

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
OCTOBER 19, 1994

A meeting of the Chesterfield City Council Planning and Zoning Committee was held on October 19, 1994, at 6:25 p.m., in the City Council Chambers. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Ed Levinson (Ward II); and Councilmember Mike Cullen (Ward IV). Also in attendance were Mayor Jack Leonard; Jerry Duepner, Director of Planning; Laura Griggs-McElhanon, Senior Planner; Joe Hanke, Planner II; and Toni Hunt, Planner I.

ITEM I. Approval of summary of Planning and Zoning Committee meeting of October 5, 1994.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Cullen for approval of the Meeting Summary. The motion was approved by a vote of 4 to 0.

ITEM II. P.Z. 12-94 Carl R. Tisone; Conditional Use Permit in "NU" Non-Urban District; north side of North Outer Forty, east of Boones Crossing.

Chairman Hurt inquired whether the Committee was desirous of proceeding on this matter.

Councilmember Levinson responded that he had prior concerns which were primarily addressed, and he believes the facility is an exceptional facility which would add to legitimacy of the Valley, and believes it should be approved.

Councilmember Cullen noted the lack of recreational facilities in the City, and that a facility of this type would be of benefit to families in providing additional recreational opportunities. He acknowledged there are pluses and minuses, but that a brick structure would not be feasible. He believes that quality development may not come to the Valley if there is no development.

Councilmember Levinson referenced the recently approved TIF for the Valley, and noted that here is an example of increased assessed value in the Valley.

Chairman Hurt clarified the process relative to Committee action on the matter. He indicated some concerns about the material and location of the facility, but not the proposed use.

A motion for approval of P.Z. 12-94 was made by Councilmember Levinson and seconded by Chairman Cullen. The motion was approved by a vote of 3 to 1, with Chairman Hurt voting no.

Note: A Resolution on this item will be needed for the November 7, 1994 City Council meeting, as Council had previously voted to exercise its power of review on this matter.

ITEM V.

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 on the afternoon of October 18, 1994, a protest petition to both P.Z. 18 & 19-94 Chesterfield Village, Inc., had been submitted to the Department of Planning. The Department had not had an opportunity to review the petition, nor to confirm whether there were sufficient signatures on the petition to qualify as a valid protest petition. He recommended the matter be held to allow the Department to review the petition and determine whether or not the petition is valid.

Chairman Hurt moved that the petition be validated and brought back to the next meeting for setting of a hearing. This motion was seconded by Councilmember Levinson.

Director Duepner noted that if the petition was not valid, the matter would be placed on the agenda of the next meeting for action.

ITEM III.

P.Z. 13 & 14-94 E.M. Harris Building Co. (Wildhorse Meadows); "NU" Non-Urban District and "FPNU" 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 recommending approval.

Director Duepner noted that the Department had been advised by the petitioner's representative that the recommendation of the Planning Commission was acceptable, and to disregard their request for a combination of "R-2" and "R-3" Residence Districts.

Mr. Greg Smith spoke on behalf of the petitioner, confirming the petitioner would request "R-2" Residence District, which would result in approximately 85 lots.

The Chair inquired relative to Planning Commission vote and requested that Planning Commissioner Fred Broemmer address the Committee, as he had voted against the petitions.

Mr. Broemmer stated he believed that whatever is to be done in the future could be done with one (1) acre development, and did not need to occur at a higher density.

Mr. Greg Smith addressed the Committee indicating that the proposal was the natural completion of a pattern in the area and was compatible with the Comprehensive Plan when the petition was filed in June. He also noted that the proposed zoning was identical to that granted to Miceli previously.

Councilmember Cullen noted that if a mistake were made before, that should not be considered a precedent for approving additional rezoning.

Councilmember Levinson inquired what the intention is for the property northward of the subject tract, across the railroad tracks.

Mr. Smith responded the petitioner's have made no decision on the property, and would be happy to discuss that matter.

Councilmember Levinson indicated he was interested in discussion about the one (1) acre lots versus one (1) acre density. Assuming that one (1) acre density is desirable in the area due to topography, roads, schools, etc., taking this site out, what is the impact of the overall density of the area?

Director Duepner responded that the Department had not made such a determination, but such a task is an element of the West Area Study.

Councilmember Levinson asked Mr. Tom Krull, spokesperson for the petitioner, how much developable land there was in the Western Area.

Mr. Krull indicated that, in view of the physical characteristics, it would be difficult to achieve sixty (60) percent of the area developable. In some areas in the West, it may be that three (3) acres would be too small. He does not believe the density would get below one (1) unit per acre for the total area.

Councilmember Flachsbart inquired as to the amount of dirt that would be moved on the subject site.

Mr. Krull said it may be somewhere in the neighborhood of over 100,000 yards. In consideration of the grading, there would be an attempt to work with the property to the west. The bank currently existing on the west end is not adequate. Also, this dirt would be utilized for fill on property on south side of Wild Horse Creek Road. Area of proposed heavy cuts are now agricultural, in which ninety percent (90%) would not result in destruction of trees.

