PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JULY 27, 2009

The meeting was called to order at 7:03 p.m.

I. ROLL CALL

PRESENT	ABSENT
Mr. David Banks	Ms. Amy Nolan
Ms. Wendy Geckeler	Mr. Robert Puyear
Mr. G. Elliot Grissom	
Ms. Lu Perantoni	
Mr. Stanley Proctor	
Mr. Michael Watson	
Chairman Maurice L. Hirsch, Jr.	

Mayor John Nations
Councilmember Connie Fults, Council Liaison
City Attorney Rob Heggie
Mr. Michael Herring, City Administrator
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Mara Perry, Senior Planner
Ms. Susan Mueller, Principal Engineer
Mr. Shawn Seymour, Project Planner
Ms. Mary Ann Madden, Recording Secretary

II. PLEDGE OF ALLEGIANCE – All

III. SILENT PRAYER

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

IV. PUBLIC HEARINGS – Commissioner Banks read the "Opening Comments" for the Public Hearing.

A. P.Z. 12-2009 New Kinkead Estates (James and Suzanne Burnley): A request for a change of zoning from an "R3" Residence District to an "R6A" Residence District for a 1.26 acre tract of land located at 1000 N. Woods Mill Road, ¼ mile south of the intersection of Woods Mill Road and Olive Boulevard. (16Q310021)

STAFF PRESENTATION:

Ms. Mara Perry, Senior Planner, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Perry stated the following:

- The site would be developed under Straight Zoning. Under Straight Zoning:
  - No Preliminary Plan is required;
  - No Attachment A will be developed; and
  - The site must be developed following all requirements of the Zoning Ordinance section in the "R6A" Residence District without exceptions.
- The site was posted per State statutes, as well as City of Chesterfield requirements.
- To the north of the subject site is Forest Lake Racquet Club, which is "C8" Planned Commercial District. The majority of the surrounding area is zoned "R3" Residence District, which includes Children's Discovery Learning Center, the Woods Glade Condominium development, and the Four Seasons development. The rest of the surrounding area is existing residential.
- Site History:
  - The subject site was zoned in the late 1960s to early 1970s by St. Louis County and prior to the incorporation of the City of Chesterfield.
  - The surrounding areas were also primarily zoned prior to the incorporation of the City.
  - Some of those areas that were zoned prior to the City's incorporation were developed without exactly matching the current zoning districts.
- The requested "R6A" is a district which allows single-family residential use and other residential uses – such as attached housing, which could be two-family, three-family, or multi-family residences.
- Currently, both to the east and west of the subject site are multiple family units in the Woods Glade Condominium development, as well as in the Four Seasons development.
- Because the site was zoned prior to the incorporation of the City, density numbers were reviewed for the area.
  - The "R3"-zoned Woods Glade development has a lot area per unit of 4,212 square feet.

- The "R-3"-zoned Four Seasons development has lots ranging from .195 acres up to .674 acres for all of the multi-family residences. The lot area per unit ranges from 2,063 to 3,920 square feet.
- An "R3" District has a minimum lot size requirement of 10,000 square feet so both of the existing "R3" Districts have square footage far below this requirement.
- If these two developments were developed by the current standards, both of them would have to be zoned "R6A" or possibly "R6" based on their density and the proximity of their setbacks to one another.

- The Comprehensive Land Use Plan designates the subject site as *Residential Multi-Family* – similar to the multi-family units that are located to the east and west of the property.
- Issues Under Review by Staff:
  - Clarification of the legal description.

PETITIONER'S PRESENTATION:

1. Ms. Suzanne Burnley, Property owner of 1000 N. Woodsmill Road, Chesterfield, MO stated the following:
   - They are requesting a straight zoning change for the subject property from an "R3" Residential to an "R6A" Multi-family.
   - They believe the zoning change is important and necessary. The property is already shown as "multi-family" on the City's Comprehensive Land Use Plan.
   - The rezoning would make the property more similar to the property surrounding it and would serve to utilize the property at its highest and best use.
   - The daycare property immediately to the south of the subject site has recently undergone some major construction changes, which considerably improved the curb appeal of the site. She feels that such improvements are vital as they add value to an area.
   - She hopes that changes such as that can continue, especially in this part of Chesterfield.

2. Mr. Jim Burnley, Property owner of 1000 N. Woodsmill Road, Chesterfield, MO was available for questions.

SPEAKERS IN OPPOSITION:

1. Ms. Agnes Endres, 810 Coalport Drive, St. Louis, MO 63141 stated the following:
   - She is a resident of one of the condominiums.
   - She feels the petition is "self-serving to the family that wants it rezoned".
   - She feels the area is already too congested and noted that Highway 141 is being re-routed, which she feels will create additional congestion.
   - The condominium complex maintains one of the side roads that the Petitioners will need to use for access to the subject site.

