PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 12, 2019

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner Allison Harris	Commissioner Debbie Midgley
Commissioner John Marino	Commissioner James Rosenauer
Commissioner Mary Monachella	
Commissioner Gene Schenberg	
Commissioner Guy Tilman	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning & Development Services
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Dan Hurt, Council Liaison; and Councilmember Michael Moore, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

A. P.Z. 11-2018 15750 Old Clarkson Rd (Kumara S. Vadivelu): A request for a zoning map amendment from the "NU" Non-Urban District to the "E-1/2AC" Estate Half Acre District for a 4.76 acre tract of land located on the south side of Old Clarkson Road approximately 900 feet from its intersection with Baxter Road (19S130015).

STAFF PRESENTATION:
Planner Andrew Stanislav reported that a Public Hearing for this petition was originally held in November, 2018 for a request to rezone to the "R2" Residential District. The Applicant then amended the petition in April, 2019 to request a rezoning to the "E-1/2AC" District.

This petition returned to the Planning Commission in April in order to retain its active status. As part of a two-step zoning process, the Petitioner has submitted P.Z. 07-2019 requesting a "PUD" Planned Unit Development. The Unified Development Code requires "NU" properties to be rezoned to an active residential district in order to establish the density requirement that will be used for the Planned Unit Development.

Zoning
Mr. Stanislav then showed photographs of the site and surrounding area noting that the zoning classification of adjacent properties is single-family residential.

Land Use Plan
The City's Land Use Plan designates the subject site as *Residential, Single-Family.*

Comprehensive Plan Policies
The following Plan Policies pertain to the subject site:

- 2.1 – Quality Residential Development
- 2.1.4 – Compatible In-Fill Residential Construction
- 2.1.5 – Provide Buffer for Existing Residential Development
- 2.1.6 – Reinforce Existing Development Pattern

Discussion
At Commissioner Tilman's request, Mr. Stanislav provided a comparison of the minimum lot sizes required under the zoning of the adjacent subdivisions compared to what is required under the requested zoning:

Adjacent Zoning	**Minimum Lot Size**	**E 1/2AC District** *(Requested Zoning)* **Minimum Lot Size**
R1A*	22,000 sq. ft.	22,780 sq. ft.
R2	15,000 sq. ft.	

*Mr. Stanislav pointed out that "R1A" is no longer an active zoning district but is most comparable to the E1/2AC District. It was also noted that the adjacent R6 zoning districts have much smaller minimum lot size requirements.

PETITIONER'S PRESENTATION:
1. Mr. Kumara S. Vadivelu, Developer, Builder, and Contractor, 106 Log Hill Lane, Ballwin, MO.

Mr. Vadivelu stated that his original petition requested a rezoning from the NU District to the R2 District, but after meeting with the adjacent neighbors, the petition was revised to the E 1/2AC Estate District in response to the neighbors' request. It was clarified that the Petitioner has met with and provided drawings to the residents of the adjacent R1A-

zoned subdivisions, but has not met with any of the residents from the adjacent R2-zoned subdivision.

2. Mr. Steve Rush, Civil Engineer, Site Development Engineering, 3512 Yaeger Crossing Court, St. Louis, MO – available for questions.

SPEAKERS IN FAVOR:

1. Mr. Brendan Wells, Old Clarkson Forest subdivision, 15855 Large Oak Road, Chesterfield, MO – representing Old Clarkson Neighborhood Preservation

Mr. Wells stated that the Petitioner has met with and shared his proposed plans with residents of the Old Clarkson Forest subdivision. They are "heartened" by the developer's revised petition requesting a rezoning to the E-1/2AC District vs. the original request to an R2 zoning as the E-1/2 AC is more consistent with the character of the Old Clarkson Corridor. He noted that the residents have no objection to the subject site being rezoned to the E-1/2 AC District as long as all development standards, zoning district requirements and performance standards are followed, as documented in the City's Unified Development Code.

Discussion

Commissioner Wuennenberg noted his agreement with the site being rezoned to the E-1/2 AC Estate District.

SPEAKERS IN OPPOSITION:

1. Mr. Aaron Sonnenschein, Old Clarkson Forest subdivision 15810 Large Oak Road, Chesterfield, MO.

Mr. Sonnenschein stated that he and his family recently moved into the Old Clarkson Forest subdivision, which they chose because of the abundance of trees and wildlife. He then noted his concerns, as follows:

- The amount of trees proposed to be removed is nearly 60%.
- Tree removal will cause an influx of pests and animals into their subdivision.
- Tree removal will result in more noise being heard from sirens from the nearby fire station, and from traffic at Baxter and Clayton. Speaker noted that the existing trees help control pollutants from all of the current traffic.

