

CORRECTED

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: April 25, 2005

SUBJECT: Planning & Zoning Committee Meeting Summary – **April 21, 2005**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, April 21, 2005 in Council Chambers.

In attendance were: **Chair Mike Casey** (Ward III); **Councilmember Jane Durrell** (Ward I); **Councilmember Connie Fults** (Ward IV) and **Councilmember Bruce Geiger** (Ward II). Also in attendance were Councilmember Mary Brown (Ward IV); Planning Commission Vice-Chair Bud Hirsch; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Kyle Dubbert, Project Planner; Aimee Nassif, Project Planner; Christine Smith Ross, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Casey called the meeting to order at 5:31 p.m. and acknowledged the attendance of Planning Commissioner David Banks.

I. APPROVAL OF MEETING SUMMARY

Councilmember Durrell made a motion to approve the Meeting Summary of March 10, 2005. The motion was seconded by Councilmember Fults and **passed by a voice vote of 3 to 0.** (Chair Casey abstained from voting as he was not a member of the Committee at the time.)

II. OLD BUSINESS - None

III. NEW BUSINESS

It was agreed that the rules would be suspended to have Agenda Item III.A. – Selection of Officers and Committee Assignments – moved to the end of the agenda.

- B. P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC):** A request for rezoning from “NU” Non-Urban to “PC” Planned Commercial district for a 10.243-acre parcel located north of Wild Horse Creek Road, approximately 500’ west from Wildhorse Parkway. (Locator Numbers 18V51-0040, 18V51-0095, 18V51-0017)

Project Planner Christine Smith Ross presented the Staff Report to the Committee. She noted that on March 14, 2005, the Planning Commission recommended approval of the rezoning by a vote of 5 to 3. On April 11, 2005, the Department of Planning received a revised Preliminary Plan for review. The Department of Planning and the Department of Public Works have completed reviews of the revised Preliminary Plan resulting in the following Issues. The first two issues are issues where the project is in conflict with the zoning ordinance requirements. These are conflicts that cannot be addressed in the Attachment A but would require a change by the Board of Adjustment:

- **A 35-foot building setback is required for Planned Commercial Districts adjacent to Non-Urban districts.** The Preliminary Plan shows both buildings on the southernmost parcel within 11 feet of the adjacent “NU” properties.
- **A 20-foot landscape buffer is required wherever a non-residential subdivision abuts a residential subdivision.** The Preliminary Plans shows approximately 46 parking spaces located within the required buffer area
- **Attachment A requires a 145-foot setback from the northern property line.** The proposed plan shows the minimum distance at 144 feet. The petitioner is requesting a 140-foot setback to permit flexibility to field modification.
- **Changes from Public Works to the proposed language in the “Potential Road Concept Plan” submitted by the petitioner.** These changes are outlined in the Staff Report to the Planning & Zoning Committee of April 18, 2005.
- **Public Works has requested a recreation easement.**

Responding to questions from the Committee, Project Planner Smith Ross clarified the following points:

- The petitioner proposes parking along the north/south roadway that attaches to Wild Horse Creek Road because it is the petitioner’s intent to have this as a temporary entrance. The petitioner proposes an east/west road as the project is developed, which would provide for a secondary road off Wild Horse Creek Road. Staff has proposed language in the revisions that would require vacation of the initial temporary entrance.
- The proposed plan does not meet the Attachment A nor does it meet some of the minimum requirements of the zoning ordinance.

Councilmember Brown felt that “Office Campus” should meet more than the minimum requirements of the ordinance.

Chair Casey stated that since the Preliminary Plan does not meet the Attachment A, the Committee would list issues they would like addressed. The issues would then be brought back to the Planning & Zoning Committee Meeting of May 19, 2005.

