

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: March 19, 2004

SUBJECT: Planning and Zoning Committee Meeting Summary from March 18, 2004

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, March 18, 2004, in Council Chambers. In attendance were: Chair Barry Streeter (Ward II), Councilmember Jane Durrell (Ward I), Councilmember Dan Hurt (Ward III) and Councilmember Mary Brown (Ward IV). Also in attendance were Mayor John Nations; Councilmember Bruce Geiger (Ward II); Councilmember Connie Fults (Ward IV); Planning Commission Chair Victoria Sherman; Director of Planning Teresa Price; Senior Planner Annissa McCaskill-Clay; Project Planner Michael Hurlbert; and Kathy Lone, Planning Assistant.

*To be discussed at the 4/19/2004 City Council Meeting.

Chair Streeter called the meeting to order at 5:39 p.m.

I. Approval of the Planning and Zoning Committee Meeting Summary of March 4, 2004.

Councilmember Brown made a motion to approve the Meeting Summary of March 4, 2004. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

*II. **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**: a request for a Commercial Service Procedure within an "NU" Non-Urban District for 1.194 acre tract of land located north of Wild Horse Creek Road, east of Appaloosa Way, and west of Wildhorse Elementary (Locator Number: 18T 51 0075).

Project Planner Michael Hurlbert gave an overview of **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)** and stated that a motion to approve this petition was denied by the Planning Commission by a vote of 4 to 5.

Chairman Sherman stated that reasons why Commissioners voted against this petition included the site could still be used for residential, the Commercial Service Procedure (CSP) criteria have not been met, and that other homes close to this one have potential buyers.

Chairman Sherman stated that reasons why Commissioners voted for this petition included the house had been on the market for a while and the purchase price kept going down, the petition met the guidelines for a Commercial Service Procedure (CSP), it is not for the Commissioners to decide if this house should remain residential or become a CSP, and that using this house for a CSP may be a good way to guarantee that the house will be saved.

Chair Streeter stated that the City is also requesting that the site be rezoned to E-One Acre.

Chair Streeter stated that neighboring residents opposed this petition because of potential traffic, strangers, the large parking lot and the intensity of the use.

Councilmember Brown stated that this petition is against the spirit and ordinance of the Commercial Service Procedure (CSP).

Councilmember Durrell stated that CSP's have worked very well on Olive Boulevard and that fears of residents often become unfounded. Councilmember Durrell stated that her only concern is with the large parking lot.

Mr. Hurlbert stated that the parking is based on square footage and/or the number of doctors/employees, whichever is greater. Mr. Hurlbert stated that the square footage of the house is 2,200 square feet which would require (10) parking spaces or one (1) doctor and five (5) employees would require a total of nine (9) parking spaces. Mr. Hurlbert stated that the garage would not be used as a parking space since it will be used for storage.

Senior Planner Annissa McCaskill-Clay gave an overview of the deferred parking ordinance and stated that if this were approved, with the ordinance the petitioner could be required to have six (6) parking spaces now and add more later, if needed.

General discussion followed concerning parking requirements and the deferred parking ordinance.

Mr. Tom O'Toole, Jr., attorney for the petitioner, presented a hand-out showing the parking spaces and stated that the new parking lay-out is less intrusive to the neighboring residents, the elementary school and Wild Horse Creek Road. The hand-out reflected

conditions in Attachment A and a wood privacy fence around the rear parking area containing 10 spaces. Mr. O'Toole stated that six (6) parking spaces would probably not be enough.

Councilmember Hurt stated that the revised plan is better with the parking in the rear because he does not want parking on Wild Horse Creek Road.

Councilmember Durrell suggested creatively moving the parking spaces in order to break up the asphalt. Councilmember Durrell also stated that if this petition is denied, a few alternatives for this site could be a church, daycare center, a plant nursery, or rental property.

Councilmember Brown made a motion to recommend to City Council that they uphold the Planning Commission recommendation of denial for **P.Z. 34-2003 16713 Wild Horse Creek Road (Richard M. Demko)**. The motion was seconded by Councilmember Hurt and **passes by a voice vote of 3 to 1**. (Councilmember Durrell voted nay.)

Chair Streeter stated he can see both sides of this petition and still could be convinced to vote for it at City Council.

