

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: July 25, 2003

SUBJECT: Planning and Zoning Committee Meeting Summary from July 24, 2003

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, July 24, 2003, in Conference Room 101. In attendance were: Chair Barry Streeter (Ward II), Councilmember Jane Durrell (Ward I), Councilmember Dan Hurt (Ward III) and Councilmember Mary Brown (Ward IV). Also in attendance were: Mr. Jim Rocca, City Tree Consultant; Councilmember Bruce Geiger (Ward II); Councilmember Mike Casey (Ward III); Councilmember Connie Fults (Ward IV); Former Mayor Nancy Greenwood; Planning Commission Chair Victoria Sherman; Planning Commission Vice Chair David Banks; Planning Commissioner Bud Hirsch; Planning Commissioner Stephanie Macaluso; Planning Commissioner Lynn O'Connor; Planning Commissioner Lu Perantoni; Planning Commissioner Bud Wardlaw; Director of Planning Teresa Price; Senior Planner Annissa McCaskill; Project Planner David Bookless; Project Planner Christine Smith Ross; Planning Technician Steve Cheslak; and Kathy Lone, Planning Assistant.

*No items will be forwarded to the 8/4/2003 City Council Meeting.

Chair Streeter called the meeting to order at 5:30 p.m

I. Approval of the Planning and Zoning Committee Meeting Summary of July 10, 2003.

Councilmember Durrell made a motion to approve the Meeting Summary of July 10, 2003. The motion was seconded by Councilmember Hurt and **passes by a voice vote of 3 to 0**. (Councilmember Brown abstained from voting as she was absent from the meeting.)

- II. **P.Z. 29-2002 The Bluffs at Appaloosa Way:** A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 13.5 acre tract of land located north of Wildhorse Creek Road, to the west of the "Appaloosa Way" subdivision (Locator Numbers 18T-42-0194, 18T-42-0161, 18T-44-0059, 18T-44-0015, 18T-42-0039).

Project Planner David Bookless gave an overview of **P.Z. 29-2002 The Bluffs at Appaloosa Way.** Mr. Bookless stated that this petition was forwarded with no recommendation to City Council from the Planning Commission by a vote of 4-3-1.

Planning Commission Chair Victoria Sherman gave an overview of the vote by the Planning Commission.

Councilmember Durrell made a motion for an opinion from City Attorney Doug Beach whether the four (4) affirmative votes indicates a 'denial' or 'no recommendation' and whether a super majority (6 votes) or majority (5 votes) is required by City Council. The motion was seconded by Chair Streeter and **passes by a voice vote of 4 to 0.**

Planning Director Teresa Price stated that she would have an opinion by Mr. Beach before this petition is presented to City Council.

Councilmember Brown discussed the following issues:

1. An amendment to preserve the trees along the existing drive-way of the Machamer property (behind Wild Horse Springs Subdivision);
2. Providing buffering between the existing residences (Shearn's and Reuther's) and the proposed development;
3. How the detention basin will be screened since it is next to Wild Horse Creek Road;
4. Review of the widening of the road with regards to the trees and easement;
5. Length of the proposed cul-de-sac does not meet subdivision regulations.

Ms. Joy McMillian, attorney and representing the petitioner, stated that she would review the above issues with Councilmember Brown.

Councilmember Hurt stated that if this proposal is forwarded to City Council, he would recommend to Council that this petition be an E-1 Acre zoning. Councilmember Hurt stated that this would do away with the 'NU' Non-Urban zoning and the homeowners in the subdivision could do with what they want with their 1 ½-acre lots.

General discussion followed concerning the surrounding zonings, straight zonings versus Planned Environment Units (PEU's), authority of the City to change a zoning request, the difference between 'E-1' and 'E-One Acre' with PEU's, and how many houses could be built on this site.

Councilmember Hurt made a motion to recommend and forward to Council that this petition be an E-One Acre zoning with a Planned Environment Unit (PEU). The motion was seconded by Councilmember Durrell.

Ms. McMillian stated that this petition is in agreement with the Comprehensive Plan and the zoning request should not be changed.

Chair Streeter and Councilmember Mike Casey suggested that the Committee hold this petition for further review of changing the rezoning request.

Director of Planning Teresa Price suggested that Staff prepare an Attachment A for their review.

Councilmember Brown made a motion to table **P.Z. 29-2002 The Bluffs at Appaloosa Way** until the next Planning and Zoning Committee Meeting on August 7, 2003. The motion was seconded by Chair Streeter **and passes by a voice vote of 4 to 0.**

Councilmember Brown made a motion to direct Staff to prepare an Attachment A for 'E-One Acre' density with a Planned Environment Unit (PEU) resembling the plan that was shown at the Committee meeting. The motion was seconded by Chair Streeter **and passes by a voice vote of 3 to 1.** (Councilmember Hurt voted nay.)

Councilmember Hurt directed Staff to check with City Attorney Beach as to what is applicable for 'E-One Acre density with a PEU.

