

**PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
MARCH 13, 2006**

The meeting was called to order at 7:02 p.m.

**I.      PRESENT**

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

**ABSENT**

Mr. David G. Asmus

Councilmember Mike Casey, Council Liaison  
City Attorney Rob Heggie  
Mr. Michael Herring, City Administrator  
Ms. Libbey Simpson, Assistant City Administrator for Economic & Community Development  
Ms. Teresa Price, Director of Planning  
Mr. Nick Hoover, Project Planner  
Ms. Aimee Nassif, Project Planner  
Ms. Mara Perry, Project Planner  
Ms. Mary Ann Madden, Planning Assistant

Chair Macaluso acknowledged the attendance of Mayor John Nations; Councilmember Mike Casey, Council Liaison; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; Councilmember Mary Brown, Ward IV; and City Administrator Mike Herring.

**II.     INVOCATION:** Commissioner Broemmer

**III.    PLEDGE OF ALLEGIANCE – All**

## **PUBLIC HEARINGS**

City Attorney Rob Heggie stated that because Chair Macaluso lives near the proposed Tuscany Reserve development, Vice-Chair Hirsch would be chairing the meeting during this Public Hearing.

Commissioner Sandifer read the “Opening Comments” for the Public Hearing.

- A. **P.Z. 05-2006 Barry Simon Development (Tuscany Reserve)**: A request for a change of zoning from “LLR” Large Lot Residential to “E-One Acre” Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Project Planner Aimee Nassif gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Nassif stated the following:

- Public Hearing notices were posted along Kehrs Mill Road, Church Road, and Strecker Road on February 17, 2006.
- The proposed site is 58.1 acres.
- The proposal is for 45 single-family detached dwellings.
- The average lot size is one acre.
- The minimum lot size is 22,000 square feet.
- The greenspace to be retained is 86%.
- Items currently under review by the Department of Planning:
  - A portion of the property is in the floodway
  - Landscape buffering
  - The effect on surrounding developments

## **PETITIONER’S PRESENTATION:**

1. Mr. Mike Doster, Attorney for the Petitioner, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO stated the following:

- The Petitioner is Barry Simon, Inc and is the owner under contract of the subject property.
- The current owner of the property is Catholic Cemeteries of the Archdiocese of St. Louis. The property was formerly owned by St. Mary’s Institute of O’Fallon, Inc., known as Sisters of the Most Precious Blood, who own and operate Linda Vista School.
- Properties surrounding the site include Westland Acres requesting E-Half Acre zoning; Pacland Place zoned “NU”; Country Place at Chesterfield zoned “R-1”; and Highlands of Chesterfield zoned “R-1” (located in Wildwood).
- To the north and south of the proposed site is a ridge and hilly, wooded topography. The proposed development is in a valley, which is flat property – similar to the topography of Country Place at Chesterfield and the Highlands of Chesterfield.
- The Comprehensive Plan shows the proposed site as one-acre density.

- Chesterfield's Ordinance 1913 governs the E-Districts and includes the definition of "density" stating: ". . . *The E-One Acre District average acreage per home shall be one acre. . .*" This is interpreted to mean that each lot does not need to be one acre in size – it means the average acreage per home shall be one acre.
  - In comparing "E-One Acre" to other zoning districts, it was noted that the minimum lot size for E-One Acre is 22,000 sq. ft.; 15,000 sq. ft. for E-Half Acre; and 22,000 sq. ft for "R-1" in both Chesterfield and Wildwood. The average lot size for E-One Acre is one acre; 22,000 sq. ft. for E-Half Acre; and less than one acre for "R-1".
  - Currently the property is zoned "Large Lot Residential", which they feel was intended to replace the "Non-Urban" zoning district.
  - The City's Zoning Ordinance states: "*The purpose of the "LLR" Large Lot Residential District is to provide for residential uses and activities, and other compatible uses in areas where the normal provision of community infrastructure is not desirable or not feasible. . .*" With respect to the subject site, the Petitioner feels that the normal provision of community infrastructure is desirable and is feasible – they can provide public sewer and water, and can build the roads to public standard.
2. Mr. Barry Simon, President of Simon Homes, 632-A Trade Center Blvd., Chesterfield, MO stated the following:
- He has reviewed the City's Comprehensive Land Use Plan, the existing survey, and the Pacland Place indentures. The Comprehensive Plan identifies the property as "one-acre density". The survey indicates that the total parcel includes a little over 58 acres with 12 acres that are subject to the Pacland Place indentures. The survey also identifies the floodway areas, which are primarily along Strecker Road.
  - The Petitioner has met with the Macalusos, whose property is immediately adjacent to the subject site, to review the plans and listen to their comments. Several of their comments have been incorporated into the proposed plan:
    - The number of lots was reduced from 50 to 45.
    - The Plan includes 3-acre lots on the 12 acres subject to the Pacland Place indentures.
    - The cul-de-sac, and the smaller lots that were adjacent to Pacland Place, have been eliminated.
    - The majority of the lots backing to Pacland Place have been designed to be one-acre or greater.
    - The zoning request was changed from E-Half Acre to E-One Acre.
  - The plan was reviewed with the Trustees of The Highlands of Chesterfield, the Trustees of Pacland Place, the Army Corp of Engineers, and Chesterfield staff. He also had conversations with two property owners at Caulks Creek Ridge. The Trustees of the Highlands, located immediately west of the proposed site, support the plan. The Pacland Place Trustees, to the north of the proposed site, prefer three acres. The Trustees of Country Place, to the east of the proposed site, had no issues but declined to meet. As it relates to the wetland issues, the Army Corp of Engineers supports the proposed Site Plan.

