

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
JULY 6, 1994

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Wednesday, July 6, 1994, at 5:33 p.m., 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; Jerry Duepner, Director of Planning; and Laura Griggs-McElhanon, Senior Planner.

ITEM I.

Approval of meeting summaries from May 4, 1994, and June 14, 1994.

Motion was made by Councilmember Levinson and seconded by Councilmember Hurt for approval of meeting summary of May 4, 1994.

Summary was approved by vote of 2 to 0 and 2 abstentions, Councilmembers Tilley and Councilmember Flachsbart abstained as they were not in attendance of the May 4, 1994 meeting.

Motion was made by Councilmember Levinson and seconded by Councilmember Tilley for approval of the meeting summary of June 14, 1994. The meeting summary was approved by a vote of 4 to 0.

ITEM II.

P.Z. 8 & 9-94 The Hayden Company (The Terraces at Clayton); "NU" Non-Urban District to "R-3" 10,000 square foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 square foot Residence District; northeast corner of the intersection of Schoettler Road and Clayton Road.

Director Duepner summarized the report of the Planning Commission recommending approval.

Mary Jane Lyons, a resident to the north of the subject property addressed the Committee relative to setbacks for structures and provision of a fence along the north property line. There was discussion by the Committee concerning the fence. A representative for the petitioner indicated that the fence would be extended along the north property line to a point where existing trees were to be retained. Councilmember Levinson recommended a condition that would require the fence be provided along the north property line eastward from Schoettler Road to the tree mass area to be retained.

Councilmember Levinson also raised concern about the amount of off-street parking to be provided. A representative for the petitioner, Mr. Thomas Krull, addressed the Committee and noted that site parking would be increased from 14 to 27 spaces.

Councilmember Levinson questioned the requirement for fire district approval of the gated entrance. It was noted that the intent was for the type of gate to be reviewed and approved by the fire district not specifically the gated entrance. Councilmember Levinson suggested that the condition be amended to indicate that if the security entrance is proposed approval from the fire district for the type of gate be required.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Tilley for approval of Planning Commission recommendation with amending of conditions relative to the fence along the north property line and approval of the gated security entrance. The motion was approved by a vote of 4 to 0.

Note: Bills relative to this matter are needed for the July 18, 1994 City Council Meeting.

ITEM III. P.Z. 7-94 Donald & Erwin Knoesel; "NU" Non-Urban District to "R-1" One-Acre Residence District; west side of Wilson Road, north of the intersection of Wilson Road and Chesterfield Lakes Road.

Director Duepner noted the action of the Planning Commission for withdrawal without prejudice.

The report was received and filed by the Committee.

ITEM IV. P.Z. 10-94 Jewish Community Centers Association (JCCA): Amendment of "C-8" Planned Commercial District Ordinance; east side of Chesterfield Parkway North, north of the intersection of Chesterfield Parkway North and Olive Boulevard.

Director Duepner noted the action of the Planning Commission for withdrawal without prejudice.

The report was received and filed by the Committee.

ITEM V. P.Z. 11-94 Airport Tract Joint Venture (Chesterfield Business Park); Approval of Site Development Plan in "M-3" Planned Industrial District; northwest corner of the intersection of Chesterfield Airport Road and Long Road.

Director Duepner summarized the recommendation of the Planning Commission.

Councilmember Levinson noted that development on this site should, due to its location, be particularly special. Other members of the Committee agreed. Director Duepner noted that a similar concern was raised by the Planning Commission and acknowledged in its report. It was for that reason the Commission was recommending requirement of an indication of preliminary design statement and a design with the concept plan.

A motion was made by Councilmember Levinson seconded by Councilmember Flachsbart for approval as recommended by the Planning Commission. **The motion was approved by a vote of 4 to 0.**

Note: A bill relative to this matter is needed for the July 18, 1994 City Council Meeting.

ITEM VI. **P.Z. 14-90 Storage Masters**; Amendment of "M-3" Planned Industrial District Ordinance; south side of Chesterfield Airport Road, east of Old Olive Street Road.

Director Duepner summarized the recommendation of the Planning Commission.

There was discussion by the Committee relative to the requested amendment to allow a rental facility for party supplies. Mr. John Burroughs, the petitioner, responded to questions.

Councilmember Levinson inquired whether landscaping would be reinstalled on the site, and noted concern about a prior lack of cooperation with neighbors on the clean-up of trash and debris. Mr. Burroughs indicated that all landscaping as depicted on the plan would be replaced. He also cited difficulties in cleaning up the area after a storm struck the site and that they attempted to do all that was possible.

A motion was made by Councilmember Tilley seconded by Councilmember Levinson for approval of the amendment as recommended by the Planning Commission. **The motion was approved by a vote of 4 to 0.**

Note: A bill relative to this matter will be needed for the July 18, 1994 City Council meeting.

ITEM VII. **P.C. 38-87 Geriatrics Management, Inc. (Brooking Park)**; Amendment of Conditional Use Permit in "R-1" One-Acre, "FPR-1" Flood Plain One-Acre, and "R-3" 10,000 square foot Residence Districts; west side of Old Woods Mill Road, north of Conway Road.

