

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: May 23, 2005

SUBJECT: Planning & Zoning Committee Meeting Summary – **May 19, 2005**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, May 19, 2005 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 Dan Hurt (Ward III); Councilmember Mary Brown (Ward IV); Planning Commission Vice-Chair Bud Hirsch; Planning Commissioner Lynn O'Connor; Teresa Price, Director of Planning; Christine Smith-Ross, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Casey called the meeting to order at 5:31 p.m.

I. APPROVAL OF MEETING SUMMARY

Councilmember Fults made a motion to approve the Meeting Summary of May 5, 2005. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

- A. **P.Z. 13-2004 Vision Ventures LLC and Plan Provision LLC (Wildhorse Executive Center LLC)**: A request for rezoning from “NU” Non-Urban to “PC” Planned Commercial district for a 10.243-acre parcel located north of Wild Horse Creek Road, approximately 500’ west from Wildhorse Parkway. (Locator Numbers 18V51-0040, 18V51-0095, 18V51-0017)

Project Planner Christine Smith-Ross, Project Planner, presented the Issues Report and reviewed the revised Preliminary Plan, submitted May 10, 2005 stating the following:

- The number of buildings has been reduced from six to five. There is now one building in the Phase I area.
- The proposed square footage remains the same as the previous Preliminary Plan.
- Open space and green space calculations have been provided excluding the area south of the 140’ building and parking setback.

Ms. Smith-Ross stated that the revised Plan has several items that may need to be addressed in the Attachment A, as follows:

- The Plan increases the 100' setback shown in Phase I from the Wild Horse Creek right-of-way to 150'.
- The current Attachment A has language prohibiting parking adjacent to the East/West connector road. All parking has now been removed from the drive lanes and pulled into a parking area.
- The square footage is still 56,544. This does not require any change based on this Preliminary Plan.
- The building number has not been limited previously. The Committee may choose to limit the number of buildings.
- The petitioner has proposed buildings of 30-32' in height; however, the Attachment A still says 45', which is based on Performance Standards. The Committee may wish to limit the building height.

The following Issues were raised by the Committee members:

- 1. Is there language in Attachment A that access has to be given up to Wild Horse Creek Road when the East/West road is used?** Ms. Smith-Ross pointed out that this is a proposed amendment in the Staff Report of May 16, 2005 on page 6, which states: *“once another route is available, the temporary roadway entrance shall be removed by the property owner(s) at their own expense within six months of written notice by the City of Chesterfield.”* The property owner would need to amend his Site Development Plan and Landscape Plan at that time. In addition, the area would need to be made “green” by sodding or planting.
- 2. Is there an ordinance limiting commercial development within a particular distance of a school or a park?** Ms. Smith-Ross stated that there is a requirement to notify schools and parks to provide a chance to voice objections. Sometimes the setbacks are increased as in a Park and Scenic District. Ms. Smith-Ross will check further to see if such an ordinance exists.
- 3. Question was raised as to why the temporary access would be eliminated when the East/West connector road is implemented.** Councilmember Geiger responded that the East/West road would take traffic off of Wild Horse Creek Road. The East/West road was proposed by the developer – it has not yet been approved as far as how it will be developed – it could go further east than what is being proposed.
- 4. If the East/West road is implemented, will there be a traffic light at the new ingress/egress?** Ms. Smith-Ross stated that a traffic light would be under the control of the Department of Transportation.
- 5. Can parking requirements for this project be reduced from 4/1000 to 3.3/1000? (It was noted that the 3.3/1000 is allowed in the Valley.)** Ms. Price, Director of Planning, responded that the parking requirement is a Performance Standard for office development but the 4/1000 excludes the Valley. In order to reduce the requirement to 3.3/1000, it would have to

“demonstrate that a modification would encourage, promote, and reward good architecture and urban planning”. The change would have to be approved by a separate, majority vote of the City Council under Ordinance 1678. Chair Casey stated that if the parking was reduced to 3.3, it should be stipulated that the reduction in asphalt would become green space and not a bigger building.