Councilmember Levinson indicated he would like to see a study of the amount of developable land in the area.

Director Duepner noted that that is to be done in the West Area Study, and it would not be possible for the Department to have such information by the next meeting.

There was a motion made for **approval** of the petition, as recommended by the Planning Commission by Councilmember Levinson. **The motion died for lack of a second.**

A motion was made by Councilmember Levinson and seconded by Chairman Hurt to hold. **The motion was approved by a vote of 3 to 1, with Councilmember Cullen voting no.**

Councilmember Levinson requested that staff, or somebody, research what actual useable ground is in area, and what are realistic densities.

Director Duepner noted that task will be part of the West Area Study, and that staff could not have the information for the next meeting.

Chairman Hurt requested that staff give it their best shot.

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

Mr. Greg Smith, on behalf of the petitioner, requested this item be held, to be considered at the same time as P.Z. 13 & 14-94.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt for a hold. **The motion was approved by a vote of 4 to 0.**

ITEM VI.

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

A motion was made by Chairman Hurt and seconded by Councilmember Flachsbart that the matter be held to the next meeting. The motion was approved by a vote of 4 to 0.

ITEM VII.

P.C. 141-79 Chesterfield Village (NW Quadrant); request for Extension of Time for a "C-8" Planned Commercial District Site Development Plan and Architectural Elevations; northeast and northwest quadrants of the intersection of Chesterfield Village Parkway North and Highway 40/61.

A motion was made by Chairman Hurt and seconded by Councilmember Flachsbart to receive and file. The motion was approved by a vote of 4 to 0.

ITEM VIII.

P.C. 168-71 Sachs Properties, Inc. (Chesterfield Mall); Report on development progress; southwest quadrant of I-64/U.S. Highway 40/61 and Clarkson Road.

A motion was made by Chairman Hurt and seconded by Councilmember Flachsbart to receive and file. The motion was approved by a vote of 4 to 0.

ITEM IX.

Memorandum from the Director of Planning regarding revision of Zoning and Subdivision Ordinances.

Director Duepner referenced the attached Issue Paper concerning Discretionary Zoning from the consultant, and reminded Committee Members of the upcoming meeting on November 2nd. He further noted that Mr. Kendig would again make the "Community Character" presentation on the 2nd, and letters had been sent out to Subdivision Trustees, and would be sent out to holders of business licenses in the City. He again pointed out to the Committee that Mr. Kendig, in all likelihood, will be recommending Performance Zoning, which would mean a change in approach to rezoning and approval of developments away from adding conditions, as is the current practice.

ITEM X. Memorandum from the Director of Planning regarding regulation of News Racks.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Levinson to drop this matter from the agenda. The motion was approved by a vote of 4 to 0.

ITEM XI. Memorandum from the Director of Planning regarding City Council Bill No. 958 regarding Amendment of Sign Regulations relative to Menu Boards for Fast Food Restaurants.

This item was held by the Committee.

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

Director Duepner referenced the memorandum concerning this matter relative to banners and street banners. He noted that the Department had recently been approached by the Logan College of Chiropractic who were interested in erecting banners for an anniversary celebration. In all likelihood, other institutional uses would probably be interested in such banners at a future time.

Direction was sought from the Committee on this matter, who indicated that the use of banners and street banners should be extended to institutional uses, but on a limited time basis.

Chairman Hurt directed that the Department look at the time periods provided for the temporary signs at the Shell Gasoline Station located at Chesterfield Parkway and Olive Boulevard.

ITEM XIII. Correspondence from the City Attorney regarding reasonableness of zoning categories.

This item was held by the Committee.

ITEM XIV. Memorandum from the Director of Planning concerning Budget for Fiscal Year 1995 - Departmental Goals.

Director Duepner presented the draft of the Department Goals, as revised.

The Committee generally endorsed, with the following recommendations: that the year 1995, should be added to the goal relative to completion of the unified development code; that examples be provided of the increased use of the available computer network; and that a tracking procedure be utilized for the response on complaints.

Director Duepner noted that the work order program would allow for tracking of the complaints.

The Committee endorsed the recommended goals.

ITEM XV.

SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION ON OCTOBER 10, 1994.

Director Duepner noted that Item C (Braefield Subdivision) had not been acted upon by the City Council.

- A. P.Z. 21-94 Kennedy Farms; Conditional Use Permit in the "NU" Non-Urban District Site Plan; Deep Forest Drive at Wild Horse Creek Road.
- B. United Methodist Church of Green Trails; "NU" Non-Urban District Amended Site Plan; north side of Ladue Road at Greentrails Drive.
- C. Braefield Subdivision; Planned Environment Unit (PEU) in the "R-4" 7,500 square foot Residence District Subdivision Record Plat; north side of Olive Boulevard, east of West Drive.

