

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
MAY 8, 2023**

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

I. ROLL CALL

PRESENT

Commissioner Gail Choate
Commissioner Khalid Chohan
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Nathan Roach
Commissioner Jane Staniforth
Commissioner Steven Wuennenberg
Chair Guy Tilman

Mayor Bob Nation
Councilmember Merrell Hansen, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning
Ms. Alyssa Ahner, Planner
Ms. Shilpi Bharti, Planner
Ms. Christine Dorough, Recording Secretary

ABSENT

Commissioner Allison Harris

Chair Tilman acknowledged the attendance of Mayor Bob Nation; Councilmember Merrell Hansen, Council Liaison; Councilmember Mary Monachella, Ward I; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Dan Hurt, Ward III; and Councilmember Gary Budoor, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS

Commissioner Wuennenberg made a motion to change the public hearings order to move **P.Z. 07-2023 Ballwin Acres, Lot 15 (William G. Vellios)** to first. The motion was seconded by Commissioner Staniforth and **passed by a voice vote of 8 to 0.**

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

- B. P.Z. 07-2023 Ballwin Acres, Lot 15 (William G. Vellios):** A request to rezone an existing “NU” Non-Urban District to an “R3” Residence District for a 3.9-acre tract of land located east of Kehrs Mill Rd, south of Wendimill Dr, west of Meadowbrook Country Club Estates, and north of Coventry Woods Ct. (21S410088).

STAFF PRESENTATION:

Planner Alyssa Ahner gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Ahner then provided the following information about the subject site:

Request Summary

A request to rezone a 3.9-acre tract of land from “NU” Non-Urban to “R3” Residence District to accommodate single family residential homes.

Site History

1925: Ballwin Acres subdivision, an 18-lot development, was platted with St. Louis County. The land was zoned “NU” Non-Urban.

1927: Existing single family residential home was built on 2758 Kehrs Mill Rd.

1974: Resubdivision of Lots 7 & 8 of Ballwin Acres.

1978: Kehrs Mill Bend subdivision to the north of 2758 Kehrs Mill Rd., former lots of Ballwin Acres, was platted with St. Louis County.

1989: Coventry Farm Addition subdivision, south of 2758 Kehrs Mill Rd., formerly Lot 17 of Ballwin Acres, was platted with the City of Chesterfield under governing Ordinance 176.

2003: Coventry Farm 2nd Addition, south of 2758 Kehrs Mill Rd., formerly Lot 16 of Ballwin Acres, was platted with the City of Chesterfield under governing Ordinance 1786.

Suburban Neighborhood Development Policy

- Encourage preservation of existing residential neighborhood’s identity.
- New residential development should reinforce existing residential development patterns by continuing to reinforce high quality site and subdivision design, layout, and planning practices.
- Uncover the anticipated expense (cost of municipal infrastructure) for each new or re-developed residential development.

Request Details

The following regulations apply to the dwelling, single-family use for the R3 District:

Minimum Lot Size	10,000 square feet
Maximum Height	3 stories or 45 feet
Front Yard Setback	20 feet (from ROW)
Side Yard Setback	8 feet (from property line)
Rear Yard Setback	15 feet (from property line)
Landscape Buffer	30 feet along Kehrs Mills, 20 feet between residential developments

Permitted and Conditional Uses

The items highlighted are uses that could potentially apply to the subject property. If the property was rezoned to R3, the only uses that would be permitted by right would be *Dwelling, single family; Churches and other places of worship; Library; and possibly Educational Facilities*. The other highlighted uses would require a Conditional Use Permit.

Use	Minimum Lot Area
Cemetery or Mortuary	3 acres
Churches and other places of worship	3 acres
Daycare center	30,000 sq. ft.
Dwelling, single family	10,000 sq. ft.
Group Home	15,000 sq. ft.
Group Residential Facility	3 acres
Library	1 acre
Educational Facilities:	
Nursery School	15,000 sq. ft.
Kindergarten	1 acre
Primary	5 acres
Junior High	10 acres
Senior High	20 acres
Collegiate	10 acres
Public Utility Facility	10,000 sq. ft.
All other non-residential uses	5 acres

Access

A Preliminary Development Plan is not required for conventional zoning districts. The City did receive comments from St. Louis County stating that future access from Kehrs Mill Road would not be allowed and access shall be granted via Terrimill Terrace Road connection.

