

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa Price, Director of Planning 

DATE: November 5, 1997

SUBJECT: Planning and Zoning Committee Meeting Summary from October 30, 1997

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 6:35 p.m., on Thursday, October 30, 1997, in the City Council Conference Room. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Barry Streeter (Ward II); and Councilmember Mary Brown (Ward IV). Also in attendance were: Mayor Nancy Greenwood; Rick Bly, Planning Commission Chairman; Bob Grant, Planning Commission Vice-Chairman; John Langa, CCDC; Mary Domahidy, Chairman of the Character of Neighborhoods Moratorium Panel (arrived later); Michael Herring, City Administrator; Teresa Price, Director of Planning; and, Laura Griggs-McElhanon, Assistant Director of Planning.

I. Approval of Planning and Zoning Committee meeting summary of October 23, 1997.

A motion for approval was made by Councilmember Streeter, seconded by Councilmember Flachsbart and approved by a vote of 4 to 0.

II. Meeting Memo

This item was not discussed.

III. P.Z. 21-97 City of Chesterfield Planning Commission; Moratorium issues - revisions to the Subdivision Ordinance.

This item was not discussed.

IV. P.Z. 22-97 City of Chesterfield Planning Commission; Moratorium issues - revisions to the Zoning Ordinance.

There was general discussion about minimum setbacks from parking areas.

Councilmember Flachsbart stated that the City is trying to avoid vague references, which cause fights with developers. He feels that the minimum setback should be more than 10'.

Chairman Hurt suggested that the minimum be changed and the rest remain the same.

A motion was made by Councilmember Brown, seconded by Councilmember Flachsbart, to amend 1003.140 "PC" Planned Commercial District, subsection 8.(4)(a) to require a minimum of a 25' setback, which includes a landscape buffer, in accordance with Landscape Guidelines (only required when adjacent to residential). Councilmember Brown amended her motion to include when adjacent to "PS" and residential. The amendment was accepted by Councilmember Flachsbart. The motion, as amended, was approved by a vote of 4 to 0.

A motion was made by Councilmember Flachsbart to change the same wording for "PI" Planned Industrial District (Section 1003.150, 8.(3)(a)).

The motion dies for lack of a second.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, to require the increased setback from the "NU" District. The motion was approved by a vote of 4 to 0.

A motion was made by Councilmember Brown, seconded by Councilmember Flachsbart, to amend Section 1003.150 "PI" Planned Industrial District, subsection 8.(3)(a) to require a minimum of a 25' setback, which includes a landscape buffer, in accordance with Landscape Guidelines.

There was discussion about including this requirement from "PS" and "AG" districts. It was clarified that as currently proposed, the minimum setback from those districts would remain at 10'.

A motion to amend the motion on the floor was made by Councilmember Streeter, seconded by Councilmember Flachsbart, to require a 25' setback from the "AG" District. The motion, as amended, was approved by a vote of 4 to 0.

The Committee next discussed the proposed list of "PC" Planned Commercial uses.

Mayor Greenwood asked why satellite dishes (nn) are referenced, since they will soon be replaced with new technology.

Councilmember Streeter inquired why devices for generation of energy, such as solar panels, wind generators and similar devices (o) was included. In his opinion, this use doesn't belong in the "PC" district.

Councilmember Flachsbart asked if a developer could ask for all of the uses listed.

There was general discussion about this issue.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, for staff to add verbiage which would preclude a developer from asking for too many uses. The motion was approved by a vote of 4 to 0.

Staff was directed to have City Attorney Doug Beach look at uses (o) and (nn).

The Committee next discussed the proposed list of "PI" Planned Industrial uses.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, for staff to add verbiage which would preclude a developer from asking for too many uses. The motion was approved by a vote of 4 to 0.

The Committee next discussed the proposed Architectural Review Committee.

Councilmember Brown inquired as to why Architectural Review of projects is proposed to be taken away from Planning Commission.

Assistant Director of Planning Laura Griggs-McElhanon clarified that the original Panel recommendation was revised by the Planning Commission. The Planning Commission is proposing to continue to do Architectural Review.

A motion was made by Councilmember Brown, seconded by Councilmember Streeter, to support the wording of 1003.177 Architectural Review Committee, subsection 5.

