

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
NOVEMBER 8, 1994

A meeting of the Chesterfield City Council Planning and Zoning Committee was held on Tuesday, November 8, 1994, at 5:35 p.m., in the City Council Conference Room. In attendance were Chairman Dan Hurt (Ward III); Councilmember Ed Levinson (Ward II); and Councilmember Mike Cullen (Ward IV). Also in attendance were Councilmember Colleen Hilbert (Ward I); Jerry Duepner, Director of Planning; Laura Griggs-McElhanon, Senior Planner; and Joe Hanke, Planner II.

ITEM I.

Approval of summary of Planning and Zoning Committee meeting of October 19, 1994.

A motion was made by Councilmember Levinson and seconded by Councilmember Cullen for **approval** of the October 19, 1994 Meeting Summary. **The motion was approved by a vote of 3 to 0.**

ITEM II.

P.Z. 18 & 19-94 Chesterfield Village, Inc., Louis S. Sachs and Nancy R. Sachs (Wildhorse Hills); "NU" Non-Urban District to "R-3" 10,000 square foot Residence District and a Planned Environment Unit (PEU) Procedure; south side of Wild Horse Creek Road, west of the intersection of Wild Horse Creek Road and Baxter Extension Road.

Director Duepner noted that this item had been held from the October 19th meeting, pending review of a protest petition submitted on both the rezoning and the special procedure, and determination of the validity of the petition. To date, the Department had been unable to verify one of the signatures on the petition, that of Mr. Avron Fogelman who signed on behalf of the partnership which owns the Baxter Crossing Apartments. It is anticipated that this matter will be resolved shortly; but, without it, the Department is unable to determine whether or not a valid protest petition has been filed, the requirement for a public hearing, and a super majority vote for action.

The Committee directed that a date for a public hearing be set on November 22, 1994, at 6:00 p.m. The Committee agreed that the next meeting of the Committee would be on **Tuesday, November 22nd, at 5:00 p.m.**, as opposed to the Wednesday, November 23rd date. The Committee also directed staff to continue to seek verification of the signature on behalf of the partnership.

ITEM III.

P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows); "NU" Non-Urban District and "FP-NU" Flood Plain Non-Urban District to "R-3" 10,000 square foot Residence District and "FPR-3" Flood Plain "R-3" 10,000 square foot Residence District and Planned Environment Unit (PEU) Procedure; north side of Wild Horse Creek Road, east of Long Road.

Director Duepner summarized the report of the Planning Commission, noting that this item had been held at the last meeting of the Committee. He also noted the petitioner had indicated concurrence with the recommendation as contained in the Planning Commission's report.

Mr. Greg Smith, the attorney for the petitioner, addressed the Committee relative to the property owned by the petitioner, immediately north of the subject site, in the Valley. Mr. Smith stated that the petitioner would be willing to dedicate the land in the Valley for park use by the City, and would accept such a requirement as a development condition for the approval of P.Z. 13 & 14-94. He also stated that, with inclusion of the proposed parkland, the development would achieve a density below that of a most recent amendment of the City's Comprehensive Plan.

Mr. Smith also stated that he represented Miceli Builders who had proposed to dedicate a parcel adjoining the proposed Harris dedication property in the Valley. He believes the Miceli offer still stands.

There was discussion by the Committee relative to possible park dedication, and inclusion of a condition within a bill approving the development.

Chairman Hurt indicated he had visited the site and discussed the petitions with a number of individuals. He further stated he believes it appropriate to move on the matter with "R-2" Residence District, as recommended by the Planning Commission. He also indicated the concerns of the West Area would need to be pursued.

A motion was made by Councilmember Levinson for **approval**, as recommended by the Planning Commission, with the recommendation that the City Attorney and the attorney for the petitioner, develop wording for the park dedication, and that such be part of the bill. Chairman Hurt seconded the motion, stating that a legal way to include both the Harris parcel and the Miceli parcel as parkland should be pursued; however, the dedication of both parcels should not be a condition of this ordinance.

Councilmember Cullen inquired where the parkland to be dedicated to the City would commence.

Mr. Smith responded that it would be on the north side of the tracks.

Councilmember Cullen requested that if there is to be dedication, his concern would be that, if the railroad right-of-way were to be vacated, that land would also revert to the City. The dedication should include an area of five (5) or ten (10) feet of the property on the south side of the railroad tracks.