***Note: One bill, as recommended by the Planning Commission will be needed for the April 19, 2004 City Council Meeting.
SEE Bill #**

***III. P.Z. 11-2003 Capitol Land Company:** a request for a change of zoning from a "C-8" Planned Commercial District to a "PC" Planned Commercial District for 6.494 acre tract of land located north of Lea Oaks Drive, east of Clarkson Road, west of Old Baxter Road, and south of Chesterfield Parkway East. (Locator Numbers: 19S420349, 19S420404, 19S420305, 19S440512, 19S440161, 19S420130).

Project Planner Michael Hurlbert gave an overview of **P.Z. 11-2003 Capitol Land Company** and presented revised elevations. Mr. Hurlbert stated that the petitioner is also asking for a parking reduction. Mr. Hurlbert stated that 4.5/1000 calculations are currently being used for this proposal, Drew Station used the calculations of 5/1000 and Davis Street (Talbot's) received a parking reduction of 4/1000.

Mr. Hurlbert stated that the City does not yet have signed cross-access easements for the property to the south.

Mayor Nations gave a history of the access in this area. Mayor Nations stated that he still has concerns about the architectural aspect of the building. Mayor Nations stated that he

is proud of the way the Talbot's development looks and that it is coordinated with the residential neighborhood in the rear. Mayor Nations stated that he wants this development to reflect the same high quality look so that both developments look like a coordinated development.

Councilmember Brown expressed concern with the temporary access to Talbot's.

Councilmember Hurt expressed concern with this project going forward without the signed cross-access agreements.

General discussion followed concerning the cross-access agreements.

Councilmember Hurt left the meeting at 6:41 p.m. and returned at 6:43 p.m.

Councilmember Geiger gave an overview of items of concern to him that he has been discussing with the petitioners. The petitioners agree with the amendments.

Chair Streeter made a motion to eliminate the following uses in Attachment A:

- (g) ~~Automatic vending facilities for:~~
 - (i) ~~Ice and solid carbon dioxide (dry ice);~~
 - (ii) ~~Beverages;~~
 - (iii) ~~Confections.~~
- (o) ~~— Dry cleaning drop-off and pick-up stations;~~
- (q) ~~— Film drop-off and pick-up stations;~~
- (w) ~~— Local public utility facilities, provided that any installation, other than poles and equipment attached to poles, shall be:~~
 - (i) ~~— Adequately screened with landscaping, fencing, or walls, or any combinations thereof; or~~
 - (ii) ~~— Placed underground; or~~
 - (iii) ~~— Enclosed in a structure in such manner so as to blend with and complement the character of the surrounding area.~~
- (x) ~~— Medical and dental offices.~~
- (dd) ~~— Police, fire and postal stations.~~
- (ee) ~~— Public utility facilities.~~

And add:

Stores, shops, markets, service facilities, in which goods or services of any kind are being offered for sale or hire to the general public on the premises shall be limited to "low intensity specialty retail establishments" where uses that are compatible with, and targeted to local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building and restricting uses that need significantly fewer parking spaces than is required by the established retail performance standard. Such stores or services may include clothiers, pharmacies, bakeries, coffee shops, furniture and home décor stores, camera shops, beauty parlors, beauty

treatment centers, flower shops, book stores and similar or comparable uses. Drive-in establishments, such as gas stations, fast-food or drive through restaurants, and high traffic generators such as “outlet retailers,” do not meet this definition.

The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Chair Streeter made a motion for the following change to Attachment A: II. Floor Area, Height and Building Requirements:

2. a. B Book Store Building height, including the architectural feature, shall not exceed two (2) stories or forty (40) feet, whichever is less, *on the front of the building and twenty-four (24) feet in the rear of the building as measured from the average finished ground floor elevation of the building. The architectural feature on the front of the building shall not extend greater than 25 38 feet from the front of the building towards Old Baxter Road.*

2. b. Building height of ~~A Retail Shops~~ and C Retail Shops shall not exceed **twenty-four (24) feet with the exception that the architectural element elevations shall not exceed twenty-eight (28) feet.**

The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Chair Streeter made a motion for the following change to Attachment A:

II. Floor Area, Height and Building Requirements:

2. b. Building height of the A Retail Shops, **the west elevation (front) shall not exceed thirty-two (32) feet.**

The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Chair Streeter made a motion for the following change to Attachment A:

VII. Specific Criteria

A. Structure Setbacks

1. B Book Store Building – ~~Forty-five (45)~~ **Fifty (50) feet** from the current right-of-way of Old Baxter Road.

The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Chair Streeter made a motion for the following change to Attachment A:

VII. Specific Criteria

A. Structure Setbacks

5. C Retail Shops Building will be 114 feet from the current right-of-way of Old Baxter Road.

The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Councilmember Geiger stated that ‘mansard’ refers to a fake roof and wants it in the rear and going farther up the sides than is shown on the current elevations.

