners would be restricted from clearing.

2. Mr. Mike Falkner, Vice-President of JHB Properties, 5091 New Baumgartner Road, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Tom Fleming, Trustee of Wild Horse Ridge Subdivision, 17067 Rooster Ridge, Chesterfield, MO stated the following:
   - The proposed site development is within the Wild Horse Ridge subdivision.
   - Speaker submitted a petition signed by all the residents of the subdivision opposing the subject development.
   - They oppose the development for the following reasons:
     - The "Non-Urban" zoning of three acres has been in existence for over thirty years and is working. They do not see a need to change

the zoning as they are very happy with the existing large lot environment, which offers a park-like environment with a lot of green space.

- There are infrastructure limitations. The current roads are 15 feet wide; the entrance to the subdivision is 20 feet wide. It is their opinion that there is only a 20-foot easement coming into their subdivision, which creates some issues recognized by the Fire District and the Department of Public Works. If higher density zoning is approved, the Fire District and Public Works recommend that the road be expanded. They do not think this is possible.

Responding to questions from the Commission, Mr. Fleming stated the following:

- The Petitioner did not present his plan to the residents or Trustees of Wild Horse Ridge subdivision.

2. Colonel Leon E. McKinney, Past-President of the Trustees of Bentley Place Subdivision, 1323 Bentley Place Drive, Chesterfield, MO stated the following:
   - He is here at the request of the three Trustees of the Bentley Place Subdivision.
   - The residents of Bentley Place opposed a similar development last year proposed by Dollar Development for the property immediately south of the subject property.
   - He noted that individual property owners backing up to Wild Horse Ridge Road own the eastern half of Wild Horse Ridge Road. The entrance from Bentley Place Drive on to Wild Horse Ridge Road is owned by Bentley Place Subdivision on both sides of the road.
   - Mayer Homes has failed to contact anyone living in Bentley Place subdivision regarding this petition.
   - The proposed plans show a 50' wide road easement, which disappeared in 1993. The plans also show a 50' wide road, which the residents feel is somewhat presumptuous.
   - Bentley Place Subdivision will not grant an easement, a right-of-way, or any other form of access to widen the road, which is being required by the Fire Marshall.
   - The proposal would dramatically change the environment and ambience of the area.
   - He noted that the trees along Wild Horse Ridge Road are very mature and large, which present a very solid screen.
   - He fears that if this rezoning is approved, it will set a precedent for future rezonings in the area clearing out the wooded area, which would rapidly increase run-off. The vast majority of this run-off would drain to the east and to the existing Caulks Creek.

3. Mr. Tom McCarthy, Attorney representing Wild Horse Ridge Subdivision, McCarthy, Leonard, Kaemmerer, Chesterfield, MO stated the following:
   - The Bentley Place property was owned by the Missouri Synod before it was developed. There was a 50' road easement that extended along its south boundary and then through the middle of the property.
   - When Taylor Morley began developing Bentley Place, the residents of Wild Horse Ridge subdivision signed a document abandoning the 50' easement – both through the property and at least at the entrance going into Wild Horse Creek Road. In exchange for that, Taylor Morley improved the Wild Horse Ridge subdivision road from the entrance of Bentley Place up to the T-intersection and then east along the southern boundary of the Bentley Place subdivision. The road was widened to 20 feet from 15 feet and repaved. In addition, the Wild Horse Ridge subdivision's entrance was re-routed from directly to Wild Horse Creek Road through Bentley Place's subdivision entrance.
   - Any current access to the Wild Horse Ridge subdivision comes through Bentley Place and Bentley Place's entrance.
   - Earlier this year, there was a petition submitted from Dollar Building to subdivide another lot immediately south to the subject property. The request was to subdivide into one-acre zoning. At that point, it was predicted that other property owners would be requesting rezoning. Speaker felt that approximately 20 new homes will be proposed in the near future for this area.
   - In response to Dollar Building's request, the Fire Marshall directed a letter to the Planning Commission pointing out that a 26 foot road from Wild Horse Creek Road, up through the subdivision, would be required for subsequent one-acre zonings. The Department of Public Works also notified the Planning Commission recommending a 26 foot-wide road.
   - The residents of Wild Horse Ridge subdivision oppose the requested rezoning because they want to preserve the three-acre zoning nature of the area. They also have safety concerns because of the existing 20-foot wide road.
   - The residents do not believe there is any practical way that a 26-foot wide road can occur and have access to Wild Horse Creek Road unless Bentley Place grants access. Bentley Place has indicated that they will not grant access.
   - Speaker distributed packets to the Commission which includes documents pertaining to the issues expressed.

4. Mr. Ken Aston, 17058 Rooster Ridge Road, Chesterfield, MO stated the following:
   - The Petitioner's presentation did not show many of the lots below the subject site, which are currently zoned "Non-Urban".
   - Speaker owns two lots just under nine acres – one is a three-acre lot and one is just under six acres.

- The Non-Urban area is a large area and there is only one road that allows access to these lots, which goes along the property for which the Petitioner is requesting rezoning.
- Speaker has a contract to sell his property to a homebuilder. Whether or not the Speaker signs the contract depends on the outcome of the subject petition. If approved, he will sell his property for redevelopment. The developer has indicated that he will request one-acre zoning in order to build nine homes. Speaker feels this would lead to spot-zoning.
- Regarding the widening of the road, Speaker stated that the Petitioner will only be required to widen the road along his property, which is at the entrance to the Speaker's subdivision.
- He questioned whether the developer buying his property would have to widen the road all the way back to his property, which would require the taking of other properties – or whether he would just have to widen the road fronting his property.
- Speaker notified the Planning Department about the proposed Site Plan prepared by the prospective buyer of his property.
- The style of homes being proposed on the Speaker's property is significantly different than the homes being proposed by Mayer Homes. Speaker expressed concern that the area will have a "hodgepodge" of homes.

5. Mr. Mark Steinprecher, 17117 Chaise Ridge, Chesterfield, MO

and

6. Mr. Tim Rohlman, 17123 Chaise Ridge, Chesterfield, MO presented together.
   - Both speakers' properties abut the subject property.
   - Speakers noted that there is a dry creek bed flowing through the center of their property. The land is already eroding and they are concerned that new construction would increase the erosion extensively.
   - The creek bed area includes large, mature trees. Speakers expressed concern that future property owners could have the trees removed on the proposed lots, which will adversely affect the creek bed.
   - They are opposed to one-acre zoning in the area.
   - Speakers felt that Mayer Homes does not have any plans for storm water runoff other than using the existing dry creek bed running through their properties.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. Jean Magre stated the following:
   - **Regarding spot zoning**: The proposed plan complies with the City's Comprehensive Plan for one-acre development in this area.
   - **Regarding widening of the road:** The record plat for Bentley Place subdivision, dated February, 1995, dedicates Bentley Place Drive to the City of Chesterfield. There is a road easement to the property, which is 50

feet wide. They have been advised that within this easement they must widen Wild Horse Ridge Road back to their site.

- **Regarding the dry creek bed:** The creek area is heavily wooded and is protected from erosion by the trees along it. Erosion from general runoff will not be significant as the lots will remain heavily wooded.

