

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: October 31, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary
October 30, 2006

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Monday, October 30, 2006 in Conference Room 101.

In attendance were: **Chair Mary Brown (Ward IV); Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Bruce Geiger, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Maurice L. Hirsch, Jr., Planning Commission Chair; Lu Perantoni, Planning Commissioner; Mike Herring, City Administrator; Mike Geisel, Acting Director of Planning; Aimee Nassif, Senior Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:30 p.m. She announced that Teresa Price has resigned as Director of Planning from the City of Chesterfield. Chair Brown noted Ms. Price's great vision for the City and expressed appreciation for the results of her hard work. Mr. Mike Geisel will be filling the role of Acting Director of Planning.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the October 16, 2006 Planning and Zoning Committee Meeting Summary
- B. Approval of the October 19, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summaries of October 16 and October 19, 2006. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

II. OLD BUSINESS

- 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)

Staff Report

Ms. Aimee Nassif, Senior Planner, reported that the Petitioner is requesting split zoning on the site of E-1 Acre and E-2 Acre. There is a 30-foot landscape buffer around the development with a 50-foot buffer along Pacland Place.

Ms. Nassif reviewed the following proposed amendments to the Attachment A:

Section I.E.1. “Setbacks”, page 2

- b. ~~Sixty (60)~~ **One hundred and ten (110)** feet from the right-of-way of Kehrs Mill Road on the eastern boundary of the ~~E-1~~ **E-2** Acre District.

Section I.E.1. “Setbacks”, page 2

- i. ~~Thirty (30)~~ **Fifty (50)** feet from the boundary of this ~~E-1~~ **E-2** Acre district adjacent to the property owned by St. Mary’s Institute.

Section I.G.2. “Landscape and Tree Requirements”, page 4

Add the following:

- b. Lots 7-16 shall contain heavily buffered landscape screening along the boundary of this E-2 district.

Councilmember Streeter suggested incorporating the submitted Preliminary Plan as Exhibit A.

Section I.C. “Permitted Uses”, page 1

Delete the following language:

1. ~~The uses allowed in this “E-One Acre” Estate District shall be:~~
 - a. ~~Forty-five (45) detached single-family dwellings.~~
 - b. ~~The minimum lot size for this development shall be 22,000 square feet.~~
 - c. ~~The minimum lot size for lots 8, 9, 37, and 38 shall be a minimum of three (3) acres.~~
2. ~~Non Single family uses, other than home occupations shall be prohibited in this development.~~

Add the following language:

- 1. The regulations of the “E-One Acre” Estate District shall be as follows:**
 - a. Lots 18-33 as shown on the preliminary plan submitted on October 20, 2006 shall be zoned “E-One Acre”.
 - b. There shall be a maximum of sixteen (16) lots in this “E-One Acre” Estate District.
 - c. The minimum lot size shall be one-half acre.
- 2. The regulations of the “E-Two Acre” Estate District shall be as follows:**
 - a. Lots 1-17, 34, 35, and 36 as shown on the preliminary plan submitted on October 20, 2006 shall be zoned “E-Two Acre”.
 - b. There shall be a maximum of twenty (20) lots in this “E-Two Acre” District.
 - c. The minimum lot size shall be one (1) acre.
 - d. Lots 6, 7, 34, and 35 shall be a minimum of three (3) acres and shall have no more than one (1) home on each lot.
- 3. Non-Single family uses, other than home occupations, shall be prohibited in this development.**

It was explained that “Non-Single family uses” referred to uses such as a firehouse, public utilities facility, or hospital.

Section I.E. 2 “Lot Criteria”, page 3:

Add the following language shown in red font:

In addition to the above-referenced requirements, no building or structure (other than boundary and retaining walls) light standards, flag poles or fences, shall be within the following setbacks:

For the “E-One Acre” District:

- a. Front yard setback: Twenty five (25) feet from the internal public right-of-way.
- b. Side yard setback: Twenty (20) feet from the side property line.
 - (i.) A minimum of forty (40) feet must be maintained between structures.
- c. Rear yard setback: Twenty five (25) feet from the rear property line.

For the “E-Two Acre” District:

- a. **Front yard setback: Twenty five (25) feet from the internal public right-of-way.**
- b. **Side yard setback: Twenty five (25) feet from the side property line.**
 - (i.) **A minimum of fifty (50) feet must be maintained between structures.**
- c. **Rear yard setback: One hundred (100) feet from the rear property line with bearings N45°20’59”E, N24°29’17”E, N57°28’02”E, and S58°11’10”E.**

The Petitioner is also requesting several **variances to the Estate District Regulations**. They are as follows:

1. For lots 12-17 in the “E-2” District portion of this development to maintain a side yard setback between structures of 40 feet in lieu of the 50 foot requirement.

