

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 24, 1994**



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

PRESENT

ABSENT

Mr. Rick Bly
Mr. Fred Broemmer
Mr. Michael Casey
Mr. Dave Dalton
Ms. Mary Domahidy
Mr. Bill Kirchoff
Ms. Linda McCarthy
Ms. Patricia O'Brien
Chairman Barbara McGuinness
Councilmember Dan Hurt - Council Liaison (arrived later)
Mr. Douglas R. Beach, City Attorney
Mr. Jerry Duepner, Director of Planning
Ms. Laura Griggs-McElhanon, Senior Planner
Mr. Joe Hanke, Planner II
Ms. Toni Hunt, Planner I
Ms. Sandra Lohman, Executive Secretary

INVOCATION - Commissioner Michael Casey

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Director Jerry Duepner read the "Opening Comments"

- A. **P.Z. 22-94 City of Chesterfield Planning Commission**; a proposal to amend Sections 1003.020 Definitions; 1003.107 "NU" Non-Urban District Regulations; 1003.111 "R-1" Residence District Regulations; 1003.112 "R-1A" Residence District Regulations; 1003.113 "R-2" Residence District Regulations; 1003.115 "R-3" Residence District Regulations; 1003.117 "R-4" Residence District Regulations; 1003.119 "R-5" Residence District Regulations; 1003.120 "R-6A" Residence District Regulations; 1003.120A "R-6AA" Residence District

Regulations; 1003.121 "R-6" Residence District Regulations; 1003.123 "R-7" Residence District Regulations; 1003.125 "R-8" Residence District Regulations; 1003.131 "C-1" Neighborhood Business District Regulations; 1003.133 "C-2" Shopping District Regulations; 1003.135 "C-3" Shopping District Regulations; 1003.141 "C-6" Office and Research Service District Regulations; 1003.167 Miscellaneous Regulations; 1003.200 Administration, Enforcement and Permits; and 1003.210 Fees, relative to home day care.

Joe Hanke, Planner II, summarized the recommendations of the Ordinance Review Committee. He noted the intent is to review home day care as a land use regulatory issue, and that the State regulates home day care with regard to all other issues which are brought to bear when home day care is approved within a particular home. He further noted this issue was originally initiated by the City Council and, with the concurrence of the City Attorney, it was believed appropriate for the City to bring its current regulations more in line with the State regulations.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner O'Brien inquired regarding who makes the child count, how many adults are responsible for how many children, and who's responsibility it is to regulate this.

Planner Hanke replied that, according to State regulations, a toddler (between 12 and 24 months of age) is exempted and, therefore, not included in the head count.

Commissioner O'Brien noted she believes they should be counted twice, as they take more effort than older children. She further noted Arlington County, Virginia regulations say words to that effect, and inquired what the ratio of adults to children would be with a group day care home of nine (9) children, not more than twenty (20), and whether this is our responsibility to determine.

City Attorney Beach noted, at present, we are not determining this.

Planner Hanke noted there are approximately three (3) pages of personnel requirements in the State regulations which speak to a ratio in terms of educational and experience requirements.

Commissioner O'Brien noted she is trying to determine if we are just looking at definitions, or at the whole package.

Planner Hanke noted we are primarily looking at the land use issues (parking, circulation, building code requirements) not the issues covered by the State regulations.

Commissioner Domahidy inquired whether the definitions are based on the State regulations.

Planner Hanke noted the State has many requirements with regard to children and infant/ toddler space, and the space requirements are in addition to the requirements he is speaking to here tonight. He read the State definition of what constitutes a Child Care Center, a Family Day Care Home, and a Group Day Care Home. He noted the approval of a Home Day Care or Group Day Care will **not** supersede the private restrictions within a subdivision.

Commissioner Broemmer noted concerns regarding traffic circulation and fire restrictions.