ISSUES:

1. Determine whether the property is in Wild Horse Ridge subdivision.
2. Are there infrastructure limitations? Do the Fire Marshall and Public Works require a 26-foot wide road? Residents expressed opposition to the road widening.
3. Access into the site through Bentley Place.
4. Lack of a Tree Stand Delineation Plan.
5. Buffering requirements – a 30' landscape buffer is required.
6. Will the neighborhood be compatible with the surrounding neighborhoods with respect to architecture and lot size? Does it comply with the Master Land Use Plan?
7. Storm water issues to be reviewed by the Department of Public Works.
8. Provide a wider view of the area showing all the land to the south of the subject site zoned Non-Urban.
9. Is there a necessity for "do not disturb" zones on some of the lots?
10. Provide a summary on the Winter Wheat lot.
11. Clarify who owns the dry creek bed and its location.
12. Provide information about the new amendment to the Estate District under which this petition falls.
13. Provide a history of the zoning of the surrounding area. Chair Hirsch stated that prior to the time of going to "R1", everything was "NU".
14. Clarify the size of existing trees. It was noted that this would be indicated on the Tree Stand Delineation and Tree Preservation Plans.

Commissioner Perantoni read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the August 14, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.** (Commissioner Asmus abstained as he was not in attendance at the August 14th meeting.)

VI. PUBLIC COMMENT

RE: Briarcliffe Villas Site Development Plan

Speakers in Favor:

1. Mr. Brian Calsyn, Trustee of Eagle Ridge Homeowners Association, 545 Eagle Manor Lane, Chesterfield, MO stated the following:
   - Their subdivision is directly east of the Briarcliffe Villas development.
   - They are in support of the development. They feel comfortable that all their concerns have been addressed.
   - The developer has committed to the following issues and they ask that they be included in the final plan:
     - The Landscaping Plan submitted to Brett Hardesty, which includes landscaping around the fire gate to prevent easy walk-thru access to Eagle Ridge subdivision.
     - Retain, if at all possible, the large mature trees on the border of the property.
   - Speaker thanked the developer for the generous landscaping plan along the border to Eagle Ridge's property.

Chair Hirsch directed Assistant Director of Planning, Annissa McCaskill-Clay, to review the current landscape plan with Mr. Calsyn to insure all his concerns have been addressed before the Commission's vote.

RE: Drury Plaza (Stoney River)

Petitioner:

1. Mr. Shaun Smith, South Bend, IN 46628 stated the following:
   - The knee wall proposal will match the building. The roofing material will be in line with the roofing material behind the knee wall.
   - The knee wall will not go above the roof line – it will stay in comparison and pitch with the roof line material and design.

RE: P.Z. 05-2006 Barry Simon Development (Tuscany Reserve)

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint presentation and stated the following:
   - The Comprehensive Plan shows the subject site designated as "One Acre".
   - The Staff Report indicates that the proposed development is for one ~~ace~~ **acre** density and is shown in the Comprehensive Plan as being one acre

in density. The proposed development is also compatible with surrounding development.

- The subject site is surrounded by one-acre density developments – the most recent of which is the Westland Acres development.
- The subject development is subject to the E-One Acre regulations under Ordinance 1913.
- They meet all of the requirements of E-One Acre in terms of minimum lot size, average lot size, setbacks and lot width. The setbacks greatly exceed the minimums in the E-One Acre District.

Commissioner Broemmer requested a copy of Ordinance 1913, which Staff will provide.

2. Mr. Barry Simon, President of Simon Homes, 632 Trade Center Blvd., Chesterfield, MO stated the following:
   - The lay of the land from Country Place to the east, all the way across Tuscany Reserve, and all the way to the west to the Highlands at Chesterfield are all flat lands with a lack of trees. These communities all have public infrastructure, including streets, sewers, water and sidewalks. They propose a similar type development at Tuscany Reserve.
   - The average lot size for Tuscany Reserve will be1.14 acres.
   - The small portion of property to the north, known as Pacland Place, and upper Kehrs Mill have very steep terrain, dense amounts of trees, and a lack of public infrastructure, such as public streets, sewers, and sidewalks.
   - Their proposal is in compliance with the Comprehensive Land Plan and consists of 45 lots on 58 acres.
   - They propose entrances at Kehrs Mill Road and Strecker Road with emergency access at Church Road.
   - The plan has a thirty-foot landscape buffer around the entire perimeter of the site.
   - The average projected sales price is $1,350,000/home.
   - The proposal has the following lot sizes:
     - Five lots at 0.5-0.6 acre
     - Seven lots at 0.6-0.7 acre
     - Three lots at 0.7-0.8 acre
     - Five lots at 0.8-0.9 acre
     - One lot at 0.9-1.0 acre
     - Twenty-four lots at one acre or greater
     - Three 3-acre lots, which are governed by the Pacland Indentures.

3. Mr. George Stock, Stock & Associates, 257 Chesterfield Parkway, Chesterfield, MO addressed issues with respect to setbacks and stated the following:
   - Side yard setbacks for Lots 1 and 45 along Kehrs Mill Road: The E-One Acre requires a 25' setback. The site has approximately 580 lineal feet of frontage along Kehrs Mill Road and the current Attachment A requires a

60’ setback. They feel that the 60’ setback for the side of the homes is more than appropriate.

- Setback along Strecker Road for Lot 30: The home on the Preliminary Plan is shown at approximately 190’ from Strecker Road’s right-of-way. They feel that 160’ is appropriate, which would allow for an addition on the house – such as a patio or pool.
- Setbacks along Church Road for Lots 23 and 24: The Preliminary Plan shows a setback of 40’. They feel that the 40’ setback is appropriate for two sides of the homes when there are 1250’ of frontage, along with considerably more setbacks on the remainder of the homes.
- Setback for the corner lot next to Linda Vista School, Lot 40: This lot is on the 30’ setback; the front yard setback from the main street is 25’. The way the house is drawn on the Preliminary Plan is 35’. They feel that the 10’ along the front yard would be preferable to the property owner – but they could push it off the 30’ buffer by a few feet.
- Setback for the 30’ landscape buffer around the perimeter of the site: They are not opposed to a 50’ landscape buffer along the northern property line going from Church Road to Kehrs Mill Road in lieu of the 30’ buffer insomuch as it allows disturbance because they do have some tree clearing and construction of storm sewers, as shown on the Preliminary Plan.

4. Mr. Richard Halsey, Hall & Halsey Associates, Inc., Land Planners and Landscape Architects for the project, 424 S. Clay Avenue, St. Louis, MO stated he was available for questions.

Speakers in Favor:

1. Mr. Carl Conceller, 1641 Lochcrest Drive, Chesterfield, MO read a letter from Sharon Freshwater Burton of 16643 Caulks Creek Ridge Road stating the following: (The letter was submitted for the public record.)
   - Ms. Burton has lived at this address for 22 years. Her property is approximately 9.8 acres in size on a ridge with steep grades and is heavily wooded.
   - She is in support of the proposed Tuscany Reserve development. She notes that the proposed development is on flat and mostly unwooded land. which is quite different from her property.
   - She feels it is appropriate to develop this site at a higher density than her neighborhood noting that the upscale homes will enhance the value of her property and add to the quality of the area.

2. Ms. Cathi Vessell, Chairperson of the Board of Directors for Linda Vista Catholic School, 17436 Windridge Estates Court, Chesterfield, MO stated the following:
   - Linda Vista School supports the Tuscany Reserve Development zoning request as they feel it is consistent with the majority of the developments in the area and is consistent with the Comprehensive Plan.

Responding to questions from the Commission regarding the proposed setbacks, Ms. Vessell stated the School is in support of the plan as proposed at this time.

3. Ms. Mary Ellen Smith, Principal of Linda Vista Catholic School, 1633 Kehrs Mill Road, Chesterfield, MO stated the following:
   - Their property is owned by the Sisters of the Most Precious Blood and is adjacent to the proposed development.
   - Tuscany Reserve will attract additional families to the area and to their school. They look forward to an increase in enrollment and to a long-term friendship with the new development.
   - She noted that Mr. Simon has taken the school's needs into account in the planning for Tuscany Reserve. The proposed landscaping will enhance their property.
   - Speaker submitted a letter from Sr. Carmen Schnyder, General Treasurer and Councilor for the Sisters of the Most Precious Blood, indicating her support of the rezoning.