- The proposed plan exceeds the one-acre density district, as identified in the Comprehensive Plan. It provides larger lots than Country Place to the east and The Highlands to the west. It includes three-acre lots on the entire parcel that is subject to the Pacland Place indentures.
- The lot sizes are distributed on the site as follows:
  - Seven lots that are 0.5-0.6 acre.
  - Seven lots that are 0.6-0.7 acre.
  - Three lots that are 0.7-0.8 acre.
  - Three lots that are 0.8-0.9 acre.
  - Four lots that are 0.9-1.0 acre.
  - Twenty-one lots that are over 1 acre.

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

- **Regarding the Amount of Buildable Space with respect to the Smaller Lots backing on to Strecker Road:** The site has been calculated to include lakes and ponds in the lot sizes. A landscape easement will also cover these areas. The widths of the lots are all a minimum of 125'; the majority of the lots are several hundred feet deep. There are four 3-acre lots along Pacland Place. The depth of the one-acre lots and the three-acre lots are exactly the same
- **Regarding the Detention Area:** Hall & Halsey Associates and Sterling Engineering have reviewed the detention areas. They believe that when construction is finished, the situation will be improved along Strecker Road. The Army Corps of Engineers reviewed the Site Plan with respect to wetland issues only.
- **Regarding the Flooding along Church and Strecker Roads:** (Response from Sterling Engineering) The floodway study performed by the Army Corp of Engineers indicates that this flooding is created by the drainage area and the restrictions along Strecker Road. The water at Kehrs Mill drains at about 14.9 square miles of drainage, of which the subject 58 acres farms about sixth-tenth of a percent of the site. The flood plain is created by restrictions along Caulks Creek and not by Strecker Road. The proposed site will not affect the flood plain or improve the flood plain created by Caulks Creek. The lakes will probably decrease some of the flooding from normal storms; they will act as a control along with the detention ponds.
- **Regarding the Length of the Road from the Subdivision Entrance to the Last Cul-de-sac:** The length is just under 1,000 feet.
- **Regarding the Emergency Exit:** The developers of the property to the north asked if the Petitioner could provide emergency access to give them flood-free access. If granted, the developers to the north would pay for all improvements on Church Road. When Church or Strecker Road would flood, the residents of Westland Acres would be able to use the emergency exit to come out on Kehrs Mill Road. The Petitioner has included this emergency exit in the proposed plans but would be willing to yield on it if the Commission sees it as an issue.
- **Regarding the Pacland Place Indentures:** Twelve acres of the proposed site are governed by the Pacland Place indentures. These lots are all a minimum of three acres to comply with the indentures.

