PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MAY 23, 2005

The meeting was called to order at 7:12 p.m. by Secretary Lynn O'Connor, chairing the meeting in Chair Sherman's absence.

I. PRESENT

Mr. David G. Asmus
Mr. David Banks
Mr. Fred Broemmer
Dr. Lynn O'Connor
Ms. Lu Perantoni
Mr. Thomas Sandifer

ABSENT

Dr. Maurice L. Hirsch, Jr.
Ms. Stephanie Macaluso
Chairman Victoria Sherman

Mayor John Nations
City Attorney Doug Beach
Ms. Teresa Price, Director of Planning
Ms. Annissa McCaskill-Clay, Assistant Director of Planning
Mr. Dan Kaline, Project Planner
Ms. Aimee Nassif, Project Planner
Ms. Christine Smith Ross, Project Planner
Ms. Mary Ann Madden, Planning Assistant

II. INVOCATION: Commissioner Asmus

III. PLEDGE OF ALLEGIANCE

Secretary O'Connor acknowledged the attendance of Mayor Nations, Councilmember Mike Casey, Council Liaison; and Councilmember Mary Brown, Ward IV.

Secretary O'Connor also welcomed the Staff's new Project Planner, Dan Kaline.

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

A. **P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.):** A request for a change of zoning from "NU" Non-Urban District/"FPNU" Flood Plan Non-Urban to "E-One Acre" for a 20.6 acre tract of land located on Wild Horse Creek Road, approximately .6 miles west of the intersection of Baxter Road and Wild Horse Creek Road. (18T130035)

The requested use is Detached Single Family Dwellings.

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. McCaskill-Clay stated the following:

- The City's Comprehensive Plan shows the subject site as being "Single Family Attached/Detached" with a recommended density of one acre.

PETITIONER'S PRESENTATION:

1. Mr. Donald A. Flower, Owner and President of Flower Homes, Inc., 1518 Madison Creek Lane, Wildwood, MO showed photographs of homes built by Flower Homes in other developments and stated the following:

- The subject property had been submitted previously by Sebastian Rucci, who had proposed approximately 28 homes on the site.
- The current developer is proposing 12 homes on the site.
- The proposed project has one home site facing the intersection of Wilson Road and Wild Horse Creek Road; the other 11 home sites are within the project.
- The proposed entrance is off of Wilson Road.
- The street is single-loaded ending in a cul-de-sac.
- There are approximately 50 Monarch trees on the site, of which about 30 will be preserved. The trees to be removed are the most-damaged.
- There are 19.85 acres of trees on the site. They are required to keep approximately 5.9 acres of trees; they propose to keep 9.15 acres of trees – 50% greater than the required minimum.
- The Wilson tributary presents an engineering challenge to make sure the water continues to flow through the area without restriction. Upon review of the site, they have determined that they need to keep clear span of at least 45-48' so the flow of water through the creek is not restricted.
- There are three small wetlands on the site. Less than 1/10 of an acre of wetland area will be disturbed.
- The Comprehensive Plan recommends one-acre zoning and the petitioner is requesting one-acre zoning.
- There had been a previous plan done for the improvement of Wilson Road. By setting the project back, they have created a reserve strip for the possible improvement of Wilson Road by the City at a future date. The reserve strip is being granted to the City.
- Approximately 20' of the top of the hill will be removed; the dirt removed will be used as fill in other locations on the site.

- The proposed streets are asphalt with concrete curbs.
- Public water and sewer is available on the site.
- The homes are priced from $1,000,000 - $1,400,000.
- They propose building a bridge at the entrance (a photograph was shown).
- The neighbors have been contacted to share the information for the proposed project. The neighbor most impacted by the plan will have some privacy removed from their site. The petitioner has proposed to them a re-landscaping of the area.
- In response to comments from a neighborhood meeting, the street and cul-de-sac were moved slightly.
- After a meeting with Councilmembers Mary Brown and Connie Fults, they have proposed a grading change to allow the preservation of the original trees in one location.