*It was noted that this conflicts with item b.(i) above – if the variance is approved, item b.(i) would be changed to “**forty feet**”.*

2. For lots 12-17 in the “E-2” District portion of this development to maintain a side yard setback between structures of 20 feet in lieu of the 25 foot requirement.
3. To allow buffers to count toward the minimum lot size for this development in lieu of the requirement that states that buffers shall not be counted toward minimum lot size for “E-1” and “E-2” Acre Districts.

Councilmembers Streeter and Hurt expressed concern that this requested variance could set a precedent for the Estate District. Councilmember Fults pointed out that this was the compromise reached between the Petitioner and residents in order to get the E-2 zoning requested by the residents. It was agreed that Mr. Mike Doster, attorney for the Petitioner, would draft a rationale for the City Attorney to review to determine if the rationale is sufficient for exercising discretion on this variance request.

It was pointed out the above variances need a majority vote of City Council for approval.

According to the Estate District Ordinance, exceptions regarding lot size and setbacks may be modified when the following are exhibited:

1. The petitioner has demonstrated that said modification will encourage, promote, and reward good architecture and urban planning; and
2. The petitioner has demonstrated the existence of a practical difficulty such as the topography of the site and the request is not based on mere convenience or to maximum density; and
3. Notwithstanding the recommendation of the Planning Commission, if it may be demonstrated that a modification will encourage, promote, and reward good architectural and urban planning by a majority vote of City Council, the Council may modify the standards contained in this section.

Councilmember Streeter made a motion to incorporate the Preliminary Plan, as submitted by the Petitioner, as Exhibit A in the following sections of the Attachment A:

Section I.G.2. "Landscape and Tree Requirements", page 4

- c. Lots 7-16 shall contain heavily buffered landscape screening along the boundary of this E-2 district **as shown in Exhibit A.**

Section I.C. "Permitted Uses", page 1

1. The regulations of the "E-One Acre" Estate District shall be as follows:
 - a. Lots 18-33 as shown on the **Exhibit A** shall be zoned "E-One Acre".
2. The regulations of the "E-Two Acre" Estate District shall be as follows:
 - a. Lots 1-17, 34, 35, and 36 as shown on the **Exhibit A** shall be zoned "E-Two Acre".

and to forward to City Council the recommendations proposed by Staff in the form of a Green Sheet. The motion was seconded by Chair Brown and passed by a voice vote of 3 to 0.

Councilmember Streeter made a motion to recommend to Council the adoption of the three variances being requested by the Petitioner with the understanding that the City Attorney will give an opinion on the rationale being submitted by the Petitioner's Attorney regarding Variance #3 concerning buffers. The motion was seconded by Chair Brown and passed by a voice vote of 3 to 0.

Councilmember Streeter made a motion to forward P.Z. 05-2006 Barry Simon Development (Tuscany Reserve), with the Green Sheet amendments, to City Council with a recommendation to approve. The motion was seconded by Chair Brown.

Discussion was held on whether the Protest Petition regarding P.Z. 05-2006 had been withdrawn and whether the petition could move forward without it being withdrawn. Senior Planner Nassif read a letter addressed to the City Attorney from Stephen L. Kling, Jr. of Jenkins & Kling, dated October 19, 2006 as stated below:

“It is my understanding that Barry Simon Development has submitted a revised application for rezoning of the Tuscany Reserve piece. This letter shall confirm that the trustees of Pacland Place have no objection to the Planning & Zoning Committee voting on the revised application. As you know, this compromise has been presented to my clients and it is acceptable, and presuming the City would approve the revised rezoning, they would be withdrawing their protest petitions. Accordingly, we are as interested as anyone to see this matter proceed expeditiously.”

Mr. Doster expressed the opinion that the new plan nullifies the Protest Petition. He indicated he would contact Mr. Kling to obtain a withdrawal of the Protest Petition before the next City Council meeting.

Councilmember Streeter requested clarification on the matter from the City Attorney.

The motion to move P.Z. 05-2006 forward **passed** by a voice vote of 3 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the November 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Acting Director of Planning, for additional information on P.Z. 05-2006 Barry Simon Development (Tuscany Reserve.)]

- B. Herman Stemme Office Park** A request for an ordinance amendment to a 28.1 acre tract of land zoned “C8” Planned Commercial located at the northwest quadrant of Swingley Ridge Road and Chesterfield Parkway East.

