

# CORRECTED

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: August 8, 2003

SUBJECT: Planning and Zoning Committee Meeting Summary from August 7, 2003

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A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, August 7, 2003, in Conference Room 101. In attendance were: Chair Barry Streeter (Ward II), Councilmember Jane Durrell (Ward I), Councilmember Dan Hurt (Ward III) and Councilmember Mary Brown (Ward IV). Also in attendance were: Councilmember Bruce Geiger (Ward II); Councilmember Mike Casey (Ward III); Councilmember Connie Fults (Ward IV); Director of Planning Teresa Price; Senior Planner Annissa McCaskill; Project Planner David Bookless; Project Planner Mike Hurlbert; and Kathy Lone, Planning Assistant.

\*To be discussed at 8/18/2003 City Council Meeting.

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

**I. Approval of the Planning and Zoning Committee Meeting Summary of July 24, 2003.**

Councilmember Durrell made a motion to approve the Meeting Summary of July 24, 2003. The motion was seconded by Councilmember Hurt and **passes by a voice vote of 4 to 0.**

**II. P.Z. 29-2002 The Bluffs at Appaloosa Way: A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 13.5 acre tract of land located north of Wildhorse Creek Road, to the west of the "Appaloosa Way" subdivision (Locator Numbers 18T-42-0194, 18T-42-0161, 18T-44-0059, 18T-44-0015, 18T-42-0039).**

Chair Streeter gave an overview of this petition and stated that Staff had been directed to prepare an Attachment A for an 'E-One Acre' Residence District zoning.

Councilmember Brown presented a hand-out with three (3) conditions that the petitioner has agreed to. These conditions are:

1. A Tree Preservation Plan (TPP) in accordance with the procedures outlined in the City of Chesterfield Tree Manual, Section VII. Tree Preservation Plans, shall be required for this development.
2. The developer shall preserve the stand of pine trees and the large oak tree located behind Lots 6 and 7 of Wildhorse Springs Plat One utilizing the methods delineated in the City of Chesterfield Tree Manual Section V. Construction Standards for Field Practice. Specifically, the installation of any storm sewer or other utilities shall be accomplished in a manner as not to jeopardize the integrity of said trees.
3. Dense landscaping shall be provided on all four sides of the drainage basin, along the western boundary of the site, and along the sethack area, adjacent to Wild Horse Creek Road. To achieve this dense landscaping the following combination of plant material and maximum spacing shall be used:
  - a. Three (3) Deciduous trees per 100 feet;
  - b. Six (6) Evergreen trees per 100 feet;
  - c. Eight (8) Bushes and Shrubs per 100 feet.

Councilmember Brown made a motion that the above three (3) items be incorporated with the Attachment A for the original 'E-3' Residence District as ~~recommended~~ **denied** by the Planning Commission. The motion was seconded by Councilmember Durrell **and passes by a voice vote of 4 to 0.**

Councilmember Hurt made a motion to remove **P.Z. 29-2002 The Bluffs at Appaloosa Way** from the table. The motion was seconded by Councilmember Durrell **and passes by a voice vote of 4 to 0.**

General discussion followed concerning 'E-3 Residence District versus 'E-One Acre' Residence District and number of homes that could be built.

Chair Streeter stated that if this 'E-One Acre' Residence District proposal is recommended to be forwarded to City Council, then both proposals ('E-3 Residence District and 'E-One Acre' Residence District) would be forwarded to City Council for a vote.

Mr. Mike Doster, attorney for the petitioner, presented a hand-out to the Committee showing the parcels involved in the rezoning, the area of Hi Pointe left undisturbed, alternate rezoning proposal, and existing and proposed roads.

General discussion followed concerning the position of the road, the cul-de-sac, location of a possible retaining wall, the appropriateness of 'E-3' Residence District or 'E-One

Acre' Residence District zoning, and reducing the area to be rezoned and necessary procedure to do so.

Director of Planning Teresa Price stated that, if a petitioner wants to change a petition from what was advertised, he could request the change but the City does not have to accept the change.

General discussion followed concerning density, the Comprehensive Plan and an alternate proposal by the petitioner.

Mr. Doster stated that he would submit a letter to the City requesting removing property from the rezoning request but still wants to continue with the original petition for 'E-3' Residence District rezoning.