The next meeting of the Planning and Zoning Committee will be on Tuesday, November 8, 1994, at 5:30 p.m.

The meeting adjourned at 7:30 p.m.

[PZC-SUM.019]

PUBLIC HEARING SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
OCTOBER 19, 1994
P.Z. 12-94 Carl Tisone

A public hearing was held before the Planning and Zoning Committee on October 19, 1994, at 5:02 p.m., in the City Chambers. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Ed Levinson (Ward II); and Councilmember Mike Cullen (Ward IV). Also in attendance were Mayor Jack Leonard; Councilmember Linda Tilley (Ward IV); Jerry Duepner, Director of Planning; Laura Griggs-McElhanon; Senior Planner; Joe Hanke, Planner II; and Toni Hunt, Planner I.

Director Duepner read the opening comments for the public hearing.

Speaking on behalf of the petitioner was Mr. Fred Hale. Mr. Hale presented the proposal to the Committee indicating that the project would be unified with the adjoining ice arena to the west. He presented slides depicting similar facilities. Mr. Hale indicated that a common walkway could be provided to the ice arena from the golf dome. In his opinion, the Valley is suffering and the project would help bring the Valley back. He acknowledged that the proposed structure is different.

Chairman Hurt inquired whether there were photographs of this type of structure elsewhere.

Mr. Hale distributed photographs.

Councilmember Tilley inquired how the structure would weather.

Mr. Hale indicated the manufacturer assures it is color fast, but it will dim somewhat over time.

Councilmember Tilley expressed concern that the City not rush into development of the Valley and sacrifice quality, and concern with the desired image to project for the Valley.

Councilmember Levinson inquired of the multi-use capability of the facility.

Mr. Hale indicated that use would be limited.

Director Duepner clarified that, in regards to the public hearing notice for the Conditional Use Permit, the petitioner had indicated that only a golf dome as a proposed use.

Mr. Hale responded further that available parking would place limitations on any possible additional uses of the facility.

SPEAKERS IN FAVOR

Mr. George Koob, 1160 Wood Summit Road, Ballwin, MO 63021, spoke in support of the project. He indicated he was involved with the adjoining ice arena, and that there had been some concern about appearance of the golf dome, but that would be compatible with the ice arena, particularly the public entrance.

Ms. Carol Fromuth, 1504 Kehrs Mill Road, Chesterfield, MO 63005, spoke in favor of the proposal. She is golf coach at Lafayette High School, and the facility as proposed would provide an excellent opportunity for practice during inclement weather. She requested the Committee consider the needs of the community in evaluating the proposal.

Ms. Marjorie Wilson, 111 Edwin Avenue, Glendale, MO, spoke in favor of the proposal. She handed out a letter from Carl Tisone, and presented a letter from David Wilde of Doubletree, both in support of the project. She also referenced letters previously provided to the Committee from other communities. She indicated that the proposed structure would be better quality than the prison and construction storage yard which currently exist in the Valley.

Mr. Dean Frankiewicz, 17205 N. Outer 40 Road, Chesterfield, MO, spoke in favor of the proposal. He believes the Valley needs more persons involved in recreation, and that the proposed facility would be a good addition to the Valley.

Councilmember Cullen inquired of Mr. Frankiewicz of his experience with other such facilities.

Mr. Frankiewicz responded that he is familiar with such facilities in the Detroit area, but they were temporary in nature and not comparable to the proposed facility.

SPEAKERS IN OPPOSITION

Mr. Jay Mertens, 1434 Wild Horse Creek Road, Chesterfield, MO 63017, spoke in opposition. He questioned Mr. Hale's comment relative to the suffering in the Valley. He believes the proposed location is the issue, and the dome does not fit into the Valley. He would not like to see the architectural integrity of the Valley diminished.

Councilmember Levinson responded with concern about architectural homogeneity in the Valley.

Ms. Wendy Geckeler, 26 Chesterfield Lakes Road, Chesterfield, MO 63017, spoke in opposition. She noted that the proposed structure would lower the aesthetic value in the Valley, and would be highly visible. She questioned how the facility could be effectively buffered and referenced comments made by Mr. Lane Kendig concerning the structure.

Mr. Theo Korakianitis, 27 Chesterfield Lakes, Chesterfield, MO 63005, spoke in opposition. He noted that commercial development in the Valley should be quality, referenced the presentation made by Lane Kendig concerning community character, and indicated that the proposed structure would not be quality.

REBUTTAL

Mr. Fred Hale addressed issues raised by the speakers in opposition, noting that quality and beauty are in the eyes of the beholder. He believes the proposed facility is part of a well defined and growing recreational complex.

Councilmember Tilley indicated that she was not opposed to the use, but to the type of structure proposed.

Mayor Leonard suggested the petitioners contact Mr. Kendig to provide him with information on their proposal, as he may not have had the benefit of total information concerning the proposed development.

The public hearing adjourned at 6:18 p.m.

[PZC-PH.021]