Responding to questions from the City Attorney, Mr. Flower responded as follows:

- **Regarding the issue of Griffith Lane:** Currently Griffith Lane passes through private property. There are no easements in existence for Griffith Lane at this time. It has a prescriptive right to be there. The entrance is considered sub-standard because it is in flood plain and because of its proximity to the edge of Caulk's Creek. To bring it to public standards would be an enormous task. The petitioner has no interest in bringing it to public standards but if someone else has an interest in it, they would not block it. They would provide an easement for Griffith Lane so that it would have a legal right to exist as opposed to a prescriptive right. They are negotiable on where the City would like an easement placed – it would not affect their home #9 or #10.

SPEAKERS IN FAVOR:

1. Ms. Carol Nowak, 16902 Wild Horse Creek Road, Chesterfield, MO 63005 stated the following:
   - Her family's 4.7 acre property will adjoin the proposed development on the north side of their home. Their front yard will look directly towards the back yards of the proposed lots 11 and 12.
   - In general, she supports the development. She feels it is prudently designed for access via Wilson Road.
   - She has concerns about increased water runoff.
   - She has asked Mr. Flower to protect the nature and privacy of her lot in relation to the two proposed lots. Ideally, she would like to see the two lots combined into one home site.
   - Regarding the easement, the plot plan shows lots 9 and 10 going across Griffith Lane. She felt this area should be considered common ground so any enhancements to Griffith Lane would be shared with the entire neighborhood instead of just the homeowners of lots 9 and 10.
   - She has asked Mr. Flower to provide water and sewer to her lot.

3. Ms. Merrell Hansen, 1234 Walnut Hill Farm, Chesterfield, MO 63005 stated the following:
   - She is appreciative of the proposed plan – the builder is caring about Chesterfield and has respect for the wildlife.
   - She questioned why the developer is being asked to keep an area clear – the area has a lot of big, tall trees.
   - Speaker left pictures with the Commission of trees on the site and noted that many of the trees are over 100 years old.

4. Ms. Wendy Geckeler, 26 Chesterfield Lakes Road, Chesterfield, MO 63005 stated the following:
   - She encouraged the Commission members to visit the site, which is comprised of hills and ravines with ferns, wild ginger, sassafras, and dogwood. The trees are very tall and are comprised of American Sycamores, Maples and Oaks.
   - She is appreciative of the developer's efforts to meet with the residents.
   - She feels the homes will be an asset to the area.
   - She noted that the density respects the topographical problems of the site, but felt that the three-acre approach that Wildwood stipulates would do far less ecological damage to the site.
   - She expressed concern about the removal of the tree buffer along the north end of Wilson Road for a possible future road right-of-way. The removal would affect many historic hardwood trees and she felt that their root system may help stabilize the road. She requested that the possible re-alignment issue be resolved before the trees are removed.
   - She expressed concern that disturbing the floodplain and clearing and filling the ravine will kill the trees. She questioned whether Lot 1 could be relocated to avoid disturbing the floodplain.
   - She expressed concern about the buffer of mature trees along Wild Horse Creek Road being removed and replaced by a 30' landscaped buffer. She stated that the huge trees absorb much of the highway noise and pollution, thus being an asset to the new homeowners.
   - She asked whether the detention basin is large enough to be a wet detention basin to serve as a water feature.
   - She asked if a signature tree could be preserved on each lot.
   - She noted that the location of the entrance is onto Wilson Road, which is a curving, hilly lane. She asked if the entrance could be located so that the fill needed to construct it would not kill a huge white oak in that area. She suggested that this tree function as the signature tree for the development.
   - She asked if MoDot has denied an entrance from Wild Horse Creek Road to the proposed site.
   - She asked how construction traffic will be handled so that the flow of passenger and emergency vehicles is not blocked during construction.
   - She asked whether there would be any liability of property owners for accidents on Griffith Lane.

- She noted that a brick fire pit is located on the site, which has been used by local residents for many years. She thought the fire pit may have some connection to families attending the school off Griffith Lane and living in Westland Acres on Church Road.
- She noted that archaeological evidence has been found on the site and suggested a survey be considered prior to construction.

5. Mr. John W. Hammond, 1203 Walnut Hill Farm, Chesterfield, MO stated the following:
   - He has owned and lived next door to the property for over 20 years.
   - He noted that the property is covered with problem soil and problem slopes and will be difficult to develop. He feels that Mr. Flower has come up with a plan that doesn't crowd the property, meets the zoning requirements, meets the West Area Study, and lives within the Tree Ordinance.
   - He endorses the project but feels that the developer will have a lot of problems keeping all of the trees that have been previously mentioned. He noted that many of the Monarch trees have been choked by wild grape and have died.

