

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
AUGUST 3, 1994

A meeting of the Chesterfield City Council Planning and Zoning Committee was held at 5:00 p.m., on August 3, 1994, in the City Council Room. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Ed Levinson (Ward II); and Councilmember Linda Tilley (Ward IV). Also in attendance were Mayor Jack Leonard; Councilmember-Elect Bill Devers (Ward II); Councilmember-Elect Mike Cullen (Ward IV); and Jerry Duepner, Director of Planning.

ITEM I. Approval of summary of Planning and Zoning Committee meeting of July 6, 1994.

A motion was made by Councilmember Levinson and seconded by Councilmember Tilley for **approval** of the meeting summary of July 6, 1994. The motion was **approved** by a vote of 4 to 0.

ITEM II. Meeting with Lane Kendig.

Director Duepner summarized the purpose of Lane Kendig's initial visit to the City of Chesterfield relative to his contract for revision of the Zoning and Subdivision Regulations.

Chairman Hurt noted that he had received comments that other individuals and groups may wish to meet further with Mr. Kendig during the overall process. Those who do should notify the Director of Planning and, as time permits, a possible format for such meetings could be arranged. Chairman Hurt stated that no new meetings be set up at this time and that a format may be established by the Committee after it is determined there is interest. It should be conveyed that there is the possibility of additional meetings, but that it is not definite at this time.

A motion was made by Chairman Hurt that a letter of thanks be sent to those who participated in the meetings with Mr. Kendig, and indicating there is the possibility of additional future meetings, and those interested should contact the Director of Planning. The motion was seconded by Councilmember Levinson and **approved** by a vote of 4 to 0, with Councilmember Flachsbart indicating his vote was a reluctant one.

Chairman Hurt noted that, prior to making a determination for additional meetings, the Committee wishes to review the list of those individuals and groups seeking additional meetings.

There was also discussion by the Committee about the interest expressed by others in meeting with Mr. Kendig, and paying for his time. The Committee agreed that such a process should not be considered further, as it would present a conflict.

Mr. Kendig noted that the next step in the process would be an analysis of current regulations and process. The analysis is not anticipated to be a line by line, but a general review. Issues papers are also be presented seeking consensus building on the identified issues.

Chairman Hurt asked Committee members if they had any comments or concerns they desired to bring to Mr. Kendig's attention.

Councilmember Tilley noted the ongoing West Area Study, and one item which should be considered is seeking some classification between the three (3) acre requirement of the "NU" Non-Urban District, and the one (1) acre requirement of the "R-1" Residence District.

Councilmember Levinson indicated that he did not agree with the need for another classification.

Councilmember Tilley also noted the need for a process wherein political issues would not necessarily be mixed with good planning, and that a process which would involve residents at an earlier stage in working out issues. She also commented that Ward IV is a unique area with unique situations and conditions.

Councilmember Flachsbart cited concern in the use of an Non-Urban District as a holding district and also as a residence district.

Mr. Kendig addressed the Committee, summarizing his observations from his meetings with various groups and individuals. The first issue he sees is community character - **what does Chesterfield want to be**. As the result of the meetings, he found no consensus on this matter. He noted that the current regulations are not geared to community character, and that any new regulations should incorporate language to address this issue. He pointed out that character does not necessarily mean uniformity.

The second issue was that the current process of zoning in the City is reliant on discretionary conditions, specifically the Planned District and Conditional Use Permits. An alternative would be a process which would be more regulation dependent. This would be a major shift from the current process. In addition, he believes there is an excessive amount of micro-management of projects.

The third issue is the Chesterfield Valley. Consideration may be needed for alternative ways to develop in the Valley, in view of the time in which the 500 Year Levee would be provided. Councilmember Flachsbart indicated that this issue should be discussed. Councilmember Levinson indicated that it should be discussed first with the Chesterfield Valley Study Group, in view of their expertise in Valley related matters.

There was discussion by the Committee on the issues and general agreement with those identified by Mr. Kendig.

Following was discussion on setting-up the next visit by Mr. Kendig. A public meeting on the presentation of the review of the current regulations and administrative process would be on September 21st, with a work session meeting with the Selection Committee on September 22nd. Mr. Kendig indicated that his written summary would be provided a week prior to the meetings. Also, a public meeting on the first issue paper would be held on November 2nd, with a work session with the Selection Committee on November 3rd.

ITEM III.

Memorandum from the Director of Planning concerning proposed Southern Annexation.

