



# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary  
September 24, 2009

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 24, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Lee Erickson** (Ward II); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: Councilmember Randy Logan (Ward III); Elliot Grissom, Planning Commission Vice Chair; Michael Herring, City Administrator; City Attorney Rob Heggie; Aimee Nassif, Planning & Development Services Director; Annissa McCaskill-Clay, Lead Senior Planner; Mara Perry, Senior Planner; Charlie Campo, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM.

## **I. APPROVAL OF MEETING SUMMARY**

A. Approval of the August 20, 2009 Committee Meeting Summary.

**Councilmember Flachsbart made a motion to approve the Meeting Summary of August 20, 2009.** The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 4 to 0.

## **II. OLD BUSINESS - None**

## **III. NEW BUSINESS**

A. **P.Z. 10-2009 84 Lumber (MASE LLC):** A request for a change of zoning from "C-8" Planned Commercial District to "PI" Planned Industrial District for a 7.42 acre tract of land located south of Interstate 64/Highway 40 and East of Long Road at 17519 Chesterfield Airport Rd. (17U510073)

Chair Fults announced that Chris Kehr, on behalf of MASE LLC, has submitted a letter requesting that the above-stated request be held to get a better understanding of why the Planning Commission voted the way they did.

### **STAFF REPORT**

Charlie Campo, Project Planner, gave a PowerPoint presentation showing photographs of the site and the surrounding area. Mr. Campo stated the following:

The Public Hearing for this project was held on June 22, 2009 at which time two Speakers spoke in opposition to the project. At the September 14, 2009 Planning Commission meeting, a motion recommending approval of the above-referenced matter was made with the following changes to the Attachment A:

Section I, Specific Criteria, A. Permitted Uses, page 1. The following language was added:

- n. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, and boats, **but excluding tractor trailers**, as well as associated repairs and necessary outdoor storage of said vehicles, **but excluding tractor trailers**.

Section I, Specific Criteria, A. Permitted Uses, page 2. The following language was removed:

- ~~u. Yards for storage of contractors' equipment, materials, and supplies, excluding junk yards and salvage yards.~~

Section I, Specific Criteria, N. Miscellaneous, page 8. The following language was added:

- 1. All utilities will be installed underground.
- 2. **At such time as significant structural improvements or changes to the existing fences or buildings are made to the existing development, the existing development will be required to adhere to all applicable code requirements and design guidelines of the City of Chesterfield.**

**The motion to approve failed by a vote of 4 – 4, so the petition moved forward with no recommendation by the Planning Commission.**

Mr. Campo stated that the Petitioner is requesting some changes in uses to the site. The owner of the property currently owns the Car Star facility to the west and would like to utilize the site as an extension to store vehicles during repair work.

Ms. Nassif stated that the Petitioner is requesting a change of zoning to “PI” Planned Industrial. There was concern by the Planning Commission that they aren’t zoning to “PC” Planned Commercial, which some felt would be more appropriate. However, some of the uses that the petitioner is specifically requesting aren’t available in the “PC” district. Mr. Campo added that the petitioner has removed many of the uses that the Planning Commission requested be eliminated.

### **PLANNING COMMISSION**

Planning Vice Chair Grissom stated that the Planning Commission voted 4-4 because of the issue of “PI” Planned Industrial vs. “PC” Planned Commercial. In addition, there was a side issue that could not be addressed at the time relating to paint odors and fumes.

### **DISCUSSION**

Councilmember Flachsbart mentioned that he is not opposed to expansion, but has an issue with the numerous uses in the Attachment A, and specifically fast food establishments.

Councilmember Casey asked for clarification regarding a letter dated August 6, 2009 stating that the Petitioner has proposed Planned Industrial “PI” because of representations made by a member of the City Council regarding this specific area in the Valley.

Chris Kehr, on behalf of MASE LLC., explained that the Councilmember had concerns about all of the Planned Commercial and wanted more diversity in the area. After a comparison the only uses that are not listed in both the “PC” to “PI” in the Attachment A are listed below:

- a. Business service establishments,
- e. Manufacturing, fabrication, assembly, processing or packaging of any commodity, and
- j. Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facilities.

Chair Fults feels that the opinion expressed by that Councilmember did not represent the entire Council. She is also concerned with future zoning and felt that this particular site should be zoned “PC” Planned Commercial considering it can be viewed from Highway 40.