- **Regarding the Net Acreage of the Site after Taking Out the Flood Plain:** The subject 58 acres is the gross acreage. Approximately 13 acres are in the flood plain, of which 5 acres are being reclaimed. The net acreage would be 50 acres.
3. Mr. Rich Halsey, Hall & Halsey, 424 South Clay Avenue, St. Louis, MO stated the following:
- **Regarding the Reclaimed Flood Plain Area:** The lakes along Strecker Road are in the existing and proposed flood plain. As a result, they are not considered storm water detention. There are two dry basins for storm water detention. The areas being reclaimed are parts of Lots 36, 37, and 38 generally. For the flood plain line to be buildable, it has to be a minimum of one foot above the 100-year storm. Because the land is so flat, it takes very little dirt to get it above flood plain. Reclaiming a portion of the flood plain allows them 50 lots but they are only proposing 45 lots.

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:**

1. Mr. Bill Shannahan, Trustee of Pacland Place, 1515 Pacland Ridge Court, Chesterfield, MO stated the following:
- The residents of Pacland Place are strongly opposed to the proposed rezoning. They do not feel it is consistent with the surrounding areas.
  - Pacland is composed of 110 acres, all on three-acre lots or larger. Going east along the boundary, one comes to a 15-acre lot. Continuing east across from Kehrs Mill Road are two large lot residences. Continuing east is the Linda Vista School on 10 acres zoned “LLR”. To the south is Caulks Creek and Louis Springs on very large lots. To the west, across from Church Road, is a tract of common ground, which is in a floodway. Going north are three half-acre lots and another three-acre lot and residence. Continuing north is Westland Acres, which is zoned “NU”.
  - In reviewing the lineal perimeter footage – without considering the large amount of acreage making up the surrounding lots – only 10% borders non-large lot developments.
  - There are several large-lot subdivisions in the surrounding area – Kehrs Mill Trails, Will’s Trace, and Kehrs Mill Glen.
  - Twenty percent of the proposed development is in the Pacland Place subdivision comprising four 133,000 sq. ft. lots butting up to a 37,000 sq. ft. lot. Speaker expressed concern about how these lots would sell and how they would look.
  - The proposed Site Development Plan shows most lots as being narrow, skinny and rectangular, which lends only to front-entry garages. This would not be consistent with the homes in the area.
  - Pacland Lake dates back over 50 years. It has an overflow-designed spillway that lets excess water out, which travels across the project site. Much of the water entering the lake comes from Pacland and Westland Acres. With the proposed

development of Westland Acres and with the design to have the run-off enter detention areas, the spillway activity will be doubled or tripled.

- Currently, most of the run-off is absorbed before it gets to Strecker Road. With the subject proposal, the water will cross 25-30% of areas covered by driveways, pools, patios, and streets. If the subject site were developed on three-acre lots or larger, the concrete area reduces to 7%.

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

- **Regarding the Spillways Connecting to Pacland Lake and Westland Acres:** While there are public sewers to be included in Westland Acres, there are designed detention areas on the common ground and in other areas that will increase the water activity. The residents have voiced their concerns about the spillways to the developer.
2. Mr. John Gazzoli, 16916 Pacland Ridge Drive, Chesterfield, MO stated he would be addressing the twelve acres of the proposed site subject to the Pacland Place indentures:
    - He is opposed to the rezoning request for these twelve acres. They are currently zoned “LLR”. If the rezoning is allowed to include these twelve acres, he feels it will present problems in the future. There would be no control over what the buyers of the lots could do. He expressed concern that the lots could be subdivided, which would create legal problems.
    - He asks that, if the rezoning request is allowed to proceed, the twelve acres in the Pacland Place subdivision be excluded and remain “LLR”.
    - Speaker stated that Strecker Road and Church Road flood all the time.
  3. Mr. Greg Johnston, President of the McKenna Pacland Lake Association, 1522 Pacland Place, Chesterfield, MO stated the following:
    - He asked that those residents in attendance opposing the subject petition give a show of hands. It was noted that the room was nearly full with the majority of the persons opposing the petition.
    - When asked if the land could be developed as three-acre lots, the Developer had previously indicated that this would not be economical. Speaker stated that the profit of a specific developer should not play a part in zoning issues.
    - Speaker stated that if the Developer was concerned about there not being a market for three-acre lots, he pointed out that the only new development within the immediate surrounding area has been Pacland Estates. This subdivision is a 30-acre parcel of three-acre lots. All lots have been sold.
    - The subject site is surrounded by three-acre lots or larger. In 1998-99, the subject site was zoned “LLR” at the City’s request. Since this rezoning, nothing in the area has changed. The newest home built in the immediate surrounding area was built in 1997.
    - Speaker asks that the Commission maintain the zoning of “LLR” for the subject site.