Assistant Director of Planning Laura Griggs-McElhanon noted that the Planning Commission was supportive of Director of Public Works/City Engineer Mike Geisel's recommendation to require Preliminary Plans submitted for "C-8", "M-3", "PC" and "PI" petitions to depict 5' contours and preliminary plans for sanitation and drainage.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter to accept the Planning Commission's recommendation on the contours and preliminary plans for sanitation and drainage. The motion was approved by a vote of 4 to 0.

Chairman Hurt stated that he is concerned with Section 1003.177 Architectural Review Committee, subsection 5, which states "... when in question...". The intent of the Panel was to have the Architectural Review Committee see all of the development proposals.

Councilmember Brown called the previous question not voted on, relative to 1003.177, subsection 5.

Councilmember Brown withdrew her request to call the question.

Councilmember Brown stated that this should not be mandatory.

Director of Planning Teresa Price stated that the Planning Commission was concerned with adding more steps in the process.

Chairman Hurt stated that it was the panel's intent to have all petitions go through the Architectural Review Committee. This was not to be an additional step (not in addition to what the Planning Commission currently does). The Panel wanted to improve on the current process.

There was general discussion on the proposed Architectural Review Committee.

Councilmember Flachsbart suggested that the Architectural Review Committee could attend and participate in the Site Plan review process.

Councilmember Brown suggested that the Chairman of the Architectural Review Committee could attend the Planning Commission meeting and, if they have a problem with the project, then the project could be sent to the full Architectural Review Committee for review.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, for staff to work with the Planning Commission to develop the procedure, and not delay the process (staff was directed to create the specific wording).

Councilmember Brown withdrew her motion (to support the wording of 1003.177 Architectural Review Committee, subsection 5).

Councilmember Streeter agreed to withdraw the motion.

The motion on the floor was clarified by Councilmember Flachsbart as follows:

- 1) all sites will be reviewed by the Architectural Review Committee or designee;
- 2) the Planning Commission will be requested to establish a procedure; and,
- 3) this procedure will not generate delay of site approval/to be done concurrently.

There was general discussion of selection of the membership for the Architectural Review Committee.

City Administrator Michael Herring clarified that the mayor would not be involved unless the Architectural Review Committee was a Committee of the City Council. He recommended that the Architectural Review Committee be non-statutory.

The motion was approved by a vote of 4 to 0.

Councilmember Streeter left the meeting at 7:55 p.m.

Assistant Director of Planning Laura Griggs-McElhanon explained the information provided on the percent of impervious surface.

Councilmember Flachsbart discussed the possibility of allowing developers to "bank" the required open space and not require it on a lot by lot basis. He stated that we should require 30% instead of 20%.

Councilmember Brown stated she feels that this should be done on a site by site basis, instead of making it mandatory.

A motion was made by Councilmember Flachsbart to include a maximum percent pervious surface of 70% (minimum open space 30%) for development in the PC and PI districts.

The motion dies for lack of a second.

Chairman Hurt asked the Planning Commission members present what they thought of this issue.

Planning Commission Chairman Rick Bly stated that he does not have a strong opinion either way.

Planning Commission Vice-Chairman Bob Grant replied that guidelines do help, but he doesn't know that it can always be a rigid standard. He would want some direction, but he has no strong opinion on what percent is appropriate.

There was general discussion of this issue.

Planning Director Teresa Price stated that she is compiling a "laundry list" of items to be addressed by staff after the moratorium. She recommended that this issue be added to the list.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to refer this issue to staff. The motion was approved by a vote of 3 to 0.

Councilmember Flachsbart discussed his memo dated September 24, 1997 with the Committee.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to approve P.Z. 22-97 pending additional information from staff (Architectural Review Committee, 2 uses to discuss with Mr. Beach, and limiting the number of uses requested in PC and PI) and hold until the City Council meeting November 17, 1997. The motion was approved by a vote of 3 to 0.

- V. **P.Z. 23-97 City of Chesterfield Planning Commission**; a proposal to establish a requirement for disclosure of information relative to future land use and local noise impact. (In addition, the proposed Tree Protection criteria and revisions to the Comprehensive Plan will be discussed.)

There was no discussion on this item.

- VI. **P.Z. 26-97 City of Chesterfield Planning Commission**; a proposal to amend the City of Chesterfield Subdivision Ordinance relative to work being done by the Character of Neighborhoods Moratorium Panel of the City of Chesterfield.

(There are no recommendations from either the Moratorium Panel or the Planning Commission on this petition.)

There was no action taken on this petition by the Committee.