Planning Commissioner Lynn O'Connor stated that she voted no on this petition because of the issue of neighborhood preservation.

Planning Commissioner Lu Perantoni stated that she voted no on this petition because she felt the petition was too open-ended and wanted it to be more definitive.

Planning Commissioner Stephanie Macaluso stated that she voted no on this petition because it did not meet the Comprehensive Plan, the existing quality of life, taking of common ground and giving it to this subdivision, the street easement issue and removing trees from private property.

Planning Commissioner Bud Wardlaw stated that he voted yes on this petition because he did not think that it was a strong neighborhood situation but a situation where Chesterfield needed to look at what was best for Chesterfield and going along with what seems to be the prevailing mood of development in the area.

Planning Commissioner David Banks stated that he voted for the petition because he felt it fit the Comprehensive Plan.

Councilmember Connie Fults stated that she would like added to the Attachment A that the road and retaining wall will be off private property and no trees are to be removed from the property of the residents that are not part of the rezoning.

Chair Streeter called a recess at 6:47 p.m. and the meeting reconvened at 6:50 p.m.

III. Discussion of Tree Ordinance

Chair Streeter recognized the attendance of former Mayor Nancy Greenwood and Ms. Wendy Geckeler, a member of the original Tree Ordinance Committee.

Mr. Jim Rocca, the City's tree consultant, gave an overview of the tree ordinance. Mr. Rocca stated that there are four (4) active developments reviewed since the Tree Ordinance was amended (Ordinance 1777) and two (2) of the four (4) are not preserving 30% of the trees.

Mr. Rocca stated that mitigation is an issue and it does not put a difficult burden on the developer to meet the mitigation requirements

Planning Commission Chair Sherman stated that projects being approved by the Planning Commission do not necessarily meet the 30% preservation and that other factors for approval are land use and the building.

Mr. Rocca stated that some of the problems with mitigation are: Some feel that mitigation is automatic. The ordinance states that mitigation may be approved in part, total or rejected. Mr. Rocca stated that the cost for mitigation is not enough. For example, a developer can not preserve 30% of the trees on a development and yet pay a fee of no more than \$1,000, when one (1) tree could cost that much.

Councilmember Hurt suggested that 'undisturbed zones' are the best.

Councilmember Hurt left the meeting at 7:07 p.m.

General discussion followed concerning mitigation and more discussion at Planning Commission and City Council on whether the tree ordinance is being met.

Ms. Price suggested changing the format of the tree ordinance to have more emphasis on tree preservation. Ms. Price stated that the tree ordinance looks at tree removal versus tree preservation.

Mr. Rocca stated that 30% preservation is not too restrictive. Mr. Rocca stated that many trees in Chesterfield are 150 years old. A tree planted today may reach 18 inches in diameter in 70 years and you lose the benefits of trees for cooling, erosion control, and water storage that reduce run-off and storm sewage. Mr. Rocca stated that some cities require justification for every tree that is removed. Mr. Rocca stated that if Chesterfield

wants to maintain a treed community, the City needs to make decisions that some trees are going to be preserved. Mr. Rocca stated that the amended ordinance was an attempt to make it clearer that the developer must preserve 30% or, if the trees are bad, then 30% of the original tree area goes back into trees in order to maintain the area in natural tree cover to gain the benefits for the community.

Mr. Rocca stated that the Tree Stand Delineation should be more than an accounting of the trees but should include recommendations for which of the 30% of trees should be preserved. Mr. Rocca stated that the ordinance should also have a better definition as to who can prepare a Tree Stand Delineation.

Councilmember Casey left the meeting at 7:31 p.m.

General discussion followed concerning scrub trees, definition of 'woodland,' tree caliper, stating the preservation percentage in Attachment A, requiring the developer to work around the 30% preservation percentage, considering the tree consultant as an agency comment, and role of the Architectural Review Board (ARB) with the landscaping.

Chair Streeter asked the Committee to forward a list of issues they would like addressed by the Landscape Committee of Planning Commission for review.

Councilmember Durrell made a motion to forward the Tree Ordinance to the Planning Commission for review. The motion was seconded by Councilmember Brown **and passes by a voice vote of 3 to 0.** (Councilmember Hurt was absent for the vote.)

Mr. Rocca stated that he thinks the City is moving in the right direction. He stated that studies show that property is more valuable with trees, rents faster and allows for a higher rent.

Councilmember Geiger stated that he has asked City Attorney Beach whether the tree ordinance applies to old subdivisions or just new developments.

VI. Pending Projects/Departmental Update

Ms. Price stated that the Transportation Model will be budgeted for and calibrated in 2006.

Chair Streeter stated that he has concerns with the definition of 'family' in the Zoning Ordinance.

Chair Streeter made a motion to direct Staff to work with City Attorney Doug Beach on the definition of 'family.' The motion was seconded by Councilmember Durrell **and passes by a voice vote of 3 to 0.**

The meeting adjourned at 7:44 p.m.

TP/kl