MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa Price, Director of Planning TP

DATE: January 26, 1999

SUBJECT: Planning and Zoning Committee Meeting Summary from January 21, 1999

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, January 21, 1999, in the City Council Conference Room. In attendance were: Chair Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Barry Streeter (Ward II); and Councilmember Mary Brown (Ward IV). Also in attendance were: Planning Commission Chair Robert Grant; Teresa Price, Director of Planning; and Laura Griggs-McElhanon, Assistant Director of Planning.

*To be discussed at 2/1/1999 City Council Meeting.

I. Approval of Planning and Zoning Committee meeting summary of December 17, 1998.

A motion **to approve** the meeting summary of December 17, 1998, was made by Councilmember Brown, seconded by Councilmember Flachsbart, and **approved by a vote of 4 to 0.**

Approval of Planning and Zoning Committee meeting summary of January 7, 1999.

A motion **to approve** the meeting summary of January 7, 1999, was made by Councilmember Brown, seconded by Councilmember Flachsbart, and **approved by a vote of 4 to 0.**

***II.A. P.Z. 35-98 Church of the Ascension (Archdiocese of St. Louis)**; a request for a change in zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 9.239 acre tract of land located at 238 Santa Maria Drive and an 8.067 acre tract of land located at 230 Santa Maria Drive. Proposed uses: Churches and other places of worship, and schools, public or private, including kindergarten, elementary, secondary and collegiate (daycare centers require conditional use permits).

Director of Planning Teresa Price described the request to rezone the Ascension Church property from "NU" Non-Urban District to "LLR" District, which was filed at the request of the City of Chesterfield.

A motion **to approve** P.Z. 35-98 was made by Chair Hurt, seconded by Councilmember Flachsbart, and **approved by a vote of 4 to 0.**

Note: One bill relative to this matter will be needed for the February 1, 1999, City Council Meeting.
SEE BILL #_____

II.C. **P.Z. 3 & 4-93 DLC Development Co. (Wild Horse Springs)**; a request for amendment of City of Chesterfield Ordinance Number 787 providing for an increase in the number of lots from 30 to 31 in Wild Horse Springs Subdivision; located on the north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

AND

II.D. **P.Z. 3 & 4-93 DLC Development Co. (Wild Horse Springs)**; a request for amendment of City of Chesterfield Ordinance Number 879 providing for a First Amendment to Indenture of Trust and Restrictions of Wild Horse Springs Subdivision; located on the north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

Director of Planning Teresa Price described the requests to amend the Planned Environment Unit Ordinance to increase the total number of lots from 30 to 31 and, to amend the Trust Indenture to allow for the sale of the common ground to create an additional lot. The Planning Commission recommended denial of both requests.

A motion **to deny** both amendment requests, for the sake of discussion, was made by Councilmember Flachsbart, and seconded by Councilmember Streeter.

Planning Commission Chair Robert Grant stated that the Planning Department recommended approval of both amendment requests, although the Planning Commission recommendation is for denial. There was a lot of discussion by the Planning Commission. He indicated that he, and other Commissioners that voted in favor of the requests, that this was a unique situation in that the common ground originally was for a detention basin, but the detention basin wasn't needed because of an adjacent development (Wild Horse Springs Plat 2). The residents in the subdivision had unanimously agreed with the request to sell the common ground. The people adjacent in Chesterfield Farms had no objection. The density could support the request. The opposition on the Planning Commission was concerned with the precedent issue. These requests were voted on by the Planning Commission on three different times. The first two were ties. The last vote was 4 to 3 for denial. Although there was discussion about making this a park, Mr. Grant stated that he felt this was not appropriate.

Councilmember Brown stated that it was the recommendation of the City to connect the stormwater from Plat 1 to Plat 2, which created the existing problem with an unfinished detention basin, which was not required to be removed. The trustees had indicated that they would be using the proceeds from the sale of the land to remove the concrete from the site. The Planning Commission didn't want the money to be distributed among the residents. The Trustees gave an accounting of what the money is to be used for (improve the common ground in the subdivision). The Trustees have been advised that they can file an appeal of the Planning Commission recommendation for denial, which will result in a public hearing on the amendment requests. The Trustees have indicated that they will file an appeal. She requested that the Committee consider holding these petitions because of the appeal. She stated that the reason the residents want to do this is that the area currently looks like a vacant lot. They would have to assess themselves to fix the lot (remove concrete, fill in the area with dirt). She thinks that the adjacent houses want this to be a house, not a gathering place.

There was general discussion on: emergency access connection (clarification of location); concern over creating a precedent; City has involvement because we decided that the detention basin wasn't needed; Plat 1 and Plat 2 indentures (clarified that they have separate indentures); and, reimbursement for stormwater detention off-site (clarified Plat 1 doesn't reimburse Plat 2 for stormwater detention).