- VII. P.Z. 27-97 City of Chesterfield Planning Commission**; a proposal to amend the City of Chesterfield Zoning Ordinance relative to work being done by the Character of Neighborhoods Moratorium Panel of the City of Chesterfield, which includes creation of the following new zoning districts: E-1 Residence District (2 acre); E-2 Residence District (1 acre); E-3 Residence District (1/2 acre); LLR Large Lot Residential (3 acre); and, AG Agriculture.

Director of Planning Teresa Price stated that the Planning Commission did not have enough time to address all of their concerns Monday night at their meeting. This petition has been forwarded to the Committee so as not to delay the process with the agreement their concerns would be addressed. Information was handed out from Planning Commission Chairman Rick Bly, compiled by Planning Department staff.

Councilmember Brown inquired as to the required setbacks/buffers in the "LLR" District for churches. She asked if the City can ask for greater setbacks for permitted uses? She asked for clarification on the required buffers if 2 "E-1" developments are next to each other, do they both have to have 100' buffers?

Councilmember Flachsbart replied that if there are 2 "E-1" developments next to each other, both have to have 100' buffers.

Chairman Hurt inquired as to how the Panel came up with 1/2 acre, 1 acre and 2 acres, and how they came up with the minimum lot sizes allowed?

Councilmember Flachsbart explained the formulas utilized, the process the Panel went through, and the philosophy of performance zoning. The Panel felt that the current PEU process allowed developments to negatively impact the surrounding area by proposing smaller lots, so the Panel is recommending establishing minimum lot size and setback criteria, requiring more buffers and locating smaller lots internally to the development. The 1/2 acre, 1 acre and 2 acre districts were specified in the West Area Study.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to accept the recommendations from the Character of Neighborhoods Panel as revised by the Planning Commission. The motion was approved by a vote of 3 to 0.

Discussion of remaining Planning Commission Issues:

Issue #1 **1003.104 AG Agricultural District**

Wording of Intent and Purpose section, specifically, the phrase "in areas where the normal provision of community infrastructure is neither desirable nor feasible". The Commission's concern was that there could be areas where the "AG" zoning is appropriate and infrastructure exists or is feasible.

Answer #1 Based upon the recommendation and discussion at the Planning Commission meeting, the language has been revised to read: "...in areas where the normal provision of community infrastructure is ~~neither~~ **not** desirable ~~nor~~ **or** feasible..."

Director of Planning Teresa Price explained the issue.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt for discussion, to revise as recommended. A motion to amend the motion was made by Councilmember Flachsbart, accepted by Chairman Hurt, to state "or **not** feasible". The motion, as amended, was approved by a vote of 3 to 0.

Issue #2 1003.104(3) Conditional Uses
(also applies to "LLR", "E-1", "E-2", and "E-3")

The Department previously requested consistency in the conditional uses proposed in the new districts with the work of the Conditional Uses Moratorium Panel.

Answer #2 To be consistent with the Conditional Uses Panel recommendations, the Department recommends the following:

"LLR", "E-1", "E-2", "E-3" Conditional Uses
-combine "cemeteries and mausoleums" with "mortuaries"
-add "Dormitory or group living facilities for religious, educational, or charitable purposes", minimum lot size of 3 acres
-combine "Group homes for the elderly" with "Nursing homes"
-add "Group living facilities for religious purposes" (wording included with P.Z. 22-97), minimum lot size of 3 acres in "LLR", 2 acres in "E-1", 1 acre in "E-2", 1/2 acre in "E-3"
-combine "Local public utility facilities...." with "Public utility facilities"

Director of Planning Teresa Price explained that some of the proposed CUP uses were in conflict with the recommendations from the Conditional Permits Panel.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to amend the Planning Commission recommendation to require a minimum of 5 acres for Group Living facilities for "LLR", "E-1", "E-2" and "E-3" because of estate character, and accept the Planning Commission recommendations for additions and combinations. The motion was approved by a vote of 3 to 0.

Issue #3 1003.104(5) Lot Area, Setbacks, and Density Requirements

The minimum lot area specified is 10 acres. The concern is that in the Chesterfield Valley, both inside and outside the Monarch Levee, parcels exist that are less than 10 acres and are currently zoned "NU" and "FPNU". It was noted when the City assigned the "AG" district to parcels less than 10 acres, the City would be creating non-conforming uses.

Answer #3 The Planning Commission is supportive of the minimum lot area of 10 acres for this District, even though it means it will result in non-conforming lots relative to lot sizes.