Staff Report

Ms. Nassif reviewed the submitted Staff Report as follows:

Amendments Previously Presented

- At the last meeting of the Planning and Zoning Committee a motion was made to approve **Amendments 2.a. (surface parking) and 4 (access)** as stated below. There was also a motion made to approve an amendment to allow for a setback for the proposed canopy to be 70 feet from both Chesterfield Parkway East and Swingley Ridge Road.
- However, if the preliminary plan submitted by the Petitioner on October 24, 2006 is adopted, an amendment will be necessary to the canopy setback to accurately reflect the new plan. That amendment is highlighted and provided below as **Amendment 1.d.**

Amendments for Consideration

1. Section I.E. “Setbacks”, page 10

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- ~~Fifty (50)~~ **Sixty (60)** feet from the right-of-way of Chesterfield Parkway East.
- ~~Fifty (50)~~ **One hundred and sixty five (165)** feet from the northwest boundary of the “C-8” Planned Commercial District.
- ~~Fifty (50)~~ **One hundred (100)** feet from the right-of-way of Swingley Ridge Road.
- The setback for the canopy shall be ~~seventy (70)~~ seventy five (75) feet from the right-of-way of Swingley Ridge Road and fifty (50) feet from Chesterfield Parkway East.**

2. Section I.E. "Setbacks", page 10

2. PARKING SETBACKS

No parking stall, internal driveway, or roadway, except points of ingress and egress, will be located within the following setbacks:

- a. ~~No surface parking will be permitted.~~
- b. ~~Fifty (50)~~ **Twenty five (25)** feet from the right-of-way of Chesterfield Parkway East.
- e. ~~Five (5)~~ **Nine (9)** feet from the southwest boundary of the "C-8" Planned Commercial District.

Councilmember Streeter made a motion to amend Section I.E.2. "Parking Setbacks", page 10, as follows:

- e. ~~Five (5)~~ **Zero (0)** feet from the ~~southwest~~ **northwest** boundary of the "C-8" Planned Commercial District **due to the extensive green space on the adjoining lot.**

The motion was seconded by Chair Brown and **passed by a voice vote of 3 to 0.**

3. Section I.G. "Landscape and Tree Requirements", page 11.

- 2. A landscape buffer of ~~forty five (45)~~ **twenty five (25)** feet shall be required along Chesterfield Parkway East.

Chair Brown suggested that the Planning Commission establish a standard for the landscape buffer along Chesterfield Parkway. Ms. Nassif stated that the Tree Manual is currently being reviewed with the Public Works Department. The draft version establishes a 30' buffer requirement along collector and arterial roads.

Councilmember Streeter recommended the inclusion of a sculpture or water feature for the site.

Discussion was held on providing green space between the sidewalk and the street as a safety measurement. It was noted that the Attachment A, Section L.1. states: *"Provide a five (5) foot wide sidewalk along Chesterfield Parkway East and Swingley Ridge Road as directed by the City of Chesterfield."* Mr. Geisel indicated that this sidewalk would replace the stabilized shoulder. In order to include the

sidewalk, Mr. Geisel suggested that language be included stating that the sidewalk may be constructed within the landscape buffer.

Discussion was held on whether development along the Parkway should include requirements that would be in keeping with “Pathways on the Parkway”. Ms. Nassif noted that the Attachment A requires adherence to the Light Ordinance, which has a special section for the “Pathway on the Parkway”. Section L.3. also requires that the developer “*address Pathway on the Parkway Specifications as directed by the City of Chesterfield*”. Mr. Geisel stated that “Pathway on the Parkway” refers to a future condition – the developer will have to provide for it via easements, etc.

Councilmember Streeter made a motion to amend Section L.1. of the Attachment A as follows:

Provide a five (5) foot wide sidewalk along Chesterfield Parkway East and Swingley Ridge Road as directed by the City of Chesterfield. **The sidewalk may be constructed within the landscape buffer.**

The motion was seconded by Chair Brown and **passed by a voice vote of 3 to 0.**

4. Section K. “Access/Access Management”, page 13.

3. Cross access shall be provided to adjacent parcels **as directed by the City of Chesterfield.**

Site Plan Approval Requirement

- The preliminary plan submitted by the Petitioner reflects a parking setback from the northwest boundary of Lot 2C-2B of 9.87 feet.
- However, also shown on the plan is a parking setback of thirty five (35) feet at this same location which was previously recorded by deed book 7224, page 2335 and deed book 7235, page 33.
- Therefore, an additional amendment will be required to ensure this discrepancy is resolved prior to approval of the Site Development Section Plan. The amendment is as follows:

5. Section IV. "General Criteria", page 18

- 21. Prior to site development section plan approval, provide verification that the thirty-five (35) foot setback deed restriction has been relieved.**

Councilmember Streeter made a motion to forward the Ordinance Amendment for Herman Stemme Office Park, with the proposed amendments, to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and passed by a voice vote of 3 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the November 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on Herman Stemme Office Park.]

III. NEW BUSINESS - None

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 6:35 p.m.