Mr. Smith noted the law on vacation of railroad right-of-way was not similar to that of vacation of streets. He further noted that if it were the desire of the City to have the property on both sides of the tracks, the petitioner would agree to wording to the effect that, upon vacation, all land within the former railroad right-of-way would revert to the City. The Committee directed that wording be included within the proposed condition to address this matter.

Chairman Hurt indicated that he is desirous of having a plan depicting the eighty-five (85) lots, as well as the extent of existing trees, and tree areas to be retained prior to the City Council meeting of November 21st.

Director Duepner sought clarification from Councilmember Cullen whether the wording on the vacation of the rail right-of-way, and its reversion to the City, would address his concerns.

Councilmember Cullen indicated that it would.

The motion was approved by a vote of 2 to 1, with Councilmember Cullen voting no.

(Note: A bill relative to this matter will be needed for the November 21, 1994 City Council meeting.)

ITEM IV.

P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows); "NU" Non-Urban District to "R-1" One Acre Residence District and Planned Environment Unit (PEU) Procedure; south side of Wild Horse Creek Road, east of Long Road.

Director Duepner summarized the recommendation of the Planning Commission for **approval** of P.Z. 15 & 16-94.

Chairman Hurt inquired relative to the compliance of the proposal with the Comprehensive Plan as recently revised.

Councilmember Levinson expressed concern about the recommended side yards. It was noted that the Planning Commission had recommended twelve (12) foot side yards, in keeping with the setbacks on the adjoining development to the east (Country Place at Chesterfield). The petitioner stated the side yard setbacks recommended by the Commission were acceptable.

A motion was made by Councilmember Levinson for **approval** per the Planning Commission recommendation. The motion was seconded by Councilmember Hurt and **approved** by a vote of 2 to 1, with Councilmember Cullen voting no.

(Note: A bill relative to this matter will be needed for the November 21, 1994 City Council meeting.)

ITEM V.

Memorandum from the Director of Planning regarding action of the Planning Commission concerning recommendations of the West Area Study Committee.

Director Duepner summarized the action of the Planning Commission regarding recommendations to the Commission by the West Area Study Committee.

A motion was made by Councilmember Cullen to concur with the Planning Commission relative to expansion of the West Area Committee. The motion was seconded by Councilmember Levinson and **approved** by a vote of 3 to 0.

A motion was then made by Councilmember Cullen for concurrence of adding Mr. Chris Layton to the West Area Study Committee. The motion was seconded by Councilmember Levinson and **approved** by a vote of 3 to 0.

Councilmember Cullen addressed the Committee on the recommendation of the West Area Study Committee for expansion of the study area boundaries.

Dr. Theodosios Korakianitis addressed the Committee, noting that he had spoken with the Chairman of the Planning Commission subsequent to its action on rejecting the recommendation of the West Area Study Committee for expansion of the boundaries.

Director Duepner summarized the history of the West Area Study, specifically the formation of the Study Committee and establishment of the boundaries.

Councilmember Levinson noted that east of the Study Area is already zoned and approved for development.

Chairman Hurt indicated he had no problem with expansion of the Study Area.

A motion was made by Councilmember Cullen to request the Planning Commission to reconsider expansion of the boundaries of the West Area Study memo.

Councilmember Levinson indicated he did not concur with including the Old Chesterfield Area in the Study Area.

The motion was seconded by Councilmember Hurt and **approved** by a vote of 2 to 1, with **Councilmember Levinson** voting no.

Chairman Hurt referenced the Parks Plan and noted the proposed park sites previously considered in the vicinity of Chesterfield Estates Subdivision and Wilson Road. He noted the concern of residents of the area to retain green space, and his interest for parks in the area.

Councilmember Levinson also noted other sites which had been rejected as possible parks.

ITEM VII.

P.Z. 21-94 David D. & Pauline Bolk; Commercial Service Procedure (CSP) in "R-2" 15,000 Square Foot Residence District; south side of Olive Boulevard, west of Westbury Drive.

Director Duepner summarized the recommendation of the Planning Commission for **approval**.

There was discussion by the Committee relative to the exclusion of medical and dental offices.

Director Duepner noted that the exclusion was based on the request of the petitioner which did not include medical or dental offices as a proposed use.

Councilmember Hilbert noted that problems relative to stormwater in the area and off-site parking have been addressed.

