

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

SUBJECT: Planning & Zoning Committee Meeting Summary
May 24, 2007

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, May 24, 2007 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Lee Erickson, (Ward II); Councilmember Mike Casey (Ward III); Councilmember Bob Nation (Ward IV); Maurice L Hirsch, Jr., Planning Commission Chair; Wendy Geckeler, Planning Commissioner; Mike Herring, City Administrator; Mike Geisel, Acting Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Aimee Nassif, Senior Planner; Mara Perry, Senior Planner; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the May 10, 2007 Planning and Zoning Committee Meeting Summary

Councilmember Geiger made a motion to approve the Meeting Summary of **May 10, 2007**. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

II. OLD BUSINESS

A. Draft Ordinance Pertaining to Residential Real Estate Open House Signs

DISCUSSION

Signs in Center Median

Councilmember Durrell felt open house signs should be allowed in the center median.

Attention-Getting Devices

Councilmember Nation did not see a problem with having balloons attached to the open house signs.

Local Address – “Signs shall only advertise a residence in the City of Chesterfield”

Councilmember Nation pointed out that there are some subdivisions which are in both Chesterfield and Wildwood. He noted that if Wildwood had this same restriction, it would prohibit some residents from having directional signs to their open houses.

Councilmember Geiger made a motion to amend Section 2.(b)3. of the Draft Ordinance as follows: (changes in green)

Local address: Signs shall only advertise a residence in the City of Chesterfield, or a residence which can only be accessed through the City of Chesterfield.

The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

Limit of three directional signs

Councilmember Nation felt that three directional signs may not be adequate for those homes where multiple turns are necessary to reach the open house.

Councilmember Durrell made a motion to amend Section 2.(b)4. of the Draft Ordinance as follows: (changes in green)

Limit. No more than ~~three (3)~~ six (6) signs per property for sale or lease in the City of Chesterfield, with not more than one (1) sign at each required change in travel direction.

The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

Identification Required

Councilmember Nation thought requiring an address of the realtor could raise safety issues. Chair Fults stated that a business address could be used for identification purposes.

Councilmember Nation pointed out that the directional signs are sometimes shared among realtors and felt that the business cards would have to be attached with tape or staples to be easily removed. He agreed with having some identification attached so there could be accountability for the signs.

Location – “if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area.”

Councilmember Hurt stated that the language does not indicate as to who would be responsible for determining if a sign obstructs the safe and convenient use of streets or sidewalks.

Councilmember Hurt made a motion to amend Section 2.(b)6.(2) of the Draft Ordinance as follows: (changes in green)

if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area **as determined by the City of Chesterfield.**

The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

Posting of other Directional Signs

Councilmember Hurt expressed concern about directional signs, other than for open houses, being posted throughout the City. He suggested that specific days and hours be included in the Ordinance to restrict the posting of directional signs.

It was noted that open houses are usually held on Tuesdays and Sundays.

Councilmember Hurt made a motion to amend Section 3. of the Draft Ordinance as follows: (changes in green)

Residential Real Estate Open House Directional signs shall only be displayed in the time periods between 9:00 a.m. to 3:00 p.m. on Tuesdays and from 12:00 p.m. to 6:00 p.m. on Sundays

The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

Comments from Realtors

A realtor from Prudential Select Properties noted that prohibiting open house signs has a substantial impact on residents who sell their own homes because they have fewer advertising venues. She felt having directional signs on the day of the open house is very important.

The Legislative Director for the St. Louis Association of Realtors stated that at least six open house signs are necessary. She indicated that the real estate agents would like the use of balloons attached to the open house signs.

Councilmember Hurt informed the realtors that the City is only addressing City rights-of-way. The County and State still have their laws relative to the posting of signs and they may remove any sign posted in County or State rights-of-way.

Informational Signs

Discussion was held regarding the posting and removal of informational signs for subdivision meetings, garage sales, fundraisers, etc. **Staff was directed to review the issue of informational signs to determine if provisions could be made to allow the posting of such signs. Mr. Geisel was asked to bring clarification on informational signs to the next Planning & Zoning Committee meeting.**

Councilmember Geiger made a motion to forward the Draft Ordinance Pertaining to Residential Real Estate Open House Signs, as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on the Draft Ordinance Pertaining to Residential Real Estate Open House Signs.]

- B. Tech Park II (THF Chesterfield Commons Four Development, LLC):** A request for an amendment to City of Chesterfield Ordinance Number 1928 for an amendment to the green space requirement, structure setbacks and parking setbacks for Chesterfield Commons Four an approximately 21.6 acre tract of land, zoned "P1" and located east of the intersection of Chesterfield Airport Road and Public Works Drive.

Staff Report

Ms. Jennifer Yackley, Project Planner, stated that under its original petition (referred to as P-26 in a hand-out from the Petitioner), the Petitioner requested three amendments for Tech Park II:

- A change from 28% greenspace to 30% openspace;
- A change in the structure setback on the eastern boundary from 140 feet to 100 feet;
- A change in the parking setback from Edison Road from 75 feet to 20 feet.