Councilmember Brown made a motion to table **P.Z. 29-2002 The Bluffs at Appaloosa Way** until the next Committee meeting on August 21, 2003 in order to review a letter that will be received from the petitioner concerning removing parcels from the original rezoning petition. The motion was seconded by Chair Streeter and **passes by a voice vote of 4 to 0.**

**\*III. P.Z. 07-2003 Spirit Plaza LLC:** A request to amend City of Chesterfield Ordinance 1382 for Lot 2 Chesterfield Industrial Park zoned "PI" Planned Industrial district located at the intersection of Chesterfield Airport Road and Chesterfield Industrial Boulevard.

Project Planner Mike Hurlbert gave an overview of **P.Z. 07-2003 Spirit Plaza LLC.** and stated that this petition was approved by Planning Commission by a vote of 8 to 0. Mr. Hurlbert stated St. Louis County eliminated a previously approved curb cut onto Chesterfield Airport Road.

General discussion followed concerning zoning designations in this area, curb cut onto Chesterfield Airport Road, green space percentage for this parcel, and having a curb cut so close to a signalized intersection.

Mr. Ed Holtaus, petitioner, gave an overview of the request for access onto Chesterfield Airport Road and the green space percentage. Mr. Holthaus stated that if the extra lane is needed, he would build the lane now instead of waiting for the development across Chesterfield Airport Road.

General discussion followed concerning making the access onto Chesterfield Airport Road 'Right In/Right Out' only, access to this lot being from the rear, changing to retail use, and concern for safety along Chesterfield Airport Road.

Councilmember Hurt made a motion to recommend to City Council to go along with the

County and eliminate the curb cut onto Chesterfield Airport Road. The motion was seconded by Councilmember Durrell and **has a vote of 2 to 2.** (Chair Streeter and Councilmember Brown voted nay.)

Councilmember Hurt asked Staff to develop a pink sheet with the City Council packet information noting this amendment.

Councilmember Brown made a motion to the language on page 6 of Attachment A, VII. SPECIFIC CRITERIA, A., 5. Public/Private Road Improvements, Including Sidewalks, b. 'Provide the necessary right-of-way **and construct an additional lane** 12 feet wide and (minimum) 150 feet long on Chesterfield Industrial Boulevard, along with 30:1 through taper to existing pavement as directed by the St. Louis County Department of Highways and Traffic.' The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Councilmember Brown made an amendment to her motion to add '**Chesterfield's Department of Public Works**' to the end of this item. The amendment to the motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Councilmember Brown made a motion to recommend and forward **P.Z. 07-2003 Spirit Plaza LLC.** to City Council, as amended. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

**\*Note: One bill, as recommended by the Planning Commission, will be needed for the August 18, 2003 City Council Meeting.  
SEE Bill #**

Councilmember Hurt asked the Committee to change the order of the agenda due to the many visitors for the discussion on Item V. The Committee agreed.

**\*V. Development Proposal – Intersection of Clayton Road and Old Highway 141/Woods Mill – City of Town and Country**

Chair Streeter stated that the City of Town and Country is considering a Site Development Plan for a development at the intersection of 141 and Clayton Road. The development would include a Target store.

Councilmember Hurt stated that, even though the proposed development is not in Chesterfield, it would have a significant impact on the City. Councilmember Hurt stated that the City of Ballwin is also concerned since the proposed development would back up to Ballwin.

Councilmember Hurt stated that he would like a letter from the Mayor, on behalf of City

Council, sent to Town and Country addressing concerns (density of the project and traffic it will create for the artillery roads off 141) of the City of Chesterfield for the proposed development. Councilmember Hurt stated that, the way the project is being presented, could send traffic onto Henry and Schoettler roads which are 2-lane roads. Councilmember Hurt stated that when the project was presented, there was discussion of increasing the number of lanes between Schoettler Road and 141 to eight (8) lanes.

Councilmember Hurt stated that he would like the Committee to direct Staff to have City Attorney Doug Beach review this proposal for his opinion on how to address the situation.

Councilmember Hurt gave an overview of the zoning process in Town and Country. Councilmember Hurt stated that the proposed site is already zoned 'commercial.'

Councilmember Hurt stated that the main entrance for the development would be off Clayton Road, across from a daycare center.

Councilmember Mike Casey suggested that a letter also be sent to MoDOT since Clayton Road, west of 141 and into Chesterfield, is a State road.

Councilmember Hurt introduced Mr. Mike Reid, District Office Director for Senator John Loudon, who has expressed an interest in this and will try to help.

Chair Streeter suggested that City Council recommend Mayor Nations send a letter, not the Committee.