Director Duepner summarized the current status of the proposed Southern Annexation. He noted that, under the applicable State Statutes concerning annexations, an area proposed for annexation must have fifteen percent (15%) of its perimeter contiguous to the annexing jurisdiction. In the case of the Southern Annexation, only eight percent (8%) of the perimeter boundary is contiguous with the current City. Thus the City would have to pursue annexation in a two (2) phase approach. Such was not the case previously under the regulations of the Boundary Commission, but with dissolution of the Boundary Commission, the City must follow the fifteen percent (15%) requirement. Accordingly, Director Duepner recommended that the City pass an ordinance indicating its intent to annex the total western area. This would establish the City's intention to annex the area, and so inform residents of the area.

In discussion on the matter, Councilmember Tilley noted concern relative to resolution of sales tax distribution. She expressed caution that, in taking on more area, the City may not be able to provide services current residents want.

Discussion by the Committee noted that, with annexation of the southern area, additional police officers would be provided. Director Duepner referenced the report submitted by the Chief of Police, and a map depicting a possible sixth police sector with the annexation of the southern area.

A motion was made by Councilmember Levinson and seconded by Councilmember Hurt for passage of an ordinance of intent for annexation of the entire southern area. Chairman Hurt and Councilmember Levinson voted aye; Councilmember Tilley and Councilmember Flachsbart voted nay, the vote was 2 to 2.

The Committee directed the matter be presented to the Council at its August 15, 1994 meeting, with no recommendation by the Committee.

Note: A bill relative to this matter is needed for the August 15, 1994 City Council meeting.

Director Duepner summarized the current situation relative to the Western Annexation. He noted it was the recommendation of City Attorney Doug Beach that the city pursue annexation efforts of the area previously identified as IB, which had been denied by the Boundary Commission. He noted this annexation effort had commenced in August of 1992, with passage of Ordinance No. 704 by the City of Chesterfield. The City of Chesterfield had initiated its attempt to annex this area prior to action of the proposed incorporation of Wildwood. With the demise of the Boundary Commission, the current approach for annexation seems to be based on the first official act taken by an entity; therefore, it would be the position of the City of Chesterfield that our effort to seek annexation of the Area IB commenced in August of 1992, and that the City should have the first opportunity for annexation of the area. Also discussed was whether or not the City Attorney should become involved with the effort underway by the City of Ellisville, Clarkson Valley, and St. Louis County against the potential incorporation of the City of Wildwood.

A motion was made by Councilmember Levinson and seconded by Chairman Hurt that the City should pursue annexation of Area IB. **The motion was passed by a vote of 3 to 1, with Councilmember Flachsbart voting no.**

A motion was made by Councilmember Levinson to direct the City Staff to continue to pursue the annexation of the remainder of the western area that includes the westernmost portion of Chesterfield Valley and an area adjoining the intersection of Wild Horse Creek Road and Eatherton Road, which would link with Area IB. The motion was seconded by Chairman Hurt, and the vote was 2 to 2, with Councilmember's Levinson and Hurt voting yes, and Councilmember's Flachsbart and Tilley voting no.

Relative to participation of the City Attorney in the legal action relative to the Wildwood Incorporation, there was discussion relative to what such participation would entail. It was suggested by Councilmember-Elect Cullen that it might be appropriate to seek a memo on the status of the litigation, and what the possible extent of involvement by the City Attorney would be.

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart to seek such a memorandum from the City Attorney. The motion was approved by a vote of 4 to 0.

Note: A memorandum from the City Attorney relative to the Wildwood litigation should be included at the August 15, 1994 City Council Work Session.

ITEM V.

Correspondence from Mr. Jay Rowan requesting withdrawal of P.Z. 20-92 Ladue Associates.

Director Duepner summarized the request from Mr. Rowan.

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart that Bill No. 756 be dropped from the Council agenda. The motion was approved by a vote of 4 to 0.

Note: In accord with this motion, Bill 756 should be dropped from the Council agenda at the August 15, 1994 City Council meeting.

ITEM VI.

Memorandum from the Director of Planning concerning Westland Acres.

Director Duepner summarized the memorandum concerning Westland Acres.

The memorandum was received and filed.

ITEM VII.

Memorandum from the Director of Planning concerning detention basin at Sycamore Place and Kehrs Mill Bend Subdivisions.

Director Duepner summarized the memorandum concerning detention basin at Sycamore Place and Kehrs Mill Bend Subdivisions.

The memorandum was received and filed.

Subsequently, there was discussion relative to the possibility of directing the Department of Public Works to work with residents in the area to resolve the problem. Councilmember Tilley indicated she would take that under advisement and may refer the matter to the Public Works/Parks Committee.