Discussion

Landscape Buffers

On straight zoning, the landscape buffer is generally in common ground, but technically there is nothing that prevents it from being on individual lots. It was noted that the City highly encourages and tries to situate them so that the buffers are on common ground.

Street shown on Sketch Plan

Commissioners Choate and Wuennenberg recommended that the proposed street be oriented to the south of the property vs the back yards of the subdivision to the north. This would provide more of a buffer from the street as the property directly south of the subject site is common ground for an existing subdivision.

SPEAKERS - NEUTRAL:

1. Michelle Pijut, 2004 Terrimill Terrace

Ms. Pijut noted the following:

- Once the process of building this subdivision begins, she would like there to be a minimization in disruption at the main point of access.

- They would like to see Wendimill and Terrimill used only as it's deemed absolutely necessary with the main access to the new development being through the property on Kehrs Mill as the site is being built.

These requests are to prevent possible premature stress and damage to the new streets that were put in just a couple of years ago.

Mr. Justin Wyse, Director of Planning, confirmed that St. Louis County will not allow access off Kehrs Mill Road once construction is complete. He added that the City would try to utilize the existing curb cut off Kehrs Mill during construction.

2. **Teresa Dodd**, 15504 Wendimill Drive

Ms. Dodd noted the following:

- She would like information regarding plans on trees that will be removed.
- She asked if some of the woods would be retained.
- Some of the properties on Wendimill go into the woods and she has concerns as to how far the applicant will come into their property.

Mr. Wyse stated that there is no development proposal at this time, but Chesterfield's city code does require that 30% of the existing tree canopy on site be preserved. Regarding 'intrusion' onto adjacent parcels, the applicant is required to stay completely on their property unless they have permission and an easement to go onto someone else's property.

3. **Ethan McIntyre**, 15551 Wendimill Drive

Mr. McIntyre noted the following:

- He is the newest resident on this street, and since he is towards the end of the drive, he is interested in knowing what will be done to prevent damage to the common space.
- He wants assurance that the common space and the existing infrastructure isn't harmed.

Mr. Wyse stated that the City has a requirement that there be at least a 30-foot wide landscaped area along this corridor.

4. **Angela Metcalf**, 1988 Terrimill Terrace

Ms. Metcalf noted the following:

- Her concern is runoff and noted that her home is near the bottom of the hill.
- She questioned how the runoff will impact the subdivision.

Mr. Wyse stated that if the zoning is approved for this site, the next step would be the submittal of engineered plans which would provide information on how storm water is being handled to insure that it does not negatively impact adjacent property owners or anything downstream.

5. **Bev Pettit**, 1994 Terrimill Terrace

Ms. Pettit noted the following:

- There were past issues with a prior development located in Ballwin regarding green space.

- She would like to see a 75% *evergreen* green space, which would provide a sound barrier for the neighborhood.
- She wants to see the sidewalks connected so it is a walkable space.
- She has concerns about the density and questioned as to how many houses can be placed on the property.

6. **Li Zheng**, 1955 Terrimill Terrace

Mr. Zheng noted the following:

- He asked several questions about the proposed streets for the site, and the Director of Planning provided information about the right-of-way, the size of the streets, and tree line.
- Concerns about how noise and dirt during construction would affect their property.
- Questioned where the 30% tree preservation would be maintained.
- Drainage issues
- Sprinkler issues

Mr. Wyse provided the following information:

- The City has construction hours pertaining to residential areas.
- Construction parking must be provided on the subject site. Adjacent neighborhoods may not be utilized.
- It was noted that the City does not yet have a plan showing which trees would be maintained. This plan would be required during a separate process.
- Engineer plans would be accessible regarding draining issues during a separate process.
- Any disturbance to irrigation lines would be required to be repaired by a future developer.