Planner Hanke noted the Group Day Care (9 to 20 children) would still be subject to a Conditional Use Permit which would require a public hearing before the Planning Commission. He further noted that a site plan would be required to detail parking, circulation, etc. He stated we are dealing with between four (4) and eight (8) children, which would be a Department review and approval process, as opposed to the current Conditional Use Permit process in place.

Commissioner Dalton inquired regarding Condition (17) (e) of the handout.

City Attorney Beach noted that many of the discretionary conditions will be removed and replaced with specifics/criteria (i.e., sizes, number of children).

Commissioner Casey inquired how many home day care facilities exist in the City of Chesterfield, both licensed and unlicensed.

Planner Hanke noted there are none that are licensed, and we assume there are people operating as home occupations without a license. He further noted that once these regulations are in place, there could be an article in a publication such as the Chesterfield Citizen, stating what the regulations are, and it would behove people to bring their day care centers (if they are operating with more than four (4) children) into compliance.

Chairman McGuinness inquired whether a business license is required.

Planner Hanke replied that it was required.

Chairman McGuinness inquired how the City finds out about home day care centers.

Planner Hanke noted our procedure is that, if someone complains, we send a business license to that residence.

Commissioner O'Brien inquired about the process underway to revise the home day care regulations.

Planner Hanke noted the Department will bring this back to the Commission for issues at the next meeting on November 14th, and the Department's report will be submitted at the November 28th meeting. He further noted he would provide a copy of the State License requirements to anyone interested.

Commissioner O'Brien noted it is important to look at the ratio of adults to children, counting children under a certain age as two (2) because they take more effort, and there should be a minimum number of square feet in the house as well as outside the house for play area.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION - None

SPEAKERS - NEUTRAL - None

REBUTTAL - Waived

Director Duepner read the next portion of the "Opening Comments"

SHOW OF HANDS

In Favor: 0 In Opposition: 0 Neutral 0

Director Duepner read the remainder of the "Opening Comments."

APPROVAL OF THE MINUTES

Commissioner Casey made a motion to approve the minutes from the meeting of October 10, 1994. The motion was seconded by Commissioner Domahidy and approved by a voice vote of 8 to 1, with Chairman McGuinness voting no.

PUBLIC COMMENTS - None

OLD BUSINESS - None

NEW BUSINESS

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

Toni Hunt, Planner I, summarized the request and the Department's recommendation of **approval** subject to conditions outlined in Attachment A.

A motion to approve the request was made by Commissioner Domahidy and seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton inquired regarding the requirement for increasing the size of the driveway.

Planner Hunt noted this was in response to Fire District requirements.

Commissioner Dalton inquired how this site compares to the other C.S.P. sites (near Friendship Village).

Director Duepner noted they all had to upgrade to a wider entrance in order to accommodate two-way traffic.

Upon a roll call the vote on the motion was as follows: Commissioner Bly, yes; Commissioner Broemmer, yes; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Domahidy, yes; Commissioner Kirchoff, yes; Commissioner McCarthy, yes; Commissioner O'Brien, yes; Chairman McGuinness, yes.

The motion passes by a vote of 9 to 0.

B. Memorandum from Director of Planning concerning recommendations of West Area Study Committee.

Director Duepner noted the two (2) recommendations of the West Area Study Committee forwarded to the Planning Commission for consideration: 1) to extend the boundaries of the West Area Study eastward towards Chesterfield Airport Road; and 2) an additional resident member be placed on the Study Committee.

Committee Co-Chair Domahidy noted, regarding the proposed extension of boundaries, that the overriding concern was that the area is accessed via Chesterfield Airport Road, and it is logical to extend the boundaries because what is being considered in the Wild Horse Creek Road area would impact that being serviced via Chesterfield Airport Road. She further noted that, overwhelmingly, it was decided it needs to be considered as a unit, and the Committee felt that this particular segment being omitted was not taking the whole into consideration.

Chairman McGuinness inquired why the Committee hadn't looked at this three (3) or four (4) months ago.

