

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: August 28, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary
August 24, 2006

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, August 24, 2006 in Conference Room 101.

In attendance were: **Councilmember Barry Flachsbart** (Ward I); **Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Mike Casey (Ward III); Maurice L. Hirsch, Jr., Planning Commission Chair; Mike Herring, City Administrator; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Teresa Price, Director of Planning; Aimee Nassif, Senior Planner; and Mary Ann Madden, Planning Assistant.

Vice-Chair Streeter called the meeting to order at 6:32 p.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the August 10, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of August 10, 2006. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 to 0.**

II. NEXT MEETING

It was announced that the next meeting of the Planning & Zoning Committee has been rescheduled from September 7 to **September 11, 7:30 a.m.**

III. NEW BUSINESS

- A. **P.Z. 18-2006 Beckmann Properties (16625 & 16635 Chesterfield Airport Road)**: A request for an amendment to City of Chesterfield Ordinance 1556 to allow for additional permitted uses for a 1.95 acre tract of land zoned "PI" Planned Industrial District located at 16625 Chesterfield Airport Road and 16635 Chesterfield Airport.
Proposed Uses:
- (j.) Business, professional, and technical training schools,
 - (iii.) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, excluding indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

And

- B. **P.Z. 22-2006 Beckmann Properties (LPA Procedure)**: A request for a Landmark and Preservation Area (LPA) Procedure in the proposed "PI" Planned Industrial District for a 1.95 acre tract of land located at 16625 Chesterfield Airport Road and 16635 Chesterfield Airport. (Locator Number 17T310379)

Staff Report

Ms. Aimee Nassif, Senior Planner, stated that the Petitioner is requesting an Ordinance Amendment to add uses for a retail area to operate a Tea Shop and to sell floral and interior design items.

The uses added to the Attachment A are:

- Business, professional and technical training schools
- Stores, shops, markets, service facilities and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises

P.Z. 22-2006 requests that the area be designated a Landmark and Preservation Area – this is a designation for the land only, not the existing buildings on the site. The LPA is requested based on the fact this area is part of the Burkhardt Subdivision – one of the first areas platted in the City of Chesterfield in 1877.

DISCUSSION

Future Uses for the Site

The Committee members expressed concern about the generality of uses being requested, which could possibly be allowed in the future.

Ms. Nassif stated that the City Attorney drafted the language for the “Permitted Uses” to make it more restrictive by adding the verbiage “Stores, shops, markets, service facilities and automatic vending facilities in which goods or services **related to floral or interior design, artwork, crafts for the home . . .**”

Planning Chair Hirsch pointed out that if the existing buildings are torn down and a new development proposed, the LPA allows the City to review the proposal to insure it is complementary to the historic nature of the district. Any signage for the site would also have to be reviewed by the City.

Concern was specifically expressed over the following permitted uses in the Attachment A:

5. Laundries and dry cleaning plants, which include dry cleaning drop-off and pickup stations.
7. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities.
9. Sales, servicing, repairing, cleaning, renting, leasing and necessary outdoor storage of equipment and vehicles used by business, industry and agriculture.

Ms. Nassif stated that all the uses listed in the Attachment A are already in the existing ordinance with the exception of Uses 1 (Business, professional and technical training schools) and 2 (Stores, shops, markets, service facilities and automatic vending facilities in which goods or services related to floral or interior design, artwork, crafts for the home or other similar and related items are being offered for sale or hire to the general public on the premises).

Mr. Beckmann, the Petitioner, indicated that at this time he is not interested in having any of the existing uses removed as he does not want to adversely affect the marketability of his property. He noted that the site is currently zoned “Planned Industrial”.

Councilmember Streeter stated that his long-term vision for this area is not industrial. He envisions the area as more park-like and scenic with trailheads, which is why he has concerns about some of the existing permitted uses.

Councilmember Flachsbart made a motion allowing the “Permitted Uses”, noted in the Attachment A as I.C.A.5., I.C.A.7., and I.C.A.9., only in conjunction with the existing buildings. These uses would not be permitted in any new buildings or in any modifications of the existing buildings. The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 0.

Councilmember Hurt asked the Petitioner to review the uses of concern to determine if any could be deleted from the Attachment A.

Curb Cuts

It was noted that the subject site currently has two curb cuts. Councilmember Streeter stated he would like the curb cuts limited to one if the site ever changes.

Councilmember Flachsbart made a motion directing Staff to note in the Project file that curb cuts should be reviewed for any future development of the subject site. The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 0.

Councilmember Hurt made a motion to forward P.Z. 18-2006 Beckmann Properties (16625 & 16635 Chesterfield Airport Road) and P.Z. 22-2006 Beckmann Properties (LPA Procedure), as amended, to City Council with a recommendation to approve noting the concerns expressed by the Committee. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 3 to 0.