There was continued discussion pertaining to the uses on the site and how those uses relate to the surrounding area. Mr. Kehr indicated that the number of requested uses could be reduced.

Councilmember Erickson agrees that there should be concerns about the visual effect as the site relates to Highway 40 and is also in favor of "PC" rather than "PI".

City Attorney Heggie stated he would look into to whether a majority vote by Council is required since the petition was forwarded from the Planning Commission with a 4 – 4 vote.

**Councilmember Flachsbart made a motion to hold P.Z. 10-2009 84 Lumber (MASE LLC) until the October 8, 2009 Planning & Public Works Committee meeting.** The motion was seconded by Councilmember Casey

### **Discussion on the Motion**

Chair Fults did not like the idea of 24-hour retail and would like language added to the Attachment A prohibiting it.

Planning Commission Vice Chair Grissom would like the issue relating to paint odors and fumes to be addressed.

**The motion to hold then passed by a voice vote of 4 to 0.**

- B. P.Z. 12-2009 New Kinkead Estates (James and Suzanne Burnley):** A request for a new public hearing to amend the legal description for the change of zoning from an "R3" Residence District to an "R6A" Residence District for a 1.1 acre tract of land located at 1000 N. Woods Mill Road, ¼ mile south of the intersection of Woods Mill Road and Olive Boulevard. (16Q310021)

### **STAFF REPORT**

Mara Perry, Senior Planner, gave a PowerPoint presentation showing a location map of the surrounding area and research data about surrounding multi-family residential. The requested rezoning is to a straight zoning district so no Preliminary Plan is required. The Public Hearing was held on July 27, 2009 with a second Public Hearing on September 14<sup>th</sup> in order to amend the legal description.

Some of the key issues raised by residents included concerns about the following:

- Density that would be allowed on the site;
- Access to the site – The area includes a private roadway easement that is shared by the property owners to the south and north.
- Stormwater; and
- How the site would be maintained during the construction phase.

Staff identified the densities of the surrounding developments, which were zoned by St. Louis County as “R3” with a PEU. The following chart outlines the densities to which these subdivisions were built.

| <b>Subdivision</b>                              | <b>Existing Zoning</b> | <b>Current Lot Size</b> | <b>Number of Units per Building</b> | <b>Total Number of Units</b> | <b>Land Area per Unit</b>  |
|-------------------------------------------------|------------------------|-------------------------|-------------------------------------|------------------------------|----------------------------|
| Proposed New Kinkead Estates                    | “R3”                   | 1.26                    | n/a                                 | n/a                          | n/a                        |
| Four Seasons (data is for multiple family only) | “R3”                   | 0.195 to 0.674          | 3 to 14                             | 239                          | 1,693 sq ft to 4,040 sq ft |
| Wood Lake Condominiums                          | “R3” PEU               | 1.614 to 3.879          | 2 to 4                              | 84                           | 3,850 sq ft to 5,632 sq ft |
| Woods Glade Condominiums                        | “R3” PEU               | 1.226 to 3.856          | 2 to 4                              | 51                           | 4,096 sq ft to 5,340 sq ft |
| Woods Glen Condominiums                         | “R3” PEU               | 0.197 to 2.391          | 2 to 8                              | 111                          | 2,014 sq ft to 5,989 sq ft |

Ms. Perry noted that a typical “R3” zoning is required to have a 10,000 square-foot land area per unit. St. Louis County identified their PEUs by including all the land on the site – even those areas on which nothing could be built. In this instance, the golf course for Four Seasons and the flood plain area in the eastern subdivisions were included. The acreage for all of this land was divided by 10,000 square feet, which produced the number of units that could be developed on the site.

If these sites were to come in under the current zoning regulations, the zoning required would be as follows:

| <b>Subdivision</b>                              | <b>Existing Zoning</b> | <b>Zoning Based on Density</b> |               |             |             |             |
|-------------------------------------------------|------------------------|--------------------------------|---------------|-------------|-------------|-------------|
|                                                 |                        | <b>“R6A”</b>                   | <b>“R6AA”</b> | <b>“R6”</b> | <b>“R7”</b> | <b>“R8”</b> |
| Proposed New Kinkead Estates                    | “R3”                   | n/a                            |               |             |             |             |
| Four Seasons (data is for multiple family only) | “R3”                   | 2 lots                         | 11 lots       | 22 lots     | 5 lots      | 1 lot       |
| Wood Lake Condominiums                          | “R3” PEU               | 3 lots                         | 1 lot         |             |             |             |
| Woods Glade Condominiums                        | “R3” PEU               | 2 lots                         |               |             |             |             |
| Woods Glen Condominiums                         | “R3” PEU               | 7 lots                         | 3 lots        | 4 lots      |             |             |

It was noted that none of the sites could be developed today as “R3” – all would have to be developed in the range of “R6A” to “R8” zoning. All of these districts are denser than

“R3” and have smaller minimum lot sizes. In addition, these zoning districts have setback requirements between buildings, which the current developments do not meet.

