

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 8, 1992



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

PRESENT

ABSENT

Ms. Mary Brown
Mr. Jamie Cannon
Mr. Dave Dalton
Mr. Bill Kirchoff
Ms. Barbara McGuinness
Ms. Pat O'Brien
Mr. Walter Scruggs
Ms. Victoria Sherman
Chairman Mary Domahidy
Mr. Douglas R. Beach, City Attorney
Councilmember Susan Clarke, Ward II
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Ms. Sandra Lohman, Executive Secretary

INVOCATION: Commissioner Jamie Cannon

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Chair Mary Domahidy read the opening comments.

- A. P.Z. 9-92 City of Chesterfield Planning Commission; a proposal to amend Sections 1005.150, 1005.160 and 1005.180 of the City of Chesterfield Subdivision Ordinance relative to street right-of-way.

Director Duepner presented the amendment proposal noting the following:

- The City Council, at its meeting on May 4, 1992, voted unanimously to initiate a petition for amending the Subdivision Ordinance relative to the width of minor street right-of-way. This resulted in petition P.Z. 9-92.

- The proposed reduction of minor street right-of-way width is the result of meetings between representatives of the Home Builder's Association and the City of Chesterfield.
- Currently, the Ordinance requires a total right-of-way width of fifty (50) feet. Within one-half of this right-of-way [twenty-five (25) feet] you have a thirteen (13) foot pavement, a seven (7) foot parkway area, a four (4) foot sidewalk, and a one (1) foot easement. This is matched on the opposite side for a total right-of-way width of fifty (50) feet.
- A proposal was developed to place the sidewalks within an easement outside of the actual right-of-way. That easement would be established on private property, but would be the responsibility of the City in terms of replacement of sidewalks slabs and maintenance of the sidewalk. This is similar to what the City currently provides in the right-of-way area.
- If approved, the right-of-way would be forty (40) feet, with thirteen (13) feet of pavement and a seven (7) foot parkway area, plus a four (4) foot sidewalk and a one (1) foot area within a five (5) foot easement. Rather than being within a right-of-way, this five (5) foot area [four (4) foot sidewalk and one (1) foot easement] would be within the lot of the subdivision.
- The City would still have the responsibility to maintain/replace the sidewalk. However, now the sidewalk would be on the lot within an easement that would allow the City access.
- This reduced right-of-way would allow the developer more flexibility in design, and could result in saving of trees in reducing the area to be graded for placement of streets.
- The Department believes that if the right-of-way is reduced, the building setback requirement should be increased by five (5) feet. Two reasons for this are:
 - 1) It would ensure that the current setbacks from roadway pavement would be maintained. It would be reducing the right-of-way width from which the building setback is currently established. It was suggested that consideration be given that the right-of-way would still be used as the setback, but that there would be an additional five (5) feet added (i.e., if you were in

a District requiring a twenty (20) foot setback, it would now be twenty-five (25) feet from the right-of-way).

2) It would ensure sufficient area for a vehicle parked in a driveway, in front of a garage, so that it would not block the sidewalk area.

- Our current Subdivision Ordinance allows for reduction of right-of-way in those cases where there currently is no sidewalk required. Specifically, in cul-de-sacs where there are eight (8) or fewer lots, the right-of-way can be reduced down to forty (40) feet.

COMMENTS/DISCUSSION BY COMMISSION

- Discussion ensued regarding who would benefit from this proposed amendment (i.e., increased flexibility of design, saving of trees, etc.)
- Reduction of the right-of-way could provide more usable area in a development.
- The developer would be able to include this footage as a component of the lot size when satisfying minimum lot size requirements. This could increase the density of the development
- The Public Works Department and the Planning Department recommended that the parkway remain at seven (7) feet in width.
- There is a possibility that a developer could place the sidewalk within the parkway instead of on the easement. This would require a variance request.
- There is a possibility for submittal of an alternate sidewalk plan. The easement could allow the sidewalk to meander within the easement.

Commissioner McGuinness left the meeting.

- City Attorney Doug Beach suggested that the Ordinance be changed to indicate that if the developer wants to put the five (5) feet, for the sidewalk, within the right-of-way, that, as part of the ordinance, the right-of-way then be extended the additional five (5) feet.
- This amendment does not affect placement of the street trees.

- The wording of the ordinance would ensure that an existing sidewalk would be retained by the City.
- Accidental liability would remain the same, it is the responsibility of the City.

Commissioner McGuinness returned to the meeting.

- The meandering sidewalk could save trees. The easement could be more or less than five (5) feet, in order to assure proper access.