No action was taken by the Committee on this issue.

Issue #4 1003.104(5) Lot Area, Setbacks, and Density Requirements

(b) Setbacks.....

As proposed, some required setbacks were specified in 1003.104(2) - The setbacks for barns and kennels are listed under Permitted Uses and should be referenced.

Answer #4 Based on the recommendation of the Department of Planning and the Panel consultant, the following revisions are recommended:

1003.104(5) Lot Area, Setbacks, and Density Requirements

(b) Setbacks - for all ~~residential and non-residential~~ uses, no structure shall be allowed within 50 feet of any roadway right-of-way line, and no structure shall be allowed within 25 feet of any property line, **unless otherwise specified under 1003.104(2).**

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to accept the proposed revision. The motion was approved by a vote of 3 to 0.

Issue #5 1003.104(6) Community Character Development Standards

(e)	(iii)	Flood plains	80%
	(iv)	Steep slopes > 30%	70%

The information contained in the Panel recommendation needs to be clarified.

Answer #5 The consultant has clarified the intent of the Panel is for this reference to read as follows:

(e)	(iii)	Flood plains - 80% of all flood plain areas shall be protected and shall remain without development.
	(iv)	Steep slopes - 70% of all areas exceeding a 30% slope shall be protected and shall remain without development.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to change as clarified.

Chairman Hurt inquired as to the HomeBuilder's Association's (HBA) view of the proposed percentages.

It was noted that correspondence from the HBA was included in the packet.

There was extensive discussion on this issue.

Chairman Hurt stated that it could be beneficial to an area to change the steep slopes to control stormwater. He stated he doesn't agree with the percent proposed. He recommended adding "unless designated as a hardship to surrounding area by the City Engineer".

Mayor Greenwood stated that the Panel was trying to come up with criteria. Developers can go through the variance procedure if necessary.

There was general discussion of the variance process.

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

Staff was directed to ask City Attorney Doug Beach to determine if the City can pass individual development ordinances that deviate from this (different percentages).

Staff was directed to talk to Director of Public Works/City Engineer Mike Geisel about this issue and adding "in certain instances where there are stormwater concerns" (concern with offsite impact on health, safety and welfare).

Issue #6 **1003.105 LLR Large Lot Residential District**

Clarification was needed relative to subdivision improvements being required with these developments (paved streets, detention, street lights, sidewalks, etc.).

Answer #6 Additional language is proposed to indicate that while subdivision improvement requirements in the "LLR" district are minimal, as specified in 1005.135 (large lot subdivision) of the subdivision regulations, development in the "LLR" residential district is not exempt from the subdivision regulations.

1003.105(1) Intent and Purpose

..... Single-family residential development in this district is intended to conform to standards set forth in Section 1005.135 of the City's Subdivision Regulations (Large lot subdivision). The large lot subdivision standards, generally, do not require minimum pavement widths, sidewalks, streetlights and other improvements applicable to residential subdivisions containing lots of less than three acres.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to accept the proposed wording. The motion was approved by a vote of 3 to 0.

Issue #7 **1003.105(1) Intent and Purpose**

At the Public Hearing, the Planning Commission questioned the proposed wording and the implications of same; specifically, the phrase "in areas where the normal provision of community infrastructure is neither desirable nor feasible". The Commission's concern was

that there could be areas where the "LLR" zoning is appropriate and infrastructure exists or is feasible.

Answer #7 Based upon the recommendation and discussion at the Planning Commission meeting, the language has been revised to read: "...in areas where the normal provision of community infrastructure is ~~neither not~~ desirable ~~nor or~~ feasible..."

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to amend the proposed wording to state "or **not** feasible". The motion was approved by a vote of 3 to 0.

Issue #8 1003.105(2) Permitted Uses
(also a concern in E-1, E-2, and E-3)

The Department is of the opinion that due to traffic concerns, churches and schools should more appropriately be conditional uses in the "LLR".

Answer #8 The Panel addressed the issue of use compatibility and impact of schools and places of worship by requiring them to be located on larger lots in the residential districts. The consultants opinion is that traffic concerns can be addressed through the City's site plan review process, that schools and places of worship are traditionally permitted in residential districts, and that subjecting churches, in particular, to the discretionary nature of a conditional use

Barry Hogue, Development Strategies, consultant for the Character of Neighborhoods Panel, stated that schools and churches are usually permitted uses in "R" districts.

