

**SUMMARY**  
**PLANNING AND ZONING COMMITTEE MEETING**  
**MARCH 9, 1995**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:34 p.m., on March 9, 1995, in the City Council Conference Room. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Ed Levinson (Ward II); and Councilmember Mike Cullen (Ward IV). Also in attendance were Mayor Jack Leonard; Jerry Duepner, Director of Planning; Laura Griggs-McElhanon, Senior Planner; and Joe Hanke, Planner II.

**ITEM I.** Approval of summary of Planning and Zoning Committee meeting of February 16, 1995.

A motion for approval was made by Councilmember Levinson and seconded by Councilmember Hurt. The motion was approved by a vote of 4 to 0.

**ITEM II.** P.Z. 25-94 Jewish Community Centers Association (JCCA); Conditional Use Permit (CUP) in "R-2" 15,000 square foot Residence District and amendment of City of Chesterfield Ordinance No. 752; northeast corner of the intersection of Wild Horse Creek Road (State Highway CC) and Baxter Road Extension.

This matter had been received and filed by City Council on March 6, 1995. The Committee directed this matter be removed from the agenda.

**ITEM IV.** Memorandum from the Director of Planning concerning 1995 Planning and Zoning Committee Meeting Schedule.

Director Duepner summarized the memorandum.

There was discussion by the Committee relative to the need for a meeting the first week of April.

Councilmember Flachsbart indicated he would be unable to attend the meeting on April 20th.

A motion was made by Councilmember Cullen and seconded by Councilmember Hurt for approval of the schedule as submitted. The motion was approved by a vote of 4 to 0.

It was noted by the Committee that, if necessary, a meeting could be held the first week of April, should items be forthcoming from the Planning Commission to City Council.

ITEM V.

**P.Z. 24-94 City of Chesterfield Planning Commission;** amendment of Section 1003.300 Procedures for Amending the Zoning Ordinance of the City of Chesterfield; and correspondence from the City Attorney.

Director Duepner summarized the memorandum from the Department, as well as correspondence from City Attorney Beach on the matter.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt to reinstate the one (1) year time period for refiling of petition, as was previously contained in the Ordinance.

There was discussion by the Committee on this matter.

Councilmember Cullen indicated that it would be his desire to establish some guidelines to allow items to come back to the Council for reconsideration.

Councilmember Levinson indicated his preference that if Councilmembers can work out issues, a matter could be brought back up for action.

Director Duepner noted the concern expressed by City Attorney Beach relative to being arbitrary in allowing a petition to be refiled.

There was discussion by the Committee relative to the process for reconsideration. Under current Robert's Rules of Order, an item may come back for reconsideration only at the subsequent meeting.

**Upon a vote on the motion, Chairman Hurt and Councilmember Flachsbart voted yes, and Councilmember Levinson and Councilmember Cullen voted no. The motion failed due to a tie vote.**

Councilmember Cullen stated that the time period for reconsideration be changed, as it is presently too short.

Councilmember Flachsbart noted that the petitioner always has the ability to withdraw a petition or ask that an item be held.

There was general agreement on the desire for additional time for reconsideration.

A motion was made by Chairman Hurt to allow reconsideration for the next two (2) meetings, and, if not brought back in that time period, the petition could be refiled within one (1) year. The motion was seconded by Councilmember Flachsbart and **approved by a vote of 4 to 0.**

Councilmember Cullen noted the Council could still vote on a reconsideration and table the matter indefinitely.

Staff was directed to work with the City Attorney in preparing a draft on this matter and bring the draft to the Committee when completed.

ITEM VI.

Memorandum from the Director of Planning regarding City Council Bill 958, -amendment of Sign Regulations concerning Menu Boards for Fast Food Restaurants.

Director Duepner noted representatives from McDonald's had submitted a sketch plan to the Department depicting reconfiguration of the Lea Oak entrance. It was staff's understanding that McDonald's was seeking state permits for work within state right-of-way and it may be two (2) to three (3) weeks for response.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt that the item continue to be held. **The motion was approved by a vote of 3 to 1, with Councilmember Levinson voting no, stating he did not agree that the matter should continue to be held.**

ITEM VII.

Correspondence from the City Attorney regarding reasonableness of Zoning Categories.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Levinson to receive and file. **The motion was approved by a vote of 4 to 0.**

ITEM VIII.

Memorandum from the Director of Planning regarding renewal of Building Code Contract with St. Louis County Department of Public Works.

Director Duepner summarized the memorandum concerning the Building Code Contract. He recommended the City renew the contract for mechanical, plumbing, electrical, explosives, weights and measures. He also recommended the City consider revision of the basic contract relative to Sign Regulations; requiring zoning authorization for a plumbing permit for a backflow device with inground sprinkler system; and deletion of the requirement for building permits for parking lots.

There was considerable discussion relative to the proposal for requiring zoning authorization in conjunction with inground sprinkler systems.

Director Duepner noted this proposal stemmed from discussions with representatives of Homebuilders Association, and the policy of the City to obtain a Hold Harmless Agreement from a property owner when the sprinkler system is located within public right-of-way.

There was considerable discussion by the Committee on this matter, with Councilmember Levinson expressing the opinion that obtaining a zoning authorization was an unnecessary requirement.