7. **Mike Pijut**, 2004 Terrimill Terrace - representing Kehrs Mill Bend Residents

Mr. Pijut stated that most of the points brought to him as a Trustee of the subdivision that is to the north of the property have been addressed. A couple of the details may be an addition.

- They agree with the idea of orienting the new street to the southern portion of it since they have a little more of a buffer of common ground that can prevent that. The streets along their subdivision have very little.
- As far as access to Kehrs Mills to the new subdivision, he understands that this is not necessarily in the plan but does not understand if this is completely prohibited, but they would ask that this be reconsidered if it's possible.
- The current access to the property is off Kehrs Mill through the homeowner's driveway, which would decrease the increased traffic through their subdivision and the subdivision to the south of them being Coventry Woods. If this is allowed, they would like it to be considered.
- This would address the 30-foot buffer at the end of the new development between its end and Kehrs Mill.
- Concern has been expressed about the property values as the development progresses.
- Will sidewalks be considered on the new street for the subdivision?
- Will new sidewalks be ADA compliant?

Petitioner:

William Vellios, 2758 Kehrs Mill

Mr. Vellios stated that he lives in Ellisville and the subject property has been in his family nearly 80 years. He then noted the following:

- The property has not been sold and is not for sale – there is not a development plan.
- The plan is a straight zoning from NU to R3 in compliance with the future plan of the City of Chesterfield. There are no concise plans as to what the development will look like – he just needs to have the rezoning complete so he can make plans for the site in the future.
- His plan is to keep the site *residential* in accordance with the homes surrounding it.
- He has met with some developers, but they are not willing to move forward until the zoning with the City occurs.
- In terms of water run-off, their strategy is to address those issues in accordance with the City standards and to improve the current issues.

Chair Tilman informed the audience that the Planning Commission has the option to vote on this petition later in the meeting under *Unfinished Business*.

- A. P.Z. 02-2023 City of Chesterfield (Unified Development Code – Articles 2 & 4):** An ordinance amending Article 2 and Article 4 of the Unified Development Code to do modification in Improvements Installed or Guaranteed and Stormwater Standards.

Planner Shilpi Bharti gave a PowerPoint presentation providing the following information about the subject petition:

Request Summary

The request is to amend the City of Chesterfield Unified Development Code Article 2 and Article 4.

Article 2 (Improvements Installed or Guaranteed)

Section 89.410 of the Revised Statutes of the State of Missouri (RSMo) allows cities to require guarantees of improvements associated with the subdivision process and these requirements are codified in Article 2 of the Unified Development Code.

Subdivision Improvements

- Streets
- Sidewalks
- Street lights
- Grading
- Watermains
- Storm and sanitary sewers
- Bioretention and other items

The City accepts cash or letter of credit for construction and maintenance deposit. The City retains 5% of all construction items until the completion of all improvements.

MSD water quality elements are not completed until after construction of all homes within a subdivision.

Result

Unintended consequence of delaying completion of subdivision improvements.

City Goal

One of the City's goal is that City subdivision requirements is to complete improvements within two years. There are several developments within the City that have been in the construction phases of improvements for years. Staff from the Departments of Planning and Public Works have coordinated on solutions to better achieve the outcomes of the intent of the City's regulation and they have added to find a solution to remove as a current requirement for items that are completed.

Article 2 (Request)

Replace point 3 of Section 405.02.120:

For plats approved after the effective date of this UDC, no guarantee or deposit is required with the City for sanitary and storm sewers within the jurisdiction of MSD if MSD confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow or renewal, extension or replacement thereof.

And Add point 5 to the section:

Following approval of the guarantee or deposit, the Director of Planning shall administer the guarantee in accordance with RSMo 89.410 and City Code including replacement of such agreements and guarantees.