The petition was before the Planning Commission on November 13, 2006 at which time it was approved by a vote of 8 to 0.

The Planning & Zoning Committee reviewed the petition on December 7, 2006 at which time discussions were held regarding the parking in relationship to the theater; the permitted uses for the flex building; and the position of the building – specifically moving it south. At the December meeting, the Planning & Zoning Committee voted to hold the petition to allow the Petitioner the opportunity to make changes per the Committee's comments.

The Petitioner submitted to Staff changes (referred to as P-29) taking into consideration the discussions held at the December Committee meeting. Several problems arose with the submittal of P-29:

- The parking calculations were not met by ten spaces.
- The openspace decreased to 30.89% from 31.22%.
- The 125-foot structure setback from Edison Road was not met.
- The 100-foot structure setback from the eastern property line was not met.
- The access point did not align with Tech Park I.

Staff requested that P-29 be revised. As a result, the Petitioner has submitted a revised plan (referred to as P-30), which is now being presented to the Planning & Zoning Committee. Under P-30, the following conditions exist:

- The access point now aligns with Tech Park I.
- One access point has been eliminated from the original plan (P-26).
- The parking requirement is still not met by eight spaces.
- The building is now 24,000 square feet vs. 22,000 sq. ft. as shown in the original plan (P-26).
- The eastern setback does not meet the 100-foot structure setback from the east property line, which the Petitioner requested. The structure setback is shown as 85 feet on the current plan (P-30).
- The openspace is at 31.2%, which is in compliance.

It was noted that if the building was reduced to 22,000 square feet, the parking and structure setbacks would be met.

DISCUSSION

Curb Cut off Edison

The curb cut off Edison has not changed. The distance from Edison to the curb cut is 130 feet, which meets the City's Access Management guidelines.

Mr. Geisel, Acting Director of Planning, stated that it was important to line the western-most drive up with the existing drive to the east. From that point north, there is a continuous 24-foot drive without any parking spaces or access points. A motorist is well into the site before experiencing any conflicts.

Petitioner's Presentation

Mr. Mike Doster, representing the Petitioner, gave a PowerPoint presentation and stated the following:

- After the December Planning & Zoning Committee meeting, the plan (P-26) was revised. The building on the revised plan (P-29) was increased 2,000 square feet from 22,000 to 24,000 square feet. The Petitioner is willing to reduce the building back down to 22,000 square feet.
- By reducing the building to 22,000 square feet, the parking and setback issues will be resolved if the requested amendments are granted.
- The building was moved south as a result of the December meeting, but the movement presented more issues. (P-29)
- The building has been moved north again, as shown on the current plan (P-30).
- The Petitioner is still requesting the following amendments to the Ordinance:
 1. A change in the structure setback on the eastern boundary from 140 feet to 100 feet.
 2. A change in the parking setback from Edison Road from 75 feet to 20 feet.
 3. A change from 28% greenspace to 30% openspace.

Landscaping

Councilmember Hurt requested that the islands and spines throughout the site be landscaped – especially the long spine along Edison Road.

Ms. Yackley stated that the Attachment A requires that the development adhere to the Tree Manual. Landscaping will also have to be approved by the Levee District because part of the site is within the seepage berm. It was noted that the Tree Manual would not require as much landscaping in the spine along Edison Road, as being requested by Councilmember Hurt.

A Landscaping Plan will have to be presented to the Planning Commission where the landscaping concerns of the Committee will be addressed.

Access from Edison Road

Councilmember Geiger stated that coming off Edison Road presents motorists with a difficult turn.

Mr. Doster stated that the geometrics of the entrance would be reviewed to determine if it can be re-done.

Chair Fults asked Planning Chair Hirsch to note this concern when the Site Plan is presented to the Planning Commission.

Structure Setback on the Eastern Boundary

Councilmember Geiger made a motion to amend the structure setback on the eastern boundary from 140 feet to 100 feet on the condition that the building is reduced to 22,000 square feet. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Setback from Edison Road

It was pointed out that Savage Foods and Tech Park I have a setback of 20 feet from Edison Road. The St. Louis Family Church has a setback of 50 feet from Edison Road.

Councilmember Geiger made a motion to approve the parking setback from Edison Road from 75 feet to 20 feet. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Openspace

Ms. Yackley reported that the Petitioner has 31% openspace. Under the condition of "openspace" vs. "greenspace", the Petitioner is allowed to count sidewalks as part of his calculations. It was also noted that the City is using the term "openspace" as its standard, instead of "greenspace", for consistency throughout the City.

Councilmember Durrell made a motion to change "28% greenspace" to "30% openspace". The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Permitted Uses

Councilmember Geiger stated he would like the restaurant uses eliminated. He noted that the Traffic Study done for the site indicated that parking was adequate if restaurant usage is not allowed.

Mr. Doster stated that the Petitioner is agreeable to the restaurant use being eliminated as long as it only applies to the Flex Building.