Councilmember Hurt made a motion recommending that City Council have two readings in one night on P.Z. 18-2006 Beckmann Properties (16625 & 16635 Chesterfield Airport Road) and P.Z. 22-2006 Beckmann Properties (LPA Procedure) because of the time element involved with the petitions and because the petitions address “uses” only. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 3 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the September 6, 2006 City Council Meeting.
See Bill #_____**

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 18-2006 Beckmann Properties (16625 & 16635 Chesterfield Airport Road)] and P.Z. 22-2006 Beckmann Properties (LPA Procedure)]

- C. P.Z. 19-2006 Keys to Success (15464 Olive Blvd):** A request for rezoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 1.25 acre parcel located on the south side of Olive Road, east of Chesterfield Parkway (18S610659)
Proposed Uses:
- (e) Associated work and storage areas required by a business, firm, or service to carry on business operations.
 - (ll) Sales, servicing, repairing, cleaning, renting, leasing of equipment used by business.
 - (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists

and stenographers, including cabinet makers, film processors, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

- (rr) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises.

Staff Report

Ms. Aimee Nassif, Senior Planner, stated that the rezoning is being requested in order to add additional uses to the site. The current ordinance only allows for “furniture sales”.

Planning Commission Report

Planning Chair Hirsch stated that the Planning Commission was in favor of the petition. He noted that concerns were raised by neighboring residents with respect to the fence and landscaping along the property line. During the Planning Commission meeting, it was indicated, through the Petitioner’s attorney, that these concerns would be addressed.

DISCUSSION

Permitted Uses for the Site

Councilmember Flachsbart expressed concern about language in the Attachment A regarding “Permitted Uses” which states: **“Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind . . .”** He felt “of any kind” is too broad. It was noted that this language comes directly from the Zoning Ordinance, which is then reviewed by the Planning Commission. Councilmember Flachsbart recommended that the Planning Commission review the language for this particular use.

Mr. Mike Doster, Attorney for the Petitioner, stated that the Petitioner wants the traditional retail uses for the subject site. Presently the site will be used for piano sales; however, if the property is sold, the next owner may want additional uses. He agrees that the uses in the Ordinance should be reviewed because he feels that many are overlapping, too broad, and allow multiple uses in each of the categories. Mr. Doster agreed to propose draft language regarding the “Permitted Uses” before the next City Council meeting.

Proposed Amendments

The Committee, along with Mr. Doster, reviewed the following proposed amendments to the Attachment A as recommended by Councilmember Geiger.

Amendment 1 regarding Fencing along Eastern Property Line:

XI. ENFORCEMENT

1. The following conditions shall be met within six (6) months of adoption of this ordinance:
 - (a.) In regards to fencing:
 - (i.) Replace the existing fence with a new six (6) foot tall sight proof privacy fence along the eastern border of the property along the top of the berm. The new fence would have the “good” side facing the residents.
 - (ii.) Extend the sight proof fence to include the exit door on the eastern side of the building.
 - (iii.) Install a vertical fence from the front of the building (northeast corner) to the privacy fence to prevent cut through area.

Mr. Doster noted that extending the sight proof fence, as noted in item 1.(a.) (ii.), could be problematic because there are trees in this area. Councilmember Flachsbart stated that he is agreeable to eliminating (ii) if it presents a problem.

Amendment 2 regarding Landscaping and Building Maintenance

XI. ENFORCEMENT

- (b.) In regards to landscaping and building maintenance:
 - (i.) All dead trees will be cut down along the eastern border. There are approximately 8 dead trees.
 - (ii.) Trim dead branches on many of the trees along the eastern border. Prune several live branches that extend into the residents’ back yards.
 - (iii.) Power wash the eastern side of the building.

- (iv.) Clean up the trash that has accumulated on the eastern side of the building.

Councilmember Streeter made a motion to include all the above proposed amendments in a Green Sheet noting the concerns expressed about item 1.(a.)(ii). The motion was seconded by Councilmember Hurt and passed by a voice vote of 3 to 0.

Councilmember Hurt made a motion to forward P.Z. 19-2006 Keys to Success (15464 Olive Blvd), with the proposed Green Sheet, to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 3 to 0.

Mr. Doster requested that the petition have two readings at one meeting in order to get the building renovated as soon as possible.

Councilmember Flachsbart made a motion recommending that City Council consider having two readings at one meeting on P.Z. 19-2006 Keys to Success (15464 Olive Blvd) because the building needs to be renovated, the fencing issue needs to be addressed, and the site is not being changed. The motion was seconded by Councilmember Hurt and passed by a voice vote of 2 to 1. (Councilmember Streeter voted “no”).

**Note: One bill, as recommended by the Planning Commission, will be needed for the September 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 19-2006 Keys to Success (15464 Olive Blvd)].

- D. The Planning & Zoning Committee will consider the possible adoption of a new policy which, if approved by City Council, would require that the Mayor’s nominees to the Board of Adjustment, whether full or alternate members, be interviewed by the Planning & Zoning Committee before final consideration by City Council.**

Councilmember Streeter reported that a motion was made at City Council to have new Board of Adjustment candidates reviewed by the Planning & Zoning Committee.

The Committee members, along with Planning Chair Hirsch, agreed with this recommendation. After discussion, it was agreed that this policy should also include any Board of Adjustment member whose term is up for re-appointment.

Councilmember Flachsbart made a motion that the Planning & Zoning Committee shall interview all nominees to the Board of Adjustment, who have not previously been interviewed by the Committee. The motion was seconded by Councilmember Hurt and passed by a voice vote of 3 to 0.

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 7:18 p.m.