

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: July 24, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary – **July 20, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, July 20, 2006 in Conference Room 101.

In attendance were: **Chair Mary Brown** (Ward IV); **Councilmember Barry Streeter**, (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Bruce Geiger, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Tom Sandifer, Planning Commission Vice-Chair; Mike Herring, City Administrator; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Teresa Price, Director of Planning; Brian McGownd, Assistant Director of Public Works; Aimee Nassif, Senior Planner; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the June 22, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of June 22, 2006. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. **Westerly Place (2297 Schoettler) Ordinance Amendment:** An ordinance amendment for 2297 Schoettler, an approximately .76 acre property, zoned "R1-A" in a "PEU" and located north of the intersection of Clayton Road and Schoettler Road. The petitioner is requesting an ordinance amendment to amend the minimum lot size along Schoettler Road.

Staff Report

Ms. Aimee Nassif, Senior Planner, stated the amendment is to adjust the minimum lot requirement for lots fronting Schoettler Road. The owner of 2297 Schoettler wants to sell the back portion of his lot to his neighbor, which would make his lot size be out of compliance with the current ordinance. He will not be able to sell this portion of land unless the ordinance is changed. No issues were raised at Planning Commission.

DISCUSSION

Councilmember Hurt stated that he has no objection to the ordinance change as it will not affect the front portion of the subject lot.

Mr. Tom Sandifer, Vice-Chair of Planning Commission, stated that the ordinance amendment passed with only one "no" vote.

Councilmember Hurt made a motion to forward Westerly Place (2297 Schoettler) Ordinance Amendment to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the August 7, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Director of Planning, for additional information on Westerly Place (2297 Schoettler) Ordinance Amendment.]

- B. P.Z. 39-2005 Westland Acres (Westland Acres Development LLC):** A request for a change of zoning from “NU” Non-Urban District to “E-Half Acre” Estate District for 61.0 acre tracts of land located north of Strecker Road, east of Church Road.

Report from Planning Department

Ms. Nassif gave a PowerPoint presentation outlining the following:

CITY OF CHESTERFIELD

Contains 61 acres
Proposing 56 lots
Zoning to E-half acre
Min. lot size 15,000 sq ft
Ave. lot size 19,706 sq ft

CITY OF WILDWOOD

Contains 56 acres
Proposing 46 lots
Zoning to R-1(Planned Res. Overlay)
Min. lot size 15,000 sq ft
Ave. lot size 19,042 sq ft

- Public Hearing was held on February 13, 2006.
- Staff began working with Wildwood prior to Public Hearing. Staff attended Wildwood meetings, exchanged reports, and discussed development conditions throughout the process.
- Developer requested variance to Subdivision Ordinance for cul-de-sac length to exceed 800 feet requirement. Meetings were held with the Developer and Department of Public Works to discuss request. Also received comments from Police Department and Fire District. Variance granted based upon the topography of the site and the conditions of the Army Corp of Engineers.
- Sections of Attachment A written in coordination with Wildwood requirements include:
 - Building height.
 - Area of land that can be used for development.
 - Area of land which must be preserved in its natural state and not disturbed.
 - Access to roadways in Wildwood.
 - Signage approval by both municipalities.
 - Indenture submittal.
 - Traffic study review by both municipalities, as directed.
 - Minimum lot size requirement of 15,000 square feet.
 - Historical Requirements:
 - (a) 8 foot wide trails in both municipalities
 - (b) 5 pieces of artwork in both municipalities
 - (c) Historical markers throughout
 - (d) Naming of streets after descendants of original property owners
 - Structure Setbacks: Chesterfield has setbacks from property line of district. Wildwood has setbacks from foundation of structure to “do not disturb area”. Staff is recommending an amendment for consistency.