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

- **Regarding ownership of the twelve acres subject to Pacland Place indentures:** The land was owned by the Archdiocese and is now part of the proposed project. When the property changes ownership, it is still subject to the Pacland Place indentures.

4. Mr. Stephen Kling, Legal Counsel for the Pacland Place Trustees, 10 South Brentwood Boulevard, Clayton, MO stated the following:

- In reviewing the factors relevant in connection with rezonings – such as the adaptability of the property for its intended use, the consistency of the property with existing uses and conditions in the area, and the potential effect on adjoining properties – Speaker feels that when these factors are analyzed, they weigh against the subject petition.
- He does not feel this project typifies good planning practice or typifies the normal subdivision in Chesterfield.
- The site includes property subject to the Pacland Place indentures. The site also includes an access roadway that cuts across the middle of the property.
- In reviewing the City's Comprehensive Plan, the only reference he could find to one-acre zoning was a map. He could not find any text that described or mandated one-acre zoning for residential.
- His clients ask that the Commission recommend against this project primarily based on density, along with the other issues expressed.

5. Mr. Mike Collins, 16635 Caulks Creek Ridge, Wildwood, MO submitted written comments and photographs of the site that will become a part of the public record. Mr. Collins stated the following:

- He believes that the property is currently properly zoned.
- In 1993, his entire property flooded across Strecker Road, along with the property that is proposed for development.
- In reviewing the photographs submitted, Speaker noted the following:
  - Photo #1 refers to a culvert that shows a drainage coming just outside of his property from the current property. This is a culvert into which Chesterfield and Wildwood dug drainage ditches down the side of Strecker Road on both sides to try and alleviate some of the drainage.
  - Photo #2 shows a picture of the culvert going to Caulks Creek.
  - Photo #3 shows a picture of people dumping junk into the culvert going to Caulks Creek.
  - Photo #4 (in Wildwood) shows where the culvert enters into Caulks Creek looking down at his property. There has been a 20' erosion in the last 15 months.
  - Photo #5 shows his property up to the culvert. This is a flood plain. He owns 6.4 acres and over two of the acres are in flood plain.
- The concept of reclaiming flood plain in this area does not make sense to him. He already has significant run-off problems. He has asked MSD to review the

- retention pond plan and the drainage plan. He has also asked the Corp of Engineers to review the effect on Caulks Creek.
- Caulks Creek Ridge includes 11 homes with about 60+ acres. The largest parcel has 10 acres – most average about 5 acres. He does not feel the proposed development is consistent with the surrounding area.
  - He already has serious security concerns of people using the property on the other side of Caulks Creek as a recreational area during the summer. Adding the proposed development at its proposed density would make the situation worse.
6. Ms. Clare Laurie, 16651 Caulks Creek Ridge, Chesterfield, MO stated the following:
- She opposes the change in zoning.
  - Because of the nature of the wetlands and the overloaded watershed, she requests that an official environmental impact statement be conducted.
  - She expressed concern about traffic flow. She noted that there is a sharp, corner bridge on Strecker Road that currently is a bottle-neck. With added traffic, she questioned how the road could handle it.
  - She expressed concern with the proximity of the proposed lakes to the school.
7. Mr. Brian Benko, 16630 Caulks Creek Ridge, Chesterfield, MO stated the following:
- He is opposed the proposed development because he does not feel it should be rezoned for less than three acres. All the surrounding properties are three acres or larger.
  - He feels the rezoning would change the whole environment of the area.
  - He feels Strecker Road would have to be widened.
8. Ms. Lisa Pake, 1123 Christmas Valley Road, Wildwood, MO was not present when called.
9. Mr. Terry Brennan, Trustee for Caulks Creek Ridge Subdivision, 16639 Caulks Creek, Wildwood, MO submitted written comments for the public record and stated the following:
- His property is almost six acres in size and contains the culvert.
  - The erosion in the area has been an ongoing problem.
  - Both Chesterfield and Wildwood were involved in re-trenching drainage ditches along Strecker Road to attempt to accommodate the watershed. The drainage is particularly dangerous in freezing weather causing accidents along the roadway.
  - He feels that reclaiming the floodplain will have an adverse impact on Caulks Creek and the erosion problem. He has seen 50' of erosion over the past 19 years and it continues to accelerate.
  - In 1993, the bridge across the creek at Kehrs Mill and Strecker was destroyed by flash flooding. He does not understand how reclaiming flood plain will alleviate the potential for flooding in the future.
  - He has concerns about security. Currently, there is illegal dumping, hunting, and recreational use, including the use of all-terrain vehicles. This problem remains unaddressed and he feels it will be further exacerbated by increasing the density of the area.

