

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

SUBJECT: Planning & Zoning Committee Meeting Summary  
**May 10, 2007**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, May 10, 2007 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Mike Casey (Ward III); Councilmember Bob Nation (Ward IV); Victoria Sherman, Planning Commission Vice-Chair; Wendy Geckeler, Planning Commissioner; Rob Heggie, City Attorney; Libbey Malberg, Assistant City Administrator for Economic & Community Development; Annissa McCaskill-Clay, Assistant Director of Planning; Aimee Nassif, Senior Planner; Jarvis Myers, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Fults called the meeting to order at 5:32 p.m.

### I. APPROVAL OF MEETING SUMMARY

#### A. Approval of the April 19, 2007 Planning and Zoning Committee Meeting Summary

**Councilmember Durrell made a motion to approve the Meeting Summary of April 19, 2007.** The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

### 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)

## **Staff Report**

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the Petitioner is requesting to rezone the site from “NU” Non-Urban to E-One Acre. This project was forwarded on by the Planning Commission with a recommendation for approval by a vote of 6 to 1 in January 2007. The petition was reviewed by the Planning & Zoning Committee on March 3, 2007, at which time a Protest Petition Hearing was held. The Planning & Zoning Committee forwarded the petition to City Council with the recommendation that the Petitioner consider LLR zoning. At the April 16, 2007 City Council meeting, the petition was sent back to the Planning & Zoning Committee with a draft Attachment A prepared by Staff. The draft Attachment A was prepared after consultation with the City Attorney and includes an E-Two Acre zoning designation.

Ms. McCaskill-Clay stated that a request for rezoning of the parcels located below and to the side of the subject site has been scheduled for Public Hearing on July 9, 2007. The request is for LLR zoning.

## **DISCUSSION**

### **Zoning Designation**

City Attorney Rob Heggie stated that based on the discussions at the City Council level that E-One zoning is not workable for this site, the Attachment A was drafted with an E-Two zoning designation. The Petitioner and the City Attorney have discussed the possibility of doing E-Two Acre zoning. It was noted that although the zoning request has changed from E-One Acre to E-Two Acre, a new Public Hearing is not required.

Chair Fults noted that at the Protest Petition Hearing, the Planning & Zoning Committee took the following action:

“Based on the fact that the subject petition is not in character with the majority of the surrounding neighborhoods, Councilmember Flachsbart made a motion to deny P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) with a recommendation that the Petitioner consider LLR zoning.”

If the property had come in as a sub-divide for two lots, Chair Fults asked what the requirements would be with respect to infrastructure, roads, etc., and whether these requirements are written into the Attachment A. Ms. McCaskill-Clay replied that the Attachment A is written requiring compliance to the City’s codes, which would be the Subdivision Ordinance. A lot split procedure could be done if no improvements were deemed necessary. A minor record plat procedure could be done, which would require sidewalks, water mains, landscaping, and street right-of-way dedication. The subject parcel is four acres so the lot could not be split under the existing zoning because the minimum lot size under “NU” is three acres.

Chair Fults noted that “LLR” is defined under the City’s Zoning Ordinance as follows:

“LLR is to provide for residential uses and activities, and other compatible uses in areas where normal provision of community infrastructure is not desirable or not feasible.”

Chair Fults stated that since the subject area does not have sidewalks, street lights, or City-code streets, she agrees with the Committee’s recommendation of “LLR”.

Ms. McCaskill-Clay pointed out the following:

- E-Two zoning requires that the street adjacent to the property would have to be increased to City standard. Any other infrastructure requirements that would typically be needed for an E-District would be included in the Attachment A.
- E-One zoning would also require the developer to bring the street up to City standards.
- LLR zoning is straight zoning, which requires meeting the criteria of the Zoning Ordinance - but not a lot of infrastructure work would be required.

City Attorney Heggie stated that the Petitioner was willing to bring the streets up to City standards under the E-One zoning; however, the Petitioner has indicated that they do not desire to do so under the E-Two zoning but would instead be willing to enter into a Road Maintenance Agreement.

