

V

MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
August 28, 1989

=====

The meeting was called to order at 7:00 p.m.

PRESENT

ABSENT

- |   |                      |
|---|----------------------|
| Chairman Barbara McGuinness                                   | Mr. Edward Bidzinski |
| Ms. Mary Brown  | Mr. Charles Bryant   |
| Ms. Kimberly Burnett  |                      |
| Ms. Mary Domahidy   |                      |
| Mr. Lester Golub  |                      |
| Mr. William Kirchoff  |                      |
| Dr. Alan Politte  |                      |
| Mr. Dick Hrabko, Ward IV Councilman                           |                      |
| Mr. Doug Beach, City Attorney                                 |                      |
| Mr. Jerry Duepner, Director of Planning/Economic Development  |                      |
| Ms. Anna Kleiner, Planning Specialist                         |                      |
| Ms. Sandra Lohman, Executive Secretary Department of Planning |                      |

INVOCATION: Mr. Jerry Duepner, Director of Planning/Economic Development.

PLEDGE OF ALLEGIANCE: Mr. Melvin Reiss

INTRODUCTORY REMARKS - Commissioner William Kirchoff

PUBLIC HEARING:

- A. P.Z. 27-89 City of Chesterfield Planning Commission; c/o City of Chesterfield Department of Planning/Economic Development, 922 Roosevelt Parkway, Chesterfield, Missouri 63017 - a proposal to revise the City of Chesterfield Zoning Ordinance by amending Section 1003.107 "NU" Non-Urban District regulations to allow bulk sale of sand, gravel, mulch, railroad ties or similar materials in conjunction with a commercial garden, plant nursery, or greenhouse, under the provisions of a Conditional Use Permit procedure.

Mr. Duepner, Director of Planning/Economic Development, spoke on behalf of the City of Chesterfield Planning Commission. He stated that the petition has been initiated by the Planning Commission, and, in this particular case, the petition proposes the amending of the Non-Urban District Regulations of the Zoning Ordinance. He stated that currently our Ordinance, under provisions of a Conditional Use Permit in the "NU" District, allows for commercial nurseries. It does not allow for these nurseries to conduct the bulk sale of materials such as rocks, stone, sand, gravel, railroad ties, etc. He further

stated that this amendment would allow these uses under the provisions of a Conditional Use Permit in the Non-Urban District. In view of the nature of some of the commercial nursery operations, and particularly in view of some of the larger lot development that the City of Chesterfield has, it may be reasonable to anticipate that some nurseries may find it to be more economical to have bulk sales and bulk storage of material. The amending of the Ordinance in this fashion would not grant that use to anyone at this time, but merely would make provision for it in our Zoning Ordinance. Anyone who would seek to have such a use on his/her property would have to file a petition for a Conditional Use Permit with the City of Chesterfield. There would be the Public Hearing process, and, if the Conditional Use Permit were granted, as in all Conditional Use Permits, there could be conditions attached to that approval which could limit the amount, location and type of bulk sales or bulk storage. In summary, Mr. Duepner stated that the proposal is to allow for the amending of the Ordinance and would thus enable anyone to file an application with the City to allow such a use.

The Commission inquired about the specifics of the request, i.e., types of uses, storage facilities, request made which prompted this request, large vehicle traffic, non-bulk sales, etc.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION - None

A show of hands indicated 0 in favor and 0 opposed.

- B. P.Z. 28-89 City of Chesterfield Planning Commission: c/o City of Chesterfield Department of Planning/Economic Development, 922 Roosevelt Parkway, Chesterfield, Missouri 63017 - a proposal to revise the Subdivision Ordinance of the City of Chesterfield by amending Section 1005.080 "Improvements Installed or Guaranteed," Section 1005.085 "Acceptance and Final Approval," and Section 1005.265 "Disclosure of Responsibility for Street Maintenance," to require posting of a bond or escrow to ensure maintenance of improvements.

Mr. Duepner, Director of Planning/Economic Development, stated the request. The petition is for amending of the Subdivision Ordinance of the City of Chesterfield and was initiated in the Public Works Committee of the City Council. The proposal is to amend several sections of the Subdivision Ordinance to provide for an escrow for the cost of maintenance of improvements within a subdivision under construction in the City of Chesterfield. The most notable aspect of this is relative to the maintenance of streets. In many subdivisions, the streets will eventually be dedicated public streets, but they are not accepted for maintenance by the City until the development has been completed. In that interim period, the developer may sell homes, and residents will move in. The developer has the responsibility for maintenance

of the streets. In the past, there have been instances where the maintenance has not been conducted in such a timely fashion. This amendment could establish a separate escrow account to be established with the platting of a record plat for a subdivision. This special escrow account would be developed with a amount estimated by the Department of Public Works and the Department of Planning to guarantee ongoing maintenance of subdivision improvements. For example, if the streets were not plowed for snow within a certain time period, the City could plow the streets or have someone under contract to the City plow the streets. If that was the case, then the City would be empowered to obtain funds from this escrow account to reimburse either the City, or pay for the contractor. At the same time, the proposal could then require the developer to replenish that escrow account to maintain a reasonable balance while the streets remain private. At the time that the improvements were accepted by the appropriate authority, then the escrow would be released to the developer in the same manner as current escrows, relative to guaranty of installation of improvements, are released.