- He feels Large Lot Residential is the correct zoning for the subject site.
- The area roads are narrow without any shoulders, have poor alignment and limited sight distances. The area is rural in nature and would not accommodate a higher density than its present zoning.
- He feels that to increase the density would significantly detract from the current property values.

**SPEAKERS – NEUTRAL:** None

**REBUTTAL:**

1. Mr. Doster stated the following:

- Regarding storm water runoff, the developer must prove that the proposed plan can comply with MSD and City requirements. They cannot have an adverse impact downstream.
- Regarding the density, he feels that the Comp Plan allows one-acre density for the site. He does not feel that LLR is an appropriate zoning classification of the subject site. The premise of LLR is that public infrastructure is not available. Public water, sewer and streets built to public standards will be available for this site. He feels that the proposed zoning of E-One Acre is compatible with the Comp Plan and is compatible with similarly-situated surrounding properties.
- The four properties that would be three-acre minimum lots are part of a single parcel – not four parcels.

2. Mr. Simon stated the following:

- The surrounding properties that are on large lots are all on hilly, rolling and heavily wooded terrain with the exception of Linda Vista School. Three-acre sites on this type of terrain make sense. The properties to the east and west are flat with very little trees.
- They do not believe that the marketability of three-acre lots is feasible because not many people want to cut a three-acre field.
- They will not have any front-entry garages.
- The homes will start at \$1 million with the average price being \$1.6-1.7 million. They believe that they will be adding to the value of the neighborhood.

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

- **Regarding water drainage from the reclaimed acreage:** When a new community is designed, it must be approved by the Army Corp of Engineers and MSD. The existing velocity of water will not change. They are required to maintain the water runoff. They believe the situation will be improved. They do not believe that the reclaiming will have any negative effect downstream.

**ISSUES:**

1. How much buildable space is there on lots fronting Strecker Road when the detention is removed from the calculation?
2. Address the flooding on Church Road and Strecker Road - how will this be affected?

3. Is the emergency road access to Church Road available for Westland Acre residents and other citizens to use? Is it for emergency vehicles only? Address why the access road is there.
4. How much common ground is in the entire development?
5. Address the water runoff on to Strecker Road from the lake at Pacland Place and McKenna Pacland Lake. Address the spillway overflow from the lake.
6. Provide further clarification regarding the twelve acres that are part of the Pacland Place indentures.
7. Were the twelve acres counted as part of the lots when the subdivision for Pacland Place was created?
8. Discuss traffic concerns along Strecker Road.
9. Has there been an environmental study done on the site?
10. Address safety concerns regarding the proximity of the lake to the school.
11. What would happen to the volume of water that would be displaced by the reclaimed five acres out of the flood plain?
12. Address density and compatibility with the neighborhood.
13. Taking an average of roof area and the roadways, driveways, and hard surfaces – provide information as to how much additional water would be generated on the subject site.
14. Address the rezoning to one acre – is it spelled out on the Land Use Map or just identified as Residential Use?
15. Provide examples of developments where flood plain land was reclaimed. Show what proportion of the development was raised out of the flood plain.
16. Provide a plat map of the subject area with each lot called out showing the square footage for each lot. Call out each lot showing the square footage of flood plain on each lot.
17. How far is Linda Vista from the new property line? It appears it will not fit with the current LLR zoning since a school needs to be 75' from the property line.
18. It appears that the Linda Vista playground is being purchased by Mr. Simon. To where will the playground be moved – will it be in a flood plain?
19. Provide clarification as to whether 38 acres of the proposed development will have 41 homes on them. How does this work with the E-One District zoning?
20. How will the narrow lots fit into the neighborhood with only having 75 ft. on which to build?
21. Determine whether an environmental impact study was performed on the Caulks Creek Ridge site. If so, provide the information.
22. Provide information on the access easement between proposed lots 9 and 10. Will lot #10 have a road right along side of it? How will it affect lot 10? Does the access lead to this piece of property only?