Committee Co-Chair Domahidy noted that when the Committee originally looked at the boundaries it focused on the area further south and west, where there were larger tracks of vacant land.

Chairman McGuinness inquired about the majority point of view.

Committee Co-Chair Dalton noted that at the time the Committee was looking at the boundaries it didn't have any idea about the traffic generation, and this is one of the things that prompted him to vote in favor of including this additional area. He further noted we also have "Old Town Chesterfield" that he would like addressed at this time. He noted some additional reasons the area is being added are due to traffic flow, and that "Old Town Chesterfield" is an area with which we may do something creative.

Chairman McGuinness noted we may have to re-define the mission of the Committee. She asked Committee Co-Chair Domahidy to give the minority view.

Committee Co-Chair Domahidy noted her reasons are primarily logistical, since when the study began, they were not certain about Staff time or the budget for the Study. She further noted that adding this area also adds to the Staff's commitment, time involved for people who serve on the Committee, and additional costs.

Chairman McGuinness inquired how long this additional project would take, and how strong is the commitment of the members of the West Area Study Committee.

Committee Co-Chair Domahidy responded that, other than the seven (7) people who voted on this, she doesn't believe we have a sense of how long members of the Committee wish to continue.

Committee Co-Chair Dalton noted he doesn't believe we need to do any sort of micro-management of that area. He further noted we need to continue to move for conclusion on the rest of the area; however, he doesn't know how soon this will be.

Chairman McGuinness inquired what the Committee intends to do when it meets.

Committee Co-Chair Dalton noted we are supposed to have a meeting tonight to plan a tentative agenda and establish some guidelines/direction.

Chairman McGuinness asked what the Committee's scope of work would be.

Committee Co-Chair Dalton noted they want to briefly define that area, and his intent was to address traffic flow.

Director Duepner noted the boundaries of the West Area were originally formulated in the City's Comprehensive Plan, and that is part of the basis for establishing the boundaries of the West Area Study. He summarized the various areas into which the City was divided on the original Comprehensive Plan (i.e., the Northeast, I-64 Corridor, West and South).

Chairman McGuinness noted that, essentially, there is more area included in the West Area Study than there was in the original Comprehensive Plan.

Director Duepner noted that when the Planning Commission acted on this it also amended the boundaries of the, so called, West Area, and the area proposed to be included in the West Area tonight was originally designated on the Comprehensive Plan as the I-64 Corridor. He further noted that any action the Commission takes needs to be referred to the Planning and Zoning Committee.

City Attorney Beach noted it appears the traffic flow problem arises either from the exit from I-64 or the Chesterfield Parkway, not the trailer park area or Old Chesterfield.

Director Duepner noted the discussion was that the Study should go beyond just Wild Horse Creek Road and Chesterfield Airport Road. He further noted it goes back to what are considered to be reasonable and readily identifiable boundaries.

Chairman McGuinness asked Committee Co-Chair Dalton whether this is the goal, and whether this is the proper place to study traffic.

Committee Co-Chair Dalton noted that when they originally began this Study they didn't address any of the issues that have come up (i.e., the school district, etc.). He further noted these issues have surfaced as we have proceeded, and is one of the dynamic results of this Study. He further noted his intent is not to go any further with it, and he would like to see a recommendation from the Committee going to the County and the State Highway Departments with regard to planning (i.e., future roadway improvements, traffic signals, etc.).

Chairman McGuinness inquired whether Co-Chair Dalton would like to do a density study.

Committee Co-Chair Dalton noted he believes everything in the subject area is already zoned.

Director Duepner noted everything is zoned, however, the question is in terms of identifying future uses in those areas. He noted the West Area Study is not completed at this point, and the amendment to the Comprehensive Plan was an interim step in terms of addressing, more precisely, the densities in that area, as the Comprehensive Plan does not do that. He noted there is additional work to be done by the Committee if it is to complete the Plan as originally anticipated, which was a full document addressing a wide range of issues including density, topography, etc.

