

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
July 14, 1997**



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

PRESENT

Mr. Michael Casey
Mr. Dave Dalton - arrived later
Mr. Charles Eifler
Mr. Robert Grant
Mr. Dan Layton, Jr.
Ms. Linda McCarthy
Chairman Rick Bly
Mr. Douglas R. Beach, City Attorney
Councilmember Mary Brown (Ward IV) - Council Liaison
Mr. Michael G. Herring, City Administrator/Acting Director of Planning
Ms. Cheryl N. Smith, Planner II
Ms. Patricia Detch, Planner I
Kenan Hillard, Planning Intern
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Fred Broemmer
Mr. Allen Yaffe

INVOCATION - Commissioner Dan Layton

Commissioner Dalton arrived at this time.

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS: **Commissioner Eifler read the first portion of the "Opening Comments."**

- A. **P.Z. 15-97 McBride and Son Homes, Inc., (Tara at Wildhorse)**; a request for a change in zoning from "NU" Non-Urban District to "R-1" One Acre Residence District for a 38.6 acre tract of land located on the north side of Wild Horse Creek Road, 0.5 miles west of the intersection of Wildhorse Parkway. (Locator Numbers: 18V13-0011 and 18V13-0022).

AND

- B. **P.Z. 16-97 McBride and Son Homes, Inc., (Tara at Wildhorse)**; a request for a Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District for a 38.6 acre tract of land located on the north side of Wild Horse Creek Road, 0.5 miles west of the intersection of Wildhorse Parkway. (Locator Numbers: 18V13-0011 and 18V13-0022)
Proposed Use: Single-family residences.

Planner II Cheryl Smith gave a slide presentation of the subject site and surrounding area.

Mr. John King, Attorney for the petitioner, stated the following:

- zoning and land use of subject site and surrounding area;
- thirty-four (34) single-family lots are proposed;
- three (3) cul-de-sacs are proposed;
- one (1) stub street is proposed;
- lots 1, 33 & 34 (facing Wild Horse Creek Road) are a minimum of one (1) acre in size;
- the remaining 31 lots on the site would be a minimum of 22,000 square feet in size;
- a 30 foot landscaped buffer area would be provided adjacent to Wild Horse Creek;
- homes would range in size from 2500 square feet to 5000 square feet, and the smallest two-story would be approximately 3300 to 3500 square feet;
- homes would be priced from \$350,000 to \$600,000;
- very few trees would be removed;
- one (1) proposed curb cut to Wild Horse Creek Road has been moved further to the west due to recommendations resulting from a traffic study performed by the petitioner's Traffic Engineer; and
- the petitioner has conceptual approval of the location of the entrance from MoDOT.

COMMENTS/DISCUSSION BY COMMISSION

- The thirty (30) foot buffer area proposed along Wild Horse Creek Road is in addition to the one (1) acre lots.
- The distance from the entrance of the subdivision to the property line would be 165 feet, as presented by the petitioner tonight. This distance is less than what is depicted on the previously submitted site plan given to the Commission with their packets.
- MoDOT required movement of the location of the entrance because of sight distance concerns.
- The petitioner has a letter from Mike Geisel, Director of Chesterfield Department of Public Works, noting the City waives the detention requirements on the referenced site, but have to look further at downstream conditions.
- Streets in the proposed development would be public.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS - NEUTRAL:

1. Mr. Rick Meyer, 17843 Wild Horse Creek Road, Chesterfield, MO 63005, spoke as an individual noting concern about the location of the entrance to the proposed subdivision, and buffering on the western portion of the proposed site.

COMMENTS/DISCUSSION

- The original site plan depicted the entrance to the proposed subdivision a distance of 300 feet from the entrance to his property.

REBUTTAL

Mr. King noted the following:

- No additional buffering/landscaping is shown on the west property line because existing trees are located in that area that could be utilized as a buffer.
- He presented a copy of the traffic study by Crawford-Bunte-Brammeier to the Commission.
- The proposed stub street could be connected to the adjacent parcel and utilized as an access.

COMMENTS/DISCUSSION

- The petitioner has conceptual approval of the 165 foot access, and will provide written verification from MoDOT noting their reason(s) for this requirement.
- Crawford-Bunte-Brammeier suggested the additional access to the subject site be moved further to the West; MoDOT requires it be moved further to the west to eliminate a sight distance problem.