SPEAKERS IN FAVOR

1. Vietta Mydler, H.B.A., 10104 Old Olive Street Road, St. Louis, MO 63141.
2. Sid Koltun, 14441 White Pine Ridge Lane, Chesterfield, MO 63017.
 - He stated that the purpose of the suggestion to narrow the right-of-way was because of grading.
 - The existing right-of-way criteria requires grading of an area fifty (50) feet wide, almost flat, and remove anything from that area in order to allow sidewalks.
 - The new proposal would allow developers to place a sidewalk in a five (5) foot easement that is then able to meander and change grade, therefore saving significant natural features of a development.

COMMENTS/DISCUSSION BY COMMISSION

- The right-of-way dedication would still allow a sidewalk to be placed in it. The purpose for the easement would be for sidewalks and utilities.
- The issue is design flexibility, not density.
- Mr. Koltun suggested a provision in the proposed ordinance to allow for a ten (10) foot easement for a sidewalk, so the sidewalk could meander as much as ten (10) feet back and forth, adjacent to the right-of-way.

- The distance between the edge of the street and the sidewalk is seven (7) feet. The street trees are placed between the curb and the sidewalk. If the sidewalk goes into this area, the available space for street trees will be decreased.

SPEAKERS IN OPPOSITION - None

REBUTTAL - Waived

SHOW OF HANDS

FOR: 5

AGAINST: 0

APPROVAL OF THE MINUTES

The Minutes were approved from May 27, 1992.

OLD BUSINESS

- A. P.Z. 6-92 Premier Development Corporation; a request for a Planned Environment Unit Procedure in the "R-2" Residence District and Amended Planned Environment Unit Procedure in the "R-4" Residence District; west side of Olive Boulevard, south of West Drive.

Commissioner McGuinness made a motion to remove this item from the table for reconsideration by the Commission. The motion was seconded by Commissioner Kirchoff and passed by a voice vote of 9 to 0.

Senior Planner Laura Griggs-McElhanon presented the request and the Department's recommendation for approval, subject to the revised conditions in Attachment A.

Commissioner McGuinness made a motion to approve the request, subject to conditions in Attachment A. The motion was seconded by Commissioner Dalton.

COMMENTS/DISCUSSION BY COMMISSION

- A deck would maintain the appropriate setback, either fifteen (15) feet in the rear yard, or, in the case of those lots along the West Drive portion, twenty-five (25) feet in the front yard.

- Slab on grade patio is not considered a structure and can be within required setbacks.
- A slab, porch, or a paved terrace that has a maximum height of not more than twelve (12) inches, may project into any yard setback, except that the projection into the front yard setback cannot exceed ten (10) feet.
- The square footage of Lots 56 through 61 was discussed, based upon both a fifty (50) foot right-of-way on West Drive, and a forty (40) foot right-of-way on West Drive.
- The twenty (20) foot landscape buffer would be on the private property of the homeowner, not on common ground.
- Fencing of rear yards abutting West Drive was discussed.
- Houses along West Drive will face the internal street and will not be allowed access on to West Drive.
- No detailed studies have been made regarding future expansion of this development. The Department would act to prevent double-frontage lots.
- Right-turn-in and right-turn-out at Olive Street Road will be enforced when, and if, West Drive is relocated. If West Drive is never relocated, the Olive access will remain bi-directional.

Commissioner Kirchoff made an amendment to the motion to not allow this project access to West Drive through Wellesley Place until such time as West Drive is improved. The motion was seconded by Commissioner Cannon.

COMMENTS/DISCUSSION BY COMMISSION

- It was suggested that West Drive be widened to seventeen (17) feet, and the curve configuration should be considered.

Commissioner Kirchoff modified the amendment to the original motion to require West Drive to be widened to seventeen (17) feet, maintaining the same depth and base of pavement as currently exists. Commissioner Cannon withdrew his second to the motion.

Commissioner Sherman seconded the modified amendment to the original motion that includes the improved seventeen (17) foot width.

COMMENTS/DISCUSSION BY COMMISSION

- The petitioner may have to acquire additional right-of-way necessary for the pavement improvement.
- The Subdivision Ordinance indicates a minimum width of twenty (20) feet for a residential street (R-1 or R-1A District). The number of lots would have to be restricted, and be on a loop or cul-de-sac street.

Commissioner McGuinness left the meeting.

- The Subdivision Ordinance requires that when developing adjacent to a street that is proposed to be improved or upgraded, the developer has to make at least one-half (1/2) of the right-of-way dedication.

Commissioner McGuinness returned to the meeting.