SPEAKERS IN OPPOSITION:

1. Mr. Gary Hansen, 1515 Countryside Hill, Chesterfield, MO 63005 stated the following:
   - He has concern about the safety of the entry, which is on the downhill side of Wilson Road. He indicated that this will be a blind entry.
   - He has concern that the stretch of road between Wild Horse Creek Road and the entrance to Chesterfield Lakes will have problems supporting additional traffic.
   - The entrance to Countryside Hill is at the bottom of the hill just north of Chesterfield Lakes, which has approximately two accidents per month.
   - He does not want to see the development prevented but would ask that the developer provide a better ingress and egress or that the City make changes on Wilson Road so that the intersection approaching Wild Horse Creek Road won't become as dangerous as the hillside just north of the entry to Chesterfield Lakes.

SPEAKERS – NEUTRAL:

1. Mr. Nabeel Gareeb, representing Eagle Crest Estate residents, 16830 Eagle Bluff Court, Chesterfield, MO 63005 stated the following:
   - The residents of Eagle Crest Estates have two requests for the proposed project:
     1. Insure that there are no issues that preclude Griffith Lane from being an access for the proposed Simon development.
     2. Insure that sufficient land is reserved to modify Griffith Lane to be usable for public access to the proposed Simon development.

2. Ms. Faye Albrecht, 1224 Wilson Road, Chesterfield, MO 63005 stated the following:
   - She has lived slightly to the east of the Wilson Road line for 44 years.

- She would like as many trees as possible to be preserved.
- She would like the wet area, proposed as a dry retention, to be a wet retention with an aerator or fountain to beautify the area.
- She would like the entrance to be wide and Wilson Road to be widened at that point.
- She indicated that accidents happen in front of her house on a weekly basis so that the road needs to be as clear as possible. This part of Wilson Road is the narrowest point and there are no sidewalks.

REBUTTAL:

1. Mr. Flower stated the following:
   - Responding to Mrs. Nowak's request, they are agreeable to connecting sewer and water to all three property owners to the extent that they can do it – to the extent that they can get cooperation from the Water Company. Some of the houses sit below them and some sit above them, so there are different conditions for trying to tie in on sewer – it may involve some gravity sewer.
   - Regarding storm water issues brought up by Mrs. Nowak, it was noted that the top of the hill will be lowered from the existing crest. The water that would normally flow towards her property will be intercepted in the storm sewer system and taken to the detention basin. There will not be any increased water runoff to her site.
   - Regarding trees at the intersection, they have created an area where additional trees will be maintained to keep more privacy along Wilson Road and Wild Horse Creek Road.
   - Regarding balancing dirt, the developer does save money by balancing dirt.

Mayor Nations referred to Mrs. Albrecht's comments regarding pedestrian access and sidewalks. He noted that the City has been working on an integrated trail system throughout the City. Wild Horse Creek Road is an integral part of the trail system as far as the future is concerned. The trail system will be on Chesterfield Parkway, throughout the Valley and on top of the eleven miles of levee as part of the Missouri Great Rivers Greenway Trails System.

Mayor Nations noted that the right-of-way appears to be not much wider than the pavement on Wild Horse Creek Road or on Wilson Road. Mr. Flower stated that they have contacted the State Highway Department and the Highway Department has asked for an additional 15' of right-of-way along their property line all along Wild Horse Creek Road. Because of the topography and an existing bridge, there is an issue of sidewalks along Wild Horse Creek Road. Mr. Flower indicated on a displayed map, his suggestion for where the City may consider providing a bike trail. They propose calculating the cost of the bike trail and escrowing the funds with the City for its use in developing the trail system.

Responding to questions from the Commission, Mr. Flower clarified the following:

- The Councilmembers from Ward IV pointed out the issue of sidewalks along Wild Horse Creek Road and encouraged the developer to cooperate with the City in whatever way possible.
- The Councilmembers also brought up the issue of Griffith Lane and asked the developer to take a position on this. They do not intend to block access and will grant an easement.
- Regarding the grade related to Lot 1, the grade from Wilson Road slopes down into Lot 1 and gradually goes down to the creek bed to the Wilson Creek Spur. They propose leaving the tree cover all along the creek as much as possible. They are maintaining the creek area and common ground so the property will be owned in common and can never be developed.

