

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
JULY 6, 1995

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:07 p.m., on Thursday, July 6, 1995, in the City Council Conference Room. In attendance were Chairman Ed Levinson (Ward II); Councilmember Barry Flachsbart (Ward I); Councilmember Dan Hurt (Ward III); and Councilmember Mike Cullen (Ward IV). Also in attendance were: Mayor Jack Leonard; Mike Herring, City Administrator; Jerry Duepner, Director of Planning; and Laura Griggs-McElhanon, Assistant Director of Planning.

ITEM I. Approval of summaries of Planning and Zoning Committee meetings of May 31, 1995 and June 8, 1995.

A motion for approval was made by Councilmember Hurt, seconded by Councilmember Flachsbart and approved by a vote of 3 to 0.

ITEM II. **P.Z. 14-95 The Leathers Co.**; "NU" Non-Urban District to "R-4" 7,500 square foot Residence District; southwest corner of Olive Boulevard (State Highway 340) and White Road.

AND

ITEM III. **P.Z. 15-95 The Leathers Co.**; Planned Environment Unit (PEU) Procedure in the "R-4" 7,500 square foot Residence District; southwest corner of Olive Boulevard (State Highway 340) and White Road.

Director Duepner summarized P.Z. 14-95 (rezoning) and P.Z. 15-95 (PEU), which were both approved by the Planning Commission by a vote of 6 to 2. Separate motions are needed on these petitions.

Councilmember Flachsbart stated that he felt "R-3" was too much density and he would have no problem if it were less dense. He felt that Lane Kendig's proposal would be helpful in this situation.

Director Duepner presented the Preliminary Plan, which depicted 38 units, while the recommendation is for only 34 units, attached and detached units with a gated entrance and private streets.

Chairman Levinson pointed out that the Nooning Tree petitions excluded an area adjacent to the current proposal. The current proposal will set the tone for the area. The City was previously sued for denying a request for commercial zoning on this site.

City Administrator Herring inquired why they weren't required to provide access to the adjacent properties.

Director Duepner stated that this wouldn't be required for a development proposing private streets.

Councilmember Flachsbart stated that he preferred the access to White Road.

Chairman Levinson stated that he had talked to Jack Gallai, St. Louis County Department of Highways and Traffic, who feels that the access should be to White Road, a minor arterial instead of Olive, a major arterial.

A motion was made by Councilmember Hurt, seconded by Chairman Levinson to accept the Planning Commission recommendation for **approval** of P.Z. 14-95 (rezoning)

There was general discussion by the Committee members.

Chairman Levinson called the question.

The motion was approved by a vote of 2 to 1, with Councilmember Flachsbart voting no.

Note: A bill relative to this matter will be needed for the July 17, 1995, City Council Meeting.

Mr. Ken Keitel, representing the petitioner, stated that the petitioner doesn't care where the access comes in (Olive or White). The original proposal was off of Olive. Relative to density, the initial proposal was for 39 units, which has been decreased to 34 units, which the petitioner feels is appropriate next to a multilane road.

A motion was made by Councilmember Hurt, seconded by Chairman Levinson for discussion, to accept the Planning Commission recommendation for approval of P.Z. 15-95 (PEU).

Councilmember Flachsbart suggested that "R-2" be located on the perimeter to decrease the density.

Mr. Ken Keitel noted that Nooning Tree is "R-3" and "R-2" with the "R-3" towards the corner of White and Olive.

Director Duepner pointed out that in a PEU, a limit can be put on the number of units so that it is less than allowed under the zoning district.

Chairman Levinson made a motion to amend the conditions to change the entrance from White Road to Olive Boulevard, in keeping with the City's policy to keep access away from the residents.

The motion died for lack of second.

Councilmember Hurt called the question.

The motion was approved by a vote of 2 to 1, with Councilmember Flachsbart.

Note: A bill relative to this matter will be needed for the July 17, 1995, City Council Meeting.