A motion was made by Councilmember Levinson for **approval**, and seconded by Councilmember Cullen. **The motion was approved by a vote of 3 to 0.**

(Note: **A bill relative to this matter will be needed for the November 21, 1994 City Council meeting.**)

ITEM XIII.

Report from the Department of Planning regarding request for approval of Density Development Procedure for Eagle Ridge; "R-2" 15,000 square foot Residence District; north side of Olive Boulevard, west of Sunbridge Drive.

Director Duepner summarized the report of the Department of Planning relative to the request, and the Department of Planning and Department of Public Works were not supportive of the request for a Density Development Procedure.

Councilmember Hilbert noted issues relative to private streets, and questioned the need for a stub street to the west.

Mr. Walter Lamkin addressed the Committee on behalf of the petitioner. He noted that the petitioner sought approval of a Density Development Procedure to retain natural features and maintain character of the property. He noted that the petitioner was proposing thirty (30) lots, whereas thirty-seven (37) are permitted. The plan is not a finished plan, but a sketch plan as required at this time.

Director Duepner responded, noting that while the site does offer unique features relative to development, it was the opinion of both the Department of Planning and the Department of Public Works that the design, as submitted, was neither original nor ingenious, and thus did not warrant consideration under the Density Development Procedure. From a conceptual standpoint, there is question whether the site could be developed without variances and significant site disturbance.

There was discussion relative to the plan by the Committee, and the review and approval process.

Director Duepner noted that if the concept of a Density Development Procedure were approved, the next step would be for submittal of a preliminary plat. Should there be revisions substantial in nature from the submitted concept plan, then the matter should be brought back to the Committee.

Councilmember Levinson noted that Councilmember Flachsbart had previously indicated he was supportive of the concept of the Density Development Procedure.

Councilmember Hilbert stated that she could not respond for Councilmember Flachsbart, but that she would like to see the petitioner work with the City on issues of concern.

A motion was made by Councilmember Levinson and seconded by Councilmember Cullen for **approval** of the Density Procedure. **The motion was approved** by a vote of 2 to 1, with Councilmember Hurt voting no.

(Note: A resolution relative to this matter will be needed for the November 21, 1994 City Council meeting.)

ITEM IX.

Memorandum from the Director of Planning concerning Update of the Zoning and Subdivision Ordinances.

Director Duepner noted the recent request on behalf of the resident's group to meet with the Consultant, Mr. Lane Kendig, on his next visit to the City, and the request of the Chamber of Commerce relative to establishment of a Steering Committee to work on revision of the Zoning and Subdivision Ordinances. He sought some direction from the Committee on this matter.

Chairman Hurt noted his desire for no more Committees or Commission to be involved. A list of groups who want to speak with Mr. Kendig should be compiled, and it would be determined by the Selection Committee whether time was available.

Director Duepner noted that he would mail drafts to all persons on the mailing list.

There was discussion by the Committee relative to the possibility of expanding the Steering Committee to include representatives to serve as liaisons in the process. The Director was asked to find what other communities have done in this matter, as well as what the Chamber of Commerce seeks. Director Duepner noted that working sessions were anticipated with the consultant on future visits.

ITEM XIV.

SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION ON OCTOBER 24, 1994.

- A. **West County Christian Church;** "R-1" One Acre and "FPR-1" Flood Plain One Acre Residence Districts Amended Site Plan and Architectural Elevations; west side of Old Woods Mill Road, north of Conway Road.

This item was received and filed.

ITEM VI.

Memorandum from the Director of Planning concerning the update of the City of Chesterfield Comprehensive Plan.

This item was held.

ITEM VIII.

Memorandum from the Director of Planning concerning update on Westland Acres Feasibility Study.

This item was held.

ITEM X.

Memorandum from the Director of Planning regarding City Council Bill 958, - amendment of Sign Regulations concerning Menu Boards for Fast Food Restaurants.

This item was held.

ITEM XI.

P.Z. 11-93 City of Chesterfield Planning Commission; revisions to Sign Regulations.

This item was held.

ITEM XII.

Correspondence from the City Attorney regarding reasonableness of Zoning Categories.

This item was held.

The next meeting of the Planning and Zoning Committee will be on **Tuesday, November 22, 1994, at 5:00 p.m.**

The meeting adjourned at 7:00 p.m.

[PZC-SUM.N08]