- Concern was expressed that, if this amendment is passed and West Drive is not improved, it remains closed at the Wellesley Place access. This leaves only one access to the subdivision, which is contrary to City policy.
- When the original Wellesley Place was proposed, additional access was discussed, and the stub street was intended to be connected at some future date.
- When the original Wellesley Place development was reviewed, an additional access was assumed somewhere along West Drive. Broeker Place Drive was looked at as the street that was going to connect to West Drive.

Commissioner McGuinness made a motion to move the previous question (The project would not be allowed access to West Drive until such time as West Drive is improved to at least a seventeen (17) foot wide right-of-way of the same pavement). The motion was seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Brown, yes; Commissioner Cannon, no; Commissioner Dalton, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, yes; Commissioner O'Brien, no; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman Domahidy, yes.

The motion passed by a vote of 7 to 2.

The vote on the amendment was as follows: Commissioner Brown, no; Commissioner Cannon, no; Commissioner Dalton, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, no; Commissioner O'Brien, no; Commissioner Scruggs, no; Commissioner Sherman, no; Chairman Domahidy, no.

The amendment failed by a vote of 7 to 2.

Commissioner McGuinness made a motion to move the previous question (The original motion to approve the request). The motion died for lack of a second.

Commissioner Kirchoff made a motion to amend the original motion to require lot sizes adjacent to West Drive be restricted to a minimum of 9,000 square feet, and that other lots be restricted to a minimum of 7,000 square feet. The motion died for lack of a second.

Commissioner Scruggs made a motion to amend the original motion to require lot sizes adjacent to West Drive be restricted to a minimum of 9,000 square feet, and that other lots be restricted to a minimum of 6,000 square feet. The motion was seconded by Commissioner Kirchoff.

COMMENTS/DISCUSSION BY COMMISSION

- Concern was expressed that, if the lots along West Drive were to be increased to 9,000 square feet, this could result in the loss of at least one (1) lot.
- It was suggested that larger lots (possibly "R-2" Zoning) were more appropriate, due to the size of the surrounding lots.

Commissioner McGuinness made a motion to move the previous question. The motion was seconded by Commissioner Scruggs. The motion passed by a voice vote of 8 to 1, with Commissioner O'Brien voting no.

Upon a roll call the vote on the amendment (to amend the original motion to require lot sizes adjacent to West Drive be restricted to a minimum of 9,000 square feet, and that other lots be restricted to a minimum of 6,000 square feet) was as follows: Commissioner Brown, yes; Commissioner Cannon, no; Commissioner Dalton, no; Commissioner Kirchoff, yes; Commissioner McGuinness, no; Commissioner O'Brien, no; Commissioner Scruggs, yes; Commissioner Sherman, no; Chairman Domahidy, no. The amendment failed by a vote of 6 to 3.

Commissioner McGuinness made a motion to move the previous question (the original motion). The motion was seconded by Commissioner Dalton.

Upon a roll call the vote on the amendment (the original motion) was as follows: Commissioner Brown, yes; Commissioner Cannon, yes; Commissioner Dalton, yes; Commissioner Kirchoff, no; Commissioner McGuinness, yes; Commissioner O'Brien, no; Commissioner Scruggs, yes; Commissioner Sherman, no; Chairman Domahidy, no. The amendment passed by a vote of 5 to 4.

Commissioner Scruggs left the meeting.

COMMENTS/DISCUSSION BY COMMISSION

- Provision of a buffer between this development and larger single-family residences and commercial development.

Commissioner Kirchoff made a motion to amend the original motion to require a twenty (20) foot wide buffer on the northwest and southeast property lines. The motion was seconded by Commissioner O'Brien.

Commissioner Scruggs returned to the meeting.

COMMENTS/DISCUSSION BY COMMISSION

- The width of the buffer for the Sullivan-Hayes tract (at the rear of the existing Wellesley Place lots) would be from ten (10) to twenty (20) feet.
- The Subdivision Ordinance requires ten (10) feet on one side of the property. The policy the Planning Commission has reviewed and endorsed, in terms of landscape policies between residential and commercial development, indicates that it should be twenty (20) feet in width.

- Concern was expressed that buffering be provided from existing residential development, across West Drive, further down West Drive, and, in the case of Lots 53 and 54, the back view to residents of West Drive.
- The Department had not recommended this buffering due to the possibility of the connection of the stub street with adjacent lots, as well as looking to the future development of the commercial tract.
- Concern was expressed about the time lapse prior to future buffering.
- Concern that this requirement could preclude those lots affected due to the need to provide for a buffer area, unless it could be acquired from adjacent property. This could force the petitioner to go to the adjacent property owner to develop his project.