ADD ON #1

Copy of Public Hearing Notice from the St. Louis County Planning Commission concerning P.C. 93 & 94-94 Land Planners, Inc.; a request for rezoning from "NU" Non-Urban District to "R-1" One-Acre Residence District and a Planned Environment Unit in the "R-1" One-Acre Residence District for a 217.1 acre tract of land located on the east side of Eatherton Road, north of Highway 109.

The public hearing notice was received and filed by the Committee.

ITEM VIII.

City of Chesterfield Bill No. 958 regarding Menu Board Signs.

Director Duepner noted that Bill No. 958 had been referred back to the Committee from the City Council. Bill No. 958 pertains to increasing the permitted size of menu board signs for fast food restaurants from thirty-two (32) square feet to sixteen (16) square feet.

There was discussion by the Committee relative to **holding** this matter, pending the resolution of circulation issues at the McDonald's Restaurant at Lea Oak and Clarkson Road.

A motion was made by Councilmember Levinson for **approval** of Bill No. 958, and seconded by Councilmember Tilley. **The vote on the motion was 2 to 2, with Councilmember's Levinson and Tilley voting yes, and Councilmember's Flachsbart and Hurt voting no.**

The matter is to be forwarded to City Council for action on August 15, 1994, with no recommendation.

Note: Bill No. 958 should be placed on the August 15, 1994 City Council meeting agenda for action.

ITEM IV.

Memorandum from the Director of Planning concerning 1995 Budget.

Director Duepner inquired whether there were any recommendations or direction from the Committee relative to the 1995 Department of Planning Budget.

Councilmember Levinson indicated that care should be taken what is proposed for computer software and hardware.

Director Duepner was asked if there were any additional staff being proposed. He indicated consideration was being given to requesting an intern position for the Department.

ITEM IX.

Memorandum from the City Attorney concerning News Racks.

Director Duepner summarized the issue relative to news racks.

Councilmember Flachsbart requested that clarification be sought why news racks were not treated like any other vending machine. Councilmember Tilley concurred.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Tilley that news racks should be licensed as vending machines. The vote on the motion was 2 to 2, with Councilmember's Tilley and Flachsbart voting yes, and Councilmember's Levinson and Hurt voting no.

A motion was made by Chairman Hurt and seconded by Councilmember Flachsbart that staff check with the Municipal League, and others, relative to licensing newspaper racks as vending machines. The motion was approved by a vote of 4 to 0.

- X. Memorandum from the Director of Planning concerning Appearance Code.
- XI. Memorandum from the Director of Planning regarding Off-Site Directional Signage.
- XII. P.Z. 11-93 City of Chesterfield Planning Commission; revisions to Sign Regulations.

Items X., XI., and XII., were held, and will be placed on the agenda for the August 17, 1994 meeting.

SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION ON JULY 13, 1994.

- A. **P.Z. 28-92 Buchholz Mortuary**; Conditional Use Permit in the "R-1" One Acre Residence District Freestanding Business Sign; southwest quadrant of the intersection of Clarkson and Wilson Roads.
- B. **Sea Beauty Farm**; Planned Environment Unit (PEU) in "R-1A" 22,000 square foot Residence District Record Plat; west side of Wilson Road, north of Clarkson Road.

Note: This item was approved by City Council on July 18, 1994.

- C. **The Bluffs of Wildhorse**; Planned Environment Unit (PEU) in the "R-2" 15,000 square foot Residence District Record Plat; north side of Wild Horse Creek Road, east of Kehrs Mill Road.

Note: This item was approved by City Council on July 18, 1994.

- D. **First Baptist Church of Chesterfield**; "NU" Non-Urban District Site Plan, Landscape Plan and Architectural Elevations; north side of Wild Horse Creek Road, east of Carriage Crossing Lane.

XIV.

SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION AT ITS MEETING OF JULY 25, 1994.

- A. **P.Z. 26-93 Glen Novack/Redia McGrath (The Wedge)**; "C-8" Planned Commercial District Business Sign; north side of Old Olive Street Road at Chesterfield Airport Road.
- B. **P.Z. 4-94 Chesterfield Homes Development, Inc. (The Courts)**; Planned Environment Unit Procedure in the "R-3" 10,000 square foot Residence District Site Development Plan and Landscape Plan; south side of Kehrs Mill Road approximately 3,000 feet east of Clarkson Road.

The next meeting of the Planning and Zoning Committee will be on **Wednesday, August 17, 1994, at 5:30 p.m.**

The meeting adjourned at 7:13 p.m.

[PZC-SUM.803]