Commissioner Wuennenberg informed Mr. Sonnenschein that the developer will be required to provide a 30-foot landscape buffer around the subject site, if rezoned to E-1/2 AC. He also clarified that with the E-1/2 AC zoning, substantially less than 60% of the trees would be removed. However, rezoning to the requested "PUD" Planned Unit Development would result in nearly 60% of the trees being removed.

SPEAKERS – NEUTRAL: None

B. **P.Z. 07-2019 15750 Old Clarkson Rd (Kumara S. Vadivelu)**: A request for a zoning map amendment from the "E-1/2AC" Estate Half Acre District to a "PUD" Planned Unit Development for a 4.76 acre tract of land located on the south side of Old Clarkson Road approximately 900 feet from its intersection with Baxter Road (19S130015).

Mr. Stanislav explained that this petition is part of the two-step zoning process to seek a "PUD" Planned Unit Development.

The Petitioner has met all of the following **General Requirements** and **Minimum Design Requirements** to qualify for a PUD:

General Requirements

1. The site must include four contiguous acres.
2. The property must be under single ownership, or have the written consent of all owners.
3. Detailed standards are minimum requirements.
4. All utilities shall be installed underground.

Minimum Design Requirements

1. The maximum residential density is determined by "E" or "R" district.
2. Thirty percent Common Open Space.
3. Perimeter buffer of at least thirty feet in width.
4. Consistent with the purposes and intent of the Comprehensive Plan.

Design Features

The Unified Development Code (UDC) suggests 12 Design Features to be used by developers for a PUD. The UDC states that, while not mandatory, inclusion of some of these features is desirable and may increase flexibility of other standards pertaining to the proposed project.

Preliminary Plan

The Preliminary Plan shows six lots for the requested single-family, detached dwellings, which includes the one existing home on the property. The proposed maximum height of the structures is 45 feet. The plan also shows one access point to a private cul-de-sac street, and 1.18 acres of common ground around an existing pond.

Tree Stand Delineation

The Tree Stand Delineation identifies 350 trees with an existing canopy of 4.17 acres of Oak, Hickory, Hackberry, Sycamore, and Elm.

Tree Preservation Plan

A Tree Preservation Plan was submitted for informational purposes only as it is not required for rezoning. Woodland proposed to remain is 1.8 acres, or 42.9% of the existing canopy. Tree preservation is generally on the southwest portion of the site around the existing pond, and along the southern property line between the Old Clarkson Forest neighborhood.

District Requirements compared to Proposed Plan

	"E-1/2" Estate Half Acre District Requirements	**"PUD" Planned Unit Development District**	**Proposed Plan**
Lot Size	1/2 acre (21,780 sq. ft.) *(not to include street or buffers)*	21,780 sq. ft.	22,093 – 30,126 sq. ft.
Setbacks	20 ft. ROW, 15 ft. side, and 30 ft. min between structures	20 ft. front and ROW, 15 ft. side and rear	20 ft. front and ROW, 15 ft. side and rear
Buffer	30 foot minimum	30 foot minimum	20 foot proposed on south property line
Common Open Space	No requirement	30% minimum	24.8% proposed
Provision of Amenities	No requirement	Desired design features in UDC	Noted in narrative statement
Preservation of Natural Features	Required for steep slopes & SFHA		1.18 acres of common ground surrounding existing pond
Tree Preservation	30% minimum	30% minimum	42.9% proposed

Modifications

The following requested modifications require a 2/3 vote of the Planning Commission for approval:

Modifications to the "PUD" District

- 20-foot landscape buffer on south property line vs. 30 ft. requirement
- 24.8% area of common ground vs. 30% requirement

Modifications to the subdivision design standards in UDC

1. Flag lot access portion width of 30 ft. vs. 40 ft. requirement

Items Under Review

1. Conceptual Landscape Plan
2. Site Sections
3. Sight Distance
4. Existing Pond / Natural Watercourses
5. Stormwater
6. Subdivision Design Standards

After meeting packets were distributed, the Applicant formally resubmitted on June 3rd, which is now under review. It was noted that some issues have been resolved; specifically, the required 30-foot perimeter buffer is now compliant. Staff comments, along with any issues and concerns that arise from the Public Hearing, will be forwarded to the Petitioner to be formally addressed. The revised submittal will be presented to the Planning Commission at an upcoming meeting.

Discussion

Tree Preservation

Now that the Petitioner is compliant with the 30-foot landscape buffer on the southern property line, Commissioner Schenberg asked if more tree canopy would be preserved. Mr. Stanislav explained that it appears there are additional trees preserved within the southern property boundary; however, the proportion of trees to be saved remains about the same because the house on Lot 5 has shifted a bit.