Councilmember Hurt stated that the letter should express concerns over the density of the project and the traffic generation that will affect the City of Chesterfield.

General discussion followed concerning possible solutions.

Councilmember Brown stated that the City of Chesterfield listened to the concerns of residents of Town and Country concerning a parking garage at St. Luke's Hospital.

Councilmember Hurt made a motion to recommend to City Council that a letter be sent from City Council and signed by the Mayor to the Town and Country City Council (when the project gets to City Council) with the position of Chesterfield's City Council concerns and/or opposition to congestion and traffic and density, use, and project design. (Create a letter at Council level with a stand from the City to their City Council signed by the Mayor.) The motion was seconded by Councilmember Brown and **passes by a voice vote of 3 to 1.** (Councilmember Durrell voted nay.)

Councilmember Hurt made a motion to request City Attorney Doug Beach to formulate opinions on how to approach the situation with Town and Country. The motion was seconded by Councilmember Brown.

Councilmember Hurt made an amendment to his motion that City Attorney Doug Beach have input and review the letter and address procedure. The amended motion was accepted by Councilmember Brown and **passes by a voice vote of 3 to 1.** (Councilmember Durrell voted nay.)

Councilmember Hurt made a motion to request a letter from City Council to MoDOT addressing the concerns of City Council. The following should be copies on the letter: Director of Public Works Mike Geisel, State Representative Jane Cunningham and Senator John Loudon.

General discussion followed concerning needed facts (traffic study, etc.) before sending letter to MoDOT and having Mike Geisel review the Traffic Study.

Councilmember Hurt amended his motion to request that a copy of the letter being sent to the Town and Country City Council also be sent to MoDOT with copies sent to: Director of Public Works Mike Geisel, State Representative Jane Cunningham and Senator John Loudon. The amended motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

The President of the Trustees for the Amberleigh Subdivision stated that his subdivision has hired Attorney Stephen Kling to represent them. Residents are concerned about safety and property values. He stated that a meeting will be held at the Samuel Sach's Library, Tuesday, August 12, 2003 at 7:00 p.m.

**\*Note: Motion to recommend to City Council that a letter be sent from City Council and signed by the Mayor to the Town and Country City Council (when the proposed development project gets to City Council).**

**\*IV. P.Z. 9-2003 Opus Northwest (One Chesterfield Place):** a request for an amendment to City of Chesterfield Ordinance 1660 for the addition of the following use located at 14755 North Outer Forty: Colleges and Universities

Senior Planner Annessa McCaskill gave an overview of this petition and stated that Planning Commission approved **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)** by a vote of 7 to 1.

Ms. McCaskill stated that Planning Commission put a limitation of 45,000 on the square footage in the building to be used for a college or university, all light standards, other than those for security purposes, shall be turned off by 9:00 p.m., seven (7) days a week which would force the students and faculty to use the two (2) levels of parking that are below grade, and hours of use are limited on the week-ends to between 8:00 a.m. and

4:00 p.m.

Chair Streeter stated that before the building was approved, the developer stated that the traffic from this building would be out after the evening rush hour and now are requesting adding a permitted use to have evening hours.

General discussion followed concerning previous approval, office time traffic, concern with evening hours, the side of the building to be used for this requested use, and residential homes located near this building.

Councilmember Hurt left the meeting at 7:31 p.m. and returned at 7:35 p.m.

Mr. John Pitcher, Director of Real Estate Development, Opus Northwest, LLC, stated that the University of Phoenix would only be using 20% of the space in the building and that lights are typically left on in a building like this in the evening until approximately 10:00-11:00 p.m. for cleaning purposes but the lights have not been left on in this building since it is not completely leased.

Chair Streeter made a motion that on Page 1 of Attachment A, add to I. PERMITTED USES, B. 1., a., '2. **The hours of operation for said use on weekdays shall be from 8:00 a.m. to 6:00 p.m.**'

Mr. Pitcher stated that parking could not handle that usage during the day and the Committee might as well deny the permitted use request.

Chair Streeter withdrew his motion.

Chair Streeter made a motion to deny the permitted use request for **P.Z. 9-2003 Opus Northwest (One Chesterfield Place)**. The motion was seconded by Councilmember Hurt and **passes** by a voice vote of 4 to 0.

**\*Note: One bill, as recommended by the Planning Commission, will be needed for the August 18, 2003 City Council Meeting.  
SEE Bill #**

The meeting adjourned at 7:47 p.m.

TP/kl

