PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 27, 2005

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

I. PRESENT **ABSENT**

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Maurice L. Hirsch, Jr.
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer
Ms. Victoria Sherman
Chairman Stephanie Macaluso

Councilmember Mike Casey, Council Liaison
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Broemmer

III. PLEDGE OF ALLEGIANCE

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

A. P.Z. 2-2005 Briarcliffe Villas (GHH Investment, LLC): A request for a change of zoning from "R-2" Residence District to "R-3" Residence District for two (2) tracts of land totaling 29.4 acres located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151, 16R340207)

And

B. **P.Z. 3-2005 Briarcliffe Villas (GHH Investments, LLC)**: A request for a Planned Environment Unit (PEU) Procedure within an "R-3" Residence District for two (2) tracts of land totaling 29.4 acres located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151, 16R340207)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the subject site and surrounding area. (*For the record, City Attorney Beach stated that the public side of the screen was not working and invited those interested to view the presentation from the Commission's side of the screen.)* Ms. McCaskill-Clay stated the following:

- A previous Public Hearing had been held for this property. The legal description for the property to be zoned includes a one-acre parcel known as the Hansen property, which was not included in the Notice of Publication. Consequently, a second Public Hearing was scheduled.

PETITIONER'S PRESENTATION:

1. Mr. Mike Doster, Attorney representing the Petitioner, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO gave a PowerPoint presentation and stated the following:
   - They are proposing an"R3" zoning with a PEU overlay.
   - The units would consist of single-family attached dwellings – totaling 82 units.
   - The Traffic Study is pending and should be submitted in the near future.
   - Regarding the open issue of "density", the revised Preliminary Plan shows a minimum lot size of 6300 sq. ft. – however, the correct minimum lot size is 7500 sq. ft.
   - The project proposes private streets, built to public standards. Since the streets are private, the lot lines will go to the center line of the street. It will be a gated community.
   - They feel the proposed "R3" zoning is compatible with the surrounding "R2" areas since they are only building 82 units. They feel they cannot submit under "R2" because of the minimum lot size requirements of 10,000 sq. ft. – lots of that size would make the project infeasible.

2. Mr. George Stock, Stock & Associates, 275 Chesterfield Business Parkway, Chesterfield, MO reviewed the changes from the initial Public Hearing to the current Public Hearing:
   - There has been the addition of storm drainage around the back of particular units.
   - There has been the addition of a proposed detention basin at the base of the slope adjacent to the railroad right-of-way.
   - There has been a modification to Units 42 and 43, which are located directly behind Suburban Lawn. As a result of meeting with the property owners of Suburban Lawn, they have tried to create more buffering from the commercial business by sliding the units to the north.

- There have been some changes on the fire access from Eagle Manor Court to satisfy the Monarch Fire District.
- A letter was sent out June 24th from the Howard Bend Levee District commenting on the plan. A new letter was sent June 27th rescinding some of their previous comments relating to storm drainage and detention. They still have issues relating to the storm water pollution plan, which will be addressed at the time of construction drawings.

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

- **Regarding the difference between balanced cut and fill on the project:** The site has in excess of approximately 150,000 yards of material. The site is being lowered.

3. Mr. Brett Hardesty, Hardesty Homes, 232 Chesterfield Industrial Boulevard, Chesterfield, MO addressed the types of units to be built:
   - Speaker displayed pictures from the Picardy development at Kehrs Mill and Clarkson Road. Similar types of units are proposed for the subject site.
   - The target market is "empty-nesters".
   - The price range is from $480,000 - $700,000.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL:

1. Mr. Scott Keymer, representing Suburban Leisure Center, 14015 Olive Boulevard, Chesterfield, MO stated the following:
   - They are interested in seeing the subject site developed and are in favor of the development with one small caveat. The southwest corner of the development makes use of about a 5700 sq. ft. piece of land, which has been an integral part of Suburban's business for the last 30 years. Part of the area is paved, which is used for parking and trash dumpsters.
   - Suburban has maintained this area – trimmed trees, etc.
   - Recently the petitioner had a fence erected on the property.
   - After meeting with George Stock, Units 42 and 43 were moved but Speaker did not feel they were moved enough.
   - Unit 41 will be within 10-15 feet of Suburban's dumpster.
   - Because of Suburban's improvements, maintenance and constant use of the area over the past 30 years with the owner's knowledge and tacit approval, they feel they have an interest in the property.
   - Until Suburban has come to an agreement with the Petitioner, they ask that any decisions affecting this portion of the property be withheld.