Trustee Scott Malin stated that this common ground is not green space common ground. The City didn't follow through to get the detention basin removed, which has created a problem with the concrete wall and children in the subdivision. The subdivision has paid for items in Plat 1 that the developer normally does. He referenced a list of reasons why this request does not set a precedent, which was submitted to the Planning Commission.

Councilmember Flachsbart stated that he is willing to withdraw his motion if the second will withdraw.

Councilmember Brown stated that the she found out the night before (January 20, 1999), that the trustees have 18 days from the Planning Commission recommendation to file a protest (until Friday, January 29, 1999). She stated that she would like these amendment requests held because the trustees are going to file a protest.

Councilmember Flachsbart withdrew his motion.

Councilmember Streeter withdrew his second.

A motion was made by Councilmember Flachsbart **to hold** the amendment requests with direction to staff to look for any mechanism currently in place at the City to remedy this situation (i.e. erosion money).

The motion was seconded by Councilmember Streeter, and **approved by a vote of 4 to 0**.

***II.B. P.Z. 38-98 Swingley Ridge Development**; a request for an amendment to City of Chesterfield Ordinance 1413 for a "PC" Planned Commercial District for a 4.26 acre tract of land located on the north side of Swingley Ridge Drive, west of Olive Boulevard. Proposed uses: Office or office buildings; stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises; Restaurants – fast food; Restaurants – sit-down.

Director of Planning Teresa Price stated that this site was originally approved for a hotel. The petitioner is requesting a change in use to allow: office or office buildings; stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises; restaurants – fast food; restaurants – sit-down. She advised the Committee that the plan was revised to comply with the condition required by the Planning Commission relative to the sky exposure plane, which has resulted in the need for revisions to the setbacks.

There was general discussion by the Committee on the following: proposed uses; setbacks; square footage and height of the proposed development as compared to the square footage and height of the original development (hotel); stormwater runoff; location of detention facility; sight line from I64 as compared to the proposed grade line of the development; and number of buildings.

Director of Planning Teresa Price advised the Committee that the petitioner has requested clarification to the stormwater conditions relative to open space versus landscaping.

A motion was made by Councilmember Flachsbart to amend Attachment A, condition 2, by adding the following: (d) The uses shall be contained in no more than one structure.

The motion was seconded by Chair Hurt.

There was general discussion by the Committee on the following: location of the non-office proposed uses; green space; and sight line.

Bob Brinkman, petitioner, stated that the site was previously rezoned for hotel, and he would like to add new uses, such as two (2) restaurants or shops (Linen and Things). He clarified that the proposed floor elevation would be the same as the adjacent road and that the proposed number of floors is four (4), so the conditions need to be revised. Mr. Brinkman stated that there was enough parking to support a 65,000 square foot office building, so he is requesting that the conditions be changed to increase the allowable square footage. He clarified that the landscaping percentage was a carryover from the hotel approval and he suggests that the wording be changed to be "35% of the site shall be nonimpervious surface. He discussed the tree mitigation involved with this project and located the proposed underground stormwater detention facility on the Plan.

There was discussion by the Committee concerning non-office uses.

Chair Hurt withdrew his second.

The **motion dies for lack of a second.**

A motion was made by Councilmember Flachsbart to limit the number of buildings to one.

The **motion dies for lack of a second.**

A motion to increase the square footage to 65,000 and permit a maximum of two (2) buildings was made by Chair Hurt, and seconded by Councilmember Streeter for sake of discussion.

The motion was revised by Chair Hurt as follows: maximum 65,000 square feet; maximum 3 floors visible from south; maximum 4 floors visible from north; and maximum 2 buildings on the site.

The motion was seconded by Councilmember Streeter.

The motion was **approved by a vote of 3 to 1**, with Councilmember Flachsbart voting no.

A motion was made by Councilmember Flachsbart to require the "uses for stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind are being offered for sale or hire to the general public on the premises" to be ancillary to the office use and focused to the inside of the office building.

The motion was seconded by Chair Hurt, and **approved by a vote of 4 to 0.**

A motion **to revise** the conditions as recommended in the January 21, 1999 memo from Planning Director Teresa Price (copy attached) was made by Councilmember Flachsbart, seconded by Chair Hurt, and **approved by a vote of 4 to 0.**

A motion **to approve as amended** was made by **Councilmember Brown**, seconded by Councilmember Streeter, and approved by a vote of 3 to 1, with Councilmember Flachsbart voting no.