- She feels the land would be better used by building “a million dollar home on it” as has been done “further down on 141”.
- She is not speaking for a group, but noted that several people could not attend tonight’s meeting who are also in opposition to the rezoning request.
- She will “contest this strongly”.

2. Ms. Peggy A. Bittner, 814 Coalport Drive, St. Louis, MO 63141 stated the following:
   - She noted that rezoning of the site has been brought up several times and the current request “doesn’t change anything that we haven’t already discussed before”.
   - She agrees with the comments made by the previous Speaker.
   - She feels the site is a wonderful lot to build upon – but not as a multiple dwelling.

SPEAKERS – NEUTRAL:

1. Mr. William Engel, Woodlake subdivision, 815 Amolac, St. Louis, MO 63141 stated the following:
   - He is neutral to the rezoning request to the extent that any residences that are developed on the site that “complement the community would be beneficial.”
   - He expressed concern at the last rezoning attempt about the number of units and the lack of parking provisions. He wants to be assured that this will not happen with the current request.
   - He feels there should be a limit on the number of residences/units that would be allowed on the site, and that off-street parking should be required.
   - He expressed concern about how tall any buildings could be – he feels that they should not be any taller than the surrounding buildings.
   - He wants assurance that the site would be properly landscaped.
   - He feels there should be no more than four residences on the site. He noted that on Woods Mill, south of the development, two homes were built on a very small lot. The developer has done “an admirable job of architecture and landscaping”.
   - He asked for clarification on the “R6A” zoning description. Ms. Aimee Nassif, Planning & Development Services Director, stated that “R6A” is defined as *single-family residential or multi-family.*

SPEAKERS IN FAVOR:

1. Ms. Karen Kanyuk, Property owner of Children’s Discovery Learning Center, 940 North Woods Mill Road, Chesterfield, MO stated the following:
   - She agrees with the rezoning request and she would like to see it change.
   - She feels that it would just be an addition to the multi-family development adjacent to the site.

- She feels that it would be difficult to sell the property for just a single residence as there are businesses on both sides of the site, along with multi-family developments on the east and the west.

REBUTTAL:

Ms. Suzanne Burnley responded to the issues raised as follows:

- Congestion: It is her belief that when the new highway goes in, the congestion on Woods Mill will be greatly reduced.
- Self-serving: She wants to add value to the entire community and area.
- Million-dollar home on the site: She agrees with Mr. Kanyuk's remarks in that it would be difficult to sell the site as a single-residence considering the surrounding area is multi-family and businesses. She feels "highest and best use" of the site is something other than a single-family home.
- Maintenance of the access road to the subject site: She does not know who maintains the access road.

Mr. Jim Burnley stated that the "access road" is a private easement on Forestlac. He has tried to get access to the site from the State so he would not have to use the easement, but the State would not allow it noting that he would have to use the easement for access. He stated that Forestlac is a public street but has a private easement.

Several members of the audience wished to respond to Mr. Burnley's statement. Ms. Perry was directed to get information from them to present to the Commission.

ISSUES:

1. Maintenance of the access road – Ms. Perry stated that Staff has reviewed this issue and has determined that it is a private easement for the property owners of the various properties in this area. Staff has a copy of the recorded easement. Several members of the audience wanted to clarify that they maintain the access roadway, which allows the residents in Woods Glade to access their condominiums. This is also the roadway which allows access to the racquet club. An access point off of Highway 141 to the subject site is not allowed.
2. Congestion/traffic issues on Highway 141
3. Limits on the number of residences, parking, and landscaping – Ms. Perry stated that if this rezoned to "R6A", the Petitioner would need to submit a Site Development Plan to the Commission and would need to follow the regulations already in place with respect to setbacks, the height of the residences, parking, landscaping, etc.
4. Staff to provide in writing the density information on the surrounding "R3" developments compared to the requirements of "R6A" zoning.
5. Is it possible that MoDOT will relax its restrictions on curb cuts off of Woods Mill Road? – Ms. Perry stated that Staff has received comments from MoDOT on this rezoning petition and they have said that no curb cuts will be allowed off of Woods Mill Road to the subject site.

6. How many units could potentially go on the site? – Ms. Perry stated that there are several factors that affect this. Ms. Nassif added that Staff could do a general sketch to determine the possible density, but keep in mind variables from outside agencies such as MoDOT and MSD. Mr. Heggie stated that such information would be helpful to both the Commission and the area residents. He noted that the City's requirements will limit what can be done on the site.