### **Petitioner’s Presentation**

Mr. Mike James, representing the Petitioner, stated the following:

- Based upon the discussions taken place at Council, the Petitioner is willing to accept E-Two zoning as opposed to E-One zoning.
- The Petitioner is not willing to accept the road improvements that would be mandated by the Attachment A. Under the E-One zoning, the economics of the project would permit the improvements to be done. Under the E-Two designation, the economics do not permit the improvements.
- The existing infrastructures in the area include a private street with no sidewalks. The Petitioner is willing to enter into a Road Improvement Maintenance Agreement of the existing road and to participate in paying its fair share for maintaining the roadway in the area on the same basis that other property owners would.

### **Residents’ Presentation**

Mr. Tom Fleming, Trustee of Wild Horse Ridge subdivision, stated the following:

- The Petitioner has not recognized the Wild Horse Ridge subdivision – saying it doesn’t exist based upon some technicalities. As a result, Dollar Building Company has not paid any road maintenance dues since they have owned the property, which is nearly three years.
- In order to maintain the subdivision’s three-acre zoning, The Planning & Zoning Committee recommended that the residents file a petition for rezoning from “NU” to “LLR”. The petition for rezoning has been filed. All seven residents in the

subdivision have chosen to participate in the rezoning petition, which includes ten properties out of a total of fifteen.

- Speaker feels “LLR” zoning is viable for the subject lot. He stated that on April 15, 2007, a couple introduced themselves as his “new neighbors”. They indicated that they had entered into an agreement with Ken Dollar to purchase the subject property for a single residence. They were unaware of the petition for rezoning on the property.
- The residents of Wild Horse Ridge subdivision feel the subject site should be zoned “LLR”.

Councilmember Hurt clarified that the Planning & Zoning Committee did not make any recommendations to Mr. Fleming regarding rezoning his property to LLR. He noted that the Committee is not in the practice of advising people on what to rezone their properties to.

### **LLR vs. E-Two Zoning:**

Councilmember Durrell pointed out the following:

- If the subject site is zoned LLR, only one house would be permitted.
- If the subject site is zoned E-Two, two houses would be permitted. Since the Petitioner has indicated he would not be interested in providing road improvements, the road would fit in with the existing roads in the area.

Councilmember Durrell felt that E-Two zoning is acceptable for the site.

Chair Fults feels that the character of the neighborhood is LLR as defined in the Zoning Ordinance and that the subject site should be zoned LLR.

**Councilmember Hurt made a motion to forward P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) to City Council with a recommendation of LLR zoning and to direct Staff to prepare the appropriate legislation.** The motion was seconded by Chair Fults.

### **Discussion on the Motion**

Councilmember Geiger stated he was not comfortable with LLR zoning at this time, but after further review, may change his mind by the time City Council meets on this petition.

Chair Fults stated she may accept E-Two zoning if the Petitioner were willing to include all the requirements of E-Two, but that is not being presented at this time.

Councilmember Geiger felt that, in this particular case, not doing all the road improvements required under E-Two may be preferred by the residents. Putting in the road improvements would totally change the character of the neighborhood.

Mr. Mike James stated that, contrary to Mr. Fleming's statement, there is no contract for the acquisition of the subject site.

Mr. Tom Fleming stated that a memo from the Public Works Department indicates that any density higher than LLR in the area will require the Petitioner to make road improvements all the way through to the end of where the subdivision is going to be. The existing road is fifteen feet wide – two cars cannot pass without getting off to the side of the road. If a precedent is set allowing E-Two zoning, then preparations have to be made assuming that all lots in the area will become E-Two. If higher density is being requested, then the Petitioner should be required to widen the roads through their development.

Chair Fults expressed concern about setting a precedent of allowing E-Two zoning without road improvements.

It was noted that if the Petitioner would request E-One Acre zoning, a super majority vote of the City Council would be needed to approve it because of the earlier Protest Petition filed against such zoning.

**The vote on the motion recommending LLR zoning  tied by a voice vote of 2 to 2 with Councilmembers Durrell and Geiger voting “no”. P.Z. 5-2005 Winter Wheat Place (Dollar Building Company) goes forward to City Council with no recommendation.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the May 21, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 5-2005 Winter Wheat Place (Dollar Building Company).]**

## **II. NEW BUSINESS**

### **A. Draft Ordinance Pertaining to Residential Real Estate Open House Signs**

#### **City Attorney Report**

City Attorney Rob Heggie stated that a draft Ordinance has been prepared to allow, under limited circumstances, residential real estate open house signs. The Ordinance limits the hours the signs can be displayed, the number of signs allowed, and the location of the signs. If the signs are not removed, or placed in areas not allowed, the City has the right to remove them.