Director of Planning Teresa Price stated that the Department's concern is with traffic. If a CUP was required, could be reviewed by the City.

No action was taken by the Committee on this Issue.

Issue #9 1003.105(5) Lot Area, Setbacks, and Density Requirements
(also found in "E-1", "E-2" and "E-3")

Clarification was needed on the following wording relative to Mortuaries: Minimum 3 acres **and 200 feet** on a state roadway,

Answer #9 The intent is to have 200 feet of frontage on a state roadway, and the following additional language is recommended:

Mortuaries: Minimum 3 acres and 200 feet **of frontage** on a state roadway.....

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to clarify as recommended. The motion was approved by a vote of 3 to 0.

Issue #10 1003.105(6) Community Character Development Standards
(also found in "E-1", "E-2", and "E-3")

- | | | | |
|-----|-------|--------------------|-----|
| (e) | (iii) | Flood plains | 80% |
| | (iv) | Steep slopes > 30% | 70% |

The information contained in the Panel recommendation needs to be clarified.

Answer #10 The consultant has clarified the intent of the Panel is for this reference to read as follows:

- | | | |
|-----|-------|--|
| (e) | (iii) | Flood plains - 80% of all flood plain areas shall be protected and shall remain without development. |
| | (iv) | Steep slopes - 70% of all areas exceeding a 30% slope shall be protected and shall remain without development. |

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to approve as recommended. The motion was approved by a vote of 3 to 0.

Issue #11 **1003.106 E-1 Residence District**

1003.106(1) Intent and Purpose

Are the three development procedure options available for all uses, or only for residential uses?

Answer #11 The three "development procedure options" apply only to residential development. All non-residential development must be situated on tracts of land of at least 5 acres or as specified in 1003.106(5)(a), (b) and (c). To clarify this, "residential" is proposed to be inserted before "development procedure options" in 1003.106(1) Intent and Purpose.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to accept the amendment as recommended. The motion was approved by a vote of 3 to 0.

Issue #12 1003.106(5) Lot Area, Setbacks, and Density Requirements
(also found in "E-2" and "E-3")

- (b) ".....no more than 10 percent of the minimum lot area for non-residential uses shall be in the flood plain."

Did the Panel intend to revise the flood plain regulations for the City?

Answer #12 City of Chesterfield Zoning Ordinance Section 1003.101 "FP" Floodplain District regulations and Chapter 14 of the City of Chesterfield Code, Flood damage prevention, address floodplain requirements. The Department concurs with the Director of Public Works that conditions

relative to the flood plain not be revised and not be contained within individual zoning districts. Therefore, the phrase listed above is recommended to be deleted.

There was general discussion of the Floodplain regulations.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to accept the staff's recommendation to delete the phrase listed above. The motion was approved by a vote of 3 to 0.

Issue #13 1003.106(5) Lot Area, Setbacks, and Density Requirements
(also found in "E-2" and "E-3")

(f) Retaining walls of any height are permitted within all yard setbacks.

The Department is concerned about health/safety issues relative to this. Currently, retaining walls located in setbacks can not be over six (6) feet in height. The Panel did not discuss the provisions in any detail or question their rationale.

Answer #13 The Department recommends the following language:

(f) Retaining walls ~~of any~~ **up to six (6) feet in** height are permitted within all yard setbacks. **When retaining walls are tiered, the minimum horizontal distance between retaining walls (closest edge to closest edge) shall be four (4) feet.**

In addition, the Department recommends the above be added to the "R-2" through "R-8" District regulations.

The staff was directed to put the issue of requiring a fence on the list to deal with latter.

Councilmember Flachsbart suggested the height be increased to 8 feet, and that as a future issue, we need to deal with the construction material.

Councilmember Brown suggested that the wording be left as recommended and that we revisit it at a later date.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to revise as recommended, increase the height to 8 feet, and staff is to put the issue of construction material and fencing on the list for future research. The motion was approved by a vote of 3 to 0.

Issue #14 1003.106(5) Lot Area, Setbacks, and Density Requirements
(also found in "E-2" and "E-3")

(f) Light standards.....

Clarification was needed concerning adding "LLR" and "AG" district references to this section and leaving the reference to "NU".

Answer #14 The reference to "NU" shall remain until the "NU" district is eliminated from the Zoning Ordinance. The "LLR" district is already referenced because it is a residential district. The "AG" district is to be added.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, to accept the recommendation to add "AG" to this section. The motion was approved by a vote of 3 to 0.