Councilmember Geiger made a motion to amend Section I.A.1. of the Attachment A regarding Permitted Uses as follows (changes in green):

- r. Restaurants, fast food, with the exception of the Flex Building**
- s. Restaurants, sit down, with the exception of the Flex Building**

The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

Councilmember Geiger stated he would like the following uses eliminated:

- v. Vehicle repair facilities
- w. Vehicle service center
- x. Vehicle washing facilities

Mr. Doster stated that the Petitioner would be agreeable to having use “v” “vehicle repair facilities”. eliminated. He stated that if eliminating uses “w” and “x” would mean a facility such as “Dobbs” would not be permitted on the outparcels, the Petitioner would not be agreeable to removing those uses.

Councilmember Geiger made a motion to amend Section I.A.1. of the Attachment A regarding Permitted Uses as follows (changes in green):

- v. Vehicle repair facilities, with the exception of the Flex Building**
- w. Vehicle service center, with the exception of the Flex Building**
- x. Vehicle washing facilities, with the exception of the Flex Building**

The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

Councilmember Geiger made a motion to forward the Ordinance Amendment, as amended, for Tech Park II (THF Chesterfield Commons Four Development, LLC) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on Tech Park II (THF Chesterfield Commons Four Development, LLC).]

III. NEW BUSINESS

- A. **Mobil Mart (Clayton and Baxter)**: Amended Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations for a gas station/convenience store in a "PC" Planned Commercial District located on the northwest corner of Baxter and Clayton Roads.

Staff Report

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that the original zoning for the site was passed in 2001 from C8 to PC. There were two subsequent amendments to the zoning due to the fact that this property was taken through litigation. As each ordinance was approved, the Site Development Plan was approved as an attachment.

Ms. McCaskill-Clay displayed a drawing showing the existing site and the proposed amendments.

As the petition was going through the zoning process, concern was expressed about the access in and out on Baxter Road. There is a condition in the governing ordinance requiring some sort of limitation of the access point onto Baxter – restricting it to a right-in and right-out only.

A median will be placed in the intersection, based upon the judgment of St. Louis County Highways & Traffic Department as to when it will be necessary. St. Louis County will construct the median at its own cost.

Mr. Geisel reported that the condition of the median was inserted into the language at the request of St. Louis County because the County has an existing traffic concern at this location. He also pointed out that the Site Plan is in conformance with Ordinance 1803, which was a settlement of litigation approved by City Council.

Ms. McCaskill-Clay stated that during the course of the litigation, elevations were sent to the Architectural Review Board (ARB) in 2000. The elevations were also reviewed last year by the ARB during its review of the Site Plan. ARB requested that the elevations take into consideration the adjacent residential neighborhoods by adding additional landscaping, if possible, on the north side.

On May 14, 2007, the Planning Commission recommended approval by a vote of 8 to 0 with conditions that the light standards be no taller than eight feet; and that the City Attorney review the residents' request for additional landscaping on the north side. The Petitioner has indicated agreement in providing additional landscaping, if it is allowed under the settlement agreement. City Attorney Heggie is reviewing the settlement agreement to determine if the landscaping would be allowed.

DISCUSSION

Landscaping

Councilmember Hurt asked that landscaping be reviewed for both the north and west sides of the site.

The Petitioner stated that some of the landscaping was scaled back in order to provide the masonry fence. The masonry fence extends from the north end of the carwash and ties into the northwest corner of the convenience store. The decreased landscaping was a trade-off with the residents for the masonry fence. They are trying to add 4-6 more trees on the north and west parts of the site.

Mr. Geisel stated that, on the north side of the site, there is an underground detention basin, which precludes landscaping and tree plantings over it.

Councilmember Hurt made a motion to forward the Amended Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations for Mobil Mart (Clayton and Baxter) to City Council with a recommendation to approve with the understanding that the City Attorney is reviewing the issue of possible additional landscaping to the north and west. The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

Note: This is an Amended Site Development Plan, Landscape Plan, Lighting Plan and Architectural Elevations which require approval by City Council. A voice vote will be needed at the June 4th City Council Meeting.

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on Mobil Mart (Clayton and Baxter).]

- B. Tuscany Reserve:** A Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, Landscape Plan, and Architectural Elevations for a 58.15 acre lot of land zoned “E-One Acre” Estate Residence District, and “E-Two Acre” Estate Residence District, located north of Strecker Road and east of Church Road.

Staff Report

Ms. Mara Perry, Senior Planner, stated that Automatic Power of Review for this project was requested during the rezoning of the property, which was approved in November, 2006.

The site has 17 acres zoned as E-One Acre and 40.05 acres zoned as E-Two Acre. The request includes 36 single-family detached homes of which 16 are in the E-One Acre area and 20 in the E-Two Acre area.

The Ordinance requires the submittal of Architectural Elevations for informational purposes only – three types of elevations have been provided in the meeting packet.

The Planning Commission approved the Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, and Landscape Plan on May 14, 2007 by a vote of 8 to 0.

DISCUSSION

Landscaping

Chair Fults stated that the Ordinance requires heavy landscaping between the E-Two-Acre area and the Pacland Place subdivision to serve as a deterrent from people crossing over to the lake. She noted that the submitted Landscape Plan shows gaps in the landscaping along the border to Pacland Place.