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

- **Regarding ownership of the area in question:** Suburban has been maintaining and improving the 5700 sq. ft piece of property where their dumpsters are located. Suburban questioned where the property line is. They did not have an actual agreement with the previous owner but the owner has known that Suburban has been using the area for 30 years for parking and dumpsters. They have never been asked to stop using the property.
- **Regarding the possible relocation of the dumpsters:** Mr. Keymer did not think they would be able to move the dumpsters. There is not another place to move them that would be as safe as the present site with respect to the truck traffic.
- **Regarding the traffic circulation around the dumpster area:** The traffic circulation on weekends is strictly from customers. There are 5-7 semi-type trucks that make deliveries that use this area to get to the loading site. The parking lot is configured in a loop that goes behind the first building and then goes out behind the second building. With the gate configuration, there is no other way to drive back there. The traffic patterns could possibly flow in a different direction but it wouldn't change any of Suburban's needs. With the way the building and gates are located, a semi-truck cannot get behind the building and turn around. The driveway does not make a complete loop around the main building.
- **Regarding the current location of the dumpsters:** The Petitioner has not asked Suburban to remove their dumpsters from their current location. The dumpsters are sitting on a piece of property that Suburban has paved. It is Suburban's understanding that the Petitioner does not have a problem with the dumpsters' location.

City Attorney Doug Beach stated that in viewing the documents, it appears that Suburban is encroaching on the Petitioner's property. He encouraged Mr. Keymer to consult an attorney for any legal interest he may have in the property; however, the City will not get involved in these types of issues.

2. Mr. Brian Calsyn, President of Eagle Ridge Homeowners Association, 545 Eagle Manor, Chesterfield, MO stated that the homeowners of Eagle Ridge are happy that there is a proposed development for this site. Because of the current state of the site, it attracts undesirable behavior. Mr. Calsyn then responded to the following issues:
   - **Development's lack of common ground:** The homeowners are concerned that a lack of common ground will prompt residents of Briarcliffe to seek out walking for exercise. However, there are no means of restricting residents of Briarcliffe from entering Eagle Ridge, specifically through the planned fire gate. If children live in the proposed development, it is anticipated that they will seek out wider spaces in Eagle Ridge.
   - **Density:** Speaker questioned if there is anything in place to stop the developer from coming back and submitting plans for more than 82 units.
   - **Ability of the area to support a development of this size:** The homeowners are concerned about making left-hand turns with an island median less than 50 ft. away from the entrance and exit to Eagle Ridge. Hog Hollow Road has traffic difficulties now at peak hours and the proposed development would add to the problem.

- **Maintenance and use of the fire gate:** The homeowners do not feel that the gradual 16' incline would serve as a barrier between the two subdivisions to prevent walkers or children of Briarcliffe from entering Eagle Ridge. The homeowners express concern over this because of the liability issue for Eagle Ridge homeowners. They are requesting that a gate or fence be constructed between the two properties.
- **Future plans for straightening or widening Hog Hollow Road:** The homeowners have concern because back-ups on Hog Hollow Road affect back-ups out of Eagle Ridge subdivision, along with the traffic on Olive, which is the only entry and exit point for Eagle Ridge. Speaker questioned why the Public Hearing is being held without the Traffic Report being available.
- **Storm water issues:** Speaker asked for the reports, studies and authorities behind comments made by the Petitioner, such as, "There will be no runoff in Eagle Ridge."
- **Grinder pumps and pump station:** Speaker asked the Planning Commission to leave this item open because the homeowners plan on retaining a Civil Engineer to give an opinion on whether or not a pump station can be coordinated with some of the Eagle Ridge homeowners to remove the need for grinder pumps.
- **Standard of the fire gate:** Speaker asked what the standard would be for the proposed fire gate. Will it be painted, metal, decorative, etc?