Speakers in Opposition:

1. Ms. Stephanie Macaluso, 1514 Pacland Place, Chesterfield, MO displayed an aerial map of the area showing the current zonings of the areas surrounding the proposed Tuscany Reserve. She then stated the following:
   - The Linda Vista property is zoned "LLR" and is three acres. "LLR" is a viable zoning for three-acre lots even when roads and sewers are included.
   - The property owned by Mr. Levy is over twelve acres in size and is zoned "NU". Mr. Levy has no intention of selling this property.
   - Speaker noted that the surrounding area has a lot of three-acre lots.
   - She does not agree that the subject site is a "valley". Up until two years ago, it was a working farm field.
   - She felt that the proposed site should be kept at three-acre lots, as zoned in 1998.
   - She felt that respect needs to be given to the surrounding cities of Clarkson Valley and Wildwood, which have three-acre lots.
   - She felt that if one-acre zoning is approved, it will look like transitional zoning. She asked that the "LLR" be maintained.
   - She does not agree with the setbacks and buffers as presented.
   - She noted that the Macaluso easement has not been addressed. The plan shows planting on their easement, which would cause access problems for a septic truck getting to the septic tank.
   - She noted that one of the buildings on the site has a monastery with a beautiful chapel, which she felt may have some historic significance.

RE: P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)

Petitioner:

1. Mr. Larry Mintz, 243 Fick Farm Road, Chesterfield, MO was available for questions.

2. Mr. Marty Henson, Henson Consulting, Engineer for the Project, 2317 Ossenfort Road, Glencoe, MO addressed the issue regarding the pool on the subject site and stated the following:
   - It is very expensive to have the pool removed and would be very destructive to their septic field.
   - They offer the following options for dealing with the pool:
     1. Leave the pool as-is noting that it meets all the safety requirements of the City. This is the option that the Petitioner prefers.
     2. Have the Attachment A include a requirement that the pool would be removed at such time as the subject property becomes redeveloped.
     3. Turn the pool into a water amenity by building a waterfall at one end of the pool.
     4. Remove the pool.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Briarcliffe Villas Site Development Plan: Site Development Plan and Landscape Plan for a 29.43 acre parcel zoned "R-3" PEU. The site is located north of Olive Boulevard, east of the intersection with Hog Hollow.

Commissioner Asmus representing the Site Plan Committee, made a motion to approve the Site Development Plan and Landscape Plan. The motion was seconded by Commissioner Banks.

Mr. Brian Calsyn, Trustee of Eagle Ridge Homeowners Association, stated that the proposed Landscape Plan does not appear to incorporate the specific plans discussed with Mr. Hardesty. He asked if the vote could include the incorporation of the plans from Frisella Landscaping approved by Mr. Hardesty.

Mr. George Stock, Stock & Associates, stated that they are in agreement with the additional landscaping. His understanding is that the landscaping being sought by the Eagle Ridge Homeowners Association is groupings of three, six, or nine bushes at the entrance of the fire gate.

Mr. Calsyn clarified that plans were provided from Frisella Landscaping that included an impassable barrier – 80' on both sides of the fire gate where the property comes into Eagle Manor.

Both Commissioners Asmus and Banks accepted an amendment to the motion requiring additional landscaping around the fire gate as approved by the Department. The motion, as amended, **passed by a voice vote of 8 to 0.**

B. **Drury Plaza (Stoney River):** Amended Architectural Elevation for a restaurant located on the Drury Plaza Subdivision on a 4.85 acre tract of land, zoned "PC" Planned Commercial District, located adjacent to Chesterfield Mall on the southwest corner of I-64/Hwy 40/61 and MO 340 (Clarkson Rd).

Commissioner Asmus stated that the Site Plan Committee voted 4 to 3 recommending approval of the Amended Architectural Elevation; however, it now appears the Commission would have a deadlock vote on the Amended Architectural Elevation for Drury Plaza (Stoney River).

Commissioner Asmus, representing the Site Plan Committee, made a motion to hold the Amended Architectural Elevation until the next Planning Commission meeting in order for the Petitioner and Staff to discuss, and present at the next meeting, some alternatives to the current proposal. The motion was seconded by Commissioner Perantoni.

Mayor Nations pointed out that Stoney River plans on opening its restaurant in September and was not sure if holding the Amended Architectural Elevation would impair their schedule.

Mr. Shaun Smith, representing the Petitioner, stated he would prefer that the Amended Architectural Elevation be held as opposed to being voted on. This would give him time to address some of the concerns raised in order to make a presentation at the next meeting.

The motion to hold **passed by a voice vote of 7 to 1.** (Commissioner Broemmer voted “no”.)

C. **Fox Hill Farms Site Development Plan**: A Site Development Plan, Architectural Elevations, and Landscape Plan for a 40.08 acre lot of land zoned E-Half Acre “Residence District” located 1700 feet south of Wildhorse Creek Road and 250 feet west of Wilson Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, and Landscape Plan. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

D. **St. Luke's Hospital - CV-ICU Addition Site Development Section Plan:** A Site Development Section Plan, Architectural Elevations, and Landscape Plan for a section of a 55 acre lot of land zoned "MU" Medical Use District located at the southwest corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations, and Landscape Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0**.

E. **The Village at Olde Baxter Square**: A Site Development Plan, Architectural Elevations, Tree Stand Delineation, Tree Preservation Plan and Landscape Plan for a 2.0 acre lot of land zoned "R-4" Residence District, under a Planned Environment Unit Procedure, located at the southwest corner of Old Baxter Road and Century Lake Dr.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, Tree Stand Delineation, Tree Preservation Plan, and Landscape Plan. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

(b) Animal hospitals, veterinary clinics, ~~and kennels~~.
(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(m) Child care centers, nursery schools, and day nurseries.

(o) Dry cleaning drop-off and pick-up stations.
(p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
(q) Film drop-off and pick-up stations.
(s) Financial institutions.
(v) Hotels and motels.
(x) Medical and dental offices.
(z) Offices or office buildings.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
(hh) Restaurants, fast food
(ii) Restaurants, sit down
(kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
(pp) Permitted signs (See Section 1003.168 'Sign Regulations').
(rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that the Public Hearing was held on June 12, 2006.

ISSUES:

1. Review the following uses in the Draft Attachment A identified under Section C. 1. "Permitted Uses" :
   - o. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums and indoor theaters, including drive-in theaters.
   - r. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
   - v. . . . including indoor sale of motor vehicles . . .
2. Provide a reason why the Planning Commission should approve a minimum open space of less than 40% for individual lots and the overall development. Provide reasons as to why additional curb cuts cannot be made.
3. Consistency of design elements – can the Attachment A include language concerning the design elements with respect to colors, materials, etc.? Ms. Teresa Price, Director of Planning, stated that the Architectural Review Board could be directed to review this issue.
4. Can the Petitioner narrow the uses in use C.1.v. with respect to the language "of any kind"?

Mr. Mike Doster, Attorney for the Petitioner, stated that he is in the process of drafting language with respect to issue #4 above.