Upon a roll call the vote on the amendment (**To require a twenty (20) foot wide buffer on the northwest and southeast property lines**) was as follows: Commissioner Brown, no; Commissioner Cannon, no; Commissioner Dalton, no; Commissioner Kirchoff, yes; Commissioner McGuinness, no; Commissioner O'Brien, no; Commissioner Scruggs, no; Commissioner Sherman, no; Chairman Domahidy, no. **The motion failed by a vote of 8 to 1, with Commissioner Kirchoff voting yes.**

Commissioner McGuinness made a motion to move the previous question. The motion was seconded by Commissioner Dalton and passed by a voice vote of 9 to 0.

Upon a roll call the vote on the original motion to approve the request was as follows: Commissioner Brown, yes; Commissioner Cannon, no; Commissioner Dalton, yes; Commissioner Kirchoff, no; Commissioner McGuinness, yes; Commissioner O'Brien, no; Commissioner Scruggs, no; Commissioner Sherman, yes; Chairman Domahidy, yes. The motion passed by a vote of 5 to 4.

Commissioner O'Brien expressed her appreciation to the effort and concern the Commission has devoted to the Urban Core aspect of this property.

NEW BUSINESS - None

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS - None

COMMITTEE REPORTS

A. Ordinance Review Committee

Committee Chair Brown reported that the Ordinance Review Committee will meet June 9, at 4:30 p.m., to work on its presentation for the June 29 community meeting, as well as some new items. The next meeting has been changed from June 24 to June 29, at which time the Committee hopes to meet with representatives from various organizations in the Chesterfield community.

B. Architectural Review Committee

Committee Chair O'Brien reported that the Committee will meet June 24, at 4:30 p.m.

C. Site Plan/Landscape Committee

Committee Chair Kirchoff reported that the Landscape Policies were reviewed by the Planning and Zoning Committee of City Council at its last meeting.

Director Duepner reported that the Planning and Zoning Committee, at its meeting of June 3, reviewed the Landscape Policies endorsed by the Planning Commission. The Committee heartily thanked the Planning Commission for its efforts, but did raise the following concerns.

1. Questioned to the requirement for a seal of a landscape architect for landscape plans in commercial development.

They felt that this would be a costly addition for landscape plan submittal, and questioned inclusion of that requirement.

2. The slopes for the berms within the policies (3 to 1 if mulched, and 4 to 1 if grassed area).

It was pointed out that these slopes were as recommended by the landscape architect with whom the Committee had discussed the policies.

3. There was a request from a representative of the Home Builder's Association to have the opportunity to review and comment upon the policies.
4. There was some concern expressed about the selection of the percentage of street trees that were currently required, or allowed, in our Subdivision Ordinance. The Landscape Committee had attempted to provide some additional information on the Street Tree List by noting the height and canopy spread of the trees.

Mr. Mark Teitelbaum requested review of the policies by the Home Builder's Association.

Committee Chair Kirchoff agreed to review these concerns and make a recommendation on each issue to the Commission. He stated the next Committee meeting will be July 9, 1992, at 4:00 p.m.

Commissioner Cannon requested the Commission drop the word "Certified" from the title of "Landscape Architect," since the State of Missouri requires a person to be "Certified" if they use the title "Landscape Architect". He stated that the City should require professionals to prepare drawings submitted for approval.

Commissioner O'Brien suggested the Commission designate in its policies when it is necessary to require a Landscape Architect.

D. Comprehensive Plan Committee

Director Duepner reported that the Comprehensive Plan Committee will meet on June 23, at 5:00 p.m.

E. Procedures Committee

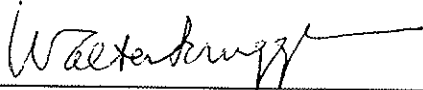
Commission Chair Domahidy thanked Commissioner Scruggs for Chairing the Nominating Committee.

Committee Chair Scruggs reported that the Nominating Committee nominated Dr. Domahidy for Chairman, Commissioner Brown for Vice-Chairman, and Commissioner Scruggs for Secretary.

A motion to ratify the nominations was made by Commissioner McGuinness and seconded by Commissioner O'Brien. **The motion passed by a voice vote of 9 to 0.**

Commissioner Chair Domahidy noted that it had been brought to her attention that perhaps the committee memberships are too large, and requested members to indicate their preferences to her so she can re-arrange committees before the next meeting.

The meeting adjourned at 8:55 P.M.

A handwritten signature in cursive script, appearing to read "Walter Scruggs", written over a horizontal line.

Walter Scruggs, Secretary

[MIN6-8]