Discussion was held on whether a count of hands should be taken of the residents who oppose this rezoning. Vice-Chair Hirsch noted that the room is full and that the majority of the people in the room raised their hand. He felt this was sufficient information to be forwarded to the Planning & Zoning Committee. Commissioner Broemmer stated that the number of people opposing the project is not relevant to the Planning Commission because the Commission is an appointed body formed to make decisions based on

ordinances and zoning issues – not on the number in opposition. The number in opposition is relevant to City Council as they are elected officials. It was agreed that an actual count would not be necessary.

Commissioner Sandifer read the Closing Comments for Public Hearing **P.Z. 05-2006 Barry Simon Development (Tuscany Reserve)** noting the earliest possible date the Planning Commission could vote on the subject petition would be April 10, 2006.

The chair was turned back to Chairman Macaluso.

- B. P.Z. 34-2005 City of Chesterfield (Performance Standards):** A request to amend various sections of the Zoning Ordinance for the addition of performance standards for multi-family, row houses, attached homes, and group homes.

Project Planner Aimee Nassif gave a PowerPoint and stated the following:

- The Department of Planning has been working with the Ordinance Review Committee to establish performance standards for multi-family, row houses, and group homes similar to that for commercial developments.
- The proposed ordinance increases the parking requirement from 1.5 spaces for every living unit to 2 spaces for every living unit plus .5 spaces for guest parking.
- It identifies and includes regulation for the use of tandem parking.
- It includes a section that standards can be amended by 2/3 vote of the Planning Commission if it is demonstrated that said amendment will encourage, promote, and reward good architecture and urban planning.
- The following Table of Performance Standards is included in the ordinance:

| TABLE 1: PERFORMANCE STANDARDS |                                                         |
|--------------------------------|---------------------------------------------------------|
| Open Space                     | 40%                                                     |
| Building Setback               | Shall be as required in the underlying zoning district. |
| Building Height                | Shall be as required in the underlying zoning district. |
| Parking:                       |                                                         |
| Minimum Parking                | Minimum of 2 spaces per every living unit.              |
| Guest Parking                  | .5 spaces for every living unit.                        |
| *Tandem Parking                | Shall count as only 1 space.                            |

- Tandem parking is defined as “A parking space within a group of two or more parking spaces arranged one behind the other.”

**SPEAKERS IN FAVOR:** None

**SPEAKERS IN OPPOSITION:** None

**SPEAKERS – NEUTRAL:** None

Commissioner Broemmer asked if it were possible to state that tandem parking is not permitted. Commissioner Banks reported that the issue of tandem parking was debated at length by the Ordinance Review Committee. The conclusion was that the City could not control the size of the parking area inside a building structure. The Committee agreed that it was not opposed to tandem parking but that it could only be counted as one parking space. It was noted that tandem parking would only be shared by one family.

Commissioner Sandifer read the Closing Comments for Public Hearing **P.Z. 34-2005 City of Chesterfield (Performance Standards)**.

## **V. APPROVAL OF MEETING MINUTES**

Commissioner Broemmer made a motion to approve the minutes of the February 27, 2006 Planning Commission Meeting. The motion was seconded by Commissioner Sandifer and **passed** by a voice vote of 8 to 0.

## **VI. PUBLIC COMMENT**

**RE: P.Z. 35-2005 & P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)**

**Petitioner:**

1. Mr. Donald Flower, 1518 Madison Green Lane, Wildwood, MO stated that he was available for questions.
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**RE: 612 Cepi (Chesterfield Executive Park - J&T Holdings)**

**Petitioner:**

1. Mr. John Wagner, 17107 Chesterfield Airport Road, Ste. 300, Chesterfield, MO stated he was available for questions.
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## VII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS

- A. **Brooking Park Village/Willows at Brooking Park:** Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Plan for a 14.7 acre parcel zoned R-1, R3 CUP. The site is located west of Woods Mill Road at the intersection with Brooking Park Drive.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Plan with the conditions that the same building materials as the current building be used and that the Landscape Plan be amended to meet current requirements. The Committee also recommended that a water feature in the pond area be considered. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

- B. **Chesterfield Valley - Sam's Club Addition:** Amended Site Development Section Plan and Architectural Elevations for a 98.18 acre parcel located south of Chesterfield Airport Road, between RHL Drive and Chesterfield Common Drive.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Amended Site Development Section Plan and Architectural Elevations. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

- C. **Clark Financial Services (14310 Olive) Site Development Plan:** Site Development Plan and Landscape Plan for a 0.48 acre lot of land located at 14310 Olive Road, south of Olive Road and east of Glenfield Ridge Court.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Site Development Plan and Landscape Plan. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 7 to 1. (Commissioner Broemmer voted "no".)