Ms. Perry read the language from the Ordinance as follows:

A minimum 30-foot wide landscape buffer strip shall be required around the perimeter of the development. A 50-foot wide landscape buffer strip shall be required along the northern boundary of the development. Lots 7-16 shall contain heavily-buffered landscaped screening along the boundary of the E-District, as shown on Exhibit A.

Mr. George Stock, representing the Petitioner, stated that they would amend the landscaping to comply with the Ordinance requirements.

Chair Fults made a motion requiring the Petitioner to bring the Landscape Plan into compliance per the requirements of the Attachment A. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Chair Fults made a motion to forward the Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, and Landscape Plan, as amended, for Tuscany Reserve to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Note: This is a Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, and Landscape Plan, which require approval by City Council. A voice vote will be needed at the June 4th City Council Meeting.

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on Tuscany Reserve.]

- C. **P.Z. 9-2006 St. Luke's Episcopal Presbyterian Hospitals (Parcel D)**: A request for a change of zoning from "NU" Non-Urban District, "FPNU" Flood-Plain Non-Urban District and "R1" Residence District/FPR1" Flood-Plain Residence District to "MU" Medical Use District for four (4) parcels of land located ¼ mile north of the Woods Mill and Conway Roads intersection. The total area to be rezoned 14.0 acres. (Locator Numbers: 18Q420023,18Q510014,18Q510025, 18Q510036)

Staff Report

Ms. McCaskill-Clay stated that the Public Hearing was held in April 2006. The petition was recommended for approval by the Planning Commission on May 14, 2007 by a vote of 8 to 0.

The Petitioner has been actively working with the adjacent residential neighborhoods on both sides of Highway 141 to address their concerns regarding the visibility of the site, as well as the setback off of Old Woods Mill Road.

The Attachment A is currently written to meet the "MU" District Ordinance regulations. If the Petition is approved, the Petitioner will seek a variance to the front yard setback in an attempt to address some of the concerns of the residents. The variance would allow the Petitioner to move some of the structures closer to Old Woods Mill Road, which would alleviate some of the visual impact from the residents' properties. It was noted that the Attachment A must be written according to the "MU" regulations because the existing Ordinance does not provide any flexibility or allowance for City Council to approve a plan other than what is in accordance with the "MU" District.

The Attachment A is currently written referring to "greenspace". The Planning Commission has recommended for approval the following change to Section I.C.3.a. of the Attachment A regarding "Building Requirements". **(changes shown in green)**:

A minimum of ~~70.3% greenspace~~ **69% openspace** is required for this development.

Openspace allows the Petitioner to count sidewalks, walking areas, plaza areas, etc. in his calculation, which would not be allowed under greenspace calculations.

Planning Commission Report

Planning Chair Hirsch stated that a Trustee of Green Trails Subdivision attended the May 14th Planning Commission Meeting. At that time, she indicated the residents are satisfied with the changes that have been made and that they would be addressing the Board of Adjustment to support the requested variance to the front yard setback.

DISCUSSION

Councilmember Durrell stated that both she and Councilmember Flachsbarth support the Petition, which is in Ward I. She noted that the Mayor is also in support of it.

Councilmember Durrell stated that the residents to the west would like to have the buildings moved 25 feet closer to Old Woods Mill Road. This would provide a more advantageous sky plane for the residents because the buildings would be dropped an additional four feet. This requires a variance from the Board of Adjustment.

“Medical Use” District Setbacks

Councilmember Durrell suggested that the Committee review the “inflexible setback” requirement under the “MU” District to determine if it should be changed to allow more flexibility.

Trash Enclosures

Councilmember Durrell made a motion to amend Section I.H.3 of the Attachment A regarding “Trash Enclosures” by adding the following sentence to the end of the paragraph.

An opportunity for recycling will be provided.

Councilmember Durrell stated that she had spoken to Mr. Don Miller of St. Luke’s Hospital, who indicated that St. Luke’s is already recycling and compacting corrugated cardboard. They have sorters for medical waste and he felt offering recycling opportunities would not be a problem.

The motion was seconded by Chair Fults and **passed by a voice vote of 4 to 0.**

Conway Road Improvements

Councilmember Geiger stated that nothing is spelled out as to who is responsible for the improvements on Conway Road and asked if St. Luke’s Hospital is responsible for these improvements. Mr. Geisel stated that St. Luke’s is responsible for the Conway Road improvements.

Mr. Geisel added that there are no further improvements required on the east side until there is an expansion of the 22,000 square-foot ICU facility. Any other

improvements on the east side will necessitate the completion of all the traffic improvements on the east side – Conway Road, Highway 141, and Ladue Farms.

On the west side, there were specific improvements that were done with Parcel B. Any incremental addition above 80,000 square feet requires completion of all the remaining improvements west of Highway 141 – Conway Road and South Woods Mill Road.

Prior to the next City Council meeting, Councilmember Geiger asked Mr. Geisel to review the language in the Ultimate Road Improvement Plan with respect to who is responsible for the improvements to Conway Road.