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

APPROVAL OF THE MINUTES:

A motion to approve the minutes of June 23, 1997, was made by Commissioner Casey, seconded by Commissioner Grant and passes by a voice vote of 7 to 0.

PUBLIC COMMENT

1. Tom Proemsey, 16652 Chesterfield Manor, Chesterfield, MO 63005, spoke as a neutral speaker regarding Rockwood School District *Site Plan, Architectural Elevations and Landscape Plan, north side of Wild Horse Creek Road, west of Baxter Road*, noting the following:

- the School District should extend their fence to the corners of the school property lines (i.e., would not cut residents off from their pond, and would deter pedestrian traffic through private property);
- buffer zone needed to direct pedestrian traffic towards path, away from private property; and
- 25 to 30 trees have been removed by developer for sanitary sewers - these should be replaced.

COMMENTS/DISCUSSED

- Sanitary easement mentioned tonight is located on the common ground of Chesterfield Farms Subdivision.
 - Concern was expressed that a project of this nature can be brought up, voted on, and finalized so quickly.
2. Randy Kellis, 16656 Chesterfield Manor Drive, Chesterfield, MO 63005, spoke as a neutral speaker regarding Rockwood School District *Site Plan, Architectural Elevations and Landscape Plan, north side of Wild Horse Creek Road, west of Baxter Road*, noting the following:
- concern about the visibility of the sanitation and service area on the northeast corner, which abuts his property; and
 - attention should be given to the greenery of the buffer zone to the rear of the proposed site (northeast corner of site).

COMMENTS/DISCUSSION

- Photos were presented to the Commission depicting the site prior to tree removal by the petitioner.
- Existing property owners knew development would occur on the subject site, but did not know the specific type of development.
- Construction (tree removal) occurred on the easement (common ground) and, to date, residents have not received a "good faith" commitment from the School District for replacement of same.
- The petitioner was requested to provide additional information regarding the landscaping plan.
- The School District has not made any type of commitment regarding greenery, shrubbery on the easement/buffer.

3. Ted Federer, 16660 Chesterfield Manor Drive, Chesterfield, MO 63005, spoke as a neutral speaker, noting the following:
 - When the petitioner responds with their landscape plan (trees/greenery), the future 6,000 square foot addition to the school (25 feet from existing property lines) should be taken into consideration.

NEW BUSINESS

- A. **P.Z. 9-97 Sprint PCS, L.P. c/o CIS Communications, L.L.C. (St. Thomas Church)**; Conditional Use Permit (CUP) in a "NU" Non Urban District for a 12,000 square foot tract located within an 18.35 acre parcel of land; south side of Wild Horse Creek Road, west of the intersection of Wildhorse Parkway.

Planner I Pat Detch summarized the Department's report and recommendation of approval, subject to conditions in Attachment A.

With regard to the FAA approval she noted the following:

- The petitioner has indicated that other users have been notified for co-use on this site; however, due to the fact that the tower is only going to be 52 feet in height, co-use of this tower is not a possibility.
- The Department is concerned about the lack of FAA approval from the petitioner prior to the vote at this time.
- The Department conferred with the consultant in Atlanta, and she felt that we could approve this particular request for a CUP, but would not be able to approve the Site Development Plan until FAA written approval was acquired by the petitioner and shown to the Department.
- Included with the FAA the Department would want to know whether or not lights would be required. Ordinance 1214 does not require lights on the cell tower, unless required by the FAA or another appropriate agency of government, or the City itself.

COMMENTS/DISCUSSION

- The petitioner stated that the FAA has limited the tower to 52 feet.
- The Department requested the petitioner to provide information from the FAA on several occasions; the first time was during initial review of the project, several months ago.

City Attorney Beach noted several concerns regarding the lack of receipt of FAA response prior to action by the Commission.

Mr. Joe LaFrenier, Property Manager for Sprint, noted the following:

- The FAA application was filed on July 11, 1997.
- The petitioner, in attempt to build the minimum size tower required, has requested the structure be no higher than (52 feet).

City Attorney Beach noted the following:

- If the FAA allows a height greater than 52 feet, the City would prefer co-use on the subject site, rather than two (2) or three (3) additional sites within the City.

Planner I Pat Detch noted that Mr. Joe LaFrenier of Sprint, in his letter to the Department dated February 18, 1997, stated that the tower height may not exceed fifty-two (52) feet per FAA Guidelines, and the top of the tower will be on the same sight line as nearby treetops. She further noted that, upon receipt of this letter, the Department requested something in writing from the FAA; however, the Department has not received a response to date.