Chairman McGuinness stated she wants the record to reflect that Councilmember Hurt has been in attendance at the meeting for approximately ten (10) to fifteen (15) minutes, and she failed to make public note of that. She apologized, noting that he is Chairman of the P & Z Committee of Council.

Chairman McGuinness requested clarification of the proposed change to the West Area Study boundary.

Director Duepner noted it was to utilize property lines in an attempt to identify parcels having frontage on Wild Horse Creek Road or Chesterfield Airport Road. He further noted this was an attempt to have identifiable, physical boundaries.

Chairman McGuinness inquired regarding the commitment from Staff and the length of the project.

Committee Co-Chair Domahidy noted they haven't received information from Staff regarding their commitment; however, she and Mr. Dalton are not going to hold the Wednesday meeting of the West Area Study Committee because they feel there is some planning of this type that needs to occur before the group meets again.

Director Duepner noted the Department Staff wasn't consulted in terms of this, but the Staff is still willing to work with the Committee in its completion of the West Area Study. He noted the Planning and Zoning Committee made it clear that the Committee would be a working group, and Staff was there from a technical standpoint, but there was not commitment to bring in any outside consultant, nor that Staff would be able to perform the project totally by itself.

Commissioner Kirchoff noted the following:

Staff is an issue that deserves attention. When the Study began he questioned how good a job we could do without really having any people who are professional planners heavily involved in the process, and he wanted an outside consultant. The Department is reacting to the thoughts of the other Committee members who are not professional planners, himself included. He doesn't believe the Planning Department is as prominent in this effort as they should be, as they have the planning background; therefore, he is reluctant to do more of the same thing. He would like to involve an outside consultant in the process. He voted with the majority to expand the limits, but has some concerns (i.e., it is more a part of the Central Core than of the West Area). It more properly should be the subject of another study which involves itself with the Central Core, rather than being tagged on to the West Area. It was suggested this was a Wild Horse Creek Road Study instead of a West Area Study. He noted he would vote against including the entire area being added to the West Area Study.

Chairman McGuinness noted that Staff has stated on several occasions, they wanted a Commission/Committee driven document, and they were doing a lot of the heavy lifting, but they were looking for a Planning Commission document.

Director Duepner noted this is correct, and added this effort was to be similar to the Comprehensive Plan in terms of being directed by the Committee. He further noted Staff was there to provide some support and assistance, but, in terms of recommendations from the group, it was coming from the Committee, not the Staff.

Chairman McGuinness noted it has been a Commission/Committee driven process.

Commissioner Broemmer noted he voted against adding that area to the Study because we were well into time and effort devoted into the Study and were reaching a density agreement on the plan. He further noted that from a density standpoint it didn't seem appropriate to add this area identified tonight.

Commissioner O'Brien noted she is inclined to agree with Commissioner Broemmer, and she understood that establishing densities was just a small part of the work. She further noted she feels we need to complete this particular process and then, if it still seems important, we need to go back after the West Area Study is concluded and pick up that additional piece as a separate study area.

Chairman McGuinness noted it could possibly be part of an Urban Core study. She inquired regarding the idea of putting another resident on the Committee.

Committee Co-Chair Dalton noted this was to add a resident to help make a quorum (seven (7) persons) at the meetings.

Commissioner Kirchoff noted the most prominent reason was that there was a request for more input from residential members on the Committee.

Commissioner O'Brien stated she has no objections to adding another resident to the West Area Study Committee and requested the person be brought up to speed before he/she comes to the meeting.

Chairman McGuinness asked if there were suggestions as to who this person could be.

Commissioner Bly noted he believes Chesterfield Farms is seriously under-represented in the whole process.

Chairman McGuinness noted this depends upon what we do with the area.