Issue #15 1003.106(6) Development Procedure Options
(also found in E-2 and E-3)

Dedications for Public Schools and Public Parks

Why does a development have to be thirty (30) acres to be able to dedicate ground for public schools and sixty (60) acres to dedicate ground for a public park? Why does the public school dedication have to be a minimum of five (5) acres and a public park dedication have to be a minimum of ten (10) acres? If there was two (2) acres that the City need to add to an adjacent parcel of land, there would be no incentive for a developer to give the land to the City. What about adding "unless otherwise authorized or required by the City of Chesterfield?" Recognizing that the current "PEU" section also contains the same wording, any change recommended here would also need to be made in the "PEU" section.

Answer #15 The proposed language was taken from the current "PEU" section. The Panel did not discuss these provisions in any detail or question their rationale. The Department recommends that the phrase "unless otherwise authorized or required by the City of Chesterfield" be added in the "E-1", "E-2", "E-3" and PEU sections.

Councilmember Flachsbart suggested that this issue be put on the list to have the numbers looked at later.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to add the phrase recommended. The motion was approved by a vote of 3 to 0.

Issue #16 1003.106(7) Community Character Development Standards
(also found in "E-2" and "E-3")

c) Easements

Shouldn't the developer be required to provide replacement vegetation?

Answer #16 The following wording is recommended to be added at the end of (c) in "E-1", "E-2", and "E-3":

Vegetation shall be replaced as required on the Site Development Plan.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to accept the recommended additional wording. The motion was approved by a vote of 3 to 0.

Issue #17 1003.106(7) Community Character Development Standards
(also found in "E-2" and "E-3")

j) Jogging trails

The Department is concerned with the potential impact of improvements in the buffer areas to accommodate jogging trails (impact on vegetation, impact on tree preservation area).

Answer #17 The Department recommends the following sentence be added:

Jogging trails are allowed in the buffer area only if they are coordinated with the Tree Preservation Plan.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to revise as follows:
Jogging trails are allowed in the buffer area but must be coordinated with any Tree Preservation Plan.
The motion was approved by a vote of 3 to 0.

Issue #18 1003.106(7) Community Character Development Standards
(also found in "E-2" and "E-3")

j) Developments adjoining a public park

Why don't these standards also apply to schools?

Answer #18 Panels intention was not to allow this for schools. No change in this wording is being recommended.

No action was taken by Committee on this issue.

Issue #19 **1003.108 E-3 Residence District**

Development of attached single-family homes.

Please clarify what options allow the development of attached single-family homes.

Answer #19 The Panel intended attached single-family homes to be a development option only under the Performance Zoning Procedure of the "E-3" District regulations. This needs to be clarified in the Permitted Uses section as follows:

(a) Detached and attached single-family dwellings (**attached single-family dwellings are permitted when utilizing the Performance Zoning Procedure**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to accept the amendment as proposed.

Chairman Hurt inquired as to what the HBA concern was with this issue.

It was noted that the HBA concern was that attached single-family dwellings would not be permitted in the "E-2" one-acre district. There was general discussion of why this option was not recommended by the Panel.

Councilmember Flachsbart stated that several citizens on the panel did not want this option in the 1 acre district.

The motion was approved by a vote of 3 to 0.

Issue #20 Clarification is needed concerning what minimum lot size would apply if a perimeter lot was adjacent to two (2) different developments (say a corner lot). This is found in the "E-1", "E-2", "E-3" and the proposed revisions to the PEU section.

Answer #20 If a perimeter lot is adjacent to two different developments with different underlying zoning (as in the case of a corner lot), the minimum lot size required would be the larger of the two lots.

A motion to approve this recommendation was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #21 Clarification is needed on the measurement of the buffer areas. Is this to be measured from the edge of pavement or the edge of existing right-of-way or the edge of proposed right-of-way?

Answer #21 This issue was not discussed by the Panel. Staff recommends that the buffer areas be measured from the proposed right-of-way. Clarification wording would need to be added in appropriate places in the proposed Districts.

A motion to add clarification wording was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #22 "AG" 1003.104(4)(e)
(also applies to "LLR", "E-1", "E-2" and "E-3")

Signs are allowed as accessory uses for designated permitted and conditional uses. Does this mean that signs for non-designated permitted and conditional uses cannot be accessory uses? In other words, is there a difference in the treatment of business signs for golf courses (designated) and practice driving ranges (not designated)?