Director Duepner summarized the report of the Planning Commission relative to the requested amendment.

Representative for the petitioner, Mr. John King addressed the Committee on the reason for the request.

Councilmember Levinson requested that at the time a sidewalk is installed that a meandering walk be considered.

The motion was made by Councilmember Levinson and seconded by Councilmember Tilley for approval as recommended by the Planning Commission.

Motion was approved by a vote of 4 to 0.

Note: Since this item is an amendment to a Conditional Use Permit, action by the Council on this matter is for receipt and file of the Commission report and the amendment would be approved within 15 days. Or Council may exercise its power of review to take formal action.

ITEM VIII.

P.C. 223-77 Sachs Properties; A request for extension of time to submit a Site Development Plan for a Conditional Use Permit in the "R-5" 6,000 square foot, "R-6A" 4,500 square foot, and "R-8" 500 square foot Residence Districts; west side of Chesterfield Village Parkway, south of Chesterfield Airport Road.

Committee received and filed the Planning Commission report granting an extension of time.

ITEM IX.

Memorandum from the Director of Planning concerning Annexations (Western and Southern).

Director Duepner summarized the memorandum concerning the proposed western annexation. Staff sought clarification of the easternmost boundary as to whether or not to include the area on the south side of Strecker Road known as Lewis Springs. Also action needed to direct staff to obtain a legal description since at present there is not a description encompassing the proposed annexation area.

Discussion by the Committee relative to the exclusion of Lewis Springs area. Councilmember Flachsbart indicated he had no problem with the boundary however he was opposed to the annexation. Motion was made by Councilmember Levinson and seconded by Councilmember Tilley to utilize Strecker Road as the boundary to exclude the Lewis Springs area, and for staff to seek a complete legal description of the proposed area.

Motion was approved by a vote of 4 to 0.

Relative to the southern annexation, Director Duepner summarized the reports submitted by Finance Director Jan Hawn regarding sales tax distribution. It was noted by Councilmember Levinson that a recent Supreme Court decision on the Sales Use Tax would revise the figures relative to revenue for the southern annexation area. He also noted that approval of this proposed annexation would result in the creation of another police sector which would mean additional police officers for the City. City Administrator Michael Herring noted a status quo approach was utilized relative to Sales Tax analysis, and the Missouri Supreme Court still needs to determine distribution of the Use Tax. Also the passage of Hancock II could impact the distribution of the Use Tax.

There was discussion among the Committee relative to the possible financial impact of the annexation depending upon the determination on the Sales Tax distribution issue.

Mayor Jack Leonard stated the desire to have the southern annexation for vote at the same time as the City of Ballwin pursues annexation of the same area in order to allow residents of the area to have a choice.

Chairman Hurt suggested that it may be appropriate to wait until the August meeting of City Council to vote on the matter as there will be eight council members at that time. A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart to submit to City Council an ordinance of intent for annexation of the southern area. Councilmember Tilley indicated concern that the annexation could be a fiscal drain on the City if the Sales Tax distribution formula is changed. She believes that funds should be utilized for maintaining current City services in the current City area. The concern should not be for increasing services for the proposed annexation area but for current residents of the City. Councilmember Flachsbart noted that at worst the annexation would be a break even and at best it would be a positive from a financial standpoint. Chairman Hurt again noted that it would be appropriate to place the matter on the Council agenda in August as opposed to July. It would also be appropriate for the Chief of Police to submit a map of the tentative police sectors. Councilmember Levinson amended his motion that this item be placed before the Council at its August meeting and at that time also the Chief of Police present a map for tentative police sectors for the city including the southern area. **Upon vote the motion, as amended, was approved by a vote of 3 to 1, with Councilmember Tilley voting no.**

ITEM X. Memorandum from the Director of Planning regarding revision of the Zoning and Subdivision Regulations.

Director Duepner summarized his memorandum and asked members of the Committee for desired times to meet with the consultant. Councilmember Levinson and Councilmember Flachsbart indicated that they would like to meet with Mr. Kendig on the 2nd of August at 4:30pm. Chairman Hurt noted that 2 Councilmembers should go with Mr. Kendig at a time on field trips. Other groups suggested for meetings with Mr. Kendig were: CAIR group, the Church Care Group, Citizens for the Environment, Beautification Committee, Historic Committee and Civic Progress.

ITEM XI. Summary of the Board of Adjustment meetings of May 19, 1994 and June 16, 1994.

Director Duepner summarized his memorandum concerning Board of Adjustment meetings on May 19, 1994 and June 16, 1994. **The memorandum was received and filed by the Committee.**

ITEM XII.

Memorandum from the Director of Planning concerning notification for Board of Adjustment meetings.

Director Duepner summarized his memorandum. Councilmember Tilley noted there had been a recent situation where residents were not notified of Board of Adjustment hearings, and the items at those hearings were of concern to residents. She suggested that trustees of adjoining developments be notified if the requested variances are deemed to be of possible impact to adjoining areas. There was considerable discussion by the Committee in terms of making such a determination.