ITEM IV. **P.Z. 24-94 City of Chesterfield Planning Commission**; a proposal to amend Section 1003.300 Procedure for Amending the Zoning Ordinance of the City of Chesterfield (time period for re-submittal of denied petitions and reconsideration).

There was general discussion by the Committee on this proposal.

A motion was made by Councilmember Hurt to amend the proposal. The motion died for lack of second.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, to add "City Council". **The motion was approved by a vote of 3 to 0.**

Chairman Levinson requested that the effect of this proposal on any pending or future lawsuits be looked into.

(Councilmember Cullen arrived at this time.)

A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, to amend the proposal to add "all of".

There was general discussion of when a super majority vote is needed by City Council.

Chairman Levinson stated that he wanted to table this item because of any possible conflict with pending litigation.

City Administrator Herring stated that he had been through the litigation process in another City where the City was ordered by the court to put something on the agenda regardless of City regulations.

Councilmember Flachsbart suggested adding "except in the case of litigation" to the proposal.

The motion (to add "all of") was approved by a vote of 4 to 0.

There was general discussion concerning Robert's Rules.

Chairman Levinson tabled this item until the next meeting.

ITEM V. Recommendation from the Director of Planning regarding revision of Ordinance No. 319 (helicopter permits).

A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, to accept the proposal as rewritten. The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the July 17, 1995, City Council Meeting.

ITEM VI. Recommendation from the City Attorney regarding revision of Ordinance No. 874 for repair, maintenance or demolition of buildings and structures in the City of Chesterfield.

Director Duepner summarized the proposed revisions, which will bring the City's ordinance in line with State Statutes.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, to approve the proposed revisions. The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the July 17, 1995, City Council Meeting.

ITEM VII. Memorandum from the Director of Planning regarding Department of Planning.

This item was moved to the end of the agenda.

ITEM VIII. Historic District Committee for Old Chesterfield Area per Chairman Ed Levinson.

Chairman Levinson stated his concern that the Historic District Committee include any owners of property in the area. He directed staff to send a letter to these people to inquire if they are interested in the process.

There was general discussion concerning sending the letters to property owners or residents.

City Administrator Herring clarified that the boundaries of the area were established previously at the Strategic Planning meeting of City Council. He stated that on all Citizen Committees, except the Valley Master Plan, the Councilmember acts as a liaison and does not vote.

A motion was made by Chairman Levinson, seconded by Councilmember Cullen, to send generic letters to property owners stating that the City is starting a process and if they are interested in serving on the Committee contact Brenda Love-Collins at City Hall. **The motion was approved by a vote of 4 to 0.**

Note: Names of interested parties will be provided to the Committee for a final disposition on this matter.

ITEM IX. Recommendation from the Director of Planning regarding extension of Resolution No. 177.

A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, to extend the resolution. **The motion was approved by a vote of 4 to 0.**

Note: A resolution relative to this matter will be needed for the July 17, 1995, City Council Meeting.

ITEM X. **P.Z. 19-95 City of Chesterfield Planning Commission;** a proposal to amend Sections 1003.131, "C-1" Neighborhood Business District Regulations; 1003.133 "C-2" Shopping District Regulations; 1003.135 "C-3" Shopping District Regulations; 1003.137 "C-4" Highway Service Commercial District Regulations; 1003.141 "C-6" Office and Research District Regulations; 1003.143 "C-7" General Extensive Commercial District Regulations; and 1003.145 "C-8" Planned Commercial District Regulations, relative to specialized private schools and a dormitory or group living facilities.

Chairman Levinson stated that he had put this item on the agenda since there was an intervening P& Z meeting between the Planning Commission meeting and the City

Council meeting. He stated that the new policy should be used when the City Council meets after the Planning Commission and before the P&Z.

Note: Planning Commission voted unanimously to recommend approval.

A motion was made by Councilmember Hurt, seconded by Councilmember Cullen, to approve P.Z. 19-95. **The motion was approved by a vote of 4 to 0.**

Note: An ordinance relative to this matter will be needed for the July 17, 1995, City Council Meeting.