C. P.Z. 05-2006 Barry Simon Development (Tuscany Reserve): A request for a change of zoning from "LLR" Large Lot Residential to "E-One Acre" Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Ms. Aimee Nassif, Senior Planner, stated that the subject site is 58 acres proposing 45 detached residential units. The issues from the previous meetings have been addressed. Ms. Nassif responded to the issues raised through an email from Ms. Stephanie Macaluso, a resident of Pacland Place concerning the following sections of the Draft Attachment A relative to setbacks:

- E.1.a – The Attachment A addresses the setback as 160' to allow the building of a patio, pool, deck, etc. without requiring the homeowner to go through the Board of Adjustment.
- E.1.b – The Attachment A addresses the setback as 60' from Kehrs Mill Road. If the setback were any stricter, it could possibly eliminate Lots 1 and 45.
- E.1.c – The Attachment A addresses the setback as 40' from Church Road. Since the petition falls under Ordinance 1913, it meets and exceeds the side yard and front yard setback requirements.

- E.1.d and
- E.1.e – The Attachment A was not written as a do not disturb area because the E District requires a landscape buffer, which requires planting. If it were designated as a do not disturb area, trees would not be able to be replaced or buffering added. Storm water and utilities may also require the removal of trees, which would be prevented in a do not disturb area.
- E.1.i – The current plan shows a 30' setback from Linda Vista School, which has the drive of Lot 40 directly abutting the landscape buffer. The footprints shown on the plan are preliminary at this time and subject to change.
- G.1. – The Petitioner has indicated that they are open to having a 50' landscape buffer along the northern edge of the property.

Responding to questions from the Commission, Ms. Nassif stated the following:

- **Regarding the 60' setback from Kehrs Mill Road and 40' setback from Church Road, what are the current setbacks of the adjacent properties?** Ms. Nassif stated she would have to research this information. Pacland Place does not have an Attachment A since it is zoned "Non-Urban". The subdivision of Countryside at Chesterfield has a smaller setback requirement than the setback requirement being proposed for Tuscany Reserve. The side yard setback is 15' and the front yard is 10'. Countryside has a 35' landscape buffer as opposed to the proposed 30' buffer for Tuscany Reserve.
- **Regarding the sidewalk requirement along Kehrs Mill Road:** The petitioner will either have to provide a sidewalk or an escrow for it to the Department of Public Works.

Commissioner Broemmer pointed out that the Attachment A needs to be re-numbered in Sections G. and H.

Commissioner Asmus made a motion to approve P.Z. 05-2006 Barry Simon Development (Tuscany Reserve) with the inclusion of a 50' landscape buffer along the northern property line and with the following amendment to the Attachment A, Section C:

> 2. **Non-Single Family Uses, other than home occupations, shall be prohibited in this development.**

The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner O'Connor, Chairman Hirsch

Nay: Commissioner Perantoni, Commissioner Sandifer, Commissioner Geckeler

The motion passed by a vote of 5 to 3.

D. P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz): A request for a change of zoning from "NU" Non-Urban to "PC" Planned Commercial District for a 1.47 acre tract of land located north of Wild Horse Creek Road and West of Long Road. (18V610074, 18V610085). Proposed use: Office.

Ms. Aimee Nassif, Senior Planner, stated that the Public Hearing was held on July 11, 2006. One issue remains open pertaining to the existing pool on the site. At the August 14th meeting, the Petitioner proposed creating a water feature out of the pool in lieu of removing the pool. The Petitioner also proposes leaving the pool intact until the site is redeveloped.

Commissioner Banks acknowledged that there would be more destruction involved in removing the pool than letting it remain. He also felt a water feature would not be seen and, therefore, unnecessary.

Commissioner Banks made a motion to approve P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz) with the removal of Section I.G.4 from the Attachment A and allowing the pool to remain, with appropriate covers and fences, until such time as further development takes place, at which time the pool will be removed. The motion was seconded by Commissioner Geckeler.

Commissioner Broemmer asked how it would be insured that the pool cover and fence are properly maintained. Ms. Price stated that this would be covered under the Property Maintenance Code.

Upon roll call, the vote was as follows:

Aye: Commissioner Sandifer, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler, Commissioner O'Connor, Commissioner Perantoni, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

- **A. Committee of the Whole –** Next Meeting: Aug 30th
- **B. Ordinance Review Committee**
- **C. Architectural Review Committee**
- **D. Landscape Committee**
- **E. Comprehensive Plan Committee**
- **F. Procedures and Planning Committee**
- **G. Landmarks Preservation Commission**

XI. ADJOURNMENT

The meeting adjourned at 9:14 p.m.

_____

David Banks, Secretary

CORRECTED 9/11/06
(Corrections: Pages 4 and 10)

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
AUGUST 28, 2006

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

I. PRESENT **ABSENT**

Mr. David Asmus — Ms. Victoria Sherman
Mr. David Banks
Mr. Fred Broemmer
Ms. Wendy Geckeler
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Tom Sandifer
Chairman Maurice L. Hirsch, Jr.

Mayor John Nations
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Libbey Simpson, Assistant City Administrator
for Economic & Community Development
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Aimee Nassif, Senior Planner
Ms. Jennifer Yackley, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Sandifer

III. PLEDGE OF ALLEGIANCE – All

Chair Hirsch acknowledged the attendance of Mayor John Nations; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; and City Administrator Mike Herring.

PUBLIC HEARINGS – Commissioner Perantoni read the "Opening Comments" for the Public Hearings.

A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

(b) Animal hospitals, veterinary clinics, ~~and kennels~~.
(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(m) Child care centers, nursery schools, and day nurseries.
(o) Dry cleaning drop-off and pick-up stations.
(p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
(q) Film drop-off and pick-up stations.
(s) Financial institutions.
(v) Hotels and motels.
(x) Medical and dental offices.
(z) Offices or office buildings.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
(hh) Restaurants, fast food
(ii) Restaurants, sit down
(kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.

(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

(pp) Permitted signs (See Section 1003.168 'Sign Regulations').

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

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- The subject site was posted on August 11, 2006.
- At the June 12th Public Hearing, the following use was excluded:
  - Animal hospitals, veterinary clinics, and kennels
- The purpose of this evening's public hearing is to properly include this use for consideration.
- The Comprehensive Plan categorizes the subject site as "Spirit Airport".

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO was available for questions.

Commissioner Geckeler asked if the natural buffer, on the west and south side of the property, could be maintained. She noted that there are individual trees, along with a clump of trees, on the east side and asked if they could also be maintained. Mr. Doster stated that he would add these to the list of issues to be addressed.

2. Mr. George Stock, 257 Chesterfield Business Parkway, Chesterfield, MO was available for questions.

3. Mr. John Wagner, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

REBUTTAL: None

B. **P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a "NU" Non-Urban district to a E-One Acre Residential District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road (Locator Number 18U240100).

Project Planner Jennifer Yackley gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Yackley stated the following:

- The Public Hearing notices were posted on August 9, 2006.
- Surrounding zoning of the subject site is "NU" to the north and to the south; the east and west are bounded by "R1" and "R1A".
- **Items currently under review by the Planning Department**:
  - Lack of a Tree Stand Delineation: The Petitioner will be submitting a Tree Stand Delineation to the Department.
  - Variety of Trees: The Tree Manual requires 20% of each category. The Petitioner does not meet this requirement at the present time.