## DISCUSSION

### Sign Restrictions

The draft Ordinance restricts the open house signs as follows:

- May be displayed only during the “open house” and shall not be displayed earlier than 8:00 a.m. and must be removed no later than dusk or 6:00 p.m., whichever is earlier.
- Signs must have identification on it of the person who is placing the sign – name, address and telephone number.
- No more than six signs per property for sale or lease shall be posted.

### Location of the Signs

Councilmember Durrell asked why signs would not be allowed in the center median area. She noted that most real estate agents prefer this area for posting signs.

City Attorney Heggie stated that signs would not be allowed in the center median area because of safety concerns related to traffic. He noted that it could affect the sight distance triangle in certain areas.

Councilmember Geiger felt that signs should be allowed to be placed within five feet of driveways.

At the current time, City Attorney Heggie stated that the City’s Sign Ordinance only allows one sign per property and posted on the property being sold, which must face the street. Currently, no real estate signs can be posted on public or private property other than the property being sold.

**Councilmember Hurt requested a copy of the Ordinance not allowing signs on private property, other than on the property being sold.**

The draft Ordinance would allow real estate signs in the right-of-way and on private property, other than the property being sold, with the owner’s consent.

### Attention-Getting Devices

Councilmember Casey asked if the signs would be prohibited from having attention-getting devices attached to them – such as balloons, pinwheels, etc.

City Attorney Heggie stated that the Ordinance does not address attention-getting devices but language can be added if so desired.

### Number of Signs Allowed:

Councilmember Geiger felt that permitting six signs per property is too many.

### **Directional Signs**

Councilmember Casey suggested changing the wording of the Ordinance to refer to the signs as “directional” signs.

City Attorney Heggie stated he would research the City’s Sign Ordinance to determine how “directional sign” is defined.

### **Reverse Discrimination**

Councilmember Hurt expressed concern that the draft Ordinance could be viewed as reverse discrimination in that it allows real estate signs in the right-of-way, but no other signs – such as garage sale signs and political signs.

City Attorney Heggie stated that the Constitution allows the City to treat various types of activities differently. He indicated he would review the issue further.

**Councilmember Geiger made a motion to amend Section 2.(b)4. of the draft Ordinance as follows: (Changes in green)**

Limit: No more than ~~six (6)~~ **three (3)** signs per property for sale or lease shall be posted.

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

**Councilmember Geiger made a motion to amend Section 2.(b)6.(6) of the draft Ordinance with respect to location restrictions as follows: (Changes in green)**

within five (5) feet of any of the following: ~~driveway~~; traffic signal; traffic sign; designated bus stop sign; bus bench or any other bench on the sidewalk.

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

**Councilmember Geiger made a motion to prohibit any attention-getting devices being attached to the real estate signs. The motion was seconded by Councilmember Durrell and passed by a voice vote of 4 to 0.**

**Councilmember Durrell made a motion to amend Section 2.(b)6.(3) of the draft Ordinance with respect to location restrictions as follows: (Changes in green)**

in any roadway area ~~or center median area.~~

The motion **died** due to the lack of a second.

**Councilmember Hurt made a motion to table the Draft Ordinance until the next Planning & Zoning Committee meeting; and to direct the City Attorney to address the issue of the right-of-way with respect to possible conflicts with posting of political signs; and to address the issue of possible reverse discrimination of allowing some signs but not other signs. The motion died due to the lack of a second.**

**Councilmember Geiger made a motion to forward the Draft Ordinance to City Council with a recommendation to approve. The motion died due to the lack of a second.**

Councilmember Durrell asked if one bill could cover all the signs or whether separate bills would be needed covering different types of signs. City Attorney Heggie indicated this would require further research but thought separate bills would be the appropriate way to handle it.