- Landscape Requirements
 - Chesterfield and Wildwood each have their own Tree Manual/Tree Preservation Requirements.
 - Wildwood states no land disturbance within 30 feet of any boundary line of development.
 - Chesterfield requires 30 feet of landscape buffer along boundary of development.
- Environmental Study for Chesterfield
 - Has required Phase I study.
 - Section in ordinance with specific criteria for clean-up of area.
 - Certification of compliance with Phase I study prior to issuance of 25% of permits.
- Environmental Study for Wildwood
 - Wildwood required Natural Resource Protection Analysis prior to submittal.
 - No time specified for completion of trash removal.
 - Requiring Phase I study to be submitted during site plan review
- Lot Criteria for each Municipality:

<u>Chesterfield</u>	<u>Wildwood</u>
Rear setback: 20 ft.	Rear setback: 30 ft.
Side setback: 30 ft.	Side setback: 7 ft
Front setback: 25 ft	Front setback: 25 ft.
- Amendments as written in report:
 - Section C.1.d., page 2 to include a minimum lot size requirement of 15,000 square feet.
 - The Department of Public Works is requesting an amendment to Section G.6 on page 7 relative to road improvements.
- Potential amendments:
 - 1) Section D., page 2: Amendment to structure setbacks for criteria to be from landscape buffer:
 - 120 feet from the landscape buffer along the southern property line.
 - 10 feet from the landscape buffer along the eastern property line bearing S00°50'13"W.
 - 40 feet from the landscape buffer along the eastern property line bearing S53°08'47"E.
 - 20 feet from the northern property line with bearing S88°37'46"E.
 - 2) Section B., page 5: "Tree loss in any area not to be disturbed, due to cleaning of the site in accordance with the conditions in Section K of this ordinance, shall be replaced."
 - 3) Section K, page 11: "Certification regarding the environmental clean-up must be submitted prior to the issuance of 25% of the building permits in the City of Chesterfield.

Report from the Planning Commission

Mr. Tom Sandifer, Vice-Chair of the Planning Commission, reported that the Commission passed this petition 7 to 1.

DISCUSSION

Average Lot Size

The average lot size for Chesterfield is under 22,000 sq. ft., which was brought to the attention of the Planning Commission and approved. When common ground is included, the average lot size is much larger. It was noted that the development meets the one-acre density requirements.

Variance for Cul-de-Sac Length

The required length is 800 feet; the developer was granted a variance to allow a cul-de-sac length of 3400 feet. The Army Corp of Engineers is in agreement with the variance, which allows for the preservation of natural protection areas. The Fire District has no concerns with the variance.

Area of Land to be Preserved

The minimum amount of land in Chesterfield which must be preserved in a natural state as part of this development is 22 acres. This area is not considered a “do-not-disturb” area so as to allow planting and a detention basin.

Trails

The trails are separate from the sidewalks and will be non-paved. There is no current access agreement for these trails to connect with future City trails. Mr. Herring stated that the City will not own the trails throughout this development.

Artwork

The Developer is providing the artwork for the site, which will be presented to Planning Commission at Site Plan.

Naming of Streets

The street names will be provided on the Site Plan.

Public Street going from Chesterfield to Wildwood back to Chesterfield

The Developer is working with the City Attorney to request an amended boundary line adjustment so that the subject three-four homes will be within City of Chesterfield limits. Both cities will have to pass ordinances to approve the boundary adjustment. The process will take place after the proposal is approved in both cities but before the homes are occupied. Wildwood has agreed to the boundary adjustment.

Setbacks

Councilmember Fults expressed concern about the setbacks of the four homes in the cul-de-sac shown on the lower right side of the plan, along with the water

damming structure, which appears to be on the property line. Ms. Nassif stated that the language will state “no structure within 40 feet of landscaped buffer”.

Lighting for the Development

There are no special plans for lighting regarding the historical aspect of the development.

Report from Wildwood’s City Planner

- **Regarding Wildwood’s “non-disturb zone”:** The area cannot be disturbed. If utility lines come through the site, the developer has to show the area as disturbed. This would be presented at the site plan stage. If the area is disturbed, the site has to be restored. If a large caliper tree is removed, a number of trees - adding up to the larger caliper tree – would have to be installed. Disturbance is allowed for the construction of a detention pond showing what will be disturbed.
- **Regarding clean-up in non-disturb zone:** This is still under discussion. They are considering not allowing any equipment heavier than a bobcat.