Councilmember Durrell made a motion to forward P.Z. 9-2006 St. Luke's Episcopal Presbyterian Hospitals (Parcel D), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 9-2006 St. Luke's Episcopal Presbyterian Hospitals (Parcel D).]

- D. P.Z. 02-2007 The Estates at Upper Kehrs Mill (Miceli Construction):** A request for a change of zoning from “NU” Non-Urban to “E” One Acre District for a 10.2 acre tract of land located on the eastern side of Kehrs Mill Road, 4,100 feet south of its intersection with Wild Horse Creek Road. (19U530062, 19U530392)

Staff Report

Ms. McCaskill-Clay stated that the Planning Commission recommended approval by a vote of 7 to 1 on May 14, 2007 with one addition to the Attachment A requiring a 25-foot undisturbed, landscaped buffer adjacent to the north and east outboundary to decrease the impact of the development on neighboring residences.

The Preliminary Plan was amended after the Public Hearing to show that 40% of the tree mass could be retained vs. the required 30% for the E-District. The Petitioner asked that the Attachment A be amended to allow 35% tree mass retention. He feels that 40% may be retained but he would like some flexibility.

After speaking to St. Louis County Highways & Traffic Department, Ms. McCaskill-Clay stated that item 4 of Section I.P. regarding traffic generation assessment will be eliminated from the Attachment A as it is not pertinent to this project.

Planning Commission Report

Planning Chair Hirsch reported that the Planning Commission voted in favor of the petition by a vote of 7 to 1 with Commissioner Geckeler voting against it.

The Planning Commission amended the Attachment A to include a non-disturb zone, allowing one cut-thru for utility connections.

The Planning Commission discussed issues relative to the cul-de-sac and road width.

DISCUSSION

Zoning

Chair Fults expressed concern that allowing One-Acre zoning for this project could set a precedent for future development along Kehrs Mill Road.

Lakes in Country Place Subdivision

Chair Fults expressed concern about possible erosion and infill into the two lakes in Country Place Subdivision during construction of the proposed development.

It was noted that the Attachment A includes language under Section I.M.4. regarding pre-construction and post-construction surveys of the lakes. If it is determined that any damage has been done to the lakes, the Petitioner will be required to return the lakes to their pre-construction condition.

Tree Preservation

Chair Fults noted that most of the trees being saved will eventually be on private property and asked how the City can prevent them from being removed. She has concerns that if the trees are removed, it will cause erosion problems.

An area resident also expressed concern about tree removal. She noted that the sump pumps are running all the time and if any trees are removed, it will create serious problems.

Mr. Geisel stated that the Tree Ordinance no longer applies on developed lots of one acre or less. He suggested that a conservation easement be established to protect the trees in question. Such an easement will show up on the Title Policy.

Chair Fults made a motion directing Staff to suggest proposed language for the establishment of a conservation easement. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Detention Basin

It was noted that the detention basin closest to Kehrs Mill Road is a proposed dry detention basin. Chair Fults had concerns that a dry basin would still hold a small amount of water – giving a “swampy look” and attracting mosquitoes. Because this basin is near the residents of Country Place, she felt a full wet basin would be more desirable.

Mr. Geisel stated that because of the existing slope, an artificial dam and water body above the existing homes would not be advisable. He suggested an increased slope on the bottom of the dry basin for proper drainage to prevent it from getting marshy. This may require a little larger basin.

Quinn Property

Chair Fults stated that the ridge above the Quinn property will be cut down during construction and Mr. Quinn has concerns about how this will affect his property. She asked how Mr. Quinn’s property can be protected.

Mr. Geisel stated that this concern was expressed at the Planning Commission and precipitated the amendment for the 25-foot buffer. By requiring the 25-foot undisturbed buffer, the cul-de-sac gets shifted to the west and sufficiently preserves the area behind Mr. Quinn’s property.

Mr. Quinn asked whether the ridge line would get cut down if the cul-de-sac gets moved back. The Petitioner replied that part of the ridge line would still be lowered about eight feet. Mr. Miceli indicated he would mark out the site for Mr. Quinn. Chair Fults stated she would like to be informed when the property is marked out so she and Mr. Nation can view it.

Petitioner’s Presentation

The Petitioner distributed new drawings of the Site Plan. He noted that the cul-de-sac has been shortened 60-65 feet in order to maintain the 25-foot buffer along the north.

He pointed out that all the walls have been eliminated that were adjacent to the north property line. The house at the end of the cul-de-sac has been made a right-hand house instead of a left-hand house. By doing this, it helped the requirement for walls. If necessary, the left side of the house could be made as an extended foundation by two feet, which would guarantee that no walls would be needed on the north side.

On the south side, a new sketch for the detention basin has been prepared. The basin can be moved to the north and up the hill. The new sketch shows a 20-foot buffer on the south to screen the detention basin.

Letter of Credit

Mr. Quinn, resident of County Place subdivision, requested that a \$2 million Letter of Credit be required for the protection of the Country Place lakes and personal property.