Chairman McGuinness asked what subdivisions prompted the generation of this petition.

Mr. Duepner answered that there were basically two subdivisions that were under development within the City; Laurenwood on south side of Kehrs Mill Road, and Country Place at Chesterfield. There have been a number of complaints from within the subdivision regarding snow removal.

Chairman McGuinness asked who decides what is considered a timely fashion.

Mr. Duepner responded that the Ordinance could include wording which would (state a certain time period for a snowfall of one (1) inch or more, then the streets would have to be cleared); if they were not then the City would have the authority to go in, or have someone go in, and clean the streets.

Chairman McGuinness asked what would happen if the City caused pot holes as a result of salting or other snow removal techniques.

Mr. Duepner stated that the City would have to build in a "hold harmless agreement" with the bond or escrow as well, relative to the maintenance that the City would provide.

Chairman McGuinness asked if other cities follow this policy.

Mr. Duepner stated that he does not know of any at the present time. It has been proposed to St. Louis County.

Mr. Hrabko stated the desired amendment is to protect the citizens from some developers who may not be used to working in the City of Chesterfield, especially in the area of snow removal.

Ms. Domahidy asked if the amendment would apply only to street maintenance.

Mr. Duepner stated that it would also apply to other items such as storm sewer and sanitary sewer.

SPEAKERS IN FAVOR - None

SPEAKERS IN OPPOSITION -

1. Mr. Don Miceli, Miceli Holding Company, 1999 Lake Clay Drive, Chesterfield, Missouri 63017.
2. Mr. Pat Sullivan, Home Builders Association of Greater St. Louis, 10104 Old Olive Street Road, St. Louis, Missouri 63141. (Possibly in opposition, depending on specific final proposal.)

REBUTTAL

Mr. Duepner stated that if the City was to amend the Subdivision Ordinance, it would have to be by escrow. In order to use a bond, the City would have to release the total amount, whereas in the escrow, portions could be released. If alternative options are to be requested by outside parties, they should be submitted in written form (within ten (10) days) to the Planning Commission and/or the Planning Department for its consideration before going to the Council. A draft of an escrow form which was sent to Mr. Sullivan is on file. This form is an escrow agreement guaranteeing subdivision improvements and deals with establishing funds for maintenance.

A show of hands indicated 2 in favor, 3 opposed, and 1 uncertain.

APPROVAL OF THE MINUTES - The minutes of the Planning Commission Meeting of August 14, 1989 were approved.

COMMITTEE REPORTS

Comprehensive Plan Committee - Mary Domahidy stated that the Committee will meet this Wednesday, August 30th, at 5:30 p.m. at City Hall with the consultant. The consultant will give an update of where they are in the process. She stated that we are involved in providing the ground-work for consideration of the land use map and the circulation plan. She further stated that the Committee will be considering some of the comments which were made by the Planning & Economic Development Committee of the City Council in terms of recommendations for the Issue Statements and the Policy Guidelines. She stated that the next quadrant meetings will be October 12th, 18th, 25th, and 30th. Ms. Domahidy said that the schedule for total completion of the Comprehensive Plan is the end of December, first of January 1990.

Ordinance Review Committee - Kimberly Burnett stated that the Ordinance Review Sub-Committee met this evening to consider amendment of Section 1003.168 regarding direction signs for subdivisions, and amendment of Section 1003.101 Flood Plain District Regulations; and has requested that a public hearing be held on both of these items.

OLD BUSINESS

- A. P.Z. 22-89 Clinton Development, Inc.; a request for an amended Planned Environment Unit in the "R-2" 15,000 square foot Residence District and the "R-3" 10,000 square foot Residence District for a 15.6 acre tract of land; north side of Olive Boulevard, west of western Mill.

Mr. Dan Olson, Planning Technician, presented the request and the Department's recommendation of approval, with conditions as stated in report.

A motion to approve the request was made by Ms. Burnett and seconded by Ms. Brown. The conditions added to the motion were:

- 1) Section 2.b Changed to 2600 square feet;
- 2) Section 4.a.(1) Lots 2,3,4,9,17 and 18 shall be developed with multi-family units. Lots 10,19,20,32 through 35, and 26 through 31 shall be developed as single-family units. Lot 25 shall be retained as a transition lot on which the developer may construct either single-family or multi-family unit.
- 3) Section 4.w. (added) Architectural elevations shall be as approved by the Planning Commission in conjunction with each amended section plan.