Councilmember Flachsbart suggested that the trustees of a subdivision along with the adjoining property owners be advised of a variance request when a lot is internal to a subdivision. When a lot is on the perimeter of a subdivision, the adjacent property owners and the trustees of the subject subdivision and the trustees of the adjoining subdivision be advised. There was considerable discussion among Committee members about the notification of properties not located within subdivisions such as industrial, commercial or "Non-Urban" zoned properties. It was noted that at the present time only adjacent property owners are notified of the pending Board meeting. Councilmember Tilley expressed concern that property owners and residents of an area should be notified of a pending request. Councilmember Flachsbart suggested that for properties outside of a subdivision, the adjacent property owners and the trustees within a thousand feet of the petitioned site be notified. It was noted that members of Council currently receive copies of public hearing notices for Board of Adjustment meetings. Motion was made by Councilmember Flachsbart and seconded by Councilmember Tilley that the notification for Board of Adjustment meetings be sent in the following manner:

- 1) If property is an interior lot within a residential subdivision the adjoining property owners as well as the trustees of the subdivision be sent notices;
- 2) If the property is a lot within a subdivision but on the perimeter of that subdivision, the adjoining property owners, the trustees of the subject subdivision and the trustees of the adjoining subdivision should be sent notices;
- 3) Property is not within a subdivision, the adjoining property owners and the trustees of any subdivision within 1000 feet be sent notices.

Motion was approved by a vote of 4 to 0.

ITEM XIII.

Memorandum from the City Administrator concerning terms of office for Planning Commissioners.

Director Duepner summarized the memorandum from the City Administrator. Mayor Leonard indicated the desire to change the expiration date so that a lame duck council would not make decision on appointments. Motion was made by

Councilmember Tilley and seconded by Councilmember Flachsbart for approval of the bill as presented. Motion was approved by a vote of 3 to 1 with Councilmember Levinson voting no.

Note: A bill relative to this matter is needed for the July 18, 1994, City Council meeting.

ITEM XIV. A request for a change of street name (Ruthie Lane to Wild Horse Way).

Director Duepner summarized the request, noting petitioner seeking the change in name had provided the signatures of all property owners. He noted that an ordinance shall be passed on this matter and forwarded to St. Louis County Department of Revenue for the change in street name. Motion was made by Councilmember Levinson and seconded by Councilmember Tilley for approval of change of street name from Ruthie Lane to Wild Horse Way.

Motion was approved by 4 to 0.

Note: A bill relative of this matter is need for the July 18, 1994 City Council meeting.

ITEM XV. **P.Z. 11-93 City of Chesterfield Planning Commission (Revisions to Sign Regulations).**

Director Duepner summarized the report of the Planning Commission concerning the amending of sign regulation relative to menu board signs. Representatives from McDonald's addressed the Committee noting that the current size of 16 square feet is no longer manufactured making it difficult to obtain replacement parts for signs. Chairman Hurt inquired of McDonald's intent to address circulation problems at the McDonald's restaurant at Clarkson Road and Lea Oak Drive. The representatives indicated they were not fully aware of the situation but would look into the matter. Motion was made by Councilmember Tilley and seconded by Councilmember Levinson for approval as recommended by the Planning Commission. Motion was made by Chairman Hurt to table the matter. The motion failed for lack of a second. Upon vote the original motion was approved 3 to 1 with Councilmember Hurt voting no.

Note: A bill relative to this matter is needed for the July 13, 1994 City Council Meeting.

After the vote there was continued discussion relative to the circulation problem associated with the McDonald's on Clarkson Road at Lea Oak Drive.

(ITEMS XVI, XVII, and XVIII were not discussed)

XIX. SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION AT ITS MEETING OF JUNE 13, 1994.

- A. **Ladue Associates Subdivision**; "C-8" Planned Commercial District Minor Subdivision Plat; south side of Ladue Road, east of Ladue Glen Court.

Note: This item will have been acted upon by City Council on June 20, 1994.

XX. SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION AT ITS MEETING OF JUNE 27, 1994.

- A. **P.C. 233-87 Day Care Centers, Inc. (The Center at Conway)**; Conditional Use Permit in "R-3" 10,000 square foot Residence District amended Site Development Plan; northeast corner of Highway 141 and Conway Road.
- B. **P.Z. 20-93 Carl R. Tisone (U.S. Ice Sports Complex)**; Conditional Use Permit in "NU" Non-Urban District Future Use of Site Sign; north side of North Outer Forty Road, east of Boones Crossing Road.
- C. **P.Z. 1 & 2-94 Taylor-Morley, Inc. (Bentley Place)**; Planned Environment Unit (PEU) in the "R-1" One-Acre and "R-1A" 22,000 square foot Residence Districts Site Development and Landscape Plans; south side of Wild Horse Creek Road, west of Chesterfield Estates Drive.
- D. **D.L. 2-49 Spirit West Industrial Airpark (Crown Business Park Plat 7)**; "M-3" Planned Industrial District Site Development Section Plan; east side of Crown Industrial Court, south of Chesterfield Airport Road.

The next meeting of the Planning and Zoning Committee will be **August 3, 1994, at 5:00 p.m.**

The meeting adjourned at 7:21 p.m.

[PZC-SUM.711]