Mr. Geisel stated that the City has a specific document, a financial surety, which is backed up by a Letter of Credit or bond, which is available to the City, on demand, if the performance doesn't meet City standards. A pre- and post-construction survey of lakes is required. If any siltation occurs, the lakes have to be restored to their original condition. The amount of the Letter of Credit or bond is based upon the comparative reasoning of the cost of the remedy. This amount will not be determined until the pre-survey has been completed.

Chair Fults asked how the residents' properties are covered in the case of damage. Mr. Geisel replied that numerous protections are in place with the Grading Ordinance and bond requirements for subdivision improvements. A maintenance bond is also required to insure that the siltation control, specified on the Petitioner's Storm Water Prevention Plan, is in place and maintained. The Petitioner is required to construct siltation protection measures. If the Petitioner does not perform, the City has cash on hand, through a Letter of Credit, to hire a contractor to correct any problems. Each of the financial sureties provides for cash to be available upon the City's demand. The financial sureties are provided, and guaranteed, by the developer's financial institution.

Storm Water

Mr. Geisel explained that the storm water from the proposed subdivision will go where the water currently goes – some goes to the north and some goes to the east. Under water rights law, the water sheds cannot be changed substantially. Water must go where it goes before development. The City will not approve a plan that allows the developer to change the area of water that is tributary to a given area.

Mr. Geisel clarified that the net amount of water that comes off the site will be increased - but it has to be managed so as not to create a detrimental effect on adjacent properties. Storm water management must meet both City and MSD standards, which are numerative, objective standards.

Setback from Kehrs Mill Road

The Petitioner stated that the current setback from Kehrs Mill Road is 80 feet.

Chair Fults stated she was not happy with the 80-foot setback because a very large setback has been established along Kehrs Mill Road. It was noted that Tuscany has a 110-foot setback and Pacland has a 135-foot setback.

The Petitioner pointed out that the Ordinance calls out an 80-foot setback along arterial roads. If the goal is to keep the visual integrity of the road, he pointed out that the house on Lot 8 will be 50 feet above Kehrs Mill Road. In addition, the required landscaped buffer will conceal the house from the road.

Mr. Geisel stated that he cannot confirm if the house will be visible or not – but he stated that the visual impact on the roadway will be minimal.

Councilmember Hurt suggested that the Petitioner provide a cross section C thru 8 to demonstrate the visual impact.

Petitioner's Response

Mr. Miceli stated that he has been talking to the area homeowners. He will be meeting with Mr. Quinn again regarding his concerns.

Mr. Miceli stated he is agreeable to moving the cul-de-sac back and adding a 20-foot buffer to screen the detention basin. He does have an issue with increasing the 80-foot setback from Kehrs Mill Road.

Becker Property

Mr. Becker stated his property is behind Lot 2. Currently there is a natural funnel of water that crosses his yard to the lakes. He felt it is important that no more water be generated. He asked if the water could be directed through a sewer system.

Mr. Geisel stated that not much can be done at this stage in the process. It will have to be taken into consideration during the Engineering Plan review.

Mr. Miceli stated that there is an area inlet in Mr. Becker's back yard but he does not feel that it is properly channeled or graded. Some of the water is coming from the proposed development but most of the water is coming from Mr. Becker's property. He has told Mr. Becker that he will work with him and possibly build a berm to stop the water.

Chair Fults asked Mr. Miceli to have some suggestions prepared for the City Council Meeting.

Tree Mass

The Petitioner has requested that the Attachment A be amended to allow the preservation of 35% tree mass vs. 40%.

Mr. Geisel pointed out that in order to get the slope on the detention basin, some of the trees will have to be removed.

No motion was made to amend the required tree mass. Chair Fults indicated that once other issues are resolved, the requested amendment would be reviewed again.

For clarification, Mr. Geisel asked if the Attachment A should be written requiring 35% tree mass if all the other conditions are included in the Attachment A – such as the conservation easement and the detention modification. The Committee directed Mr. Geisel to write the Attachment A with 35% if all the other conditions are included in the Attachment A.

Councilmember Geiger made a motion to hold P.Z. 02-2007 The Estates at Upper Kehrs Mill (Miceli Construction) until the June 7th Committee meeting. The motion was seconded by Chair Fults and **passed by a voice vote of 4 to 0.**

- E. **P.Z. 07-2007 Spirit Valley Business Park (18652, 18630, 18650, and 18660 Olive Road):** A request for a change of zoning from “NU” Non-Urban to “PI” Planned Industrial for 52.89 acres of land located south of Olive Street Road, east of Wardenburg. (17W420057, 17W420035, 17W230010, 17W230021)

Staff Report

Ms. Aimee Nassif, Senior Planner, stated that the Public Hearing was held February 26, 2007. The Petitioner requested that the parking requirements be amended from “four spaces for every 1,000 square feet of development” to read that the parking requirement shall adhere to the regular requirement of the Chesterfield City Code. The Planning Commission approved this amendment, along with the rezoning request, by a vote of 8 to 0.

Planning Commission Report

Planning Chair Hirsch stated that the amendment to the parking requirement would probably result in less parking on the site.