Mayor Nations thanked Mr. Flower for personally meeting with the area residents to address their concerns.

ISSUES:

1. Tree preservation on the site, specifically Monarch trees.
2. Wet land disturbance.
3. Improvements to Wilson Road and how they impact tree preservation, as well as how they impact the site, in general.
4. Griffith Lane – the possibility of bringing it up to public standards or establishing an easement.
5. The possibility of potential increased water run-off to properties on the south of the development.
6. The impact of development on the adjacent property owners.
7. The provision of water and sewer to the adjacent properties that currently do not have it in the area.
8. The tree buffer along Wilson Road and how the improvements along Wilson Road are impacting the removal.
9. Flood plain disturbance
10. Buffering along Wild Horse Creek Road and whether trees would have to be removed in order to create the required landscape buffer or if they could be part of the buffer.
11. The entrance location to the subject site from Wilson Road.
12. Construction traffic management.
13. Examination of the area for historical significance with respect to the African American school – having a historical survey done of the site.
14. Request from Eagle Crest subdivision to insure that there is nothing to preclude utilization of Griffith Lane as access to the proposed Simon development pending the current litigation. Additional request to insure significant land for public access pending the current litigation.
15. The possibility of having wet detention rather than dry detention.
16. The width of the entrance to the subject site from Wilson Road.
17. The possibility of sidewalks along Wild Horse Creek Road and Wilson Road.
18. The possibility of bike trails in the area, as well as connection to the City's trail system.

19. Review the concerns expressed by Wendy Geckler.

Commissioner Broemmer read the closing comments for P.Z. 9-2005 Wilson Creek (Flower Homes, Inc.) noting that the earliest possible date that the Planning Commission could vote on the subject petition would be June 27, 2005.

V. APPROVAL OF MEETING MINUTES

A. Approval of May 9, 2005 Planning Commission Minutes

Commissioner Broemmer made a motion to approve the minutes of the May 9, 2005 Planning Commission Meeting. The motion was seconded by Commissioner Banks **and passed by a voice vote of 6 to 0.**

B. Approval of May 9, 2005 Committee of the Whole Minutes

Commissioner Asmus made a motion to amend the minutes to reflect Councilmember Fults' comment regarding the concept of a six-month moratorium being considered for the area called the bowtie on Wild Horse Creek Road. The motion was seconded by Commissioner Sandifer **and passed by a voice vote of 6 to 0.**

Commissioner Sandifer made a motion to approve the minutes, as revised. The motion was seconded by Commissioner Asmus **and passed by a voice vote of 6 to 0.**

VI. PUBLIC COMMENT

1. Ms. Leslie Wainwright, Trustee of Chesterfield Lakes, 39 Wainwright, Chesterfield, MO speaking as a **neutral party** for **Wilson Bluffs** stated the following:
   - She expressed concern about runoff going into the lake and asked to be insured that any grading protects runoff.

City Attorney Beach responded that Public Works would review the issue.

2. Mr. Terry Dawdy, 1850 Craigshire Road, St. Louis MO speaking **for the petitioner** for **Dierberg's The Market Place (UPS Store/Crown Optical)** stated that he was available for any questions.

3. Mr. Mark Martin, 13 Gold Run Drive, St. Louis, MO speaking **for the petitioner** for **Dierberg's The Market Place (UPS Store/Crown Optical)** stated that he was available for any questions.

VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

A. **Chesterfield Valley Medical Building II:** An Amended Site Development Plan, Amended Landscape Plan, and Amended Architectural Elevations for a medical, dental, and professional office building zoned "PC" Planned Commercial District located north of I-64/Highway 40-61, west of Boone's Crossing, and south of North Outer Forty Road.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Amended Site Development Plan, Amended Landscape Plan, and Amended Architectural Elevations with the condition that the proposed new entrances will not be client entrances and would be limited to emergency access. The motion was seconded by Commissioner Broemmer **and passed by a voice vote of 6 to 0.**

B. **Dierberg's The Market Place (UPS Store/Crown Optical):** Amended Architectural Elevations for a grocery store located on an 11.35-acre tract of land, zoned "C-2" Planned Commercial District, located on the Northeast corner of Baxter and Clarkson Roads