ISSUES:

- Is this proposal in line with what is expected for “Office Campus”?
- Provide an aerial view of the area drawing a line from the structure closest to the bluff in Tara (about 2000 ft. from the runway) and extend it to the Vision Ventures property. This would show how close the Vision Ventures property is and how far away the Tara property is.
- When will the 150 Study be completed?
- Provide the green space and open space calculations.
- Provide calculations for the open space, excluding that portion of the parcel that is unusable.
- Provide floor/area ratio, excluding the unusable space.
- Reason why there isn't any proposed structured parking.
- Show the traffic volume if rest of bowtie is developed liked this proposal.
- Provide green space calculation for Phase I.
- Where does this proposal fall into the definition of “Office Campus”? Show the performance against this standard.

Planning Commissioner Vice-Chair reported on the Planning Commission's view of this proposal. The Commission voted 5 to 3 in favor of the plan. The majority of the Commission voted in favor of the proposal for the following reasons:

- The Comprehensive Plan has designated this area as “Office Campus” through all of its reviews over the years.
- The airport noise was the key reason why this area was designated “Office Campus”. The testimony from the Airport Noise Consultant did not give any information to provide a substantial reason to ignore the original designation.
- The general criteria in the Comprehensive Plan had been met.
- The Attachment A reflected a conservative approach to the site.

The minority of the Commission voted against the proposal for the following reasons:

- It was felt that the density was too high for a residential area.
- It did not meet the criteria for an “Office Campus”, as defined in the Comprehensive Plan.
- The Preliminary Plan is not workable with respect to the Attachment A.
- Issues with traffic and safety.

Councilmember Durrell directed Staff to work with the petitioner so that issues relating to buffers and setbacks end up in compliance. She stated that she would like to see a parking structure in a new proposal. If the site is ~~only~~ **not** large enough for ~~one~~ **all the buildings shown in the proposal, and one or two would have to be eliminated, then** she would like the building closest to Wild Horse Creek Road eliminated.

Planning Commission Vice-Chair Hirsch stated that he would prefer underground parking as opposed to a parking structure.

Councilmember Geiger stated that he would prefer that no buildings be in Phase I of the proposal.

General discussion was held on the suggestion of referring this proposal back to the Planning Commission to review the use of the site. If the designation for this site remains “Office Campus”, it was felt that the definitions relating to “Office Campus” should be better defined.

Councilmember Durrell made a motion to table **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** until the May 19, 2005 Planning & Zoning Committee Meeting. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Mr. George Stock, Stock & Associates, gave a presentation on **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)** noting the following:

- Phase II complies with the Attachment A with one exception – the setback of the road off the northern lines of the property fronting Wild Horse Creek Road is shown at 10 feet as opposed to the 20-foot requirement.
- The petitioner approached the project with the fact that the properties to the east and west are “Planned Commercial” requiring less of a setback. The petitioner has the consent from both property owners on the east and west for an 11-foot setback off the property lines.
- Petitioner met with Staff on April 6, 2005 and reviewed some of the conditions in the Attachment A; the plan was revised accordingly.
- The building was moved to be in excess of 100 feet off Wild Horse Creek Road.
- The proposed berms are 12 feet at their peak above the finished floor of the first building.
- The proposed current access is temporary. When an east/west road is constructed, the current access will be vacated.
- If they met all the setbacks in Attachment A, one building would have to be eliminated..

Mr. Steve Kling, Attorney representing the Wild Horse Association, stated the reasons for the Association’s opposition:

- They question the validity of the recommendation in the Comprehensive Plan for this property, along with the rest of the bowtie area.
- They do not feel that the proposed plan meets the criteria of an “Office Campus”.
- They do not feel that this plan reflects the desires and needs of the community – 1,350 people have signed petitions against this project and the commercialization of the bowtie area.
- They feel that Wild Horse Creek Road should remain a residential area.

Chair Casey stated that Agenda Items III. D. and III. E. would be presented next.