A motion to expand the boundaries, as depicted on the map included with the report, was made by Commissioner Kirchoff. The motion was seconded by Commissioner Dalton.

Upon a roll call the vote was as follows: Commissioner Bly, no; Commissioner Broemmer, no; Commissioner Casey, yes; Commissioner Dalton, yes; Commissioner Domahidy, no; Commissioner Kirchoff, no; Commissioner McCarthy, no; Commissioner O'Brien, no; Chairman McGuinness, no.

The motion fails by a vote of 2 to 7.

COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness asked the Commission to speak to the issue of adding a resident to the Committee.

Committee Co-Chair Domahidy noted there was strong feeling that there ought to be another voice. She noted Councilmember Tilley voted most strongly for this.

Chairman McGuinness noted she feels strongly, if this is to be done, that it needs to be a member who lives within the boundary of the West Area Study.

It was the general consensus of the Commission that the added member be a resident who lives within the boundary of the West Area Study. The current membership was identified.

Director Duepner noted there are currently two (2) West Area Study area residents on the Committee: Dr. Steve Slocum and Commissioner Kirchoff.

Committee Co-Chair Domahidy noted the Committee needs to determine its goals and tasks, and the Committee supports the Staff's idea of producing a document similar to the Wild Horse Valley Community Area Study. She further noted that, even though we have taken this overall interim step regarding densities, the next step would be to come back and look at that in more specific detail (i.e., examining topography issues, access issues, etc.). She noted the ideas received from various representatives of service providers in the area need to be formulated into a written report. She believes we need to be working towards identifying some tools/policies to guide development in the area.

Director Duepner noted Department Staff is willing and able to bring this new person up to speed as quickly as possible so they can hit the ground running.

Chairman McGuinness noted the process would be that, if the Commission approves this, it would go to P & Z Committee if they care to sign-off on this, and then it would come back to the Commission for her to appoint such a person with confirmation of the Commission.

Councilmember Hurt noted it is nice to get input from residents living in the area, but we have to ultimately convince the majority of the people in the City. He further noted that the Comprehensive Plan drives the ordinances that will ultimately come before the City Council for review and action. He noted he would like to see a cross-section of people on the Committee to represent the entire City.

Chairman McGuinness noted we are talking about adding one (1) person to the Committee.

Councilmember Hurt noted he does not object to the one (1) person, but he wanted to clarify his position. He further noted he would like the person to be someone who would address the area in such a manner so that, when it comes before the Council, we have compromised some of the issues.

Commissioner O'Brien noted that, considering the makeup of the Committee, there is only one (1) resident of the area serving on the Committee, as opposed to a Planning Commissioner, who actually lives in this area. She further noted the Committee is talking about policies, ambiance, character, etc., and who better to provide the input about those features than the people who actually live there.

Commissioner O'Brien said she believes it is really important that the additional resident be residing in the West Area.

Director Duepner noted the Commission will not meet for three (3) weeks, and requested that if a decision is made to add someone, that that person's name be forwarded to the Planning and Zoning Committee on November 8th.

A motion to approve the Committee's recommendation to include another resident member on the West Area Study Committee, with the condition that the person the Chairman would appoint would be a person who actually lives inside the boundaries of the West Area Study, was made by Commissioner O'Brien. The motion was seconded by Commissioner Broemmer.

COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton noted the Council made the recommendation for the other resident member on the Committee, but he has no strong feeling about this procedure.

Chairman McGuinness noted that was because we asked them to do so.

Commissioner Kirchoff inquired how the recommended addition would come about.

Chairman McGuinness noted this is why she recommended that the Committee come up with some names to send to the Planning Commission and P & Z, she would appoint, and that would be it.

Director Duepner recommended that, in the spirit of the process that has taken place before, we could have a meeting of the Planning Commission or West Area Study Committee, etc., to decide on a name to take to the next P & Z Committee meeting on November 8th.