Report from Public Works Department

Mr. Brian McGownd, Assistant Director of Public Works, stated the following:

- **Regarding siltation concerns of Pacland Lake:** The City has a grading ordinance that covers any land disturbance in the City. Once a grading permit is issued, the Developer must perform weekly inspections and submit weekly reports to the City; or 24 hours after a rainstorm of more than ¼”. If the required reports are not submitted, the City can issue a stop work order. The grading ordinance includes erosion control requirements and a storm water pollution prevention plan, which outlines where silt fences and sediment basins will be located.
- **Regarding pre-construction survey:** The Developer will be required to perform a pre-construction survey of the lake to establish a base line. After the construction has been completed, the Developer will be required to perform a post-construction survey to determine if any silt has been added to the lake during construction.
- **Regarding bond requirements:** The grading permit is not issued until a bond is in place. The amount of the bond is based on the size of the lake and the size of the drainage area of the lake. Councilmember Hurt felt the bond needs to be large enough to cover any necessary dredging of the lake to correct any problems. Ms. Stephanie Macaluso, resident of Pacland Place, pointed out that the bond should be large enough to include any repair of damage to the private roads in Pacland Place caused by the weight of siltation trucks.
- **Regarding siltation clean-up during the construction process:** Mr. Herring summarized that inspections are done on a regular basis to try to prevent siltation problems. If a problem is noted during the course of construction, the problem would need to be corrected before work can go

forward. A post-construction analysis of the water would be performed to determine if anything had occurred that is not yet visible.

- **Regarding concerns that the lake could silt up while following City requirements:** The grading ordinance has been amended twice in the past two years because of the EPA's Phase II storm water regulations. There are strict requirements on erosion control. St. Louis County has adopted the City's standards to use as its own standards.
- **Regarding means of determining if chemicals are draining into the lake:** The grading ordinance does not address anything from an environmental standpoint regarding trash, debris, or oil. Councilmember Fults suggested requiring the Developer to check the lake for chemicals.

Report from SCI Engineering

Mr. Glen Grissom, Project Scientist, stated the following:

- **Regarding concerns of chemicals polluting well water:** There is not much connection between surface water and well water, especially in the subject area. The wells are approximately 400 feet deep. Most of the water will stay up in the soil – there will not be percolation down through all the bedrock. The layers of shale rock and clay will not allow water to get from the surface down to the depth of the drinking water. Ground water flow rates are measured, at best, at feet per year.
- **Regarding testing of well water:** Because of the slow ground water flow rates, testing of well water is not suggested as it would not give a true reading.
- **Regarding Phase I Environmental Study:** This type of study is a standard operating procedure for any purchaser of property that will be developed. The findings from this study are very typical of other findings of neighboring properties in the Chesterfield area, which also had large dump areas.
- **Regarding the contents of barrels found on the site:** Mr. Grissom stated he walked the entire property and all the drums he found on the site were empty. They were all open-topped burn barrels.
- **Regarding the number of dump locations:** Approximately eight dump locations were identified on the site. It was also noted that there was a sufficient scattering of scrap metal and car bodies around the site.
- **Regarding clean-up of "natural state" areas:** The largest area on the site requiring clean-up will be in area that is designated for grading. Ninety percent of the clean-up is at this location. Storm water from this area will drain north. There are two smaller areas requiring clean-up, which are also designated for grading.
- **Regarding the clean-up of shingles containing asbestos:** All material will be disposed as "special waste", which is a designation for things that are not municipal solid waste or demolition debris.