- D. **River Crossing Lot 4:** Site Development Section Plan for a "PC" Planned Commercial Development called River Crossing located on the north side of Chesterfield Airport Road and east of Public Works Drive.

**Commissioner Hirsch**, representing the Site Plan Committee, made a motion to accept the Site Development Section Plan. The motion was seconded by Commissioner Banks and **passed** by a voice vote of 8 to 0.

## VIII. OLD BUSINESS

- A. **P.Z. 35-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)**: A request for a change of zoning from “NU” Non-Urban to “R4” Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

*And*

- B. **P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)**: A request for a Planned Environment Unit (PEU) Procedure within an “R4” Residence District for 2.0 acre tracts of land located south of Century Lake and west of Old Baxter Road (19S420031, 19S420042)

Project Planner Nick Hoover stated the following:

- The Petitioner has addressed all the issues as presented.
- The Petitioner has provided comments on the Attachment A. The Department of Public Works and the Department of Planning have reviewed the comments and have submitted proposed modifications identified as Exhibit I. The Department and the Petitioner are both satisfied with the modifications.

Commissioner Broemmer made a motion to approve **P.Z. 35-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)** with the Attachment A and Exhibit I. The motion was seconded by Commissioner O’Connor.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Perantoni, Commissioner Sandifer,  
Commissioner Sherman, Commissioner Banks,  
Commissioner Broemmer, Commissioner Hirsch,  
Commissioner O’Connor, Chairman Macaluso

**Nay:** None

The motion passed by a vote of 8 to 0.

Commissioner Banks made a motion to approve **P.Z. 36-2005 Olde Baxter Square (1621 & 1605 Baxter Rd.)** with the Attachment A and Exhibit I. The motion was seconded by Commissioner Broemmer.

Upon roll call, the vote was as follows:

**Aye:** Commissioner Sandifer, Commissioner Sherman,  
Commissioner Banks, Commissioner Broemmer,  
Commissioner Hirsch, Commissioner O’Connor,  
Commissioner Perantoni, Chairman Macaluso

Nay: None

The motion passed by a vote of 8 to 0.

C. P.Z. 5-2005 Winter Wheat Place (Dollar Building Company)

ISSUES

1. Provide additional information regarding the history of the Winter Wheat road as it goes through Bentley Place and behind the properties that have been subdivided. Is there any history of what the thinking was about the access road at the time Bentley Place was approved?
2. Provide information from Public Works as to how they would perceive the road which goes from Wild Horse back to the subject site. Provide information as to how and when it would be developed – especially with the view that there may be additional properties to the back that use this road as an access. If these properties were to be developed, when would the beginning part of the road be developed?
3. Review the possibility of zoning the site “LLR”.

IX. NEW BUSINESS

- A. 612 Cepi (Chesterfield Executive Park - J&T Holdings): A request for an amendment to City of Chesterfield Ordinance Number 1030 for an amendment to the structure setback requirement for a 0.75 acre tract of land zoned “M-3” Planned Industrial District located south of Chesterfield Airport Road, on the east side of Cepi Drive.

Project Planner Mara Perry stated the following:

- The request is to accommodate the sale of part of a lot.
- The request is for one change in the Attachment A to Section I.E. “Structure and Parking Setbacks”. The structure setback would change from 10’ from internal lot lines to 8’ from internal lot lines.
- A Preliminary Plan was submitted showing the lot and how it would be separated.
- There are no issues at this time. All comments have been received and reviewed.

Chair Macaluso made a motion to approve 612 Cepi (Chesterfield Executive Park - J&T Holdings) with its Attachment A. The motion was seconded by Commissioner Hirsch.

Upon roll call, the vote was as follows:

Aye: Commissioner Sherman, Commissioner Banks,  
Commissioner Broemmer, Commissioner Hirsch,  
Commissioner O’Connor, Commissioner Perantoni,  
Commissioner Sandifer, Chairman Macaluso

Nay: None

**The motion passed by a vote of 8 to 0.**

Commissioner Broemmer noted that the Agenda stated that the first opportunity for voting on 612 Cepi (Chesterfield Executive Park - J&T Holdings) would be March 27, 2006.