PETITIONER'S PRESENTATION:

1. Mr. Jean Magre, The Sterling Company, Engineers for the Project, 5055 New Baumgartner Road, St. Louis, MO stated the following:
   - They request the rezoning of 4.3 acres on behalf of ~~Mayor~~ **Mayer** Homes.
   - The subject property is currently zoned "Non-Urban". The site is approximately 600 feet from Wild Horse Creek Road.
   - ~~Mayor~~ **Mayer** Homes proposes that the site be rezoned to "E1" to permit construction of four homes. Development density will be slightly less than one home per acre, which complies with the City's Comprehensive Plan for this area.
   - They feel that the requested zoning is logical in relation to surrounding zoning patterns. He noted the following zonings:
     - Country Place at Chesterfield to the west is zoned "R1".
     - Bentley Place to the east is zoned "R1" and "R1A".
     - Although properties to the north and south are currently zoned "Non-Urban", the Speaker felt that the zoning pattern seems to be toward one-acre development for this area.
   - Mayer Homes proposes four homes. Lot 4 would have access to Cripple Creek Road; the other three lots would have direct driveway access to Wild Horse Ridge Road. Mayer Homes checked on access rights and it was deemed that this property has full access rights. The Department of Public Works has indicated they have no issues with the proposed access as shown; however, the roads would have to be improved to 24 feet of pavement.
   - The requested lots would range in area from 32,577 sq. ft. to 43,173 sq. ft.
   - The builder plans to take advantage of the site's heavy tree coverage. The Tree Survey Report notes that the site is covered in young woodland

growth with an average tree diameter of about 3", with some trees approximately 18". The estimated number of trees per acre is more than 1600. There are no monarch trees on the site.

- The only grading proposed is right around the houses and what would be necessary for driveway access to the houses. More than three-quarters of the site would remain wooded.
- They are maintaining a disturbance of less than one acre on the site. In addition, they would provide the required 30-foot landscape buffer. There appears to be a break in the tree cover along the west property line only. The Landscape Plan will increase the number of trees around the perimeter in those areas where there is an apparent shortage in order to meet buffering requirements.
- Sanitary sewers would be provided to the site via an extension main that would go along the right-of-way of Wild Horse Ridge Road. There is an existing manhole close to Wild Horse Creek Road and the proposed sewer line would follow Wild Horse Ridge Road down to Wild Horse Creek Road where the connection would be made.
- The only proposed storm sewers are the culverts that would go under the proposed driveways. If the City or MSD found need for any improvement, Speaker expects they would be minor improvements to any ditches along the road, which would be made.
- The proposed homes will all be custom-built. They will be approximately 4700-5000 sq. ft.$^{+}$ in floor area. The cost will range from $1,000,000 to $1,500,000.

Responding to questions from the Commission, Mr. Magre stated the following:

- The homes will have a minimum of three-car garages.
- Mayer Homes does not intend to clear out the young woodland growth on the site. He feels City policy would have to dictate what homeowners would be restricted from clearing.

2. Mr. Mike Falkner, Vice-President of JHB Properties, 5091 New Baumgartner Road, St. Louis, MO was available for questions.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Mr. Tom Fleming, Trustee of Wild Horse Ridge Subdivision, 17067 Rooster Ridge, Chesterfield, MO stated the following:
   - The proposed site development is within the Wild Horse Ridge subdivision.
   - Speaker submitted a petition signed by all the residents of the subdivision opposing the subject development.
   - They oppose the development for the following reasons:
     - The "Non-Urban" zoning of three acres has been in existence for over thirty years and is working. They do not see a need to change

the zoning as they are very happy with the existing large lot environment, which offers a park-like environment with a lot of green space.

- There are infrastructure limitations. The current roads are 15 feet wide; the entrance to the subdivision is 20 feet wide. It is their opinion that there is only a 20-foot easement coming into their subdivision, which creates some issues recognized by the Fire District and the Department of Public Works. If higher density zoning is approved, the Fire District and Public Works recommend that the road be expanded. They do not think this is possible.

Responding to questions from the Commission, Mr. Fleming stated the following:

- The Petitioner did not present his plan to the residents or Trustees of Wild Horse Ridge subdivision.

2. Colonel Leon E. McKinney, Past-President of the Trustees of Bentley Place Subdivision, 1323 Bentley Place Drive, Chesterfield, MO stated the following:
   - He is here at the request of the three Trustees of the Bentley Place Subdivision.
   - The residents of Bentley Place opposed a similar development last year proposed by Dollar Development for the property immediately south of the subject property.
   - He noted that individual property owners backing up to Wild Horse Ridge Road own the eastern half of Wild Horse Ridge Road. The entrance from Bentley Place Drive on to Wild Horse Ridge Road is owned by Bentley Place Subdivision on both sides of the road.
   - Mayer Homes has failed to contact anyone living in Bentley Place subdivision regarding this petition.
   - The proposed plans show a 50' wide road easement, which disappeared in 1993. The plans also show a 50' wide road, which the residents feel is somewhat presumptuous.
   - Bentley Place Subdivision will not grant an easement, a right-of-way, or any other form of access to widen the road, which is being required by the Fire Marshall.
   - The proposal would dramatically change the environment and ambience of the area.
   - He noted that the trees along Wild Horse Ridge Road are very mature and large, which present a very solid screen.
   - He fears that if this rezoning is approved, it will set a precedent for future rezonings in the area clearing out the wooded area, which would rapidly increase run-off. The vast majority of this run-off would drain to the east and to the existing Caulks Creek.

3. Mr. Tom McCarthy, Attorney representing Wild Horse Ridge Subdivision, McCarthy, Leonard, Kaemmerer, Chesterfield, MO stated the following:
   - The Bentley Place property was owned by the Missouri Synod before it was developed. There was a 50' road easement that extended along its south boundary and then through the middle of the property.
   - When Taylor Morley began developing Bentley Place, the residents of Wild Horse Ridge subdivision signed a document abandoning the 50' easement – both through the property and at least at the entrance going into Wild Horse Creek Road. In exchange for that, Taylor Morley improved the Wild Horse Ridge subdivision road from the entrance of Bentley Place up to the T-intersection and then east along the southern boundary of the Bentley Place subdivision. The road was widened to 20 feet from 15 feet and repaved. In addition, the Wild Horse Ridge subdivision's entrance was re-routed from directly to Wild Horse Creek Road through Bentley Place's subdivision entrance.
   - Any current access to the Wild Horse Ridge subdivision comes through Bentley Place and Bentley Place's entrance.
   - Earlier this year, there was a petition submitted from Dollar Building to subdivide another lot immediately south to the subject property. The request was to subdivide into one-acre zoning. At that point, it was predicted that other property owners would be requesting rezoning. Speaker felt that approximately 20 new homes will be proposed in the near future for this area.
   - In response to Dollar Building's request, the Fire Marshall directed a letter to the Planning Commission pointing out that a 26 foot road from Wild Horse Creek Road, up through the subdivision, would be required for subsequent one-acre zonings. The Department of Public Works also notified the Planning Commission recommending a 26 foot-wide road.
   - The residents of Wild Horse Ridge subdivision oppose the requested rezoning because they want to preserve the three-acre zoning nature of the area. They also have safety concerns because of the existing 20-foot wide road.
   - The residents do not believe there is any practical way that a 26-foot wide road can occur and have access to Wild Horse Creek Road unless Bentley Place grants access. Bentley Place has indicated that they will not grant access.
   - Speaker distributed packets to the Commission which includes documents pertaining to the issues expressed.

4. Mr. Ken Aston, 17058 Rooster Ridge Road, Chesterfield, MO stated the following:
   - The Petitioner's presentation did not show many of the lots below the subject site, which are currently zoned "Non-Urban".
   - Speaker owns two lots just under nine acres – one is a three-acre lot and one is just under six acres.

- The Non-Urban area is a large area and there is only one road that allows access to these lots, which goes along the property for which the Petitioner is requesting rezoning.
- Speaker has a contract to sell his property to a homebuilder. Whether or not the Speaker signs the contract depends on the outcome of the subject petition. If approved, he will sell his property for redevelopment. The developer has indicated that he will request one-acre zoning in order to build nine homes. Speaker feels this would lead to spot-zoning.
- Regarding the widening of the road, Speaker stated that the Petitioner will only be required to widen the road along his property, which is at the entrance to the Speaker's subdivision.
- He questioned whether the developer buying his property would have to widen the road all the way back to his property, which would require the taking of other properties – or whether he would just have to widen the road fronting his property.
- Speaker notified the Planning Department about the proposed Site Plan prepared by the prospective buyer of his property.
- The style of homes being proposed on the Speaker's property is significantly different than the homes being proposed by Mayer Homes. Speaker expressed concern that the area will have a "hodgepodge" of homes.