Chair Hirsch then explained to the audience the City's process that follows the Public Hearing.

Commissioner Banks read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING MINUTES

Commissioner Grissom made a motion to approve the minutes of the July 13, 2009 Planning Commission Meeting. The motion was seconded by Commissioner Perantoni and **passed by a voice vote of 7 to 0.**

VI. PUBLIC COMMENT

A. P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.): A request for an amendment to City of Chesterfield Ordinance 2377, to revise the parking setback from the northern boundary of the development and to revise the parking setback from an internal street for a 7.698 acre tract of land located north of U.S. Highway 40 and east of Boone's Crossing (17T520073).

Petitioner:
Mr. Enrico J. Bertucci, representing Valley Gates subdivision, 257 Chesterfield Parkway, Chesterfield, MO stated that they are requesting reconsideration of P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC) and asked that it be reconsidered at the Commission's next meeting.

Chair Hirsch noted that Mr. George Stock of Stock & Associates would be available at the next meeting to give background information on this project.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. 36 Arrowhead Estates Ct.: A request for a Residential Addition to the north and west side of an existing home zoned "NU" Non-Urban District and located at 36 Arrowhead Estates Ct., in the Arrowhead Estates Subdivision.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Residential Addition for 36 Arrowhead Estates Court. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 7 to 0**.

B. Chesterfield Commons Six, Lot 7A (Treasure Rooms): Amended Architectural Elevations for a 1.228 acre lot of land zoned "C-8" Planned Commercial District located south of Interstate 40 and west of the intersection of Boone's Crossing and Chesterfield Airport Road.

Commissioner Grissom, representing the Site Plan Committee, made a motion recommending approval of the Amended Architectural Elevations for Chesterfield Commons Six, Lot 7A (Treasure Rooms) with the condition that the Architectural Lighting will be reviewed and approved by Staff for compliance to the City of Chesterfield Lighting Standards. The motion was seconded by Commissioner Watson and **passed by a voice vote of 7 to 0**.

VIII. OLD BUSINESS

A. P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions): An ordinance repealing sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125 of the City of Chesterfield Zoning Ordinance and creating new sections to address the development standards of the Residential Zoning Districts and repealing section 1003.187 of the City of Chesterfield Zoning Ordinance to create a new section to address Planned Unit Developments and repealing sections 1003.126A and 1003.126B of the City of Chesterfield Zoning Ordinance to create a new section 1003.126 to address Residential Tears Downs and Additions.

Project Planner Shawn Seymour stated that the petition includes modifications as follows:

- The residential zoning districts have been revised to include a common format for easier use and readability.
- A floor area ratio (FAR) standard has been added to the residential zoning districts.
- The PEU ordinance has been replaced with the Planned Unit Development (PUD) ordinance.
- The residential tear down and addition sections of the Zoning Ordinance have been merged into one section.
- The residential additions trigger for Planning Commission review has been modified.

The Public Hearing for this petition was conducted on January 26, 2009 at which time several outstanding issues were identified. In response to those issues, several changes have been made to the draft ordinances. Changes include:

- The FAR values have been modified, along with the calculation method for determining the gross square footage and the footage that would be counted towards an FAR for a single family residence.
- The maximum density calculation method has been modified in determining what would be permitted in the Planned Unit Development with regards to maximum density.
- Changes have been made to a number of non-residential land uses permitted in a potential Planned Unit Development.

Noting that a number of issues were raised during the previous Work Session about the Petition, **Commissioner Banks made a motion to move P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions) back to the Ordinance Review Committee for review.** The motion was seconded by Commissioner Proctor and **passed by a voice vote of 7 to 0.**

IX. NEW BUSINESS

A. P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.): A request for an amendment to City of Chesterfield Ordinance 2377, to revise the parking setback from the northern boundary of the development and to revise the parking setback from an internal street for a 7.698 acre tract of land located north of U.S. Highway 40 and east of Boone's Crossing (17T520073).

Commissioner Watson made a motion to reconsider **P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.).** The motion was seconded by Commissioner Proctor and **passed by a voice vote of 7 to 0.**

X. COMMITTEE REPORTS

A. Ordinance Review Committee – Ms. Nassif will send out an e-mail to the Commission with possible meeting dates for the next Ordinance Review Committee meeting.

B. Planning Commission Training Session is scheduled for September 2nd at 5:30 p.m.

XI. ADJOURNMENT

The meeting adjourned at 7:40 p.m.

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Michael Watson, Secretary