Commissioner Casey made a motion to table this item pending receipt of a letter from the Federal Aviation Agency (FAA).

Commissioner Layton proposed an amendment to the motion to require written response from the FAA regarding night time lighting regulations, as mentioned in the original proposal.

Commissioner Casey accepted this amendment, and Commissioner Layton seconded the amended motion to table.

COMMENTS/DISCUSSION

City Attorney Beach noted the following:

- The City has received several requests for additional telecommunication towers along Wild Horse Creek Road.
- He would like to be informed if the proposed tower could be a little higher than 52 feet, as it could accommodate co-use. Otherwise, there is the potential of having three (3) towers in close proximity to one another.
- He is concerned that previous requests for information by the City have not been acted upon, while, at the same time, the City is pressured to move ahead promptly on these requests.

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

The motion to table passes by a vote of 7 to 0.

- B. **P.Z. 12-97 Kelly Homes, Inc., (Waverly Place)**; "R-2" 15,000 square foot Residence District to "R-5" 6,000 square foot Residence District; west side of Baxter Road, south of the intersection of Clayton Road. **AND**
- C. **P.Z. 13-97 Kelly Homes, Inc., (Waverly Place)**; Planned Environment Unit (PEU) Procedure in the "R-5" 6,000 square foot Residence District; west side of Baxter Road, south of the intersection of Clayton Road.

Note: Held pending submittal & review of revised plans.

- D. **P.Z. 14-97 Nancy M. Cullen and Michael P. Cullen (18450 Olive Street Road)**; "M-3" Planned Industrial District to "C-3" Shopping District; south side of Olive Street Road, 1,500 feet west of the intersection of Aviation Museum Road and Chesterfield Airport Road.

Note: As requested by the petitioner, this item will be held. The first opportunity the Planning Commission will have to act on this request will be at its meeting on August 11, 1997.

- E. **P.Z. 16-92 Barken-Dubinsky (The Valley Center)**; request for amendment of "M-3" Planned Industrial District Ordinance; west side of Valley Center Drive, south of Chesterfield Airport Road (relative to signs).

Planner II Cheryl N. Smith summarized the Department's report and recommendation of approval.

A motion to approve the Department's recommendation was made by Commissioner Eifler. The motion was seconded by Commissioner Grant.

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

The motion passes by a vote of 7 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **Rockwood Elementary School**; "NU" Non-Urban District Site Plan, Architectural Elevations and Landscape Plan; north side of Wild Horse Creek Road, west of Baxter Road.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Site Plan and Architectural Elevations, and to defer decision on the Landscape Plan (require the School District to provide a revised Landscape Plan). The motion was seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

Commissioner Grant moved to hold the Landscape Plan pending resubmission of additional landscaping, as discussed in the Site Plan Committee Meeting. The motion was seconded by Commissioner Casey **and passes by a voice vote of 7 to 0.**

- B. **Chapel Chiropractic**; "C-8" Planned Commercial District Site Development Plan, Architectural Elevations and Landscape Plan; east side of Chesterfield Parkway North, south of Olive Boulevard.

Commissioner Grant, on behalf of the Site Plan Committee, made a motion to approve the Site Development Plan, Architectural Elevations and Landscape Plan. The motion was seconded by Commissioner Casey and **passes by a voice vote of 7 to 0.**

IX. COMMITTEE REPORTS:

A. Ordinance Review Committee

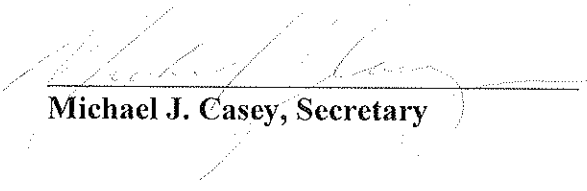
Committee Chairman Casey noted the Committee met at 5:00 p.m. tonight and directed City Attorney Doug Beach to prepare an ordinance that prohibits balloons, other obnoxious signs and membrane structures.

Chairman Bly noted we were also going to look at masonry chimneys and finished exterior lower levels.

- B. **Architectural Review Committee** - No report
- C. **Site Plan/Landscape Committee** - No report.
- D. **Comprehensive Plan Committee** - No report.
- E. **Procedures and Planning Committee** - No report.

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

The meeting adjourned at 7:59 p.m.



Michael J. Casey, Secretary

[Revised 8/11/97]

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