Planning Commission Vice-Chairman Bob Grant clarified the issue that some uses were specifically listed, while others were not. The issue is one of consistency.

Barry Hogue, Development Strategies, recommended adding the phrase "signs when in conjunction with a permitted or conditional use....", and deleting the specific use references.

A motion to revise as recommended was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #23 "AG" 1003.104(6)(e)
(also applies to "LLR", "E-1", "E-2", "E-3")

The introductory sentence should be clarified. Item (v) should be clarified - does this apply to "woodlands" as defined in the proposed tree protection ordinance?

A motion to change the reference to "forest" to "woodland" and delete the specific references in the introductory sentence (woodland, floodplain,) was made by Councilmember Brown, seconded by Councilmember Flachsbart, and approved by a vote of 3 to 0.

Issue #24 Intent and purpose paragraph for "E-1" and "E-2" should refer to correct specific standards paragraph (second last line).

Answer #24 Revise as follows:
"E-1" reference should be to Section 1003.106(6)
"E-2" reference should be to Section 1003.107(6)

Issue #25 Permitted uses. Apparent typo in second line for "E-1", "E-2" and "E-3"

Answer #25 Revise as follows:
"E-1" references should be to Section 1003.106 and 1003.106(5)
"E-2" references should be to Section 1003.107 and 1003.107(5)
"E-3" references should be to Section 1003.108 and 1003.108(5)

Issue #26 "E-1" 1003.106(5)(a) incorrect reference to 1003.108(6)

Answer #26 Revise to reference 1003.106(6)

A motion to revise Issues 24, 25 and 26 as recommended was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #27 "E-2" 1003.107(5)(a) incorrect reference to 1003.108(6)

Answer #27 Revise to reference 1003.107(6)

A motion to revise as recommended was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #28 Concern was expressed that riding stables and kennels were allowed as conditional uses in the "E-2" and "E-3" districts

Answer #28 The Conditional Permits Panel recommended that riding stables and kennels be deleted from the Conditional Uses in the "R-1" District. These uses were not listed as Conditional Uses in the "R-1A" District. To be consistent with the Conditional Permits Panel recommendations, the Department recommends these uses be deleted from the Conditional Uses in the "E-2" and "E-3" districts.

No action was taken by Committee on this issue.

Issue #29 PEU 1003.187(3)

Should not the reference to "density development" be to "planned environmental unit"?

Answer #29 This reference is recommended to be changed to "planned environment unit".

A motion to revise as recommended was made by Councilmember Flachsbart, seconded by Chairman Hurt, and approved by a vote of 3 to 0.

Issue #30 PEU 1003.187(3)(2)

References to lots being "close" to other lots are vague. A definite number of feet should be used.

Answer #30 The intent of the Panel was to require this for lots within 50' of borders. All references to "close to" are recommended to be changed to "within 50' of".

A motion to revise as recommended was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Issue #31 PEU 1003.187(4)(4)

Word "uses" should not be stricken.

Answer #31 The word "uses" is recommended to remain.

Issue #32 PEU 1003.187(4)(c)

Restrictions. Why is "size" used instead of "area"?

Answer #32 The Department recommends that this reference be changed to "area".

A motion to approve Issues 31 and 32 as recommended was made by Councilmember Brown, seconded by Councilmember Flachsbart, and approved by a vote of 3 to 0.

Issue #33 PEU 1003.187(4)(5)

Where are provisions for lot area and yard setback, since these terms are deleted?

Answer #33 The provisions for lot area and yard setback are contained in 1003.187(3), which lists the permitted variations relative to lot sizes and setbacks, as specified in the table found in this section.

This issue was clarified. No action on this issue was taken by the Committee.

A motion to accept the recommendations of the Character of Neighborhoods Panel, as amended, and hold until the November 17th City Council meeting was made by Councilmember Flachsbart, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

Planning Director Teresa Price provided a handout to the Committee which reflects draft revisions to the Tree Ordinance with mitigation wording. She noted that at the next Committee meeting, November 6, 1997, the THF petition, balloon ordinance and final rough draft of all moratorium items will be presented.

The next regularly scheduled meeting will be held at 5:30 p.m. on Thursday, November 6, 1997.

The meeting adjourned at 9:55 p.m.

TP/LPGM/lpgm
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