DISCUSSION

Cross Access

Cross access has been provided on both the east and west, as directed by the City of Chesterfield. No access is provided to the south because of Airport property.

Access Points

The two access points are approximately 500 feet apart. One more access will be needed for the Fire Department, which will be as far west as possible.

Permitted Uses

Councilmember Geiger made a motion to eliminate use “j” - *Filling stations, including emergency towing and repair services* as a permitted use. The motion **died** due to the lack of a second.

Councilmember Hurt made a motion to forward **P.Z. 07-2007 Spirit Valley Business Park (18652, 18630, 18650, and 18660 Olive Road)** to City Council with a recommendation to approve. The motion was seconded by **Councilmember Durrell** and **passed** by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 07-2007 Spirit Valley Business Park (18652, 18630, 18650, and 18660 Olive Road)]

- F. P.Z. 11-2007 J&T Holdings (612 & 614 Cepi):** A request for a change of zoning from an “M3” Planned Industrial District to a “PC” Planned Commercial District for an approximately 0.75 acre tract of land located at 612 & 614 Cepi Drive south of the intersection of Chesterfield Airport Road and Cepi Drive. (17V330122)

Staff Report

Ms. Yackley stated there is an existing building on the site, which will remain. The Petitioner is requesting a change in zoning to permit “medical office” and “office” use, with the associated storage. They have an RV that is used as part of its medical use, which will need to be stored on the site.

Planning Commission recommended approval of the petition by a vote of 7 to 1. They also approved a reduction in parking from 28 spaces to 26 spaces, which is a 7% reduction. The parking reduction reflects the existing 26 spaces on the site.

Planning Commission Report

Planning Chair Hirsch reported that the negative vote was from Commissioner Banks, who had concerns about the parking reduction.

Planning Chair Hirsch noted that the site has 26 parking spaces and that the parking requirement changed as a result of the use. The site can only accommodate 26 spaces.

The intended use is for a podiatry office, which Commissioner O'Connor pointed out is a low-intensity use in terms of parking.

DISCUSSION

Zoning

Commissioner Hurt stated that the requested use is allowed under "PI" zoning, which he felt is more appropriate for the site than the requested "PC" zoning.

Ms. Yackley stated that both "medica/dental office" and "office building" uses are allowed under "PI". However, the Petitioner has a concern with "PI" zoning because of their request for storage of the RV on site. She noted that "PI" doesn't specifically allow such associated storage but suggested that use "yy" under "PI" could be amended to allow it. Use "yy" states:

Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.

The Petitioner is agreeable to accepting "PI" zoning with use "yy" as amended below:

~~Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture.~~

The amended use "yy" would allow the Petitioner to store its RV on site.

Petitioner's Presentation

Mr. Alan Agathen stated that the podiatry office has an ancillary RV, which is used at various sites. It is expected that, one day a week, the RV would have to be brought on site for stocking and stored overnight. They need a permitted use that would allow such storage.

Commissioner Hurt thought the "PI" zoning would give the Petitioner more flexibility than "PC" zoning.

Councilmember Hurt made a motion to forward P.Z. 11-2007 J&T Holdings (612 & 614 Cepi) to City Council with a recommendation to approve the petition under "PI" Planned Industrial District with amended use "yy", as noted above, subject to review by the City Attorney. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 11-2007 J&T Holdings (612 & 614 Cepi)]

- G. **P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.):** A request for a change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District for a 3.28 acre tract of land located on the west side of Wilson road, directly north of Wilson Manors II Subdivision.

Staff Report

Ms. McCaskill-Clay stated that the Petitioner is doing straight zoning so an Attachment A is not required.

The overall site is 6.38 acres. The Petitioner was originally proposing to zone the back portion to “LLR” and the front portion to “E-Half Acre”. At the Public Hearing, he stated that the back portion of the site was being dropped from the petition.

After hearing concerns raised about zoning the parcel to E-Half Acre, the Petitioner has amended his request to E-One Acre proposing two homes on the site. The Petitioner meets the E-District regulations of the Zoning Ordinance; therefore, an Attachment A is not required.

The Planning Commission recommended approval on May 14, 2007 by a vote of 8 to 0.

DISCUSSION

Back Portion of the Site

Chair Fults wanted to make sure that the homeowners on the front lots are aware that at some point the back portion of the lot will be developed and that construction equipment will be coming through their property.

Mr. Geisel stated that the easement and cross access will be referred to on the property owners’ Title Policies and Plot Plans. He pointed out that there is an existing roadway that goes to the back portion of the site.

Councilmember Geiger made a motion forward P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 14-2007a Wilson Bluffs (SMS Group, L.L.C.)]

- H. **P.Z. 15-2007 Cambridge Engineering (Kramer Commerce Center)**: A request for an amendment to City of Chesterfield Ordinance 1717 to amend the parking setbacks and development requirements for a 19.8 acre tract of land zoned "PI" Planned Industrial District located north of the intersection of Spirit Drive North and Chesterfield Airport Road, south of I-64/U.S. 40-61, and west of Trade Center Boulevard. (17V610040, 17V620083, 17V620094, and 17V629402)

Staff Report

Ms. Perry stated that the Petitioner is requesting two amendments to Ordinance 1717:

1. An amendment to the parking setback to allow for a shared driveway.
2. An amendment to change from "greenspace" to "openspace".

