

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: February 26, 2007

SUBJECT: Planning & Zoning Committee Meeting Summary
February 22, 2007

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, February 22, 2007 in Conference Room 101.

In attendance were: **Chair Mary Brown** (Ward IV); **Councilmember Barry Flachsbart**, (Ward I); **Councilmember Barry Streeter** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Bruce Geiger, Ward II; Councilmember Mike Casey, Ward III; Maurice L. Hirsch, Jr., Planning Commission Chair; Wendy Geckeler, Planning Commissioner; Lynn O'Connor; Planning Commissioner; Mike Herring, City Administrator; Mike Geisel, Acting Director of Planning; Aimee Nassif, Senior Planner; and Mary Ann Madden, Planning Assistant.

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

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the February 8, 2007 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of February 8, 2007. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

- A. **P.Z. 5-2005 Winter Wheat Place (Dollar Building Company):** A request for a change of zoning from "NU" Non-Urban District to E-One Acre for a 4.0 acre tract of land located on Winter Wheat Road, 3000 feet southeast of the intersection of Wild Horse Creek Road and Long Road. (18U220092)

Chair Brown announced that the Protest Petition Hearing for P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) has been scheduled for March 8, 2007.

III. NEW BUSINESS

A. Discussion of the Following Ordinances:

1. City of Chesterfield Tree Manual

Mr. Geisel, Acting Director of Planning, reported that Staff has discovered certain procedural concerns with the Tree Manual with respect to when landscape bonds, sureties, and cash escrows are required. Ordinance 2335 requires developers to submit landscape bonds, sureties and/or cash escrows to the City before Staff will sign any mylar to be recorded at St. Louis County. This process is problematic for developers because they often need to have a recorded plan filed at St. Louis County before they can secure the necessary monies for bonds, sureties and/or cash escrows. Staff feels that it would be sufficient to have the bond in place before any physical action (i.e. grading, improvements) is taken on a project.

Mr. Geisel also pointed out that there is an issue with respect to the bond for tree preservation. The issue relates to when the bond is received, how long the bond is in place, and how it is calculated. If a developer is preserving more trees, the amount of the bond is increased and therefore acts as a penalty towards any incentive to preserve additional trees.

Staff is requesting direction from the Committee as to where policy issues should be initiated. Discussion was held as to whether policy issues should be initiated from the Planning Commission/Ordinance Review Committee or whether the Planning & Zoning Committee should ask the Planning Commission to review particular issues.

Councilmember Flachsbart felt that the Council, through the Planning & Zoning Committee, should give guidance and direction on policy issues.

Planning Chair Hirsch felt that there are times when the Council identifies an issue, which they feel is a priority. Council then refers the issue to the Planning Commission for review. He also felt that there are other areas where the Commission should be the initiator. He stated that there are times when it is beneficial to find out what members of Council think so the Commission can weigh those opinions, and to make sure the Commission is not going off in a direction where a particular recommendation may not get a majority vote from Council.

Planning Chair Hirsch felt that not every question regarding an ordinance change should go to the Planning & Zoning Committee first for direction before going to the Planning Commission. He felt that, in most cases, it should come to the Planning Commission first.

Mr. Geisel stated that the Planning Commission may conceivably generate an ordinance or policy that is not consistent with Council's policies or direction. At that time, it is Staff's obligation to point out the differences between the direction Council provided and the recommendation of the Commission.

The Committee expressed a consensus that new policies or initiatives should first be brought to the Planning and Zoning Committee. However, the Committee recognizes that ideas or suggestions may originate from the Planning Commission, but that no significant staff resources would be directed towards such efforts until such time as the Planning and Zoning Committee or City Council directed staff to do so. It is also recognized that the Planning Commission is autonomous in their recommendations and may make recommendations contrary to the Committee's direction. It is also recognized that City Council is free to accept, reject, alter or modify such recommendations as they deem appropriate.

The Committee then referred the Tree Manual to the Planning Commission for review of the issues discussed above.

2. City of Chesterfield Zoning Ordinance Section 1003.107 (Estate District)

Mr. Geisel stated that the current version of the Estate District Ordinance eliminated the PEU procedure and explicitly states that "E Estate Residence Districts are established as a straight zoning". Yet there are some inconsistencies in the process in that the ordinance refers to "site development concept plans", which would not exist under straight zoning. The ordinance also needs to better clarify who decides when "good planning practices" are being done.

Since there are changes that need to be made to the ordinance and multiple ways to change it, Staff is asking for direction from the Committee.

Planning Chair Hirsch felt that the issues should be reviewed by the Ordinance Review Committee but felt it would be important for the Planning Commission to have some discussion by the Planning & Zoning Committee as to the Committee's opinions.

Mr. Geisel stated that when reviewing the Estate District Ordinance, he had questions as to the Council's intent. He questioned whether Council intended the Estate Districts to be "straight zoning" or whether the intent was to have them be "Planned Districts". He noted the differences between straight zoning and Planned Districts as noted below:

Planned Districts have a site specific plan and an Attachment A while straight zoning would have to meet the Performance Criteria without any plan associated with it.