Article 4 (Stormwater Standards)

Includes the language for stormwater management that is managed by City of Chesterfield but is primarily the responsibility of the Metropolitan St. Louis Sewer District (MSD).

City of Chesterfield Stormwater

Valley Area Management

Monarch Chesterfield Levee District
Metropolitan St. Louis Sewer District
City of Chesterfield

All Area Management

Metropolitan St. Louis Sewer District

- The Monarch Chesterfield Levee District has assumed many of these responsibilities from MSD via a Memorandum of Understanding (MOU).
- In April 2023, City Council approved an updated MOU with the Levee District which reflects the role the City plays in the management of stormwater within Chesterfield Valley.

Article 4 - Staff Recommendations

- Update the stormwater standards based on the recently signed MOU between the City and Monarch Chesterfield Levee District (MCLD).

- Section 405.04.120 of the Unified Development Code provides the information on the Stormwater Standards; specifically, Section A and subsections 1 to 9 define the stormwater design and management requirements.
- Revision to the section on Stormwater standards will clarify the City's Stormwater standards, more clearly represent that stormwater design and management in Chesterfield is subject to MSD Rules and Regulations, and add specific requirements for stormwater in Chesterfield Valley.

Summary – Staff Recommendations

- Modify point 3 (escrow requirements) and add point 5 (replacement agreements and guarantees) in Article 2 Section 405.02.120. This would allow City staff to focus on getting non-MSD related improvements completed in a more timely fashion.
- Update Article 4 Section 405.04.120 Stormwater Standards.

Commissioner Choate pointed out that language is missing from #2 of **Section 405.04.120 Stormwater Standards** of the *General* section which states:

“During the construction phase of development, facilities shall be provided to prevent erosion and siltation in accordance”

Mr. Wyse stated that the following language should be added to the end of this sentence:

with the City's Sediment and Erosion Control Manual.

- C. P.Z. 09-2023 City of Chesterfield (UDC – Article 4):** An amendment to Article 4 of the Unified Development Code for modifications to the City's zoning districts and locations for where recreational uses are appropriate.

Planner Alyssa Ahner gave a PowerPoint presentation providing the following information about the subject petition:

Request Summary

The City's Unified Development Code (UDC) contains several recreational uses and zoning districts in which the uses are permitted. In reviewing the use table, Staff is proposing modifications to be considered.

Many of the recreational uses that were previously allowed in Planned Industrial Districts are no longer permitted in those locations. This results in inconsistencies between the uses that were allowed in “older” Planned Industrial Districts (pre-2009) and the uses that are allowed in “newer” Planned Industrial Districts (post 2009).

Uses Currently Permitted

Use Group	Zoning Districts						
	PS	AG	PC	NB	PI	LI	MU
Athletic and Fields	P	P					
Arena and Stadium			P		P		
Bowling Center			P				
Botanical Garden		P	P	P			
Driving Range	C						
Golf Course	C	C	P		P		
Gymnasium			P	P	P		
Parks	P	P	P	P	P	P	
Recreation Facility		C	P	P			

Recommended Use Modifications

The table below depicts the zoning districts and the use modifications to be considered. The proposed modifications that differ from the Unified Development Code today are highlighted in yellow:

Use Group	Zoning Districts						
	PS	AG	PC	NB	PI	LI	MU
Athletic and Fields	P	P			P	P*	
Arena and Stadium			P		P	P*	
Bowling Center			P		P	P*	
Botanical Garden	P	P	P	P			
Driving Range	C	C			P	P*	
Golf Course	C	C			P	P*	
Gymnasium			P	P	P	P*	
Parks	P	P	P	P	P	P*	
Recreation Facility	P	C	P	P	P	P*	

*The Light Industrial District requires that the principal use be conducted within a fully enclosed building. Additionally, businesses shall only be open to the public between the hours of 7:00 a.m. and 8:00 p.m.

Discussion

Commissioner Choate questioned the reasoning as to not including *Athletic and Fields* in Planned Commercial. Ms. Ahner stated that the Comprehensive Land Use Plan does not show this as a primary use but it could be considered an accessory use.