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

- **Is the subdivision happy with 82 units?** Speaker stated that they would like to see far fewer units than 82.
- **Has anyone from Eagle Ridge met with Mr. Hardesty?** Speaker stated that he has talked with Mr. Hardesty and he has been very forthcoming with information and very helpful.

City Attorney Beach responded to some of the comments made by Mr. Calsyn and stated the following:

- Regarding the Public Hearing being held prior to the completion of the Traffic Study, he advised him that he is welcome to attend any of the Planning Commission Meetings when this item is on the agenda and speak on behalf of Eagle Ridge subdivision.
- Regarding the storm water issues, the City maintains a thorough staff of engineers who will review all of the storm water and pump station issues. Much of that discussion is not presented at the Planning Commission meetings but the information will be available

REBUTTAL:

Mr. Doster stated he would respond to Mr. Keymer's and Mr. Calsyn's comments:

- Suburban's attorney had contacted Mr. Doster about a week ago and that was the first time the issue of adverse possession was raised. They disagree with Suburban's position on adverse possession.

- The chain link fence was put up for security purposes – it has no relationship to the property line.
- They will talk to the seller about taking possible legal action with respect to the encroachment issue.
- Regarding the proposed 82 units, it is very close to what could be done under an "R2" zoning. They are seeking an "R3" because the minimum lot size for an "R2" is 10,000 sq. ft., which they cannot do because of the topography of the property.

Mr. Hardesty stated the following:

- He spoke to Mr. Calsyn on the phone before and after the first Public Hearing. He is open to all dialogue and they will do everything they can to address the homeowners' concerns.
- Regarding the installation of a pool, it is considered a common amenity for which all residents would have to pay. In other similar developments, the pool was not used much and the residents complained about the cost.
- Sidewalks are required on both sides of the street. They are promoting walking as an exercise. There are 3:1 vegetated slopes between the neighborhoods. The fire wall has retaining walls with a gate to prevent vehicular traffic. He noted that Eagle Ridge subdivision is a public right-of-way and there is nothing to prevent people from walking into this subdivision.
- The Traffic Study will address all the traffic issues when completed.
- Regarding the grinder pump issue, they are not opposed to Eagle Ridge homeowners connecting to the subject site's sewer. In order to do this, the street and front yards will have to be torn up. A 53' excavation would also have to be vegetated to a 3:1 slope, which is extremely expensive.

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

- **Regarding the retaining walls near the fire gate:** The Fire Department has a requirement of no more than a maximum percentage because their trucks and wheel bases are very long. The 3:1 slope is too steep for the Fire Trucks to drive off of the stub street and into the community. As a result, the slope has to be lengthened, which requires retaining walls on both sides of the gate so that the slope becomes longer and gentler for the Fire Trucks. Public vehicles could drive up the fire access road but would be stopped by the gate on both sides – vehicles could not drive around it. The Fire Department is not opposed to gating the drive but there are rules and regulations to be followed.
- **Regarding what is counted as preserved woodlands on the site:** Speaker stated that everything shown in dark green on the Site Plan is being counted as preserved woodlands. A tree mitigation plan has been submitted to the City. Commissioner Perantoni expressed concern that the large trees were being removed.
- **Regarding the property being zoned "R2" with a PEU:** If zoned "R2", there would have to be significantly less than 76 units because of the minimum lot requirement of 10,000 sq. ft.
- **Regarding the number of units at Picardy:** There are 89 units on 22.4 acres in Picardy.

- **Regarding the detention basin:** The detention basin will be designed according to the depth, width, and length approved by Public Works, MSD, and the Howard Bend Levee District.

Commissioner Asmus read the Closing Comments for Public Hearings **P.Z. 2-2005** and **P.Z. 3-2005 Briarcliffe Villas (GHH Investment, LLC)** noting that the earliest possible date the Planning Commission could vote on the subject petitions would be July 25, 2005.