5. Mr. Mark Steinprecher, 17117 Chaise Ridge, Chesterfield, MO

and

6. Mr. Tim Rohlman, 17123 Chaise Ridge, Chesterfield, MO presented together.
   - Both speakers' properties abut the subject property.
   - Speakers noted that there is a dry creek bed flowing through the center of their property. The land is already eroding and they are concerned that new construction would increase the erosion extensively.
   - The creek bed area includes large, mature trees. Speakers expressed concern that future property owners could have the trees removed on the proposed lots, which will adversely affect the creek bed.
   - They are opposed to one-acre zoning in the area.
   - Speakers felt that Mayer Homes does not have any plans for storm water runoff other than using the existing dry creek bed running through their properties.

SPEAKERS – NEUTRAL: None

REBUTTAL:

1. Mr. Jean Magre stated the following:
   - **Regarding spot zoning**: The proposed plan complies with the City's Comprehensive Plan for one-acre development in this area.
   - **Regarding widening of the road:** The record plat for Bentley Place subdivision, dated February, 1995, dedicates Bentley Place Drive to the City of Chesterfield. There is a road easement to the property, which is 50

feet wide. They have been advised that within this easement they must widen Wild Horse Ridge Road back to their site.

- **Regarding the dry creek bed:** The creek area is heavily wooded and is protected from erosion by the trees along it. Erosion from general runoff will not be significant as the lots will remain heavily wooded.

ISSUES:

1. Determine whether the property is in Wild Horse Ridge subdivision.
2. Are there infrastructure limitations? Do the Fire Marshall and Public Works require a 26-foot wide road? Residents expressed opposition to the road widening.
3. Access into the site through Bentley Place.
4. Lack of a Tree Stand Delineation Plan.
5. Buffering requirements – a 30' landscape buffer is required.
6. Will the neighborhood be compatible with the surrounding neighborhoods with respect to architecture and lot size? Does it comply with the Master Land Use Plan?
7. Storm water issues to be reviewed by the Department of Public Works.
8. Provide a wider view of the area showing all the land to the south of the subject site zoned Non-Urban.
9. Is there a necessity for "do not disturb" zones on some of the lots?
10. Provide a summary on the Winter Wheat lot.
11. Clarify who owns the dry creek bed and its location.
12. Provide information about the new amendment to the Estate District under which this petition falls.
13. Provide a history of the zoning of the surrounding area. Chair Hirsch stated that prior to the time of going to "R1", everything was "NU".
14. Clarify the size of existing trees. It was noted that this would be indicated on the Tree Stand Delineation and Tree Preservation Plans.

Commissioner Perantoni read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the August 14, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0.** (Commissioner Asmus abstained as he was not in attendance at the August 14th meeting.)

VI. PUBLIC COMMENT

RE: Briarcliffe Villas Site Development Plan

Speakers in Favor:

1. Mr. Brian Calsyn, Trustee of Eagle Ridge Homeowners Association, 545 Eagle Manor Lane, Chesterfield, MO stated the following:
   - Their subdivision is directly east of the Briarcliffe Villas development.
   - They are in support of the development. They feel comfortable that all their concerns have been addressed.
   - The developer has committed to the following issues and they ask that they be included in the final plan:
     - The Landscaping Plan submitted to Brett Hardesty, which includes landscaping around the fire gate to prevent easy walk-thru access to Eagle Ridge subdivision.
     - Retain, if at all possible, the large mature trees on the border of the property.
   - Speaker thanked the developer for the generous landscaping plan along the border to Eagle Ridge's property.

Chair Hirsch directed Assistant Director of Planning, Annissa McCaskill-Clay, to review the current landscape plan with Mr. Calsyn to insure all his concerns have been addressed before the Commission's vote.

RE: Drury Plaza (Stoney River)

Petitioner:

1. Mr. Shaun Smith, South Bend, IN 46628 stated the following:
   - The knee wall proposal will match the building. The roofing material will be in line with the roofing material behind the knee wall.
   - The knee wall will not go above the roof line – it will stay in comparison and pitch with the roof line material and design.

RE: P.Z. 05-2006 Barry Simon Development (Tuscany Reserve)

Petitioner:

1. Mr. Mike Doster, 17107 Chesterfield Airport Road, Chesterfield, MO gave a PowerPoint presentation and stated the following:
   - The Comprehensive Plan shows the subject site designated as "One Acre".
   - The Staff Report indicates that the proposed development is for one ~~ace~~ **acre** density and is shown in the Comprehensive Plan as being one acre

in density. The proposed development is also compatible with surrounding development.

- The subject site is surrounded by one-acre density developments – the most recent of which is the Westland Acres development.
- The subject development is subject to the E-One Acre regulations under Ordinance 1913.
- They meet all of the requirements of E-One Acre in terms of minimum lot size, average lot size, setbacks and lot width. The setbacks greatly exceed the minimums in the E-One Acre District.

Commissioner Broemmer requested a copy of Ordinance 1913, which Staff will provide.

2. Mr. Barry Simon, President of Simon Homes, 632 Trade Center Blvd., Chesterfield, MO stated the following:
   - The lay of the land from Country Place to the east, all the way across Tuscany Reserve, and all the way to the west to the Highlands at Chesterfield are all flat lands with a lack of trees. These communities all have public infrastructure, including streets, sewers, water and sidewalks. They propose a similar type development at Tuscany Reserve.
   - The average lot size for Tuscany Reserve will be1.14 acres.
   - The small portion of property to the north, known as Pacland Place, and upper Kehrs Mill have very steep terrain, dense amounts of trees, and a lack of public infrastructure, such as public streets, sewers, and sidewalks.
   - Their proposal is in compliance with the Comprehensive Land Plan and consists of 45 lots on 58 acres.
   - They propose entrances at Kehrs Mill Road and Strecker Road with emergency access at Church Road.
   - The plan has a thirty-foot landscape buffer around the entire perimeter of the site.
   - The average projected sales price is $1,350,000/home.
   - The proposal has the following lot sizes:
     - Five lots at 0.5-0.6 acre
     - Seven lots at 0.6-0.7 acre
     - Three lots at 0.7-0.8 acre
     - Five lots at 0.8-0.9 acre
     - One lot at 0.9-1.0 acre
     - Twenty-four lots at one acre or greater
     - Three 3-acre lots, which are governed by the Pacland Indentures.

3. Mr. George Stock, Stock & Associates, 257 Chesterfield Parkway, Chesterfield, MO addressed issues with respect to setbacks and stated the following:
   - Side yard setbacks for Lots 1 and 45 along Kehrs Mill Road: The E-One Acre requires a 25' setback. The site has approximately 580 lineal feet of frontage along Kehrs Mill Road and the current Attachment A requires a

60’ setback. They feel that the 60’ setback for the side of the homes is more than appropriate.

