

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: February 27, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary – **February 23, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, February 23, 2006 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); David Banks, Planning Commission Liaison; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Dan Kaline, Project Planner; Aimee Nassif, Project Planner; and Joyce Collins-Catling, Executive Secretary.

(Planning Chair Stephanie Macaluso and Planning Commissioner Lynn O'Connor joined the meeting at 6:20 p.m.)

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

I. APPROVAL OF MEETING SUMMARY

Councilmember Geiger made a motion to approve the Meeting Summary of February 9, 2006. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

- A. **St. Louis Family Church:** An amendment to City of Chesterfield Ordinance Number 2092 relating to the St. Louis Family Church development, zoned "PI" Planned Industrial District located on the south side of Chesterfield Airport Road, west of Valley Center Drive.

Staff Presentation

A PowerPoint Presentation was given outlining which requested signs would require additional action – such as Board of Adjustment or Planning Commission approval.

- Sign numbers 1, 2, 3, and 5 are Directional Signs. The Zoning Ordinance permits Directional Signs to have an outline area up to 10 square feet. Signs # 1, 2 and 3 are 14 square feet. Sign #5 is 16.2 square feet. **A variance would be required for the square footage sought.**
- Sign #4 is a Freestanding Sign. The Zoning Ordinance permits one freestanding sign per each frontage. The subject site has frontage on Chesterfield Airport Road and Edison. There is a freestanding sign on Chesterfield Airport Road and proposed Sign #11 will be the permitted free-standing sign for Edison. **To have Sign #4, a variance will be required.**
- Sign #11 is a Freestanding Sign. The Zoning Ordinance allows the Planning Commission to increase freestanding sign height. **The Commission can increase the height to the requested 12 feet.** This sign is also an electronic message center, which the Zoning Ordinance prohibits. **A variance would be required from the Board of Adjustment.**
- Sign numbers 6, 7, 8, 9, and 10. These signs meet the location requirements, height requirements and outline area requirements. **These signs can be approved through the issuance of a Zoning Approval.**
- An aerial of the site was displayed indicating the locations of the requested signs.

Ms. Price stated that the Committee is being requested to amend the Ordinance to allow the sign package for St. Louis Family Church. The question was raised with the City Attorney as to whether the Ordinance should be amended for this item alone or whether there are other avenues to approve the requested signage. St. Louis Family Church has indicated that they have a hardship - their campus is large and needs directional signage, along with signage to identify the various buildings.

The Board of Adjustment can address hardship issues. The Planning Commission can review the request for taller signs. The Petitioner has other avenues for their signage request other than an ordinance amendment.

The Petitioner is requesting that the current language regarding signage be deleted from their Attachment A and that the criteria for a sign package be included. This would allow them to present their sign package to the Planning Commission for review and negotiation.

Planning Commission Report

Commissioner Banks stated that the Planning Commission had concerns regarding the number and size of signs requested. The Planning Commission unanimously voted against the ordinance amendment.

Petitioner's Presentation

Mr. Mike Doster, Attorney for the Petitioner, stated that when St. Louis Family Church presented proposed signage to Staff, it was suggested that the Church apply for an amendment to the Ordinance to add the sign package provision. This would allow the Petitioner to present to the Planning Commission and negotiate an appropriate package for the site.

When the Ordinance amendment was presented to the Planning Commission, it was denied.

The Petitioner would be agreeable to conditioning approval of the Ordinance amendment on submitting the sign package as currently being presented. Considering the size of the site, they feel it makes sense to have a sign package to work out the signs to fit the development.

Councilmember Geiger made a motion to forward the ordinance amendment request of St. Louis Family Church to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **tied by a voice vote of 2 to 2.** (Councilmembers Casey and Geiger voted "no").

It was noted that St. Louis Family Church would be forwarded to Council with no recommendation.

**Note: One bill will be needed for the March 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on St. Louis Family Church]

Chair Casey amended the Agenda to discuss Items III.C. and III.B. before Item III.A.

III. NEW BUSINESS

- C. **P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill Road)**: A request for a change of zoning from "NU" Non-Urban District to "R-4" Residence District for 1.01 acre tracts of land located west of Kehrs Mill Road and south of Coventry Farm. (21T340032)

Staff Report

Project Planner Aimee Nassif stated that the request is for straight zoning so no Attachment A is required. The Petitioner is not proposing to build on the site. The request is for a land use change only.

Planning Commission discussed the possibility of rezoning to R3 rather than R4. Because of the subdivision ordinance, the property would not meet R3 zoning because of the width requirements.

It was noted that R4 zoning would allow 2 homes on the site.