- D. **P.Z. 21-2004 & P.Z. 22-2004 Busch-Strutman L.L.C. (16626 Chesterfield Airport Road)**: A request for a change in zoning from an “NU” Non-Urban District to a “PC” Planned Commercial District and a request for a Landmark and Preservation Area (LPA) Procedure for a .22 acre tract of land located south of Chesterfield Airport Road and west of Santa Maria Drive at 16626 Chesterfield Airport Road. (Locator Number: 17T310412). The requested amendment is to allow the following permitted uses:

- (z) Offices or office buildings
- (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

and

- E. **P.Z. 23-2004 & P.Z. 24-2004 Busch-Strutman L.L.C. (16630 Chesterfield Airport Road)**: A request for a change in zoning from an “NU” Non-Urban District to a “PC” Planned Commercial District and a request for a Landmark and Preservation Area (LPA) Procedure for a .22 acre tract of land located south of Chesterfield Airport Road and west of Santa Maria Drive at 16630 Chesterfield Airport Road. (Locator Number: 17T310401). The requested amendment is to allow the following permitted uses:

- (z) Offices or office buildings
- (nn) Service facilities, studios, or work areas for antique salespersons, artists, candy makers, craft persons, dressmakers, tailors, music teachers, dance teachers, typists, and stenographers, including cabinet makers, film processors, and souvenir sales. Goods and services associated with these uses may be sold or provided directly to the public on the premises.

Project Planner Aimee Nassif stated the Attachment A was recommended for approval by the Planning Commission with no changes. There are no outstanding issues at this time.

Councilmember Durrell praised Lauren Strutman’s efforts for her work in landmark preservation and restoration.

Councilmember Geiger made a motion to forward **P.Z. 21-2004 & P.Z. 22-2004 Busch-Strutman L.L.C. (16626 Chesterfield Airport Road)** to 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 May 2, 2005 City Council Meeting.
See Bill #**

Councilmember Geiger made a motion to forward **P.Z. 23-2004 & P.Z. 24-2004 Busch-Strutman L.L.C. (16630 Chesterfield Airport Road)** to 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 May 2, 2005 City Council Meeting.
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- C. **P.Z. 08-2004 Bull Moose Tube:** A request to amend the City of Chesterfield Ordinance 1218 for Bull Moose Tube Holdings, Inc., zoned "C-8" Planned Commercial district located at the west side of Clarkson Road, south of Baxter Road and north of Forest Meadows Drive at 1815, 1819 and 1855 Clarkson Road. (Locator Numbers 19T 34 0345, 19T 34 0367, 19T 32 0468)

Project Planner Kyle Dubbert stated that the proposed project is a request to amend a C-8 district to allow for a medical and dental office on the undeveloped portion of the site. Currently the site has two lots. Lot 2 is used for office space; Lot 1 has not yet been built. The proposed use change is for Lot 1 only, the undeveloped portion of the site. The Attachment A has been changed in the following areas:

- The use of "parking structure" has been removed from the list of permitted uses.
- The maximum allowable square footage has been reduced from 90,000 sq. ft. to 78,500 sq. ft.
- Language for the submittal of a Sign Package, in conjunction with a Section Plan, has been added.
- Language regarding parking has been changed to bring the proposed medical to the current standard of 4.5 stalls/1000 sq. ft. while leaving the developed portion at its current state of 3.3 stalls/1000 sq. ft.

Planning Commission Vice-Chair Hirsch gave a report on the Planning Commission's view of this project. The vote of 6 to 2 was in favor of the project. The majority of the Commission felt that the medical use of the building would be a much less intense practice, in terms of traffic, as compared to a general medical building. One member of the Commission was extremely concerned about traffic issues and felt that the projections that had been made would not hold up. The majority felt that the issues had been reasonably addressed.

Councilmember Geiger expressed concern that if Dr. Pepose left and a general medical use was allowed in the building, the traffic would be adversely affected by about a 20% increase.

Councilmember Brown asked why the parking structure had been removed as a permitted use. It was noted that the parking structure was never an issue and that even with surface parking, green space is still at approximately 57%.