- **Regarding other items on the site that would require “special waste” disposal:** There was some slight indication in one area that there may be petroleum in the infill, which will require further testing. There was a slight petroleum odor in the area – oil was not seen.
- **Regarding the process of how the Developer works with the contracted environmental firm:** Mr. Jerry Duepner, The Jones Company, stated that the environmental firm would monitor the work being done and would make recommendations on how to deal with dumped materials found on the site. At the end of the project, The Jones Company would want a certification from the environmental firm that the site has been cleaned up according to the firm’s recommendations.
- **Regarding how SCI determines that it has not missed any buried material:** SCI obtained a current topographic map and a 1954 topographic map and overlaid the topographies to see where the differences occurred. This was used this as a guide to determine where there may be fill on the site. The entire site was also walked. In those areas where it was noted that drums, waste oil and batteries were at one point but were no longer there at a later time, it was assumed that they were removed from the site rather than buried on the site. This assumption was made after testing of the infill area did not show any significant evidence of the materials. The coring results showed a lot of concrete, asphalt, and scrap metal. Approximately one dozen corings of the fills were conducted by digging 30-40 foot-long trenches.
- **Regarding sites that could not be drilled because of the rough terrain:** All these sites are on Wildwood property.
- **Regarding how the site would be cleaned up in order to insure that hazardous materials are removed:** The site would be excavated, loaded onto trucks and removed to landfills where it is controlled. The site would be excavated until it reached virgin soil – this could be as deep as 20 feet. Before the site could be excavated, the contractor would need a Land Disturbance Permit.
- **Regarding how clean-up will be coordinated in undisturbed areas.** They do not intend to impact any common ground area. The areas that will be affected are the lot areas. The attorney for the petitioner stated that if a car is in a non-disturb area, the only way to have it removed is by a heavy piece of equipment. Ms. Nassif noted that Chesterfield does not have “undisturbed” areas – the City has areas of “natural state”.

Report from the Civil Engineer

- **Regarding the detention basin in the top right-hand corner of the plans:** The area will be disturbed in order to build a dam to detain the water to pre-development levels and to save the tree mass in this area. Ms. McGownd stated that the City’s current standards do not allow trees in a detention area. The Civil Engineer stated that the areas of detention are shown as disturbed areas. Ms. Nassif clarified that the 22 acres that

are not to be disturbed are not all in one area. She also pointed out that the developer must have tree canopy coverage of 50% on the site.

- **Regarding the dam and detention basin on the east side:** This area will also include a fourteen-foot earthen dam and a dry detention basin to detain water. It is expected that the basin will be dry most of the time. The maintenance of the dam will be the responsibility of the homeowners association. The homeowners association will have to sign a maintenance agreement with MSD that will be recorded.
- **Regarding periodic maintenance requirements/inspections for the dam:** There is not a regulated requirement by the State for dams of this size. There are no periodic certifications. The dam site should be maintained – the area should be mowed.
- **Regarding the discharge site:** The water will be discharged into a ravine, which leads to the lake. The ravine is considered an adequate, natural discharge point.

ISSUES

1. Question was raised as to whether the private trails throughout the proposed development can be connected to future public trails.
2. Verify the depth of the wells of adjoining properties. An area resident stated that his well is more than 400 feet deep. Councilmember Streeter stated that this statement provided ample verification for this issue.
3. Provide recommendation on how the City will monitor lakes and ponds of adjacent properties to insure that they are not being polluted with hazardous material.
4. Make a restriction that hazardous material must be removed from the site before a grading permit is issued.
5. Review the possibility of including a requirement for the timing of clean-up of the site. Mr. Duepner stated that the clean-up will be done in a timely and efficient manner because it is to the developer's advantage to get the material off the site. However, at this point, he cannot indicate what the timing will be. They will review the grading plan to determine how it will impact the clean-up.
6. Provide recommended language regarding clean-up of "natural state" areas.
7. Review lighting for the development taking into consideration the historical nature of the area.
8. Clarify where the 22 acres of "natural state" areas are.
9. Clarify what can be planted around the dry detention pond.
10. Clarify the emergency access – how can access be into a subdivision that is not yet built? It was noted that the Fire Department is satisfied with the Developer's road plan and access plan. The Developer has talked with the developer of the proposed Tuscany Reserve site to provide an emergency access through the Tuscany Reserve site to Kehrs Mill Road. Ms. Nassif pointed out that this access is currently under review by both the Planning and Public Works Departments. This would have to be written into Tuscany

Reserve's Attachment A; it cannot be included in Westland's Attachment A because it is offsite.