ITEM VII. Memorandum from the Director of Planning regarding Department of Planning.

Director Duepner outlined his request to add a Planner I, an hourly position, for the rest of the year, for a revised cost of \$19,807. He stated that although this person would have prime responsibility for projects, they would be supervised. Director Duepner noted that Mr. Herring had reviewed and approved this request.

Chairman Levinson stated that he wanted to add a person at the Planner II level.

Councilmember Hurt inquired how much was in the contingency fund.

City Administrator Herring indicated that he would check the records (in his office) and report back to the Committee.

A motion was made by Councilmember Flachsbart to forward this request to Council. The motion died for lack of second.

Chairman Levinson stated that a long range planner was needed.

Councilmember Hurt inquired if the Planning Intern position would be retained.

Director Duepner stated it would be retained.

Councilmember Cullen stated that this was a high price to pay for the work.

Director Duepner summarized some of the projects that the new person would be working on.

Councilmember Cullen asked if the Planner I position could be filled with someone out of school without a Masters.

Director Duepner replied that that is the description of the Planning Technician.

Councilmember Hurt stated that he doesn't support a Planner II. In his opinion, we should leave it the way it is since residential permits are down.

(Councilmember Flachsbart left the meeting at this time.)

Councilmember Cullen inquired if a Planning Technician could do the work we need and how much would this position cost.

City Administrator Herring stated that the actual total in the contingency fund is \$182,000. He felt that this need could be filled with a Planning Technician now, and upgraded later to a Planner I. He noted that past experience has shown that the City has been able to hire over-qualified people for the Planning Technician position.

Chairman Levinson stated that the City is not giving the long range aspect of planning the importance we should.

Director Duepner stated that we have to work within the existing job description. He did not have the cost figures associated with a Planning Technician.

City Administrator Herring commented that all job descriptions have "other duties as assigned" listed.

A motion was made by Chairman Levinson, seconded by Councilmember Cullen, to support an additional Planning Technician. **The motion was approved by a vote of 3 to 0.**

Note: Action on this item is needed at the July 17, 1995, City Council meeting. Estimated cost for the remainder of 1995 would be \$16,048, assuming an August 1 hire date - transfer from Contingency.

ADD ON #1 Memorandum from City Administrator concerning sign for the St. Louis Rams.

A motion was made by Councilmember Hurt, seconded by Chairman Levinson, to support a sign or banner as outlined in the memorandum. **The motion was approved by a vote of 3 to 0.**

Councilmember Cullen requested that the sign/banner be made so that it can be reused.

ADD ON #2 Dugsford Commons

Chairman Levinson stated that six (6) years ago the City put on a requirement for a \$100,000 bond prior to development of this site because of a slope issue. The slope hasn't moved in six (6) years. A service station is proposed on an out-parcel, that is not adjacent to the slope.

Director Duepner stated that the slopes were proposed at greater than the maximum allowable of 3 to 1. The City wouldn't change the policy, but required a bond for 5 years.

Councilmember Hurt stated that this was a concern of former Councilmember Dick Hrabko.

Chairman Levinson stated that there were two (2) soils studies commissioned by Tom Shaw that stated the slopes were fine.

Director Duepner stated that this recommendation originally came out of the Public Works/Parks Committee.

Councilmember Hurt stated then that is where it should stay.

Chairman Levinson explained that this item had been left off the Public Works/Parks agenda.

Director Duepner stated that the developer has indicated he will establish the bond in conjunction with the remainder of the site. The gas station is in the southwest corner, away from the slope. This was originally approved by a vote of Council.

A motion was made by Councilmember Cullen, seconded by Chairman Levinson, to revise the timing for the posting of the bond.

Councilmember Hurt called the question, as stated by Director Duepner.

The motion was approved by a vote of 3 to 0.

The time of the next meeting, on August 10, 1995, was changed to 5:15 p.m.

The meeting adjourned at 6:32 p.m.