- 6. If 3.3/1000 parking is established, could deferred parking be allowed for future parking needs?** Ms. Price replied that deferred parking takes place at the Site Plan stage.
- 7. Reduce the square footage from 56,554 sq. ft. to 40,000 sq. ft and eliminate all buildings in Phase I.**
- 8. All parking to be confined to Phase I to the north of any building – no parking to be visible from Wild Horse Creek Road.**
- 9. Increase the setback from 100’ to 150’.**
- 10. All buildings to be residential in nature; roofs be hip or gable rather than flat; and no HVAC on the roof level unless concealed within the structure of the roof.**
- 11. Is there a limit on how many square feet can be in each building?** Ms. Smith Ross stated that there is a limit on the total square footage.
- 12. If parking is limited to 3.3/1000, would the Attachment A state that they could not exceed those number of parking spaces?** Ms. Smith Ross stated that a maximum number could be stipulated.
- 13. Include language in the Attachment A that specifically excludes unusable bluff areas from the calculations of green space and open space for this and other potential projects.**
- 14. What is addressed in the Attachment A regarding the East/West feeder road?** Commissioner Hirsch stated that if part of this area were to be developed other than Office Campus, then the proposed East/West road may, or may not, exist as proposed. Councilmember Brown stated that the proposed East/West roadway would be built differently if it were to be a just a driveway serving only this project. The developer has lost green space because of the requirement of installing a road of this width. She noted that if the rest of the area were designated something other than Office Campus, the project would not need such a wide road. Ms. Price stated that if the property is developed “residential”, it could be considered good design to keep the road, which would get the traffic off of Wild Horse Creek Road; would allow cross access; and would eliminate curb cuts onto Wild Horse Creek Road. It was also noted that the pavement width and shoulders for the roadway is written in Attachment A as: *“As required by Public Works.”*

Councilmember Geiger made a motion to direct Staff to prepare the Green Sheet for review with amendments as proposed in the Staff Report of May 16, 2005. The motion was seconded by Councilmember Durrell **and passed by a voice vote of 4 to 0.**

Councilmember Geiger made a motion to reduce the parking requirement to 3.3 spaces/1000 sq. ft. of gross floor area with the condition that the additional space increases the open space and green space on this project. The motion was seconded by Councilmember Fults.

Councilmember Durrell asked if they should address the phantom parking issue at this time. Ms. Price replied that phantom parking can be allowed with the 3.3 requirement.

Councilmember Hurt cautioned the Committee against reducing the parking requirement. Reduced parking does not necessarily decrease traffic. He expressed concern that if enough parking is not available, cars may be parked along Wild Horse Creek Road, which would cause a safety issue. He noted that the decreased parking requirement works in the Valley because there is adjacent parking. He recommended that the Committee consult with professionals before the decision is made.

Councilmember Geiger agreed that getting professional input on this before the next meeting would be beneficial. At that time, the motion may be amended with assistance from Staff on the proper wording.

The motion to reduce the parking requirement passed by a voice vote of 4 to 0.

Councilmember Fults made a motion to amend the setback from 100' to 200'. The motion was seconded by Councilmember Geiger.

It was noted that the 200' setback would eliminate any buildings in the Phase I area of this project. Councilmember Durrell felt that the petitioner has complied with the Committee's request for a 150' setback and that it was too late to ask for a 200' setback. Councilmember Fults felt that the proposed project is too dense for Office Campus.

The vote on the 200' setback tied by a voice vote of 2 to 2. (Councilmembers Casey and Durrell voted "no".)

It was noted that the 200' setback would not be prepared in the Green Sheet for the Committee's consideration.

Councilmember Geiger made a motion to amend the setback from Wild Horse Creek Road from 100' to 150'. The motion was seconded by Councilmember Durrell **and passed by a voice vote of 3 to 1.** (Commissioner Fults voted "no".)

Councilmember Geiger made a motion to have a maximum square footage of total floor area of 40,000 sq. ft. The motion was seconded by Councilmember Fults **and passed by a voice vote of 3 to 1.** (Councilmember Durrell voted "no".)