**Councilmember Hurt made a motion to table the Draft Ordinance until the next Planning & Zoning Committee meeting allowing the City Attorney to address the issues of how the Draft Ordinance conflicts with the Freedom of Speech issue with respect to allowing some signs, but not all, in the right-of-way; and the issue of allowing directional signs for the sale of real estate property but not allowing them for the sale of other types of property. The motion was seconded by Chair Fults.**

**Discussion on the Motion:**

Councilmember Hurt asked the City Attorney to consult with the previous City Attorney regarding this issue. City Attorney Heggie replied that he has all of the research done by the previous City Attorney. Councilmember Hurt agreed the research would suffice.

**The motion to table the Draft Ordinance passed by a voice vote of 3 to 1 with Councilmember Geiger voting “no”.**

- B. P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road):** A request for a change of zoning from “NU” Non-Urban to “PC” Planned Commercial District with a “WH” Wild Horse Creek Road Overlay for 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road.

**Staff Report**

Ms. Aimee Nassif, Senior Planner, stated that the subject petition is located in the bowtie area. The neighboring child care center was rezoned to E-Half Acre; the Chesterfield Elementary School is across the street from the subject site.

The Public Hearing was held in December 2006 at which time several issues were raised, primarily dealing with density, parking, pedestrian access, and questions related to previous plans submitted in 2004.

The proposed plan shows four buildings of 10,000 square feet each. The plan includes pedestrian areas, plaza areas, and a walking trail, which leads back to the Levee District Trail. The open space is 57%.

The Planning Commission recommended approval, with one modification, by a vote of 8 to 1. The modification approved by the Planning Commission refers to the parking requirement.

The Wild Horse Creek Road Overlay area allows no more than nine parking spaces per development. The intent of this requirement was to keep the neighborhood feel and to control density in building size of areas developing along the bowtie. The Petitioner has requested that the parking be calculated using the regular parking regulations of the Zoning Ordinance, which would allow 4 parking spaces/1,000 square feet. The Attachment A is written using this calculation allowing no more than 160 parking spaces.

The Petitioner shows some phantom parking. The Attachment A addresses phantom parking by allowing 42 phantom parking spaces as part of the permitted 160 spaces. The phantom parking would be utilized as directed by, or with the consent of, the City of Chesterfield.

**Planning Commission Report**

Commissioner Sherman, Vice-Chair of the Planning Commission, reported that the Petitioner had submitted a revised plan from the original plan. The revised plan showed a reduction in the square footage and parking. The Commission also felt that the phantom parking would allow for more green space.

## DISCUSSION

### Parking

Chair Fults referred to the Wild Horse Creek Road Overlay, which allows a maximum of nine parking spaces. It also states *“If the maximum number of parking spaces permitted in the “WH” District does not meet the minimum parking space requirements of the City Code for that proposed use, then the proposed use will be deemed to exceed the design requirement and will not be eligible.”*

Chair Fults expressed her concern that the Planning Commission modified the parking requirement for this petition allowing 160 spaces; and did not enforce the specific design requirement for parking under “Neighborhood Office”.

Commissioner Sherman stated that the Planning Commission’s intent regarding the maximum number of nine parking spaces was in reference to the Residential Business Use (RBU), which is not allowed off of Wild Horse Creek Road. The nine parking-space requirement was intended for houses utilizing an RBU. The Planning Commission never intended buildings of only 2000-3000 square feet in this area. The four proposed buildings of 10,000 square feet each would rationally need more than nine parking spaces.

Because of the maximum parking of nine spaces, Chair Fults stated she was under the impression that the Planning Commission did not want large buildings in this area. She felt that the parking requirement was a way of limiting the size of the buildings. She expressed frustration that the proposed project is very similar to the project that triggered the moratorium and a review of the design guidelines for the bowtie area.

### Neighborhood Office Design Requirements

Councilmember Geiger referred to the following Neighborhood Office Design Requirements and commented as noted below:

- Open space requirement is 50%: The propose plan shows 57% open space. He questioned how much of the open space is part of the bluffs.
- Parking shall be screened and buffered from Wild Horse Creek Road and all adjacent residential development: He stated that the southwest portion of the area will probably be developed as residential.
- Pedestrian circulation: He noted that there is only a sidewalk on the East/West Loop Road and some in front of the building.
- Innovative parking solutions
- Shared public plazas, courtyards, landscaping, public art and similar amenities that are visible from the street: The plan proposes three plazas, two of which are behind the buildings. The larger plaza is at the end of the parking lot.