Pond

Commissioner Tilman inquired as to whether the size of the pond will get smaller with the revised plan. Mr. Stanislav stated that to his knowledge there are no changes being made to the pond, but he would follow up with the City Arborist on this issue. He also confirmed that this is a designated preservation area, so any healthy tree would be required to be preserved.

Maximum Height

It was noted that the requested maximum height of 45 feet is equivalent to 3 stories, which is allowed under the E-1/2 AC Estate District.

PETITIONER'S PRESENTATION:

1. Mr. Kumara S. Vadivelu, Developer, Builder, and Contractor, 106 Log Hill Lane, Ballwin, MO stated he was available for questions.

Discussion

Modifications/PUD Zoning

Commissioner Wuennenberg indicated that he is not in favor of the requested modifications for open space and flag lot width. He noted his concern with the requested PUD zoning in that it appears too much is being requested for the size of the property. With the E-1/2 AC zoning, six lots would not be permitted on the site.

Chair Hansen asked Mr. Vadivelu to explain what "exceptional area features" would be incorporated on the site under a PUD zoning. Mr. Vadivelu replied that the existing pond will remain as-is, along with the creek situated on the south and west sides of the property.

Mr. Vadivelu further explained that during meetings with the residents, three main issues were voiced, and they have addressed all of them:

1. The 30-foot landscape buffer and more trees will be preserved;
2. Use of native trees in the landscape plan; and
3. The house on Lot 5 has been pushed further away from the 30-foot buffer.

2. Mr. Steve Rush, Civil Engineer, Site Development Engineering, 3512 Yaeger Crossing Court, St. Louis, MO.

Mr. Rush stated that the open space on the site will be 78.8% vs. what was previously stated as 24.8% open space. He also stated that the non-disturb area is 42.8% over the 4.76 acre site. It was noted that Staff would review this issue to determine if any discrepancies exist.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Ms. Dru Thomas, Old Clarkson Forest subdivision, 15959 Quiet Oak Road, Chesterfield, MO.

Ms. Thomas stated that the heavily-forested quality of the Old Clarkson Corridor is the most defining aspect of their neighborhood, and explained that she has reviewed the most-recently submitted Tree Stand Delineation (TSD) and Tree Preservation Plan (TPP). The TSD identifies 350 trees, of which 347 are living. They are pleased that the TPP now adds more preserved trees along the border between the parcel and the lots of Old Clarkson Forest residences. She stated that their goal is to retain as much existing tree cover as possible, which benefits the residents, is consistent with the character of the Old Clarkson Corridor, and increases the value of the new lots and homes.

TSD

Ms. Thomas cited the following – Of the 350 trees shown on the TSD:

- 172 will be preserved;
- 72 meet the size criterion for a monarch tree, but a significant amount of them are scheduled for removal; and
- Only 2 are rated in *good* quality and none were rated *excellent*.

They question the statistical probability that only two of 350 trees of all ages and sizes on this relatively undisturbed parcel are in good condition, and whether they can rely on ratings for a tree's condition.

TPP

Ms. Thomas stated the following:

- The TPP shows only a few preserved trees in the area where the new homes are proposed to be built, but noted that it is possible to successfully build homes among trees.
- Most of the trees to be preserved are clustered around the parcel's existing pond and creek, which is heavily burdened by storm water from five subdivisions and other properties.
- The creek is experiencing serious erosion, toppling trees on it banks.
- Of the TPP's 172 preserved trees, 71 are located along Old Clarkson Road and the creek, while 59 (76%) surround the pond in an area threatened by erosion.
- Based upon the TPP's tree condition ratings, 17% of the trees to be preserved along the creek are in decline, and 63% are of poor quality meaning that only 20% of the 71 trees to be preserved are rated at least *average* in condition.

Erosion
They want to know what will happen with dead and fallen trees due to erosion, and whether efforts will be made to address erosion.

2. Mr. Russ Robins, Old Clarkson Forest subdivision, 1827 Still Hollow Court, Chesterfield, MO

Mr. Robins stated that last November they asked that the developer provide a hydrology study, which has been completed by Site Development Engineering Inc. He noted that the Drainage Study did not address all of their issues.

He then noted the residents' concerns as follows:

- Performance of the watershed is presently marginal at best.
- Entire watershed (three spurs) drains through and converges on the property in question exiting under Clarkson to Wilson creek.
- Modification of the property raises concerns about peak water flows and peak water power at the confluence not addressed in the drainage study.
- Straightening/burial of the Baxter spur may lead to backwash siltation of the subdivision's pond.
- Backup of the Quiet Oak spur may impact erosion in the Commons and loss of additional trees.
- Increased peak water volumes in Wilson Creek may create downstream HOA liabilities with respect to erosion or flooding.
- Uncertainties in this project plan have impacted underwriting of their HOA insurance.