Discussion was held with respect to eliminating buildings in the Phase I area. Councilmember Durrell stated the petitioner has complied with the Committee's requests

of four weeks ago and she didn't feel it would be correct to change the standards at this point even though she would prefer "residential" in this area. Councilmember Fults stated that she does not feel obliged to rezone just because a petitioner has done a lot of work. She cited a case where City Council made major changes to a project at a second reading vote. She felt the Committee has a right to ask for more on this project.

Discussion was held regarding the residential nature of the Office Campus. Chair Casey felt that the roofs should be hip or gable. He felt that the construction materials of stone and cedar were appropriate. Councilmember Fults felt that the residential look should match the surrounding area and pointed out that there are no stone and cedar buildings along Wild Horse Creek Road.

Councilmember Fults made a motion to have residential-style roofs, such as hip or gable; no visible HVAC units on the roof permitted; with materials and style compatible with the surrounding residential area; and to have the requirements reviewed by the Architectural Review Board at the time of Site Plan. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Councilmember Geiger made a motion to have automatic review by the City Council. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Discussion was held regarding the heights of the buildings as shown in Attachment A as 45'. It was noted that with the requirement of a residential-style roof, the 45' height is necessary.

Staff was directed to prepare language for the Green Sheet that says the green space calculations will not include the unusable portion on the bluff.

Councilmember Fults made a motion to limit the number of buildings to four. The motion **died due to the lack of a second.**

Councilmember Fults made a motion that no building could exceed 10,000 sq. ft. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

It was agreed that the Green Sheet would be presented at the next Planning & Zoning Committee Meeting of June 9, 2005 for their review.

B. Resolution Regarding a Moratorium on All Requests for Rezoning or Zoning Changes within the Area Known as the Wild Horse Creek Sub Area.

Ms. Price distributed an outline of the area to be discussed.

Chair Casey stated that a moratorium would last six months from the date of adoption. If adopted by Council at the June meeting, the moratorium would end December 3rd or earlier if deemed appropriate by Council.

Councilmember Fults made a motion to forward the **Resolution for the Moratorium** to Council with a recommendation to adopt. The motion was seconded by Councilmember Durrell.

Councilmember Fults expressed concern that the resolution does not clearly define that the moratorium refers to the Wild Horse bowtie area.

After discussion, it was agreed that the language for the sentence at the end of the resolution would be revised to the following, if approved by City Attorney Beach:

“Said moratorium shall be in effect for all properties designated on Exhibit A until December 3, 2005 or such earlier time as the City Council deems it appropriate.”

The vote on the motion, with the change in language, **passed** by a voice vote of 4 to 0.

**Note: Resolution, as recommended by the Planning & Zoning Committee, will be needed for the June 6, 2005 City Council Meeting.
See Bill #**

(Councilmember Brown left the meeting at 6:55 p.m.)

III. NEW BUSINESS

- A. **Brunhaven (formerly Chesterfield Hollow) Ordinance Amendment:** An amendment to City of Chesterfield Ordinance number 1631 relating to Chesterfield Hollow, an 8.07-acre "R-2" 15,000 sq. ft. residence district located south of Olive Boulevard, west of its intersection with Monterra.

Project Planner Smith-Ross stated that on May 9th, the Planning Commission considered a motion to recommend approval of an ordinance amendment for Brunhaven, with an amendment that the only road in the development shall be private and remain private forever. The petitioner's request was to increase the number of units from 20 to 26 and to permit 2- and 3-unit clusters of buildings as opposed to just 1- and 2-unit clusters. Planning Commission voted to recommend approval by a vote of 5 to 2. The Attachment A has been prepared to reflect the private road only amendment.

Commissioner Hirsch gave a report from the Planning Commission:

- The infrastructure is already in place for the development. The developer would have to relocate some of the underground infrastructure because it was originally put in for 22 units instead of 26 units.
- There were questions asked about the definition of “single-family attached”, which allows up to three units. When it gets up to four units, it becomes “multi-family”.
- Two Commissioners voted against the project because of the density issue.
- There were questions about how the project had originally been advertised. The Commission was satisfied that this was in the purview of what had been

discussed. At the Public Hearing stage, the proposal could have been 26 units but was approved at 22 units at the petitioner's request.