Planning Commission Report

Commissioner Banks stated that the Planning Commission approved the petition by a vote of 6 to 0.

DISCUSSION

Councilmember Durrell stated that it is difficult to do things with one acre lots and she is glad that this lot is being rezoned. She feels that flag lots have a place in carefully-chosen areas.

Councilmember Fults made a motion to forward P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill 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 March 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 30-2005 Sharon Greenstein (2785 Kehrs Mill Road)]

- B. P.Z. 25-2005 Duke Realty L.P. (St. John's Mercy Rehabilitative Facility): A request for an amendment to City of Chesterfield Ordinance 1669 to permit additional uses and amendments to setback requirements in conjunction with a revised preliminary plan for a 6.048-acre "PC" Planned Commercial District located south of Conway Road, approximately 900 feet east of Still House Creek Road (LOCATOR NUMBER 18R210441)**

Staff Report

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated that a letter had been received February 17, 2006 from the Petitioner regarding two issues raised during the Planning Commission meeting:

- Commencement of construction after site development plan approval – The Attachment A has been amended from one year to two years. The Petitioner is requesting that there be an unlimited time period on extensions.
- Trust fund contribution – The Attachment A utilizes the category of “General retail/medical offices/nursing homes” because this is not a typical hospital use. The Petitioner has submitted information advising that it may be possible to use a different category such as “General Office”.

The Attachment A includes all the changes from the original Ordinance 1669 to what the current proposal permits.

- In some cases, the language is more restrictive.
- The building is substantially smaller than what was originally approved on the Site Development Plan and in the original Ordinance.
- Open space is increased.
- The Floor Area Ratio is a different percentage.
- The parking structure has decreased in height.

Planning Commission Report

The Planning Commission approved the petition, as amended, by a vote of 6 to 0.

DISCUSSION POINTS

Commencement of Construction

Councilmember Geiger proposed adding the following language to the Attachment A:

Section III.C.

Where due cause is shown by the developer, the time interval for substantial construction commencing shall be eighteen months to be approved by the City Council.

Mr. Doster stated that the Petitioner accepts the following language proposed by the City Attorney as shown in Attachment A:

Section III.A.

Substantial construction shall commence within two (2) years of approval of the site development concept plan or site development plan, unless otherwise authorized by ordinance. . .

It was agreed that the language proposed by Councilmember Geiger is not necessary.

Traffic Generation Assessment Contributions

Chair Casey made a motion directing the City Attorney to provide a recommendation at the next City Council Meeting defining the category for TGA purposes. The motion was seconded by Councilmember Geiger and **passed** by a voice vote of 4 to 0.

Peak Hour Trips per Parking Space Ratios

Councilmember Durrell suggested that, in the future, the definitions of categories be expanded not by “use” but by “parking space ratios”.

Councilmember Geiger made a motion to forward P.Z. 25-2005 Duke Realty L.P. (St. John’s Mercy Rehabilitative Facility) 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 March 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 25-2005 Duke Realty L.P. (St. John’s Mercy Rehabilitative Facility)]

A. P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance):

An ordinance amending various sections of the City of Chesterfield Zoning Ordinance regarding banners in the Museum and Arts Area, development criteria for E-districts, residential tear-downs and residential additions.

Staff Report

Project Planner Aimee Nassif stated that the petition is for four amendments to the Zoning Ordinance. Changes are shown in red in the Staff Report.

DISCUSSION POINTS

Section 1003.126A – New Construction or Tear Downs

Discussion was held regarding the “Height and Dimensional Regulations”. It was noted that the following language was deleted:

“ . . .if a structure exceeds the height of the principal structure of the abutting property by 15 feet or more, then the side yard setback is increased by 10 feet.”

This language was deleted because, in practice, it was conflicting language.

The following language was added:

- A. *Residential additions shall not exceed the maximum height of the underlying zoning district.*

- B. If the height of any addition exceeds the height of any existing, adjacent dwelling by more than 15 feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission.*

Discussion was held on the proposed language regarding such requests being reviewed by the Planning Commission. Commissioner Banks stated that in some instances, the Planning Commission may require increased setbacks.

Ms. Price clarified the proposed language. She stated that Point A deals with the zoning district height while Point B deals with the height of adjacent dwellings. An example was cited where there could be a subdivision of ranch homes 30' in height. The zoning ordinance allows a height of 50'. If someone wanted to construct a home in this subdivision that is 45' tall, it would be allowed under the zoning ordinance, but because it would be 15' taller than the adjacent homes, it would need Planning Commission approval.