He pointed out that if the Estate Districts are viewed as Planned Districts, it impedes individual residents from rezoning their "NU" property because Planned Districts require a plan and an Attachment A. Such residents would not have any intent on developing their property so it would increase their cost to rezone. In addition, it creates a set of fictitious conditions, which creates problems for the Planning Commission. Developing the site in the future may require variances because conditions were made on a plan that was "make-believe".

Mr. Geisel asked for direction on the Council's intent with respect to the Estate Districts.

DISCUSSION

Straight Zoning

It was noted that if a resident wanted to rezone from “NU” to straight zoning, a survey may not be necessary. The ordinance only requires a legal description of the property, which could be language identifying the lot, subdivision, and Deed Book recording; or a metes and bounds description from the Deed. If a legal description does not exist, one would have to be created. Usually when property is purchased, the Title Policy has a legal description within it.

Rezoning for Ward IV Property

Councilmember Flachsbart gave background information on the Council’s intent for Ward IV property. He stated that the Council’s goal for Ward IV property was to make it easy to change from “NU” zoning to an Estate District zoning. Because of concern about what the property may be bordering, it was decided to require large buffering. However, if straight zoning was requested, the buffering would not be necessary.

Councilmember Flachsbart stated that Council’s concept was that the E-District would be straight zoning but there would be a PEU-like possibility on top of the zoning to provide flexibility for future development of the site.

Councilmember Flachsbart further explained that a landowner would simply petition for rezoning, without regard to the ultimate process of whether it would be a development using straight zoning processes or planned district procedures. Once rezoned, the decision as to whether the property would be developed under the performance standards provided for as in a straight zoning or to proceed with a planned district procedure to take advantage of flexibility in lot size and clustering, would be entirely up to the owner. If the straight zoning option were selected, the owner would simply submit plans to the Department for review to ensure they were in compliance with all of the zoning performance standards, without exceptions or variance. If however, the petitioner requested flexibility, a proposed set of development conditions and development plans would be processed for review by the Planning Commission and City Council.

Councilmember Flachsbart felt that straight zoning tends to be difficult in Ward IV because flexibility is generally needed due to topography and site conditions.

PEU/Drop-Down

Mr. Geisel pointed out that the PEU procedure of the Zoning Ordinance wasn’t revised to allow E-Districts to take advantage of it – it applies strictly to R-Districts.

Councilmember Flachsbart felt that the PEU should be changed from the whole category drop-down (lot size reduction to the next lower zoning category) to something much less than a full lot size reduction to the lower district. He proposed a half-category drop-down for the E-Districts. Councilmember Hurt proposed a 75% drop-down.

E-Districts

Planning Chair Hirsch suggested that the definitions under E-District specify a range for lot sizes and a specific minimum lot size in the PEU portion.

Councilmember Flachsbart suggested that an E-3 District be developed.

LLR

Planning Chair Hirsch stated that from his perspective, he wasn't sure if LLR is still a reasonable zoning district. He noted that E-2 zoning does not limit the lots to two acres – the lots can be much larger than two acres.

Mr. Geisel stated that the LLR is different from any other subdivision or development. Basically, LLR does not have any plan requirements; there are no roads to be dedicated; they can have easements; they are not required to submit improvement plans; and Engineering does not review LLR zoning. The property is basically being divided into three-acre parcels with no oversight or control by the City.

Ms. Aimee Nassif, Senior Planner, also pointed out that under LLR there are permitted uses that are not allowed in Estate Districts.

It was noted that LLR was established for those areas where the infrastructure is not available.

Good Planning Practice

Councilmember Streeter stated that Council has gotten into the practice of requiring statements in the ordinances saying why something is good planning practice. Any time there is a PEU or variance request, he would like to have it justified specifically.

Lots along Wild Horse Creek Road

Planning Commissioner Wendy Geckeler stated that her property is a little over three acres in size along Wild Horse Creek Road. She stated that the residents in her area do not want sidewalks or street lights. Right now, her property is considered non-compliant "NU" and she would like it zoned.

It was felt that if an E-3 District was established, residents with large lots could ask the City to rezone their NU property to E-3 or possibly LLR.

E-3/LLR

It was agreed that both zonings should be reviewed to determine if both are necessary.

Councilmember Streeter made a motion directing Staff to take the Estate District Ordinance to the Planning Commission for review and to specifically look at the following:

- E Districts should be processed as a straight rezoning, with the option of owner to develop as a straight zoning or planned district at some future date when the development was ready to proceed;
- The possibility of an E-3 District;
- The possibility of a ¾ drop-down under the E-District;
- Propose language in the Ordinance requiring good planning;
- Insurances that straight zoning does not require a survey;
- Straight zoning with the possibility of a site specific ordinance on top of it.

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

PEU

Councilmember Flachsbart stated he does not believe that the PEU works, and in particular for Ward IV.

He suggested that the Committee re-consider the idea that a PEU drop down a whole category and consider the possibility of a lesser drop-down.

Councilmember Flachsbart made a motion to have the Planning Commission review the PEU with a drop-down category of 75%.

Chair Brown wanted to make sure that a 75% drop-down wouldn't adversely affect the construction of attached homes in the City. It was noted that attached housing is only allowed under the E-One-Half zoning.

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

The Committee encouraged City Staff and the Planning Commission to develop processes/procedures that would make it easier for willing non-urban properties to re-zone their properties consistent with the City's land use plan,

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 6:20 p.m.