Mayor Nations stated that he wants the buildings to be brick, across the rear would be faux windows for a residential appearance, the sides would be brick with no EIFS even if the Architectural Review Board (ARB) recommends it, and the front would be brick with a gabled appearance to preserve the appearance and perpetuate the appearance of the Davis Street (Talbot’s) development.

Mayor Nations left the meeting at 6:58 p.m.

Councilmember Brown left the meeting at 6:59 p.m. and returned at 7:04 p.m.

Chair Streeter stated that a statement needs to be added to have the faux windows coming up to the sides.

Councilmember Geiger stated that the Mayor requests language that the mansard have a soffit.

General discussion followed concerning the architectural elevations for this development and siltation and Century Lake.

Mr. Michael Midland, architect for the project, stated the following: The mansard all the way down the sides of the building is being limited by the Fire Department.

Councilmember Hurt made a motion to add the following to Attachment A:

VII. Specific Criteria

K. 3. The exterior building materials shall be brick, consistent with the adjacent property (Davis Street). The exterior materials on each side may include EFIS materials as may be architecturally appropriate as recommended by the Architectural Review Board and approved by the Planning Commission.

4. A mansard will be installed on Building B Book Store and will be

covered with architectural asphalt shingles consistent with the adjacent property (Davis Street). The mansard shall be constructed along the entire length of the rear of the building and as much of each side of the building as is architecturally appropriate as recommended by the Architectural Review Board and approved by the Planning Commission. The mansard will have a soffit.

5. The architectural feature on the front of the B Book Store building shall not extend greater than 38-feet from the front of the building towards Old Baxter Road.

6. The rear of the B Book Store building will have a minimum of seven (7) faux windows.

7. Faux windows may be added to the rear of the C Retail Shops building if determined to be architecturally appropriate as recommended by the Architectural Review Board and approved by the Planning Commission.

8. Faux windows will be added to the sides of the buildings.

VIII. Verification Prior to Approval

B. Stormwater and Sanitary Sewer

- i. If significant siltation during the course of the project has a severe negative impact on Century Lake, as determined by the City of Chesterfield Public Works Department, the developer will be required to take immediate corrective actions to restore the lake to pre-construction conditions.**
- ii. Provide adequate temporary off-street parking for construction employees and a vehicle wash down/cleaning area shall be provided during construction. Parking on non-surfaced areas is prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions. The contractor shall keep the road clear of mud and debris at all times. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. No construction parking shall be allowed within/along Old Baxter Road, **Baxter Lane, Century Lake Drive** or Highway 340 ROW.

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

Chair Streeter stated that this building needs to look more residential.

General discussion followed concerning comments from the Architectural Review Board (ARB) and completion of the access agreements.

Ms. Teresa Price, Director of Planning, stated that the next ARB meeting is April 15, 2004 and the City Council would have their comments by the second reading.

Councilmember Brown made a motion to submit **P.Z. 11-2003 Capitol Land Company** to the Architectural Review Board (ARB) for their review for this proposal to have the same look as Davis Street. The comments are to be forwarded to City Council and not Planning Commission. The motion was seconded by Councilmember Durrell.

Councilmember Brown stated that the motion should include appropriate elevations for a book store and be compatible to Davis Street. Councilmember Durrell accepts the change to the motion. **The amended motion passes by a voice vote of 4 to 0.**

Councilmember Hurt made a motion to forward **P.Z. 11-2003 Capitol Land Company** to City Council pending the approval of the amendments and the cross access agreements being completed. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

***Note: One bill, as recommended by the Planning Commission will be needed for the April 19, 2004 City Council Meeting.
SEE Bill #**

***IV. P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am):** A petition for rezoning from “NU” Non-Urban District to “R-3” Residence District for a 3.7-acre property located at the intersection of Clayton Road and Schoettler Road. (Locator Number 21R-63-0511)

And

***V. P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am):** A petition for a Planned Environment Unit (PEU) Procedure in an “R-3” Residence District for a 3.7-acre property located at the intersection of Clayton Road and Schoettler Road. (21R-63-0511)

Senior Planner Anissa McCaskill-Clay gave an overview of **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)**. Ms. McCaskill-Clay stated that the petitioner has submitted a revised plan showing a revised entrance allowing for future cross-access along the eastern property to

the Mertz property, 14 attached units, the detention basin has been shifted so that it is no longer visible from Clayton Road and the landscape buffer along Clayton Road is now 20-feet wide.