It was agreed to amend the language as follows:

- A. If the height of any addition exceeds the height of any existing, adjacent dwelling by more than 15 feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission.*
- B. Residential additions shall not exceed the maximum height of the underlying zoning district.*

Section 1003.126B – Residential Additions

This is a new amendment to the zoning ordinance. The current ordinance did not address additions to houses. The proposed language was submitted by the Ordinance Review Committee after research of language from other municipalities throughout the country.

It was agreed to revise the language under Section 2 regarding “Height and Dimension Regulations” to match the above changes under Section 1003.126A.

Discussion was held regarding the request for letters from adjacent property owners and subdivision trustees acknowledging the residential addition. It was noted that if letters are not submitted, it would not be held up for review. However, it would be noted in the Staff Report as to whether there was a reason why the letters weren't submitted.

Councilmember Fults expressed concern about not having letters of acknowledgement from the Trustees as some additions may go against the subdivision indentures.

It was noted that the Petitioner is responsible for getting the Trustees' acknowledgement. If no acknowledgement is submitted, the Petitioner must provide a letter to the Department stating that they attempted to notify the Trustees. Councilmember Fults felt that the Petitioner should get Trustee approval before construction.

Commissioner Banks suggested that the Petitioner provide documentation of notification to subdivision Trustees and adjacent property owners.

It was agreed to amend Section 103.126B, Section 1.B.h. as follows: **(Changes in green.)**

*Provide **documentation of notification to from** adjacent property owners and subdivision trustees.*

Section 1003.141 – Museum and Arts Area (MAA)

The only major change to this section addresses the needs of the Museum and Arts Area with respect to promotional decorative banners. The proposed language is from the Ordinance Review Committee after research of how other municipalities handle this situation.

Promotional decorative banners would be permitted for a maximum of 12 months as approved through a sign permit application.

Councilmember Fults asked if there are any requirements for materials used for banners. She expressed concern about how some materials would hold up for 12 months when being subjected to inclement weather. Commissioner Banks stated that the Sign Ordinance includes language relative to the maintenance of signs.

Discussion was held on the length of time the banners would be allowed. **Chair Casey made a motion to amend Section 1003.141, Section 10.(3.) as follows: (Changes in green.)**

. . . Promotional decorative banners are permitted for a maximum of ~~twelve (12)~~ **six (6)** months. . .

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

Section 1003.107 “E” Estate Residence Districts

The major changes to this ordinance include:

- Removed language that E-districts are Planned Environmental Units.
- Created a list of permitted uses and amended the list of permitted and accessory land uses.
- Removed previous language regarding dropping a lot size which was in conflict with other sections of the ordinance.
- Created a new section for “Calculating Lot Size” and for “Exceptions”.
- Includes increased landscape buffer requirements for denser developments.

Ms. Price stated that this language clarifies that the Estate District is a Planned District – not a PEU.

Councilmember Durrell questioned why, when calculating the lot size, buffers would not be counted towards the minimum lot size in E-Two Acre and E-One Acre Districts. Ms. Nassif replied that this language was proposed by the Ordinance Review Committee after review of different developments that had been presented with landscape buffers not being counted.

Discussion was held on the minimum lot size and density allowed under the E-District zoning. It was noted that the current language allows the minimum lot size to be dropped one density zone below the requested district. The proposed language would delete this option and would state that the standard regarding the lot size calculation may be modified if certain criteria are met.

Councilmember Fults expressed concern about property being dropped one density zone even though the density itself does not change. She felt this sets a precedent for other developers to come in and request a lower zoning. She also noted that half-acre zoning allows attached housing.

Chair Casey made a motion to bring Section 1003.107, “E” Estate Residence Districts back to the next regularly-scheduled meeting of the Planning & Zoning Committee. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Councilmember Fults made a motion to forward Sections 1003.126A, 1003.126B and 1003.141 of P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance) 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 March 6, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by Director of Planning, Teresa Price, for additional information on P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)]

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE

A. SPECIAL MEETING

It was agreed to schedule a Special Meeting of the Planning & Zoning Committee Meeting for March 2, 2006, 5:00 p.m. to review Justus Pointe.

Copies of the Justus Pointe plans were given to Councilmembers Geiger, Durrell, and Fults.

B. REVIEW OF ATTACHMENT A

Chair Casey directed Staff to review the Zoning Ordinance concerning permitted uses.

C. NEW PLANNING COMMISSION POLICY

Ms. Price stated that the Planning Commission will now be getting a draft Attachment A at its Issues Meeting, which will allow the Petitioner more time to respond to issues before the Vote Meeting.

V. ADJOURNMENT

The meeting adjourned at 7:00 p.m.