Councilmember Geiger made a motion to forward **P.Z. 08-2004 Bull Moose Tube** to 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 May 2, 2005 City Council Meeting.
See Bill #**

- F. Clarkson Square:** A request for amendment of City of Chesterfield Ordinance 2020 for Clarkson Square Shopping Center, a “C-8” Planned Commercial District-zoned development and located north of Baxter on the west side of Clarkson Rd.

Assistant Director of Planning, Annissa McCaskill-Clay presented the Staff Report and noted that as the Site Plan was coming forward, it became apparent that there was an issue with the square footage allowed by the governing ordinance. An Ordinance Amendment was presented to the Planning Commission requesting that the square footage of 89,000 sq. ft. be changed to reflect the removal of the theater and the addition of a new retail building.

- Planning Commission approved 108,632 sq. ft. to be the maximum amount of retail space for the overall development of Section One of the Site Plan.
- Planning Commission amended the Attachment A to state that: *“Lot 1 shall be no more than 52 ft. as measured from Baxter Road.”*

Since the Planning Commission, Staff has been contacted by the petitioner who pointed out that the Site Plan showed a building that was 25,401 sq. ft. As a result, the Attachment A would need to be amended to permit 109,033 sq. ft. to allow for the size building shown on the Site Plan – this is an increase of 401 sq. ft. over what was approved by the Planning Commission .

Responding to questions from the Committee members, the following was clarified:

- The movie theater will be demolished and a new retail building will be built. The new building will have a very similar look to what is there now.
- The proposal shows retail space of 9,243 sq. ft. on the lower level.
- The site is over-parked for the entire development. The developer was able to remove 26 parking spaces to allow for the retail use. The existing number of parking spaces was 375 to meet the requirement of 1 space/4 seats for the movie

theater. The proposed retail is 5 spaces/1000 sq. ft. allowing for 127 parking spaces. They have a surplus of 248 parking spaces.

- There will be no disturbance of the trees.

Councilmember Durrell made a motion to amend the Attachment A to reflect the square footage of 109,033 and to forward the Ordinance Amendment for **Clarkson Square** to Council with a recommendation to approve. The motion was seconded by Councilmember 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 May 2, 2005 City Council Meeting.
See Bill #**

G. Chesterfield Ridge Subdivision: Retaining wall and amended vegetative buffer for along Old Clarkson Road.

Ms. McCaskill-Clay stated that Staff responded to a complaint and found that the retaining wall at this site disturbed the vegetative buffer. In the event of any disturbance of the vegetative buffer, the governing ordinance for the site requires that the petitioner go to City Council for review and approval of the structure. The petitioner has proposed additional landscaping to the site to replace the disturbed vegetation.

Responding to questions from the Committee, the following points were noted:

- The Stop Work Order issued for Unit 28 is still in effect.
- The petitioner, Mr. Teitelbaum of Kemp Homes, stated that much of the vegetation was not taken out during the construction of the retaining wall but was taken out during the construction of the sanitary line, which was permitted. The vegetation that was removed was primarily poison ivy. Only one small tree was removed accidentally during construction.
- Mr. Teitelbaum pointed out that the retaining wall was built around two dead trees so as not to disturb them.
- The proposed landscaping for this site includes 3 red bud trees, 2 red maple trees, and 1 white pine tree to replace the buffer that was removed.

After discussion, Mr. Teitelbaum agreed to meet with the Trustees of Old Clarkson Forest subdivision to explain his landscaping plan and to include any suggestions from them that would be possible to incorporate into the plan.

Chair Casey stated that in the future, when there are buffer areas, pictures should be taken of the site so that there aren't any questions as to what trees were or weren't there.