Commissioners Choate and Marino expressed their opinion that the *Athletic and Fields* should be a permitted use in the Planned Commercial District.

V. APPROVAL OF MEETING SUMMARY

Commissioner Choate made a motion to approve the Meeting Summary of the April 24, 2023 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and passed by a voice vote of 7 to 0 with 1 abstention from Commissioner Roach.

VI. PUBLIC COMMENT - NONE

VII. SITE PLANS, BUILDING ELEVATIONS, PLATS, AND SIGNS

- A. Schaeffer's Grove (RP 1): Record Plat 1 of the 2 Record Plats for a 26.8 acre development known as Schaeffer's Grove located on the north side of Wild Horse Creek Road and across from Wildhorse Parkway Drive.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of Record Plat 1 for Schaeffer's Grove. The motion was seconded by Commissioner Marino and passed by a voice vote of 8 to 0.

- B. Schaeffer's Grove (RP 2): Record Plat 2 of the 2 Record Plats for a 26.8 acre development known as Schaeffer's Grove located on the north side of Wild Horse Creek Road and across from Wildhorse Parkway Drive.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of Record Plat 2 for Schaeffer's Grove. The motion was seconded by Commissioner Marino and passed by a voice vote of 8 to 0.

VIII. UNFINISHED BUSINESS

- A. P.Z. 02-2023 City of Chesterfield (Unified Development Code – Articles 2 & 4): An ordinance amending Article 2 and Article 4 of the Unified Development Code to do modification in Improvements Installed or Guaranteed and Stormwater Standards.

Justin Wyse, Director of Planning, recommended that Section 405.04.120.A2 have the following language (shown in red) added to the end of the incomplete sentence which states: During the construction phase of development, facilities shall be provided to prevent erosion and siltation in accordance with the City's Sediment and Erosion Control Manual.

Commissioner Wuennenberg made a motion to approve P.Z. 02-2023 City of Chesterfield (Unified Development Code – Articles 2 & 4, with the above language included). The motion was seconded by Commissioner Midgley and passed by a voice vote of 8 to 0.

- B. **P.Z. 07-2023 Ballwin Acres, Lot 15 (William G. Vellios)**: A request to rezone an existing "NU" Non-Urban District to an "R3" Residence District for a 3.9-acre tract of land located east of Kehrs Mill Rd, south of Wendimill Dr, west of Meadowbrook Country Club Estates, and north of Coventry Woods Ct (21S410088).

Commissioner Wuennenberg made a motion to approve **P.Z. 07-2023 Ballwin Acres, Lot 15**. The motion was seconded by **Commissioner Choate** and **passed** by a voice vote of 8 to 0.

- C. **P.Z. 09-2023 City of Chesterfield (UDC – Article 4)**: An amendment to Article 4 of the Unified Development Code for modifications to the City's zoning districts and locations for where recreational uses are appropriate

Commissioner Wuennenberg made a motion to approve **P.Z. 09-2023 City of Chesterfield (UDC – Article 4)**. The motion was seconded by **Commissioner Midgley**

Commissioner Choate made a motion to amend the motion to add the 'Athletic Courts and Fields' to the Planned Commercial District as a Permitted Use. The motion was seconded by **Commissioner Marino** and **passed** by a voice vote of 8 to 0.

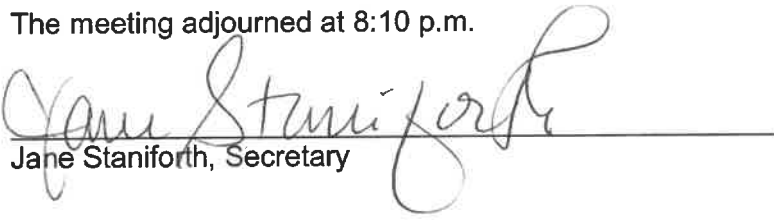
The motion to approve, as amended, passed by a voice vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:10 p.m.


Jane Staniforth, Secretary