Four development scenarios were prepared using the following key factors required for “R6A” zoning:

- Structure setbacks
- Landscaped buffers required under the Tree Manual
- A potential stream buffer
- 30% tree preservation;
- 40% open space requirement
- Minimum land area per unit required for “R6A”

Based on the above factors, the following four examples were presented:

| No. of Units   | Parking                          | Square Footage | No. of single-family detached units | No. of multi-family attached units | Square Feet of Land Area per Unit |
|----------------|----------------------------------|----------------|-------------------------------------|------------------------------------|-----------------------------------|
| 3              | 2-car garage                     | 3,200          | 1                                   | 1 two-family                       | 18,243                            |
| 4              | 2-car garage                     | 2,600          | 1                                   | 1 three-family                     | 13,682                            |
| 6 <sup>1</sup> | 1-car garage w/on-street parking | 1,800          | 0                                   | 1 four-family;<br>1 two-family     | 9,121                             |
| 8 <sup>2</sup> | Surface and/or basement parking  | 1,200          | 0                                   | 1 eight-family                     | 6,841                             |

<sup>1</sup>This example is the exact footprint of the adjacent Woods Glade Condos.

<sup>2</sup>This example is the exact footprint of an apartment building across the street in Four Seasons

In all of above scenarios, the Petitioner would have to meet the 2.5 parking spaces per unit, but the parking is not required to be enclosed within a garage.

The maximum number of units that Staff feels could be developed on the site is eight units. It was pointed out that this estimate does not include all the Agency comments, which could decrease the number of units.

### **PLANNING COMMISSION REPORT**

Planning Vice-Chair Grissom stated that the Planning Commission voted in favor of the project by a vote of 8-0 based on the same information that was presented to this Committee.

## **DISCUSSION**

### **Density**

Chair Fults stated that the residents present at the Planning Commission meetings expressed concern that 12 units could be developed on the site. Ms. Nassif stated that the Petitioner has not requested a specific number of units to be developed on the site – the only request at this time is the rezoning. Since this is a straight zoning request, there is no Attachment A so the Petitioner is required to meet all the standard requirements for the “R6A” zoning. Based on the straight zoning request, it is felt that no more than 8 units can be developed.

Councilmember Flachsbart expressed his concern that the requested zoning with the possibility of 8 units is too dense for the site. Staff noted that the “R6A” zoning is the least-dense zoning that would allow multi-family development. Councilmember Flachsbart stated that if the Petitioner requested a PEU with the rezoning, it could allow for attached housing and require less units.

### **Water Runoff**

Under the City's zoning code, the Petitioner will be required to measure the on-site lake prior to, and after, construction to insure that the construction phase does not adversely affect the lake. In addition, Ms. Nassif noted that MSD has implemented Phase II water quality requirements that are much stricter than what was in place a few years earlier.

### **Access to the Site**

Ms. Nassif stated that there is a private access easement to the site. The access easement is a private matter between the current landowners and the Petitioner as to how they would work out the details.

### **Petitioner's Presentation**

Mr. James Burnley stated they are requesting the rezoning to make the property marketable.

It was noted that in 2003, the Burnleys requested a rezoning of the site to “R4” with a PEU for 8 units. It was further noted that the Burnleys wish to sell the property so that someone else will be developing the site. Under a PEU, the Petitioner is required to state exactly what will be built so it was difficult for the Petitioner to determine this. At that time, Planning Commission had a long list of issues with the requested rezoning. The Burnleys withdrew the petition after the Planning Commission meeting.

With the straight zoning request, the Petitioner has the option of selling the property to allow someone else to develop it.

City Attorney Heggie then commended Ms. Perry on her work in estimating how the site could be developed.