V. APPROVAL OF MEETING MINUTES

Commissioner Broemmer made a motion to approve the minutes of the June 13, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Sandifer and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. Chesterfield Montessori Children's Home: Amended Site Development Plan and Landscape Plan for a children's reading garden, located on a 5 acre tract on the south side of Ladue Road, east of Saylesville Drive.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan and Landscape Plan. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

B. Hampton Inn, McBride and Sons Lot 2: Amended Architectural Elevations to allow for disguised cell antennae on the roof of the hotel.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations. The motion was seconded by Commissioner Banks and **passed by a voice vote of 9 to 0.**

C. Long Road Crossing: Amended Site Development Concept Plan and Conceptual Landscape Plan for an approximately 23-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Amended Site Development Concept Plan with the addition of a sidewalk on one side

of the Walgreen's access from the main road; and to approve the Conceptual Landscape Plan with the condition that all of the trees be a 2 ½-3" caliber. The motion was seconded by Commissioner O'Connor and **passed by a voice vote of 9 to 0.**

D. Long Road Crossing (Walgreen's Retail Center): Amended Site Development Section Plan, for a 1.87-acre tract of land, zoned "PC" Planned Commercial District, located on the west side of Long Road, north of Chesterfield Airport Road.

Commissioner Hirsch, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan with the addition of a sidewalk on one side of the Walgreen's access from the main road. The motion was seconded by Commissioner Broemmer and **passed by a voice vote of 9 to 0.**

VIII. OLD BUSINESS

A. P.Z. 2-2005 Briarcliffe Villas (GHH Investment, LLC): A request for a change of zoning from "R-2" Residence District to "R-3" Residence District for two (2) tracts of land totaling 29.4 acres located on Olive Boulevard, in the property formerly known as Chesterfield Grove Nursing Home. (16R340151, 16R340207)

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Ms. McCaskill-Clay stated that the first Public Hearing for this project was held on February 28, 2005.

ISSUES

1. Issue #2 regarding common amenities remains open.
2. Issue #3 regarding density remains open.
3. Issue #4 regarding ability of the area to support the proposed development remains open. Address the severe grading on the site. If the grading was not so severe, how would that affect the number of units on the site? Could the reduction of units call for less severe grading? Provide the number of buildings and the size of the lots in the Spyglass development for comparison purposes.
4. Issue #6 regarding distance of units 34-41 from the retaining walls remains open.
5. Item #4 under Stormwater/Sewer regarding grinder pumps remains open.

6. Tree issues to remain open. Give clarification as to what are "woodlands". Get advice from Mr. Rocca about possibly saving some of the older, larger trees.
7. Address the issue between Suburban Leisure Center and the Petitioner.
8. Should the dumpsters and semi-trucks be allowed on the site? Address the screening of the dumpsters as it relates to the units abutting the area of the commercial development.
9. Should buffering be required between the site and the existing commercial development?
10. Compare the grading requirements of this development to neighboring developments (Kendall Bluffs, Ladue Bluffs) where problems have arisen – such as homes sliding down the slopes.
11. Will anything be done with the median island in front of the development on Olive?
12. Look at the rear drainage ditch next to the railroad –where has this been done before and how did it look?
13. What happens if families move into the development – such as children waiting for school busses?
14. Issues labeled as "open" remain open.

IX. NEW BUSINESS

X. COMMITTEE REPORTS:

Chair Macaluso stated that new Committee assignments will be forthcoming.

A. Committee of the Whole – No Report

B. Ordinance Review Committee

The Ordinance Review Committee will meet in the near future.

C. Architectural Review Committee – No Report

D. Landscape Committee – No Report

E. Comprehensive Plan Committee – No Report

F. Procedures and Planning Committee

Chair Macaluso stated that a meeting of Policy and Procedures will be scheduled in the near future. This will involve the Planning Commission Officers and the Director of Planning.

G. Landmarks Preservation Commission– No Report

I. Wild Horse Creek Road Sub Area Study Meetings

Land Use Sub Committee	July 12, 2005, 8:00 a.m.
Noise Sub Committee	June 28, 2005, 3:00 p.m.
Traffic Sub Committee	July 6, 2005, 8:00 a.m.

XI. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

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Lynn O'Connor, Secretary