Councilmember Durrell asked if the R-2 designation for the project would be affected by going from 20 to 26 units. Ms. Smith-Ross replied that the designation would not be affected – that the project could go to 29 units.

Councilmember Durrell expressed concern about units 25 and 26 with respect to water run-off.

Mr. Dan Barnard, Greater Missouri Builders, addressed the Committee and stated the following:

- The site is difficult to develop economically. The land is an expensive piece of ground and it was determined that in order to make it feasible, the project would have to have 26 units on the property.
- The amount of square footage of the footprint of the homes and the amount of the square footage of the roof area have not significantly increased from the original 20 homes.
- The condominiums will be sold at an average price of \$450,000 - \$500,000. With only 20 units on the site, the units would have to be sold at an average of \$750,000 - \$800,000 to be feasible.

Councilmember Durrell felt that the project is too dense with 26 units and would like to see it reduced to 24 units. Mr. Barnard indicated that they had spoken to the residents in Monterra Subdivision and the residents have submitted a letter to Staff supporting the project.

Councilmember Durrell indicated that before the City Council meeting, she would be willing to talk to area residents and Mr. Barnard, along with viewing the property, which may change her thinking about dropping two units.

Mr. Barnard stated that if the project is not approved for 26 units, it is possible that the contract for the land would be dropped.

Chair Casey noted that there have not been any complaints from residents on this proposed project.

Councilmember Durrell made a motion to forward **Brunhaven (formerly Chesterfield Hollow) Ordinance Amendment** to Council with a recommendation to approve with an amendment excluding lots 25 and 26. The motion was seconded by Councilmember Fults.

Regarding water run-off issues, Ms. Smith-Ross stated that the petitioner had submitted calculations stating that the amount of impervious surfaces would go from 2.32 acres to 2.61 acres generating an increase in run-off of .52 cubic feet per second. Under MSD criteria, this does not require another review by them of the existing approved detention basin calculations which were done previously. However, Public Works will review and confirm that this will work at the Improvement Stage.

The vote on the motion passed by a voice vote of 3 to 1. (Chair Casey voted “no”.)

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 6, 2005 City Council Meeting.
See Bill #**

(The meeting recessed from 7:20 p.m. to 7:22 p.m.)

B. P.Z. 01-2005 City of Chesterfield (Adult Entertainment Regulation): An ordinance amending the City of Chesterfield Zoning Code and establishing regulations for Adult Entertainment Businesses. Amendments include, but are not limited to:

1. Definitions.
2. Development criterion to conform to Section 1003.181 Conditional Use Permit Procedure.
3. Special Conditions for establishment of adult establishments or businesses.
4. Establishment of Site Plan Requirements.

Chair Casey made a motion to forward **P.Z. 01-2005 City of Chesterfield (Adult Entertainment Regulation)** to Council with a recommendation to approve. The motion was seconded by Councilmember Fults.

Councilmember Hirsch stated that the Planning Commission wanted to make sure that the Ordinance addressed the needs of the City while making sure that legitimate businesses were not precluded, such as modeling and massage businesses.

It was noted that the setbacks of 1000 ft and 1200 ft were included in the language based on what has been previously defended in court.

The vote on the motion passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the June 6, 2005 City Council Meeting.
See Bill #**

B. REPORT ON WILD HORSE CREEK ROAD SUB AREA

Commissioner Hirsch gave a report from the Planning Commission regarding the Wild Horse Creek Road Sub Area as follows:

- The Planning Commission has decided to work on this as the Committee of the Whole to gather information.
- They have formed three sub-committees to review traffic, noise, and land use. The meetings are beginning to take place.
- The meetings will be publicized on the City’s website to keep the citizens informed.

The three committees are as follows:

Noise Sub-Committee:

Stephanie Macaluso
Victoria Sherman
Lynn O'Connor

Land Use Sub-Committee:

Tom Sandifer
Lu Perantoni
Bud Hirsch

Traffic Sub-Committee:

David Asmus
David Banks
Fred Broemmer

All Councilmembers and Planning Commissioners are welcome at all meetings.

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 7:31 p.m.