- B. P.Z. 34-2005 City of Chesterfield (Performance Standards):** A request to amend various sections of the Zoning Ordinance for the addition of performance standards for multi-family, row houses, attached home, and group homes.

Chair Macaluso made a motion to approve P.Z. 34-2005 City of Chesterfield (Performance Standards). The motion was seconded by Commissioner Banks.

**Upon roll call, the vote was as follows:**

**Aye: Commissioner Banks, Commissioner Broemmer,  
Commissioner Hirsch, Commissioner O'Connor,  
Commissioner Perantoni, Commissioner Sandifer,  
Commissioner Sherman, Chairman Macaluso**

Nay: None

**The motion passed by a vote of 8 to 0.**

**C. Issue of Counting a Show of Hands at Planning Commission Meetings**

Discussion was held on whether the Planning Commission should do an actual count of "a show of hands" at Planning Commission Meetings.

Commissioner Banks stated that in the past, the Chair has ruled people out of order when asking for a show of hands. He is opposed to taking a count of hands. He felt a policy needs to be established and followed.

Councilmember Casey stated that in the past when he chaired the Planning Commission, there were times when an actual count was made when it could not be determined the number of people in favor of and the number of people against a project. The purpose of raising one's hand is to note a person's view on a project without having to speak. He didn't feel that an actual count needed to be made.

Mayor Nations stated that he does not agree with counting hands. The purpose of having a Planning Commission is to have a non-political body to give non-political advice and to

be in charge of the City's Comprehensive Plan. Recommendations are to be made based on good planning principles and not on public polls. At most meetings where a controversial issue is on the agenda, the Council members from the respective wards are in attendance and are aware of the number of residents in attendance.

Commissioner O'Connor felt there should be a mechanism in the record to transmit to the Council that a lot of people showed up and were concerned about a particular project.

Commissioner Sherman felt that it is acceptable for a Speaker to ask for a show of hands as part of his presentation but that it is not appropriate for the Planning Commission to ask for a show of hands. If a count is made, it may give the citizens a false impression that the number influences the Commission's vote.

Commissioner Broemmer did not agree with allowing a show of hands at Planning Commission meetings.

It was agreed that this issue would be forwarded to the appropriate Committee for review.

## **X. COMMITTEE REPORTS**

- A. Committee of the Whole**
- B. Ordinance Review Committee** – Next Meeting: Mar 27, 8:00 a.m.
- C. Architectural Review Committee** – Next Meeting: Mar 30, 8:00 a.m.
- D. Landscape Committee** – Meeting to be scheduled.
- E. Comprehensive Plan Committee**
- F. Procedures and Planning Committee**
- G. Landmarks Preservation Commission**

## **H. REPORT ON WESTLAND ACRES**

Commissioner Sherman gave a report on the City of Wildwood's Public Hearing for Westland Acres. Chair Macaluso, Commissioner Sherman, and Commissioner O'Connor attended the meeting along with Project Planner Aimee Nassif. She noted that the two cities are working together on this project.

The speakers at the meeting presented similar information as to what was presented at Chesterfield's Public Hearing. The residents expressed concern about the debris on the land. When the Wild Horse project was developed in Wildwood, debris removal was involved. Commissioner Sherman felt that Chesterfield should acquire information as to how it was handled.

Wildwood has a designated historical area, which is somewhat different than Chesterfield's. She felt that Chesterfield should review how Wildwood handles its historical areas.

Wildwood's zoning categories differ from Chesterfield's zonings. Charts are to be provided showing the similarities and differences between the two cities' zoning categories.

**ISSUES:**

1. Regarding the part of Chesterfield that abuts Westland Acres where the residences and large lots are, provide the distances between the existing houses and roughly where the lots would begin. Regarding the few houses along the east side of Westland Acres, provide some arcs drawn on a map showing where the houses are and where the lot lines falls. Do the lot lines fall within the common ground?
2. Since Westland Acres has a lot of common ground, what would happen to the zoning classifications if some of the lots were made larger and incorporated more of the common ground?

**XI. ADJOURNMENT**

The meeting adjourned at 9:30 p.m.

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Lynn O'Connor, Secretary