Councilmember Cullen expressed a desire that, if this requirement were to be approved, it be done in an expeditious manner.

Director Duepner noted it was the intent to establish a very streamlined process and merely ensure that the Hold Harmless Agreement was obtained.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt to require the zoning authorization for a plumbing permit. **The motion was approved by a vote of 3 to 1, with Councilmember Levinson voting no.**

Councilmember Levinson noted he had requested a cost/benefit analysis, but his request was not supported.

A motion was made by Chairman Hurt and seconded by Councilmember Flachsbart relative to the revisions to Sign Regulations portion of the code contract. **The motion was approved by a vote of 4 to 0.**

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart to require no building permit for a parking lot. **The motion was approved by a vote of 4 to 0.**

Councilmember Levinson raised the issue of retaining walls, stating that he believes this responsibility should be transferred to the Department of Public Works of the City of Chesterfield.

Director Duepner noted he had discussed this matter with the City Engineer Mike Geisel who had indicated that, if this function were transferred to the Department of Public Works, an additional engineer would be needed for review of plans.

There was discussion by the Committee relative to whether or not this issue could be revisited within a year after the contract had been signed. Director Duepner indicated he was not certain, and would check with the County Department of Public Works.

A motion was made by Councilmember Levinson to exclude retaining walls from the contract and have that function assumed by the City's Department of Public Works. The motion was seconded by Councilmember Cullen.

Director Duepner noted that any fees would have to be approved by the voters per Hancock amendment. Also, it is unsure whether the County would allow retaining walls to be excluded from the contract.

Councilmember Flachsbart indicated he was not desirous, at this time, of adding more staff, and would prefer to see the County continue this function for another year, and this aspect of the contract could be revisited at that time.

Councilmember Cullen stated that he wanted to exclude review of retaining walls for single-family residences.

Director Duepner noted the public safety issue relative to review of plans for retaining walls.

Councilmember Flachsbart requested that the Public Works Committee consider an additional person for the Public Works Department to review plans for retaining walls.

Chairman Hurt directed this matter be held until the next meeting, and the question of raising the height of retaining walls from two (2) feet to four (4) feet should also be pursued.

### ITEM III.

P.Z. 1-95 Pierce Hardy Real Estate Company (84 Lumber); "NU" Non-Urban District to "C-8" Planned Commercial District; north side of Chesterfield Airport Road, east of Long Road.

Director Duepner summarized the recommendation and report of the Planning Commission.

Councilmember Levinson raised concern relative to the free-standing sign sought by the petitioner.

There was considerable discussion by the Committee relative to the free-standing sign for the proposed development adjoining Chesterfield Airport Road. (Councilmember Cullen indicated agreement with limiting signage in residential areas outside the Valley, but is concerned with proper signage visibility in Valley.

Director Duepner noted the Department recommendation was based in part on the Planning Commission's review and recommendations relative to revision of the Sign Regulations, and that the signage recommended for the subject site, was similar to that approved by the City for the Airport Joint Venture tract located at the intersection of Long and Chesterfield Airport Roads.

It was noted that the petitioner's representative had addressed the Planning Commission seeking a larger and higher free-standing sign.

Councilmember Flachsbart stated that the recommendation of the Planning Commission should be supported.

Mr. John King, the petitioner's representative, addressed the Committee concerning the requested free-standing sign. He also noted that the petitioner had indicated no need for signage on Highway 40.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt for approval of the Planning Commission report.

Upon discussion, Councilmember Levinson moved that the condition relative to the signage be amended to allow a sign a maximum of seventy (70) square feet, no taller than ten (10) feet in height. **The motion failed for lack of a second.**

Councilmember Cullen expressed concern about setting a precedent for only monument signs within the Valley.

Councilmember Levinson objected to the use of Planning Commission recommendation on the sign ordinance revisions as basis for sign conditions.

Councilmember Cullen moved that the condition for signage be amended to allow a maximum height of eight (8) feet, seventy (70) square feet in outline area, and up to twelve (12) feet in height, if observing a twenty-five (25) foot setback. The motion was seconded by Chairman Hurt. **The vote on the amendment was 3 to 1, with Councilmember Flachsbart voting no.**

**The motion, as amended, was approved by a vote of 4 to 0.**

Note: A bill relative to this item will be needed for the March 20, 1995 City Council meeting.

ITEM XII.

SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING ON FEBRUARY 27, 1995 - TO BE RECEIVED AND FILED.

- A. D.L. 2-49 Spirit of St. Louis Airport (Airport Hangars & Shadeports); "M-3" Planned Industrial District Amended Site Development Plan and Architectural Elevations; west of Turbine at the western terminus of Edison Avenue.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt to receive and file this item. This motion was approved by a vote of 4 to 0.

ITEM IX.

Memorandum from the Director of Planning concerning Chesterfield Valley.

This item was held.

ITEM X.

Memorandum from the Director of Planning regarding revision of Zoning and Subdivision Regulations.

This item was held.

ITEM XI.

Memorandum from the Director of Planning concerning Westland Acres Feasibility Study.

This item was held.

The next meeting of the Planning and Zoning Committee will be on Thursday, March 30, 1995, at 5:30 p.m.

The meeting adjourned at 6:40 p.m.

[PZC-SUM.309]