Chairman McGuinness asked Mr. Chris Layton, who was in the audience, if he was interested in being on the Committee.

Mr. Layton noted he would like to serve.

The motion to add a resident member was approved by a voice vote of 9 to 0.

Commissioner O'Brien noted Mr. Don Trower as a possible candidate for the additional resident member.

Commissioner Dalton noted he believes Mr. Trower just left the area.

Commissioner Kirchoff noted he has heard Mr. Trower's property is under contract, but doesn't know if it has been sold.

Director Duepner noted that Mr. Trower's property is part of a petition filed with the Department for Rezoning and a Special Procedure.

Commissioner Broemmer made a motion to nominate Chris Layton to serve on the West Area Study Committee. The motion was seconded by Commissioner Dalton.

COMMENTS/DISCUSSION BY COMMISSION

Chairman McGuinness noted Mr. Layton stated that he has the time to put into it, and obviously has the interest, as he is here again tonight.

Chairman O'Brien said Mr. Layton has to promise that we don't have to take a meeting to bring him up to speed.

Director Duepner noted the Staff can take care of that.

The motion passes by a voice vote of 9 to 0.

Councilmember Hurt asked Mr. Chris Layton if he would please try to attend the P & Z Committee meeting on November 8, 1994, so they can ask him who he is, and what he does, etc.

Mr. Layton replied he would.

Councilmember Hurt noted Mr. Layton's wife is certainly welcome to come.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- 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.

Committee Co-Chair O'Brien, on behalf of the Site Plan Review Committee, made a motion to **approve** the site plan as recommended by the Department, subject to the following conditions:

- there be landscaped islands in the parking area;

- the vegetation on the north line be retained; and
- that approval is subject to screening of the proposed rooftop equipment.

The motion was seconded by Commissioner Casey and passes by a voice vote of 9 to 0.

COMMITTEE REPORTS

- A. **Ordinance Review Committee** - No report.
- B. **Architectural Review Committee** - No report.
- C. **Site Plan/Landscape Committee**

Senior Planner Griggs-McElhanon noted the next meeting is scheduled for November 2, 1994, at 5:00 p.m., prior to Mr. Kendig's meeting that evening at 7:00 p.m.

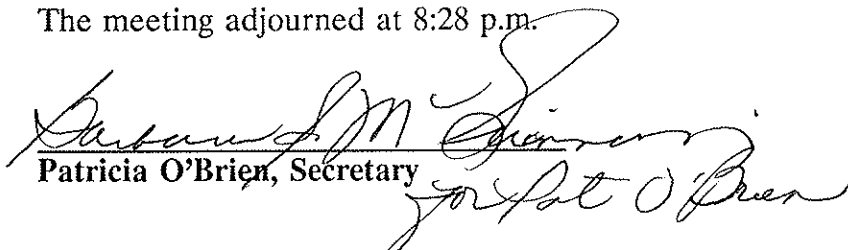
- D. **Comprehensive Plan Committee**
- E. **Procedures and Planning Committee** - No report.

Director Duepner noted that Mr. Kendig will be back making the same presentation he made last September on "Community Character." He further noted that we have sent a letter to all subdivision trustees in the City, and all holders of business licenses in the City, to advise them of this meeting and request their attendance because of its importance.

Commissioner Domahidy inquired if we could send a letter to the West Area Study Committee, as well.

Director Duepner replied he would send a letter to the West Area Study Committee. He further noted copies of Mr. Kendig's Issues Paper that came in on "Discretionary Zoning," was sent to all members of the Planning Commission. He urged Planning Commissioners to attend the November 2nd meeting, at 7:00 p.m., and the November 3rd meeting, at 5:30 p.m. (a working session with the Planning and Zoning Committee and members of the Selection Committee). Director Duepner also noted there is no West Area Committee meeting this Wednesday.

The meeting adjourned at 8:28 p.m.


Patricia O'Brien, Secretary

[MIN10-24.094]