**Councilmember Casey made a motion to forward P.Z. 12-2009 New Kinhead Estates (James and Suzanne Burnley) to City Council with a recommendation to approve. The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 3 to 1 with Councilmember Flachsbart voting “no”.**

**Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the October 5, 2009 City Council Meeting.  
See Bill #**

**[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 12-2009 New Kinhead Estates (James and Suzanne Burnley)].**

- C. T.S.P. 16-2009 Verizon Wireless (132 Woodcliffe Place Dr.) - EXEMPTION FROM PUBLIC HEARING REQUEST:** A request to obtain approval for a Telecommunication Siting Permit for the purpose of removing existing antennas and replacing with new antennas; replacing an emergency generator and enlargement of the concrete pad for said generator at an existing tower on a R3 (PEU)-zoned 0.41 acre tract of land located a 132 Woodcliffe Place Drive in Woodcliffe Subdivision. (18T410128)

### **STAFF REPORT**

Annissa McCaskill-Clay, Lead Senior Planner, gave a PowerPoint presentation showing photographs of the site and the surrounding area. Ms. McCaskill-Clay stated the following:

The site was approved in 1992 for a lattice work cell tower with a Conditional Use Permit (CUP) prior to the City’s first telecommunications ordinance. Verizon Wireless is the current owner of the antennas at the top of the tower and a dish on the tower. The Petitioner is requesting the following;

1. Removing the existing antennas and replacing with new antennas of similar dimension,

As indicated by the Staff report, the three antennas highlighted in **red** are proposed to be switched out – like for like. The **green** antenna that is highlighted is proposed to be removed completely from the tower.

2. Replacing the existing emergency generator; and
3. Enlargement of the concrete pad for said generator within the existing equipment yard.

Typically, the antennas could be considered an upgrade of equipment which would just require administrative approval.

However, because additional work is being proposed to the equipment yard and considering the close proximity to a residential area, Staff felt it best to bring the request forward for a Telecommunications Siting Permit as there is not one currently for this tower.

The Petitioners have provided materials in support of their request as to why they should be exempt from Public Hearing and why they feel they do not meet the criteria for material modifications as outlined in the ordinance.

It was noted that if the request is approved by the Planning & Public Works Committee, it will skip the Public Hearing and go directly to City Council for approval.

### **DISCUSSION**

Chair Fults has concerns regarding any enlargement to the existing tower as it relates to a residential area.

#### **Generator**

The Petitioner stated that physically the generator will not increase any more than what is currently on the site – it is only an upgrade with more power. They are willing to provide documentation that the noise level to the upgraded generator will not increase.

#### **Antennas**

The overall visual impact of the antennas will be reduced with respect to mass, size and square footage.

#### **Concrete Pad**

The exact dimensions to the proposed concrete pad could not be provided. The Petitioner will provide mesh screening to the north and east of the compound walls to allowing buffering to the residential area.

Ms. McCaskill-Clay noted that the site plan does show that the concrete pad “may be increased depending on the contractor’s needs for the generator”, which Staff felt required review.

City Attorney Heggie pointed out that the cell towers were pre-existing prior to the residential development. Under the guidelines of the new Telecommunications Ordinance, any modifications to the site must be submitted for approval.

He then suggested moving forward to City Council approval of the antennas and having the Petitioner provide further information on the concrete pad and generator.

Existing screening of the site was then reviewed by the Committee to determine if additional screening is necessary.

**Councilmember Flachsbart made a motion to forward to City Council, with a recommendation to approve, the “Request for Exemption from Public Hearing” for the removal of the existing antennas and replacement of new antennas; and to hold the “Request for Exemption from Public Hearing” for the concrete pad and emergency generator until the next Planning & Public Works Committee meeting so the Petitioner can provide more details about the pad, generator, and screening of the site. The motion was seconded by Councilmember Casey and passed by a voice vote of 4 to 0.**

Councilmember Flachsbart asked that the requested information from the Petitioner be received prior to the time Council votes on the matter as he would be reluctant to vote on the petition until everything is in order.

**Note: This is a Request for Exemption from Public Hearing for a Telecommunications Siting Permit which requires approval by City Council. A voice vote will be needed at the October 5, 2009 City Council Meeting.**

**[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on T.S.P. 16-2009 Verizon Wireless (132 Woodcliffe Place Dr.) - EXEMPTION FROM PUBLIC HEARING REQUEST:**

#### **IV. ADJOURNMENT**

The meeting adjourned at 6:25 p.m.