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Amended Architectural Elevations with the condition that five replacement trees be placed elsewhere on the property as directed by Staff. The motion was seconded by Commissioner Broemmer **and passed by a voice vote of 6 to 0.**

C. **Taco Bell (Chesterfield Commons, Outlot 15):** Amended Site Development Section Plan, Amended Landscape Plan, Amended Lighting Plan and Signage for a 1.50-acre tract of land, zoned "C-8" Planned Commercial District, located on the south side of Chesterfield Airport Road east of Chesterfield Commons Drive.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Amended Site Development Section Plan and Amended Landscape Plan as presented; to approve the Lighting Plan as previously presented and approved in November, 2004; to approve the Signage but limited to the signs on the building, excluding the monument signs which will be reviewed again. The motion was seconded by Commissioner Perantoni.

City Attorney Beach clarified the issue with the Lighting Plan stating that the Amended Lighting Plan provided additional light spillage from the subject site onto the Smokey Bones site. He noted that the light spillage did not meet City ordinance requirements and it was agreed to approve the Lighting Plan of November 2004. City Attorney Beach also stated that the subject site is on Chesterfield Commons and Smokey Bones is on Chesterfield Commons East – the dividing line between two different properties.

The motion passed by a voice vote of 6 to 0.

D. **Wilson Bluffs**: Site Plan and Landscape Plan for an "NU" Non-Urban District-zoned 6.28 acre subdivision located on Wilson Road, north of the intersection of Wilson Road and Clarkson Road.

Commissioner Banks, representing the Site Plan Committee, made a motion to approve the Site Plan and Landscape Plan as submitted. The motion was seconded by Commissioner Sandifer.

Councilmember Mary Brown asked whether an amendment would be necessary regarding the concerns about water runoff. Ms. McCaskill-Clay, Assistant Director of Planning, stated that Public Works has required a note on the plan stating that lakes on adjoining properties located downstream and any impact of this development on properties that could possibly be impacted would be subject to a bond. The developer will post a bond with Public Works insuring that if anything happens to the properties downstream, they will be covered by this bond.

The motion passed by a voice vote of 6 to 0.

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

A. **St. Louis Family Church:** An amendment to City of Chesterfield Ordinance Number 2092 relating to the St. Louis Family Church development, zoned "PI" Planned Industrial District located on the south side of Chesterfield Airport Road, west of Valley Center Drive.

Project Planner Dan Kaline stated the following:

- The applicant is requesting a change in Ordinance 2092 by amending Section A, which governs signage.
- They are requesting that they be allowed to submit their own sign package for review rather than being subject to the standard sign ordinance requirements.
- The requested changes are included in Attachment A on page 7.

For clarification, Ms. Price stated that their governing ordinance allowed a sign package but the sign package had to follow the City's zoning ordinance. They are deleting the requirement that the sign package has to follow the zoning ordinance. They want the flexibility of the new sign package requirements.

It was noted that St. Louis Family Church wants to use temporary signage. City Attorney Beach stated that there is a recent significant case pertaining to churches and signage. He suggested that the project be held until the next meeting to give him an opportunity to review the legal significance and how it may relate to this amendment request.

Commissioner Broemmer made a motion to hold the request for an ordinance amendment until the next Planning Commission meeting. The motion was seconded by Commissioner Banks.

Commissioner Asmus requested that City Attorney Beach's opinion be included in the next meeting packet.

The motion passed by a voice vote of 6 to 0.

X. COMMITTEE REPORTS:

A. Committee of the Whole

Commissioner O'Connor stated that the first Sub Area meeting of the Noise Committee has been held. She stated that the meeting minutes of the Committee of the Whole reflect a discussion on citizen input and noted that it was general discussion, which can be reviewed again with the Committee of the Whole. Ms. Price stated that the City's website will include a site where meeting agendas and minutes will be posted. The meeting minutes will also be distributed to all the Commissioners.

B. Ordinance Review Committee

C. Architectural Review Committee

D. Landscape Committee

E. Comprehensive Plan Committee

F. Procedures and Planning Committee

G. Landmarks Preservation Commission

H. Nominating Committee

Commissioner Banks stated that if anyone has suggestions for next year's officers, he would be happy to hear from them.

XI. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

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Lynn O'Connor, Secretary