> **Note: Two bills relative to this matter will be needed for the February 1, 1999, City Council Meeting (one as recommended by the Planning Commission, and one as recommended by the Planning & Zoning Committee).**
> **SEE BILL #_____ (as recommended by the Planning Commission)**
> **SEE BILL # _____ (as recommended by the Planning & Zoning Committee)**

***II.E.** **P.Z. 33-98 YMCA**; a request for a change in zoning from "R-6A" Residence District with a Conditional Use Permit (CUP) to a "PC" Planned Commercial District for a 9.0 acre tract of land located on Burkhardt Place, west of Chesterfield Parkway. Proposed use: Recreational facilities, indoor and illuminated outdoor facilities, including swimming pools, golf courses, golf practice driving ranges, tennis courts, and gymnasiums, and indoor theaters, including drive-in theaters.

Director of Planning Teresa Price stated that the Department has done research and determined that the YMCA doesn't own the property needed for the road extension. The property is owned by Sachs Properties and they will have to do the roadwork when the property is developed.

There was general discussion by the Committee on requiring the YMCA to contribute money for the future road extension.

Jerry Duepner, Sachs Properties, stated that plans for the road extension have been approved by the City and whoever develops the property would pay for the road.

A motion **to approve** P.Z. 33-98 was made by Councilmember Streeter, and seconded by Councilmember Brown.

Councilmember Streeter withdrew his motion.

Councilmember Brown withdrew her second.

A motion was made by Councilmember Streeter to amend Attachment A as previously revised by the Committee, Page 2, (d) as follows:

> delete: to the western limits of the development (relative to the extension of Burkhardt Place);
> Leave the requirement for street lights and sidewalk extension.

The motion was seconded by Councilmember Flachsbart.

Mr. Cato, YMCA, stated that they have received an estimate for the road extension ($140,000) and the additional street lighting ($40,000). They have not obtained an estimate for the sidewalk extension. He requested that they improvement requirements be tied into their fund raising efforts.

There was general discussion of timing of the improvements.

A motion **to amend** conditions 4(d) and 4(e) to add "when the street is extended" was made by Councilmember Streeter, seconded by Councilmember Flachsbart, and **approved by a vote of 3 to 1**, with Councilmember Brown voting no.

A motion **to approve as amended** was made by Councilmember Flachsbart, seconded by Councilmember Streeter, and **approved by a vote of 4 to 0**.

Councilmember Flachsbart left the meeting at this time to attend the Board of Adjustment meeting.

Note: Two bills relative to this matter will be needed for the February 1, 1999, City Council Meeting (one as recommended by the Planning Commission, and one as recommended by the Planning & Zoning Committee).
SEE BILL #_____ (as recommended by the Planning Commission)
SEE BILL # _____ (as recommended by the Planning & Zoning Committee)

***II.F.** Noise Ordinance – At Committee's request, this item was referred back to the City Attorney for clarification. A revised ordinance will be reviewed.

Director of Planning Teresa Price stated that City Attorney Doug Beach has revised the proposed wording per the previous discussion by the Committee.

A motion **to approve** the revised wording was made by Chair Hurt, and seconded by Councilmember Streeter.

Councilmember Brown inquired how this would be enforced on individual property owners. She feels that this is appropriate for new subdivisions.

The motion **was approved by a vote of 3 to 0**.

Note: The City Attorney will prepare one bill relative to this matter for the February 1, 1999, City Council Meeting.
SEE BILL #_____

(Subsequent to the Committee meeting, the Department discussed this matter with the City Attorney. The City Attorney is recommending addition revisions to the ordinance and will be forwarding these revisions to the Committee at a future date. Therefore, this matter will not be on the City Council agenda for February 1, 1999.)

II.G. **Landscape Credits** – Correspondence has been received from Sachs Properties concerning when mitigation credits may be received for landscaping along the Highway 40 corridor, before payment for landscaping or after installation of the landscaping. The Committee is asked to make this determination.

Councilmember Flachsbart returned to the meeting at this time.

Director of Planning Teresa Price stated that the Committee has previously determined that landscape credits for mitigation along the Highway 40 Corridor were to be given as of November 17, 1997. The question now is: Is this the date after which the landscaping is paid for or installed?

There was general discussion by the Committee.

A motion **to approve** the Landscape Credits as requested from Sachs Properties was made by Councilmember Flachsbart, seconded by Councilmember Brown, and **approved by a vote of 3 to 1**, with Councilmember Streeter voting no.

III. Department Update – Director Teresa Price

This item was not discussed by the Committee.

The next regularly scheduled meeting will be held at 5:30 p.m. on Thursday, February 4, 1999.

The meeting adjourned at 7.25 p.m.

TP/LPGM/lpgm
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