Upon a roll call the vote was as follows: Ms. Brown, yes; Ms. Burnett, yes; Ms. Domahidy, yes; Mr. Golub, yes; Mr. Kirchoff, yes; Dr. Politte, yes; Chairman McGuinness, yes. The motion passed by a vote of 7-0.

- B. Correspondence from Mr. Richard Barr requesting amendment of Planned Environment Unit Ordinance for Westfield Farms (P.C. 111-79 Mason Cassilly, Inc.); west side of Schoettler Road at Grantley Drive.

Mr. Duepner stated that this matter was held on August 14, 1989, pending some further research and clarification into the request. The correspondence has been re-submitted. The Department recommended denial of the request to reduce the minimum lot size to 17,000 square feet. The Department was unable to reach the petitioner for additional information regarding the request; therefore, the Department requests the matter be held until the next meeting.

A motion to hold was made by Ms. Burnett and seconded by Ms. Brown. The motion passed by a voice vote of 7 to 0.

- C. Correspondence from Mr. John P. King appealing Planning Commission denial of extension of time for commencement of construction of P.U. 89-83 (Chesterfield Village (Willow Creek Apartments)); north side of Olive Boulevard, west of West Drive.

Mr. Duepner stated that this item was discussed and held at the August 14, 1989 Meeting due to a lack of a majority for a motion to approve the request, and a motion to deny the request. This matter is re-submitted for the Commission's consideration, noting the Department's recommendation of approval.

A motion to deny the request was made by Ms. Burnett and seconded by Mr. Kirchoff. Upon a roll call the vote was as follows: Ms. Brown, no; Ms. Burnett, yes; Ms. Domahidy, no; Mr. Golub, no; Mr. Kirchoff, yes; Dr. Politte, no; Chairman McGuinness, no. The motion failed by a vote of 2 to 5.

A motion to approve the request was made by Ms. Domahidy and seconded by Mr. Golub, subject to review of a site development plan and architectural elevations. Upon a roll call the vote was as follows: Ms. Brown, yes; Ms. Burnett, no; Ms. Domahidy, yes; Mr. Golub, yes; Mr. Kirchoff, no; Dr. Politte, yes; Chairman McGuinness, yes. The motion passed by a vote of 5 to 2.

#### NEW BUSINESS

- A. P.Z. 26-89 Midland Capitol Properties II; a request for a change of zoning from "NU" Non-Urban District to "C-8" Planned Commercial District and an amended "C-8" Planned Commercial District for a 3.2 acre tract of land, and a 6.9 acre tract of land, respectively, located on the west side of Clarkson Road, immediately south of Fontaine Drive. Proposed uses: permitted uses within the "C-2" and "C-3" Commercial Districts.

Mr. Duepner stated that in keeping with the policy of the Planning Commission, a report from the Department on this petition will be received at the September 11, 1989 meeting of the Planning Commission. The Department recommends that this item be held.

A motion to hold this item was made by Ms. Burnett and seconded by Ms. Domahidy. The motion passed by a voice vote of 7 to 0.

- B. Correspondence from Michael G. Herring, City Administrator, regarding revision to Subdivision Ordinance of the City of Chesterfield relative to underground wiring.

Mr. Duepner stated the request and the Department's recommendation that this matter be referred to the Ordinance Review Committee.

Chairman McGuinness referred this to the Ordinance Review Committee.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. Wilson Manors and Kings Pointe Subdivisions; temporary Subdivision Direction Sign, east side of Olive Boulevard, south of White Road.

Mr. Dan Olson, Planning Technician, presented the request and the Department's recommendation of approval of a subdivision direction sign to be limited to thirty-two (32) square feet in sign face area.

The request was held for lack of a motion.

- B. P.Z. 16-89 Friendship Village; amended Conditional Use Permit and Non-Urban Site Development Plan; west side of Olive Boulevard, at Appalachian Trail Drive.

Ms. Kleiner, Planning Specialist, presented the request and the Department's recommendation of approval, with the condition that the sign depicted on the plan be labelled as twenty (20) square feet in lieu of sixty (60) square feet to reflect the actual size.

A motion to approve the request was made by Ms. Burnett and seconded by Ms. Domahidy. Upon a roll call the vote was as follows: Ms. Brown, yes; Ms. Burnett, yes; Ms. Domahidy, yes; Mr. Golub, yes; Mr. Kirchoff, yes; Dr. Politte, yes; Chairman McGuinness, yes. The motion passed by a vote of 7 to 0.

The meeting adjourned at 8:30 p.m.

---

Mr. Charles Bryant - Secretary