

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning ✓

DATE: September 28, 1999

SUBJECT: Planning and Zoning Committee Meeting Summary from September 23, 1999

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, September 23, 1999, in the City Council Conference Room. In attendance were: Acting Chair Mike Casey; Councilmember Jane Durrell (Ward I); and, Councilmember Barry Streeter (Ward II). Also in attendance were: Councilmember Dan Hurt (Ward III); Planning Commission Chair Dan Layton; Teresa J. Price, Director of Planning; and, Laura Griggs-McElhanon, Assistant Director of Planning.

I. Approval of Planning and Zoning Committee Meeting Summary of September 9, 1999.

A motion to approve the meeting summary of September 9, 1999 was made by Councilmember Durrell and seconded by Councilmember Streeter.

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

Councilmember Casey thanked Director of Planning Teresa Price and Assistant Director of Planning Laura Griggs-McElhanon for doing a super job on Sachs and Vitt.

II. Environmental Pollution – Councilmember Streeter

Councilmember Streeter advised the Committee that the Nooning Tree development had been removing a lot of trees. They are using a tree-crushing machine which results in a lot of dust, debris (which pieces of trees being thrown 200' up in the air), and noise. A couple of weeks ago, his wife left windows open and when she returned home there was ¼" of dust on the yard and in house. He asked staff to review what ordinances the City has that governs noise and dust and how they are enforced.

Director of Planning Teresa Price stated that the Public Works Department has been asking some developments to "water down" their site because of dust. The City of Chesterfield Zoning Ordinance addresses dust in the Performance Standards. She advised the Committee that she had filed a complaint with the St. Louis County Health Department relative to the dust complaints at Nooning Tree. The County Air Pollution people went out to the site and told the City there is nothing they can do because they didn't see the violation occur. She talked to the City of Chesterfield Court Clerk and was advised that the maximum fine the City can assess is \$500 per violation per day. Currently, the City doesn't have the expertise or the equipment to address this.

There was general discussion by the Committee and Councilmembers, including: which Council Committee will handle this, P&Z or PH&S (P&Z since Performance Standards are in the Zoning

Ordinance); chipper machine operation (require specified distance from residences, notify residents of the operation, and require shroud on opening to prevent discharge of wood fragments); involving the City Attorney in amending the Zoning Ordinance relative to this issue to make it more enforceable; using video evidence of the violation; determining what distance the measurement is taken from; and, concern over mud problems from the development (covered through the Public Works Department).

A motion to direct staff to work with the City Attorney and look into this was made by Councilmember Streeter, seconded by Councilmember Durrell, and **approved by a vote of 3 to 0**.

III. 1997 Moratorium Memorandum – This memorandum was referred to the Planning & Zoning Committee for review from the July 31, 1999 Strategic Work Session

Director of Planning Teresa Price discussed the issues raised in her memorandum discussed at the July 31, 1999 Strategic Work Session:

ARB

Subsequent to writing the memorandum, the Planning Commission revamped the ARB and gave them clear direction.

PC/PI Districts

Use is the issue because these Districts don't currently address ancillary uses. This is currently being looked at by a committee of the Planning Commission.

Tree Ordinance

Issue is we have a consultant as an expert, but need an in-house expert. Staff is proposing a full-time Urban Forester in the budget to be shared with Public Works.

E-Districts

Most complicated zoning districts and the examples in the Zoning Ordinance were based on square parcels of land. Problems arise with infill development. Staff will put this on the "to do list".

Noise

This was a great idea, but is difficult to enforce. Might be time to do spot checks since have the new Planning Technician position.

Traffic

City will be looking at Highway 40 corridor and Chesterfield Parkway. Proposed Trust Fund sent back to the Committee.

There was general discussion by the Committee, including: funding mechanism and timing; commercial moratorium; existing approved undeveloped commercial projects and proposed developments in process; excluding the Valley from the moratorium; need to improve I-64/Olive

interchange; consider extending Swingley Ridge westward into the Valley to hook into 40 by Chesterfield Nursery; and, 141 extension (MoDOT lack of funds).

- IV. The Committee will be voting to reassign the responsibilities of the Historic District Task Force to the Historic Commission

(A motion to approved this matter was made and seconded at the last meeting,)

There was general discussion by the Committee.

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

- V. Zoning Violation Notification Procedure – The City's procedure for zoning violation notification will be presented.

Recommendations from Councilmember Flachsbart were presented.

Director of Planning Teresa Price stated that she has concerns with different enforcement processes for residents, developers, commercial, etc. She noted there are set procedures for legal reasons and also modifications have been made recently to the violation notices, but there is certain wording we need to include. She described the current process for logging in complaints: grass complaints are given 3 days and trash complaints are given 7 days. In the past, there have been 3 Planner I's handling zoning violations on a part-time basis, now all will be done by the Planning Technician.

There was general discussion by the Committee, including: notifying the wrong people; making a phone call before sending the violation; be less threatening in the letters; and, sending a letter before the violation letter.

Councilmember Durrell will bring back written recommendations to next meeting. These recommendations will be sent to City Attorney Doug Beach for comments.

The next regularly scheduled meeting will be held at 5:30 p.m. on Thursday, October 7, 1999.

The meeting adjourned at 7:00 p.m.