Commissioner Sherman agreed with some of the issues raised by Councilmember Geiger but pointed out that some of them are Site Development issues – such as the

plaza locations. She indicated that his comments would be relayed to the Planning Commission.

### **Zoning/Parking**

Councilmember Geiger felt that the requested zoning is appropriate and that the proposed 40,000 square feet is acceptable. However, he does not think the proposed project meets the intent of “Neighborhood Office”. He suggested that the front building be eliminated and that the back building be constructed as a two-story building. He felt this design would increase the open space and could include an architecturally-pleasing structure – such as a water feature or benches.

Chair Fults stated that she does not agree with the zoning request – she has always felt this area should be zoned “Residential”. She felt that the new design guidelines would only allow smaller buildings that would fit in with the neighborhood. She expressed concern that the proposed project is very similar to the project proposed two years ago. She does not feel the proposed project meets the Overlay requirements.

Councilmember Durrell stated that she feels the requested zoning is appropriate, along with the requested 40,000 square footage. She agreed with Councilmember Geiger’s suggestion of removing the front building and making the back building a two-story structure to increase the amount of green space. She felt the buildings would not be visible from Wild Horse Creek Road. She agreed that nine parking spaces for commercial development is unrealistic.

Commissioner Sherman pointed out that in order to override the nine parking space requirement, a two-thirds vote of the Planning Commission is needed.

Chair Fults was concerned that allowing 160 parking spaces would set a precedent for future development in the area.

Councilmember Hurt stated that if adequate parking is not provided, motorists will park along the roadway. He did not think the parking should be reduced.

### **Footprint of the Buildings**

Councilmember Hurt felt that a requirement needs to be established citing a maximum footprint size in order to achieve the look desired for this area. He noted that the footprint could be smaller if two-story buildings are permitted, which would open up the green space.

### **Petitioner’s Presentation**

Mr. Brandon Harp, Civil Engineering Design Consultants, stated the following:

- The proposed site is eight acres in size.
- Based on the PC with the Wild Horse Overlay District, they meet, or exceed, all the zoning requirements on open space, setbacks, F.A.R., disturbance of woodlands, bluff area, etc.

- The permitted uses allowed are not “residential” and require more than nine parking spaces.
- The open space shown in the Attachment A is 57%. The 42 phantom parking spaces originally proposed by the Petitioner were to be in addition to the 160 parking spaces. Since the Planning Commission approved the phantom parking spaces as part of the 160 spaces, 42 spaces will not be built. This resulted in the open space being increased to 65%.
- There is an 80 to 100-foot setback at the front of the site. The site sits 600-700 feet linearly off of Wild Horse Creek Road and the buildings are almost ten feet lower than the elevation of Wild Horse Creek Road.
- The building height has been lowered to 30 feet from the allowed 35 feet.
- The proposed buildings are hipp-roofed, using architectural-type shingles, stone and brick.
- The Petitioner has agreed to additional landscaping per Mr. Kerchoff’s request. The Petitioner also agreed to additional landscaping/streetscape along the frontage.
- The buildings have been centered on the site in order to limit the disturbance of the bluff. No more than 15-17% of the bluff would be disturbed – less than the allowed 20% disturbance.
- By decreasing the square footage of the buildings to 10,000 square feet vs. 12,000 square, the green space increased around all the buildings.

### **Possible Two-Story Buildings/Height of Buildings**

The Petitioner stated that if a two-story building was constructed with a hipp roof, the height would be approximately 45 feet.

Councilmember Hurt stated that it would be possible to construct four 45-foot tall two-story buildings with a maximum footprint of 5,000 square feet each, which would still allow the requested 40,000 square feet. He felt that these dimensions would not be much larger than some of the residences in the area and would increase the open space.

Councilmember Durrell found the above suggestion acceptable.

Commissioner Sherman stated that the intent of a maximum building height of 35 feet was to maintain the character of Wild Horse Creek Road and to keep the buildings from being intrusive.