- Setback along Strecker Road for Lot 30: The home on the Preliminary Plan is shown at approximately 190’ from Strecker Road’s right-of-way. They feel that 160’ is appropriate, which would allow for an addition on the house – such as a patio or pool.
- Setbacks along Church Road for Lots 23 and 24: The Preliminary Plan shows a setback of 40’. They feel that the 40’ setback is appropriate for two sides of the homes when there are 1250’ of frontage, along with considerably more setbacks on the remainder of the homes.
- Setback for the corner lot next to Linda Vista School, Lot 40: This lot is on the 30’ setback; the front yard setback from the main street is 25’. The way the house is drawn on the Preliminary Plan is 35’. They feel that the 10’ along the front yard would be preferable to the property owner – but they could push it off the 30’ buffer by a few feet.
- Setback for the 30’ landscape buffer around the perimeter of the site: They are not opposed to a 50’ landscape buffer along the northern property line going from Church Road to Kehrs Mill Road in lieu of the 30’ buffer insomuch as it allows disturbance because they do have some tree clearing and construction of storm sewers, as shown on the Preliminary Plan.

4. Mr. Richard Halsey, Hall & Halsey Associates, Inc., Land Planners and Landscape Architects for the project, 424 S. Clay Avenue, St. Louis, MO stated he was available for questions.

Speakers in Favor:

1. Mr. Carl Conceller, 1641 Lochcrest Drive, Chesterfield, MO read a letter from Sharon Freshwater Burton of 16643 Caulks Creek Ridge Road stating the following: (The letter was submitted for the public record.)
   - Ms. Burton has lived at this address for 22 years. Her property is approximately 9.8 acres in size on a ridge with steep grades and is heavily wooded.
   - She is in support of the proposed Tuscany Reserve development. She notes that the proposed development is on flat and mostly unwooded land. which is quite different from her property.
   - She feels it is appropriate to develop this site at a higher density than her neighborhood noting that the upscale homes will enhance the value of her property and add to the quality of the area.

2. Ms. Cathi Vessell, Chairperson of the Board of Directors for Linda Vista Catholic School, 17436 Windridge Estates Court, Chesterfield, MO stated the following:
   - Linda Vista School supports the Tuscany Reserve Development zoning request as they feel it is consistent with the majority of the developments in the area and is consistent with the Comprehensive Plan.

Responding to questions from the Commission regarding the proposed setbacks, Ms. Vessell stated the School is in support of the plan as proposed at this time.

3. Ms. Mary Ellen Smith, Principal of Linda Vista Catholic School, 1633 Kehrs Mill Road, Chesterfield, MO stated the following:
   - Their property is owned by the Sisters of the Most Precious Blood and is adjacent to the proposed development.
   - Tuscany Reserve will attract additional families to the area and to their school. They look forward to an increase in enrollment and to a long-term friendship with the new development.
   - She noted that Mr. Simon has taken the school's needs into account in the planning for Tuscany Reserve. The proposed landscaping will enhance their property.
   - Speaker submitted a letter from Sr. Carmen Schnyder, General Treasurer and Councilor for the Sisters of the Most Precious Blood, indicating her support of the rezoning.

Speakers in Opposition:

1. Ms. Stephanie Macaluso, 1514 Pacland Place, Chesterfield, MO displayed an aerial map of the area showing the current zonings of the areas surrounding the proposed Tuscany Reserve. She then stated the following:
   - The Linda Vista property is zoned "LLR" and is three acres. "LLR" is a viable zoning for three-acre lots even when roads and sewers are included.
   - The property owned by Mr. Levy is over twelve acres in size and is zoned "NU". Mr. Levy has no intention of selling this property.
   - Speaker noted that the surrounding area has a lot of three-acre lots.
   - She does not agree that the subject site is a "valley". Up until two years ago, it was a working farm field.
   - She felt that the proposed site should be kept at three-acre lots, as zoned in 1998.
   - She felt that respect needs to be given to the surrounding cities of Clarkson Valley and Wildwood, which have three-acre lots.
   - She felt that if one-acre zoning is approved, it will look like transitional zoning. She asked that the "LLR" be maintained.
   - She does not agree with the setbacks and buffers as presented.
   - She noted that the Macaluso easement has not been addressed. The plan shows planting on their easement, which would cause access problems for a septic truck getting to the septic tank.
   - She noted that one of the buildings on the site has a monastery with a beautiful chapel, which she felt may have some historic significance.

RE: P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz)

Petitioner:

1. Mr. Larry Mintz, 243 Fick Farm Road, Chesterfield, MO was available for questions.

2. Mr. Marty Henson, Henson Consulting, Engineer for the Project, 2317 Ossenfort Road, Glencoe, MO addressed the issue regarding the pool on the subject site and stated the following:
   - It is very expensive to have the pool removed and would be very destructive to their septic field.
   - They offer the following options for dealing with the pool:
     1. Leave the pool as-is noting that it meets all the safety requirements of the City. This is the option that the Petitioner prefers.
     2. Have the Attachment A include a requirement that the pool would be removed at such time as the subject property becomes redeveloped.
     3. Turn the pool into a water amenity by building a waterfall at one end of the pool.
     4. Remove the pool.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Briarcliffe Villas Site Development Plan: Site Development Plan and Landscape Plan for a 29.43 acre parcel zoned "R-3" PEU. The site is located north of Olive Boulevard, east of the intersection with Hog Hollow.

Commissioner Asmus representing the Site Plan Committee, made a motion to approve the Site Development Plan and Landscape Plan. The motion was seconded by Commissioner Banks.

Mr. Brian Calsyn, Trustee of Eagle Ridge Homeowners Association, stated that the proposed Landscape Plan does not appear to incorporate the specific plans discussed with Mr. Hardesty. He asked if the vote could include the incorporation of the plans from Frisella Landscaping approved by Mr. Hardesty.

Mr. George Stock, Stock & Associates, stated that they are in agreement with the additional landscaping. His understanding is that the landscaping being sought by the Eagle Ridge Homeowners Association is groupings of three, six, or nine bushes at the entrance of the fire gate.

Mr. Calsyn clarified that plans were provided from Frisella Landscaping that included an impassable barrier – 80' on both sides of the fire gate where the property comes into Eagle Manor.

Both Commissioners Asmus and Banks accepted an amendment to the motion requiring additional landscaping around the fire gate as approved by the Department. The motion, as amended, **passed by a voice vote of 8 to 0.**

B. **Drury Plaza (Stoney River):** Amended Architectural Elevation for a restaurant located on the Drury Plaza Subdivision on a 4.85 acre tract of land, zoned "PC" Planned Commercial District, located adjacent to Chesterfield Mall on the southwest corner of I-64/Hwy 40/61 and MO 340 (Clarkson Rd).

Commissioner Asmus stated that the Site Plan Committee voted 4 to 3 recommending approval of the Amended Architectural Elevation; however, it now appears the Commission would have a deadlock vote on the Amended Architectural Elevation for Drury Plaza (Stoney River).

Commissioner Asmus, representing the Site Plan Committee, made a motion to hold the Amended Architectural Elevation until the next Planning Commission meeting in order for the Petitioner and Staff to discuss, and present at the next meeting, some alternatives to the current proposal. The motion was seconded by Commissioner Perantoni.

Mayor Nations pointed out that Stoney River plans on opening its restaurant in September and was not sure if holding the Amended Architectural Elevation would impair their schedule.

Mr. Shaun Smith, representing the Petitioner, stated he would prefer that the Amended Architectural Elevation be held as opposed to being voted on. This would give him time to address some of the concerns raised in order to make a presentation at the next meeting.

The motion to hold **passed by a voice vote of 7 to 1.** (Commissioner Broemmer voted “no”.)

C. **Fox Hill Farms Site Development Plan**: A Site Development Plan, Architectural Elevations, and Landscape Plan for a 40.08 acre lot of land zoned E-Half Acre “Residence District” located 1700 feet south of Wildhorse Creek Road and 250 feet west of Wilson Road.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, and Landscape Plan. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

D. **St. Luke's Hospital - CV-ICU Addition Site Development Section Plan:** A Site Development Section Plan, Architectural Elevations, and Landscape Plan for a section of a 55 acre lot of land zoned "MU" Medical Use District located at the southwest corner of Highway 141 (Woods Mill) at the intersection with St. Luke's Drive.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Section Plan, Architectural Elevations, and Landscape Plan. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 8 to 0**.