Councilmember Hurt made a motion to recommend approval and forward **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)** to City Council with the following conditions: A request for Site Development Plan review by City Council, the following wording for cross-access agreements to all adjacent properties (eastern boundary) ‘As directed by the City of Chesterfield, a cross-access agreement shall be provided for future right-of-way connection from Clayton Road to the adjoining Mertz property.’ The motion was seconded by Councilmember Brown and **passes** by a voice vote of 4 to 0.

Councilmember Hurt made a motion to add the following language from the Department of Public Works to Attachment A:

1. A single point of access onto Clayton Road shall be located at the eastern-most section of the property frontage on Clayton Road as directed by the City of Chesterfield and the Missouri Department of Transportation;
2. The streets within this development shall be private and remain private forever except that portion of the entrance or any cross-access area which at future time shall be dedicated upon demand to the City of Chesterfield as a public street in order to provide a public roadway connection with the adjoining Mertz property to Clayton Road. At such time in the future when the Mertz property develops and the streets within the development are to be private, then the connection from the Mertz property to Clayton Road shall remain private and be covered by a cross-access easement agreement.
3. As directed by the City of Chesterfield, at such time in the future a connection is made from this development to the Mertz property, the entrance to Clayton Road shall be restricted to right in/right out or be closed at the direction of the City of Chesterfield Department of Public Works.

The motion was seconded by Chair Streeter.

General discussion followed concerning turns from the development, the stub street and the landscape buffer by the parking area.

Councilmember Hurt amended his motion for the following change to the above Item 3:

3. As directed by the City of Chesterfield, at such time in the future a connection is made from this development to the Mertz property, the entrance to Clayton Road ~~shall~~ **may** be restricted to right in/right out or be closed at the direction of the City of Chesterfield Department of Public Works.

The change was accepted by Chair Streeter and **passes** by a voice vote of 4 to 0.

Councilmember Hurt directed Staff to refine the wording before City Council.

Councilmember Hurt made a motion to accept four (4) changes to Attachment A to address the revised plan: Change from single-family attached and detached to single-family attached, change the number of units permitted from 15 to 14, requirement that the detention basin be shown as it is on the revised plan so it will not be visible from Clayton Road, and language requiring the buffer to be a consistent 20-foot wide landscape buffer along Clayton Road. The motion was seconded by Councilmember Brown and **passes** by a voice vote of 4 to 0.

Councilmember Hurt made a motion to recommend approval of the amendments and forward **P.Z. 13-2003 Fischer & Frichtel (Congregation Kol Am)** and **P.Z. 14-2003 Fischer & Frichtel (Congregation Kol Am)** to City Council. The motion was seconded by Councilmember Durrell and **passes** by a voice vote of 4 to 0.

***Note: One bill, as recommended by the Planning Commission will be needed for the April 19, 2004 City Council Meeting.
SEE Bill #**

VI. Planning and Zoning Committee Policy - "Alternative" Plans Submitted By Elected Officials

Chair Streeter stated that it was his intention for an 'alternative' policy is to be consistent with information submitted to Staff before meetings.

Chair Streeter made a motion to accept the following alternative plan:

Should an 'alternative' plan be submitted to Planning and Zoning Committee by an elected official, he/she should be allowed to make his/her presentation and indicate his/her support for the plan submitted. However, at that point, IF the 'alternative' plan receives at least 3 votes from members of the Committee (this could INCLUDE the elected official who submits the 'alternative' plan), the matter would be placed on hold until the next Planning and Zoning Committee meeting.

The Director of Planning would then be directed to make copies of any plans submitted; obtain official comment letters from the Department of Public Works, the Monarch Fire Protection District and any other applicable agency, and forward all of this to the members of the Committee for their review, PRIOR to the next Committee meeting.

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

The meeting adjourned at 8:14 p.m.

TP/kl