Mr. Rodney Henry, Petitioner, stated that he prefers the proposed one-story buildings. He feels that two-story buildings would go against the spirit of the “Neighborhood Office” criterion and feels that the proposed plan is a good design.

### **Phantom Parking**

Councilmember Geiger recommended that the reference to phantom parking be removed from the Attachment A since the Petitioner is requesting 160 built spaces.

Commissioner Sherman stated that if not all 40,000 square feet of buildings are constructed at the same time, 160 spaces would not be immediately needed – preserving more green space.

### **Bluff Area/Trail System**

Councilmember Geiger expressed concern that about two acres of the bluff is being counted as open space, which means there is only six acres available for development. Chair Fults agreed that she too wanted the bluff area taken out of the calculation.

Mr. Henry stated that the bluff area is being used as open space and is being used for a trail system that will be tied into a Master Trail System along the railroad tracks. Because of the concerns raised about the bluff being used in the calculation, Mr. Henry stated that the square footage of the buildings was decreased from 48,000 to 40,000, which increased the open space and reduced the parking.

Mr. Harp stated that there are very few properties that can be entirely developed – there are always issues such as development around the perimeter, woodland removal, detention, etc.

### **Residents' Presentation**

Ms. Rene Heney stated the following:

- The residents are concerned that the proposed site is only eight acres of 100 acres in the area. There is only a two-lane road in this area.
- The proposed petition includes 160 parking spaces. There is concern that the approved parking for this site will set a precedent for future developments in the Neighborhood Office.
- She feels that the building footprint needs to be reviewed – she feels smaller buildings are more desirable. She noted that the largest homes in the area have a maximum footprint of 3500 square feet.
- The residents are especially concerned with the issues of:
  - Traffic;
  - The number of parking spaces; and
  - The use of the buildings.
- She noted that while these buildings are set back from Wild Horse Creek Road, other parcels in this area are closer to Wild Horse Creek Road. Any development on those parcels will be more visible than the proposed project.
- Traffic is already an issue on Wild Horse Creek Road with no additional commercial development. If 160 cars are added to the area, it will present a problem. She noted that the State has no funds to construct a third lane for at least ten years.

- There is also concern about construction traffic near the day care center and elementary school.
- She stated that when the plan was presented three years ago, the residents opposed medical/dental use because of the increased traffic it would generate. She expressed concern that the medical/dental use is being proposed again with this petition.

### **Traffic**

Councilmember Hurt did not feel that the proposed uses would affect the amount of traffic generated as it would be going in a different direction and at different times.

It was noted that the residents had a Traffic Study done on the area, which showed there would be too much traffic on the road. Chair Fults stated that the road has also deteriorated since the Traffic Study was prepared.

### **Desired Character of the Site**

Councilmember Hurt asked Ms. Heney what she envisioned for the area. She replied that, for this parcel, she preferred the smaller footprint with two stories, but thought there were issues with two-story buildings because of the proximity to the Airport. She clarified that she would not want two-story buildings on parcels that are closer to Wild Horse Creek Road.

Ms. Heney stated that if the medical/dental use is eliminated, the parking would be reduced and would eliminate some of the residents' concerns.

### **Medical/Dental Use**

Councilmember Geiger noted that medical/dental use was not part of the original petition and asked why it is being requested with this petition.

Mr. Henry replied that it is an acceptable use in the "Neighborhood Office" criterion. Not knowing who the users are going to be, they have requested both office and medical/dental use to give themselves the highest probability of success regarding the economic part of the equation. Three years ago, they did not feel medical/dental use was necessary.

Ms. Nassif stated that the Attachment A, as written, allows for a maximum of 160 parking spaces regardless of the use. Calculations show that if the entire site is general office use, it would require 160 spaces; if the site were all medical/dental use, it would require 180 spaces – but the Attachment A only allows 160 spaces. If the medical/dental use is utilized, the square footage of the building would have to be reduced to park the medical use.

A Ward IV resident stated that a traffic engineer was hired to prepare a Traffic Study for the residents, who presented the data to the Planning Commission. The Traffic Study did not include medical/dental use because that use was not being proposed three

years ago. He expressed concern that medical/dental is now part of this petition because he feels it will generate more traffic than general office use.