Councilmember Fults made a motion to forward **Chesterfield Ridge Subdivision** to Council with a recommendation to approve the proposed landscaping with input from the residents of Old Clarkson Forest; and with a recommendation to have the two dead trees

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

Chair Casey stated that the Committee would continue its discussion on recommendations to the Council with respect to **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC).**

Councilmember Geiger stated that he would like to refer the Office Campus land use designation back to the Planning Commission:

1. To review the current Noise Study information to determine the specifics for determining residential vs. non-residential for the bowtie area and adjust the Comprehensive Plan if necessary;
2. To determine if Office Campus should be a zoning or overlay district vs. a land use category;
3. To clearly define the intent and definitions, specifically: *transitional, setbacks, cross-access issues, low-density, low-rise appearance, look of the buildings, uses – should the unusable property on the bluff be allowed to be included in the open space calculations?*
4. To set requirements for the east/west interior road, which limits access to the bowtie Office Campus area from Wild Horse Creek Road.

Councilmember Fults felt that the use of the bowtie area should not be strictly tied to the Airport noise. She would like the Planning Commission to look at the bowtie area again taking into consideration residential use, traffic, etc. She also suggested that while the land use is being reviewed that the Department not accept any further petitions for the bowtie area.

Director of Planning, Teresa Price, pointed out that the Land Use Plan is the Planning Commission's document. The Planning Commission would have to review the "Office Campus" designation. The language for the ordinance amendments would have to be referred to the Ordinance Review Committee.

Councilmember Brown stated that the Comprehensive Plan Committee of the Planning Commission should review the designation of "Office Campus/Mixed Commercial" for the bowtie area.

Councilmember Geiger made a motion to ask the Planning Commission to direct the Comprehensive Planning Committee to review the designation of "Office Campus/Mixed Commercial" for the bowtie area. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

General discussion was held regarding the following:

- The limited definition describing “Office Campus” and the need for a more defined definition.
- Whether or not the “Office Campus” should be an overlay or a particular zoning district as compared to a conceptual land use plan.
- Asking the Planning Commission to develop some type of criteria for the Office Campus designation.

Councilmember Geiger made a motion to ask the Planning Commission to clearly define the intent and definition of “Office Campus” and to develop more extensive criteria for this designation. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Councilmember Fults made a motion to recommend to City Council to place a moratorium on the area designated as the bowtie for six months until the Planning Commission’s Comprehensive Plan Committee has finished its final appraisal of the best use of this land. The motion **died due to the lack of a second.**

Discussion followed regarding the suggested moratorium:

- Concern was expressed that the major landowners would file petitions under “Office Campus” while the land use is being reviewed.
- Any petitions filed during this time would be excluded from any new “Office Campus” definitions.
- A moratorium would also exclude accepting any petitions for residential development.

After discussion, it was agreed that the suggestion of a moratorium would be reviewed and voted on again at the May 5, 2005 Planning & Zoning Committee meeting after discussions with the Mayor, City Attorney, and Council members. It was also agreed that Ms. Price would ask City Attorney Beach if one of the specific criteria for a moratorium could be the study of the Comprehensive Plan. Mr. Beach would also be asked if there is another term or process other than “moratorium” that could be used – such as “deferment”.

(Councilmember Brown left the meeting at 7:45 p.m.)

H. Review of Comprehensive Plan: Western end of Chesterfield Valley

It was agreed that Agenda Item III. H. would be delayed until the next meeting of the Planning & Zoning Committee.

A. Selection of Officers and Committee Assignments

Councilmember Casey made a motion to nominate Councilmember Durrell as Council Liaison to the Landmarks Preservation Committee. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Councilmember Casey made a motion to nominate Councilmember Fults as Council Liaison to the Valley Master Development Study Committee. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Councilmember Casey made a motion to nominate Councilmember Durrell as Council Liaison to the Board of Adjustment. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Councilmember Casey made a motion to nominate himself as Council Liaison to the Planning Commission. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

Councilmember Durrell made a motion to nominate Councilmember Geiger as Vice-Chair of the Planning & Zoning Committee. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 7:50 p.m.