They still feel they need "an authoritative, complete, and agnostic hydrology study" to make sure that development of the property will not exacerbate the problems with their water management. Mr. Robins also asked if the Commission will require a performance bond for this project in the event it causes damage to the drainage.

Discussion

Commissioner Schenberg questioned whether the subdivision's pond is maintained on a regular basis. Mr. Robins confirmed that their HOA has taken responsibility of seeing that the pond is regularly maintained and dredged for siltation.

3. Mr. Brendan Wells, Old Clarkson Forest subdivision,15855 Large Oak Road, Chesterfield, MO

Mr. Wells stated that the E-1/2 AC zoning, without any variations, is the right decision for the Old Clarkson Corridor. It appears to them that the developer's site plan with the PUD zoning is substantially unchanged from its first iteration with the R2 zoning. The main area of concern is along the border with Lot 5 and the adjacent driveway. At the residents' request, Mr. Wells noted that the developer did move Lot 5 in a bit, but their concern deals with overbuilding and the amount of homes being proposed on the buildable areas of the property.

Mr. Wells then addressed the hardships that would affect the neighborhood and border property from the proposed development.

Neighborhood Hardships
Short Term Hardships:
- Loud noises of construction
- Road blockages and closings during construction.
- Pedestrian safety along Old Clarkson Road

Permanent Hardships:
- The forested nature of Old Clarkson Road is gone forever
- Changes the character of the neighborhood
- Hydrology and pond issues are still unknown

Border Property Hardships
Short Term
- Same as above, except amplified

Permanent
- Shade & sunlight permanently altered
- New homes and long driveway running along the border of property
- Car headlights from street and driveway traffic
- Home lights
- New noise from new properties that did not previously exist
- Noise pollution amplified from Clarkson & Baxter Roads
- Privacy concerns
- Erosion (caused by storm water, expanding pond on property and placement of retaining walls and land grading)
- Quality of life

4. Ms. Jen DelCarmen, Old Clarkson Forest subdivision, 15847 Large Oak Road, Chesterfield, MO

Ms. DelCarmen then summarized the material presented by the Speakers:
1. Irreplaceable Trees - An essential component of their neighborhood's character
2. Power of Water - The development site could disrupt other properties in the watershed
3. Neighborhood Hardships - Particularly those associated with Lot #5
4. Character of Architecture – Requesting that the proposed new homes are of a similar nature to the existing homes along Old Clarkson Road
5. Requirement of a Performance Bond – To shield property values in the event the project is not completed
6. PUD - Although progress has been made on the zoning to E ½ AC, the latitude that a PUD allows results in very little change to the developer's original site plan

5. Mr. Aaron Sonnenschein, Old Clarkson Forest subdivision 15810 Large Oak Road, Chesterfield, MO – passed on speaking.

SPEAKERS – NEUTRAL: None

REBUTTAL:

Mr. Steve Rush, Civil Engineer on the project, addressed concerns about storm water as follows:

- The culvert under Old Clarkson Road has never flooded, according to City records.
- The proposed development will increase the storm water runoff by only 1.11 cfs.
- The impact to the Old Clarkson culvert is "negligible".
- The pond on the subject site is not an issue as it is built up so water cannot get to it other than from the east.
- The water being picked up from the Baxter Road side will be piped and the velocity of the water will be slowed down inside the pipes.
- The water will be delayed because most of it will be going through bio-retention basins.

Discussion

Councilmember Hurt advised Mr. Rush that as development occurs throughout the City, steps are taken to try and improve upon areas that have issues because of aging, development, configuration changes, etc. So while it is anticipated that only 1.11 cfs will be added to the storm water runoff, it is not an improvement. City ordinances and MSD standards require that any downstream runoff must have a 25% reduction in outflow.

ISSUES:

1. Hydrology and storm water concerns
2. Community character preservation with large trees
3. Quality of the development to coincide with the existing community character, not limited to architecture
4. Overbuilding concerns, specifically Lot 5
5. Tree preservation
6. Condition of existing trees
7. Concerns with variations to the Unified Development Code
8. Noise
9. Clarification of percentage of open space

Commissioner Tilman urged the developer to preserve the neighborhood character by exploring ways to build homes among the existing trees rather than removing all of them. Commissioner Schenberg added that a property is worth more when large trees are part of it.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the May 29, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Marino and **passed by a voice vote of 5 to 0.** *(Commissioners Harris and Monachella abstained.)*

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS

A. Election of Officers

On behalf of the Nominating Committee, Commissioner Tilman made a motion to approve the following slate of officers for 2019-2020:

- **Chair – Merrell Hansen**
- **Vice-Chair – Steve Wuennenberg**
- **Secretary – Gene Schenberg**

The motion was seconded by Commissioner Marino and **passed by a voice vote of 7 to 0.**

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Gene Schenberg, Secretary