### **General Discussion**

Addressing some of the issues raised, Councilmember Durrell stated the following:

- Parking cannot be more than 160 spaces regardless of the use of the buildings;
- Taking into consideration the concerns raised by the residents, she noted that development of other parcels in the bowtie would not necessarily be developed in the same manner as the subject parcel – such as not allowing two-story buildings closer to the road.
- She felt that the suggestion of one two-story building at the back of the site would allow for amenities such as public plazas, courtyards, landscaping, public art, and/or a water feature.

Mr. Henry pointed out that St. Louis Spirit Airport does not like the use of water features near the Airport because they attract geese and water fowl.

Chair Fults stated that she preferred the suggestion of a two-story building at the back of the site with one-story buildings facing the properties to the east and the west.

Ms. Heney stated she would prefer smaller, one-story buildings. She felt smaller buildings would restrict the use. She felt that the Ward IV Councilmembers should be consulted on how the site should be developed so it fits in with the character of the surrounding area.

Councilmember Geiger asked for clarification on the language in the Attachment A regarding the Developer's responsibility for the construction cost of the east-west loop road. City Attorney Heggie stated that the east-west road is years away from being constructed. The Developer will be required to put monies into escrow for this road.

**Councilmember Geiger made a motion to establish a maximum footprint of 10,000 square feet of any building.** The motion was seconded by Councilmember Durrell and **passed by a voice vote of 3 to 1 with Chair Fults voting “no”.**

**Councilmember Geiger made a motion to delete Section I.E.1.b. of the Attachment A which addresses phantom parking.** The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

**Councilmember Durrell made a motion to forward P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road) to City Council with a recommendation to approve as amended.** The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

**Councilmember Hurt asked that a discussion of the footprint and height of the building be elaborated upon at City Council.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the May 21, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 28-2006 Chesterfield Neighborhood Office Park (17655 and 17659 Wild Horse Creek Road).]**

- C. P.Z. 12-2007 City of Chesterfield (Tree Manual):** A request to repeal City of Chesterfield Ordinance 2335 and replace it with a new ordinance that revises the procedures and requirements for Tree Protection Sureties, Escrows and Landscape Installation Bonds.

Project Planner Jarvis Myers stated the Tree Manual, as amended, was approved by the Planning Commission on April 23, 2007 by a vote of 9 to 0. There were three amendments to the Tree Manual, which change the procedures and requirements for Tree Protection Sureties, Escrows and Landscape Installation Bonds.

After the approval of the Planning Commission, Staff determined that the additional method of calculating the amount for a Tree Protection Surety or Escrow was not sufficient in encouraging additional tree preservation above the required 30% of existing tree canopy. Therefore, Staff recommends the following change to Section XIV. The red illustrates the approved change by Planning Commission and the blue indicates the additional language by Staff.

#### Section XVI Surety and Escrow Procedures

The amount of the surety or cash escrow shall be in the amount of ~~\$20,000 for each acre contained in the tree preservation area. The amount may be pro-rated for any tree preservation area less than one (1) acre.~~ **\$10,000 per 100 lineal feet, or portion thereof, of wooded canopy perimeter to be preserved adjacent to any proposed clearing, grading, or other disturbance; or \$20,000 per acre to be preserved whichever is less.** **When the \$20,000 per acre calculation method is used and the developer is protecting more than the required 30% of existing tree canopy, the amount of the surety or cash escrow shall not exceed the cost of protecting the required 30% of existing tree canopy.**

It is felt the proposed language would encourage developers to preserve more tree canopy because their escrow will not be increased for such preservation.

Discussion was held on how penalties are assessed for unauthorized tree removal. If an inventory of a site has not yet been made and trees are removed, the City would be able to access aerial photos to determine how much tree canopy was removed and assess fines accordingly.

**Councilmember Hurt made a motion to forward P.Z. 12-2007 City of Chesterfield (Tree Manual) 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 May 21, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information P.Z. 12-2007 City of Chesterfield (Tree Manual)]**

#### **IV. PENDING PROJECTS/DEPARTMENTAL UPDATE**

#### **V. ADJOURNMENT**

The meeting adjourned at 7:52 p.m.