E. **The Village at Olde Baxter Square**: A Site Development Plan, Architectural Elevations, Tree Stand Delineation, Tree Preservation Plan and Landscape Plan for a 2.0 acre lot of land zoned "R-4" Residence District, under a Planned Environment Unit Procedure, located at the southwest corner of Old Baxter Road and Century Lake Dr.

Commissioner Asmus, representing the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations, Tree Stand Delineation, Tree Preservation Plan, and Landscape Plan. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 8 to 0**.

VIII. OLD BUSINESS

A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.):** A request for a change of zoning from "M3" Planned Industrial District to "PC" Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)
The request contains the following permitted uses:

(b) Animal hospitals, veterinary clinics, ~~and kennels~~.
(e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
(g) Automatic vending facilities for:
  (i) Ice and solid carbon dioxide (dry ice);
  (ii) Beverages;
  (iii) Confections.
(h) Barber shops and beauty parlors.
(i) Bookstores.
(m) Child care centers, nursery schools, and day nurseries.

(o) Dry cleaning drop-off and pick-up stations.
(p) Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.
(q) Film drop-off and pick-up stations.
(s) Financial institutions.
(v) Hotels and motels.
(x) Medical and dental offices.
(z) Offices or office buildings.
(cc) Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours.
(ff) Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.
(hh) Restaurants, fast food
(ii) Restaurants, sit down
(kk) Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
(mm) Schools for business, professional, or technical training, but not including outdoor areas for driving or heavy equipment training.
(nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, fishing tackle and bait shops, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.
(pp) Permitted signs (See Section 1003.168 'Sign Regulations').
(rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that the Public Hearing was held on June 12, 2006.

ISSUES:

1. Review the following uses in the Draft Attachment A identified under Section C. 1. "Permitted Uses" :
   - o. Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums and indoor theaters, including drive-in theaters.
   - r. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said vehicles.
   - v. . . . including indoor sale of motor vehicles . . .
2. Provide a reason why the Planning Commission should approve a minimum open space of less than 40% for individual lots and the overall development. Provide reasons as to why additional curb cuts cannot be made.
3. Consistency of design elements – can the Attachment A include language concerning the design elements with respect to colors, materials, etc.? Ms. Teresa Price, Director of Planning, stated that the Architectural Review Board could be directed to review this issue.
4. Can the Petitioner narrow the uses in use C.1.v. with respect to the language "of any kind"?

Mr. Mike Doster, Attorney for the Petitioner, stated that he is in the process of drafting language with respect to issue #4 above.

C. P.Z. 05-2006 Barry Simon Development (Tuscany Reserve): A request for a change of zoning from "LLR" Large Lot Residential to "E-One Acre" Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Ms. Aimee Nassif, Senior Planner, stated that the subject site is 58 acres proposing 45 detached residential units. The issues from the previous meetings have been addressed. Ms. Nassif responded to the issues raised through an email from Ms. Stephanie Macaluso, a resident of Pacland Place concerning the following sections of the Draft Attachment A relative to setbacks:

- E.1.a – The Attachment A addresses the setback as 160' to allow the building of a patio, pool, deck, etc. without requiring the homeowner to go through the Board of Adjustment.
- E.1.b – The Attachment A addresses the setback as 60' from Kehrs Mill Road. If the setback were any stricter, it could possibly eliminate Lots 1 and 45.
- E.1.c – The Attachment A addresses the setback as 40' from Church Road. Since the petition falls under Ordinance 1913, it meets and exceeds the side yard and front yard setback requirements.

- E.1.d and
- E.1.e – The Attachment A was not written as a do not disturb area because the E District requires a landscape buffer, which requires planting. If it were designated as a do not disturb area, trees would not be able to be replaced or buffering added. Storm water and utilities may also require the removal of trees, which would be prevented in a do not disturb area.
- E.1.i – The current plan shows a 30' setback from Linda Vista School, which has the drive of Lot 40 directly abutting the landscape buffer. The footprints shown on the plan are preliminary at this time and subject to change.
- G.1. – The Petitioner has indicated that they are open to having a 50' landscape buffer along the northern edge of the property.

Responding to questions from the Commission, Ms. Nassif stated the following:

- **Regarding the 60' setback from Kehrs Mill Road and 40' setback from Church Road, what are the current setbacks of the adjacent properties?** Ms. Nassif stated she would have to research this information. Pacland Place does not have an Attachment A since it is zoned "Non-Urban". The subdivision of Countryside at Chesterfield has a smaller setback requirement than the setback requirement being proposed for Tuscany Reserve. The side yard setback is 15' and the front yard is 10'. Countryside has a 35' landscape buffer as opposed to the proposed 30' buffer for Tuscany Reserve.
- **Regarding the sidewalk requirement along Kehrs Mill Road:** The petitioner will either have to provide a sidewalk or an escrow for it to the Department of Public Works.

Commissioner Broemmer pointed out that the Attachment A needs to be re-numbered in Sections G. and H.

Commissioner Asmus made a motion to approve P.Z. 05-2006 Barry Simon Development (Tuscany Reserve) with the inclusion of a 50' landscape buffer along the northern property line and with the following amendment to the Attachment A, Section C:

> 2. **Non-Single Family Uses, other than home occupations, shall be prohibited in this development.**

The motion was seconded by Commissioner Banks.

Upon roll call, the vote was as follows:

Aye: Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner O'Connor, Chairman Hirsch

Nay: Commissioner Perantoni, Commissioner Sandifer, Commissioner Geckeler

The motion passed by a vote of 5 to 3.

D. P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz): A request for a change of zoning from "NU" Non-Urban to "PC" Planned Commercial District for a 1.47 acre tract of land located north of Wild Horse Creek Road and West of Long Road. (18V610074, 18V610085). Proposed use: Office.

Ms. Aimee Nassif, Senior Planner, stated that the Public Hearing was held on July 11, 2006. One issue remains open pertaining to the existing pool on the site. At the August 14th meeting, the Petitioner proposed creating a water feature out of the pool in lieu of removing the pool. The Petitioner also proposes leaving the pool intact until the site is redeveloped.

Commissioner Banks acknowledged that there would be more destruction involved in removing the pool than letting it remain. He also felt a water feature would not be seen and, therefore, unnecessary.

Commissioner Banks made a motion to approve P.Z. 15-2006 Wild Horse Creek Road Office (Larry Mintz) with the removal of Section I.G.4 from the Attachment A and allowing the pool to remain, with appropriate covers and fences, until such time as further development takes place, at which time the pool will be removed. The motion was seconded by Commissioner Geckeler.

Commissioner Broemmer asked how it would be insured that the pool cover and fence are properly maintained. Ms. Price stated that this would be covered under the Property Maintenance Code.

Upon roll call, the vote was as follows:

Aye: Commissioner Sandifer, Commissioner Asmus, Commissioner Banks, Commissioner Broemmer, Commissioner Geckeler, Commissioner O'Connor, Commissioner Perantoni, Chairman Hirsch

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS

- **A. Committee of the Whole –** Next Meeting: Aug 30th
- **B. Ordinance Review Committee**
- **C. Architectural Review Committee**
- **D. Landscape Committee**
- **E. Comprehensive Plan Committee**
- **F. Procedures and Planning Committee**
- **G. Landmarks Preservation Commission**

XI. ADJOURNMENT

The meeting adjourned at 9:14 p.m.

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David Banks, Secretary