Planning Commission Report

Planning Chair Hirsch pointed out that the Planning Commission included specific square footage for the buildings in its motion to approve. He noted that current Attachment A's are being written without square footage requirements. Since the Commission was concerned that the conversion of "greenspace" to "openspace" may change the nature of the project, Mr. Stock, representing the Petitioner, indicated that they would not object to having the original square footage re-instated into the Attachment A.

Councilmember Geiger made a motion forward P.Z. 15-2007 Cambridge Engineering (Kramer Commerce Center) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 15-2007 Cambridge Engineering (Kramer Commerce Center)]

I. **P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road):**

A request for an amendment to City of Chesterfield Ordinance 2154 to allow for a change to the parking and building setbacks, building height and number of permitted buildings for a 7.698 acre tract of land zoned "PC" Planned Commercial located north of North Outer Forty and east of Boone's Crossing at 16845 North Outer Forty Road. (17T520073)

Staff Report

Ms. Nassif stated that the subject site is located next to Summit Center Development. The Petitioner is requesting three Ordinance amendments:

1. The original Attachment A only allows two buildings; the Petitioner is requesting six buildings. Two buildings were specified in the original Attachment A because only two buildings were shown on their plans.
2. The Petitioner is requesting a change to the parking and structure setbacks to accommodate the number of lots and buildings.
3. The original Attachment A allows only two-story buildings; the Petitioner is requesting three-story buildings. After Staff review, it was determined that retail buildings in "PC" Districts are only allowed two stories. The proposed Attachment A has been written allowing two stories for retail use and three stories for all other uses.

No issues were raised during the Public Hearing. At the vote meeting, there was a concern that the height requirement of the City was not being met. The overall height requirement is no more than 70 feet for this area. The Petitioner is not going above 70 feet, but concern was expressed that three stories could be 70 feet or higher. Traditionally, three-story buildings are about 45 feet in height so an amendment was made to the Attachment A as follows:

- b. The maximum height of all other buildings, exclusive of roof screening, shall not exceed ~~three (3) stories~~ **forty-five (45) feet**.

DISCUSSION

Square Footage of the Buildings

The square footage of the buildings is not known at this time as it is not required to be shown. The square footage is determined by the openspace, the setbacks, the parking, the internal road, and other requirements.

Petitioner's Presentation

Mr. George Stock stated that a hotel use is being proposed for the site that would require three-stories.

They do not intend to change the total square footage originally shown as 90,000 square feet.

Councilmember Geiger made a motion forward P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road) to City Council with a recommendation to approve. The motion was seconded by Chair Fults and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 4, 2007 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 16-2007 Valley Gates Subdivision (16845 N. Outer 40 Road)]

IV. INTERVIEW OF NOMINATED PLANNING COMMISSIONER

A. Interview of G. Elliot Grissom

Councilmember Geiger reported that Planning Commissioner Victoria Sherman has tendered her resignation from the Planning Commission effective no later than June 25, 2007. The Mayor has nominated Elliot Grissom to replace Commissioner Sherman.

Councilmember Geiger asked Mr. Grissom if he has any personal or financial interest in any properties in Chesterfield other than his residence. Mr. Grissom replied that he only has his residence in Chesterfield.

Councilmember Nation had no questions for Mr. Grissom but made note of his “esteemed background” as noted on his resume.

Councilmember Hurt noted that Mr. Grissom’s background is primarily financial and asked him if he has had any experience with zoning or construction matters. Mr. Grissom stated that he does not have any background in zoning – he does have a background in finance. He has spent a lot of time dealing with people in situations related to acquisitions and investitures of major corporations. He acknowledged that there is a lot to learn related to the specifics of planning and zoning and he is willing to do so.

Councilmember Durrell pointed out that the Planning Commission requires a lot of time and asked if he is able to commit to the time requirements. Mr. Grissom

responded that he is retired and is able to commit to the time required for the position.

Councilmember Durrell explained that the Planning Commission is non-political and not ward-sensitive. Mr. Grissom indicated his understanding of this.

Chair Fults stated that it is very important to put in the necessary time to learn the requirements of serving on the Commission. She also noted the importance of attending Commission meetings and expressing any concerns during the meetings. Mr. Grissom did not see this as being an issue.

Planning Chair Hirsch had no questions but stated that he looks forward to working with Mr. Grissom.

Councilmember Nation asked Mr. Grissom to explain his understanding of the role of a Planning Commissioner. Mr. Grissom replied that his understanding is that the Commission is to review the requests submitted and compare them to the requirements of the Comprehensive Plan, along with addressing any issues, concerns, and opportunities that may exist.

Councilmember Geiger will report to the Mayor that Mr. Grissom has been interviewed and the Committee is pleased with his nomination.

Mr. Grissom was invited to attend the May 30th Planning Commission meeting.

V. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

VI. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.