11. Review the setbacks for the homes on the cul-de-sac. The Developer stated that they could make the lots abutting Pacland Place 24,000 sq. ft. or larger but they chose to pull the lots back to create a non-disturb area and a 40' buffer - similar to what they propose on the Wildwood side.

Councilmember Streeter made a motion to hold P.Z. 39-2005 Westland Acres (Westland Acres Development LLC) until the August 10th Planning & Zoning Committee meeting. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

(The meeting recessed for 5 minutes.)

- C. **P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center):**
A request for a change of zoning from "NU" Non-Urban to "E-Half Acre" Estate District for a 2.245 acre tract of land located north of Wild Horse Creek Road and west of Long Road. (18V510017&18V510095).

Report from Planning Department

Ms. Nassif stated that the proposal involves two sites – 17755 and 17761 Wild Horse Creek Road. If rezoning is approved, the Developer will be submitting a Boundary Adjustment Plat.

The Planning Commission approved the petition with the amendment that at the time of the development of the internal roadway system, a gate would be installed along the northern portion of this site, adjacent to the internal roadway system, as directed by the City.

The Petitioner will need two variances from the Board of Adjustment regarding his side yard setback and parking in the structure setback. He received a variance for the 30' tree buffer requirement by installing extra plantings on the neighboring property.

It was noted that the plan fits with the Comp Plan, and fits with the Comp Plan with the new Land Use. The use fits with the Wild Horse overlay. There is a large front yard setback of about 150' and no parking along Wild Horse Creek Road.

Report from the Planning Commission

Mr. Tom Sandifer reported that Commissioner Banks expressed concern that too much traffic would be created by leaving the access at the intersection with the school. Planning Chair Hirsch pointed out that the light at the intersection is signalized and he didn't feel the access would impact the traffic flow.

DISCUSSION

Size of Building to the Lot

Commissioner Streeter expressed concern that the building is too large for the lot.

Chair Brown pointed out that she is happy that this is a residential zoning, which is important for this part of the bowtie area. She was more concerned about the front yard setback than about the side yard setback.

Ms. Teresa Price, Director of Planning, stated that if this petition had come in under "Planned Commercial", the Petitioner would be bound to the setbacks in the Zoning Ordinance. Since it was submitted under the "Estate Districts", it already has established setbacks

Access/Curb Cuts

Councilmember Hurt felt that the Committee should keep in mind that the site may not always be a child care center. He expressed concern about allowing too many curb cuts along Wild Horse Creek Road. He felt cross access agreements should be required all throughout the property and that the access from Wild Horse Creek Road should be closed after the internal roadway is constructed.

Chair Brown and Mr. Henry, Petitioner for the development, felt the access should remain to allow easy access from the elementary school to the child care center.

Councilmember Hurt made a motion to have cross access on all three sides of the property. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

Councilmember Hurt made a motion that, when the back property gets developed; the internal road is constructed; and access is provided elsewhere; the access on Wild Horse Creek Road for the subject development is to be closed unless required by Monarch Fire District, which will then be a gated access for the Fire District only, and the rest to be restored to green space. The back side of the development will have its main entrance by the parking lot. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 2 to 1.** (Chair Brown voted "no".)

Chair Brown made a motion to forward P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the August 7, 2006 City Council Meeting.
See Bill #**

[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 10-2006 Plan Provision LLC (Wildhorse Child Care Center)].

- D. **P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)**: An ordinance amending various sections of the City of Chesterfield Zoning Ordinance regarding banners in the Museum and Arts Area, development criteria for E-districts, residential tear-downs and residential additions.

Councilmember Streeter made a motion to hold P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance). The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE

V. ADJOURNMENT

The meeting adjourned at 8:02 p.m.