

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
AUGUST 10, 1995

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:15 p.m., on Thursday, August 10, 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), arrived later; and Councilmember Mike Cullen (Ward IV). Also in attendance were: Mayor Jack Leonard; Barbara McGuinness, Planning Commission Chairman; Mike Herring, City Administrator; Laura Griggs-McElhanon, Assistant Director of Planning; Joe Hanke, Planner II; and Antoinette Hunt, Planner I.

* To be discussed at Monday's meeting.

ITEM I. Approval of Planning and Zoning Committee meeting summary of July 6, 1995.

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

ITEM IX. **Update of the City of Chesterfield Comprehensive Plan**; proposed revisions per recommendations of the Comprehensive Plan Committee on policy concerning signage considerations along I-64/Highway 40 Corridor and State Highways/Roads.

Planner II Hanke summarized the proposed amendment and reminded the Committee of the Planning Commission's policy to forward Comprehensive Plan amendments to the Committee prior to final Commission action.

Chairman Levinson inquired if there is a way to say that the City was only doing this because state law dictates we can't prohibit billboards, that way if state law changes and doesn't allow them, we wouldn't have to change Comprehensive Plan.

Councilmember Flachsbart stated that he thought this only applied to on-site signage.

Planner II Hanke stated that although not specifically pointed out in the amendment, it would include billboards (off-site signs), as well as on-site signs.

Councilmember Cullen inquired about a definition of the Highway 40 corridor.

Planner II Hanke responded that the City does not have a corridor section plan, but the Comprehensive Plan speaks in general terms about the corridor.

Councilmember Cullen pointed out that the amendment does not differentiate between the east and west parts of the 40 corridor. He stated he had no problem with the proposed language, except in the Valley. He also stated that he does not want to

restrict commercial usage for on-site signage.

Chairman Levinson requested that the Planning Commission revisit the 40 Corridor, as he believes there is a difference between the upland and the Valley.

Councilmember Cullen stated that the two areas should be segregated and the corridor defined.

Councilmember Flachsbart suggested additional wording, "Signs when appropriate".

Planning Commission Chairman McGuinness stated that the Highway 40 corridor is border to border. She asked why something might be appropriate in the Valley and not on the hill?

Councilmember Flachsbart noted that there is a minority view that all of Chesterfield should be treated the same.

Councilmember Hurt stated that larger signs could be used in the Valley.

Assistant Director Griggs-McElhanon stated that the Department will forward the Committee's comments to the Planning Commission at their meeting on August 28, 1995.

* **ITEM II.** Interview of nominee of Mayor Jack Leonard for City of Chesterfield Planning Commission.

Mayor Leonard explained that Planning Commission Chairman Barbara McGuinness has been appointed to the St. Louis County Boundary Commission and has to resign from the Planning Commission. He introduced Carol Kenney, resident of Ward I, as his choice for the upcoming vacancy on the Planning Commission to fill the unexpired term of Ms. McGuinness.

Chairman Levinson inquired why Ms. Kenney wanted to be on the Planning Commission.

Ms. Kenney stated the reasons and summarized her educational background.

Councilmember Cullen asked Ms. Kenney if she was aware of the time commitment required.

Ms. Kenney stated that she is willing to dedicate the time.

Councilmember Cullen asked Ms. Kenney if she could be objective to residents and petitioners.

Ms. Kenney stated that she believes she can be fair.

A motion was made by Councilmember Cullen, seconded by Councilmember Hurt, to recommend Carol Kenney to fill the upcoming vacancy on the Planning Commission. The motion was approved by a vote of 4 to 0.

Note: This nomination is to be submitted to the City Council at the August 21, 1995, meeting.

- * **ITEM IV.** P.Z. 17-95 Sycamore Development Company (Schoettler Ridge); "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain "R-2" 15,000 square foot Residence District; terminus of Squires Way, west of Schoettler Valley Drive.

AND

- * **ITEM V.** P.Z. 18-95 Sycamore Development Company (Schoettler Ridge); Planned Environment Unit (PEU) Procedure in the "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain "R-2" 15,000 square foot Residence District; terminus of Squires Way, west of Schoettler Valley Drive.

Assistant Director Griggs-McElhanon summarized P.Z. 17-95 (rezoning) and P.Z. 18-95 (PEU), which were both recommended for approval by the Planning Commission by a vote of 6 to 0, with 1 abstention. Separate motions are needed on these petitions.

There was general discussion by the Committee of Mr. Miceli's request, contained in correspondence dated August 8th, concerning the tree study.

Chairman Levinson inquired why the developer should count trees in areas not to be disturbed.

Assistant Director Griggs-McElhanon stated that the residents expressed concern over the loss of trees.

Councilmember Flachsbart stated that if the developer was required to count the trees overall, you can get a better handle on the trees to be removed. He felt it might illustrate that the utilities are in the wrong place. He stated that he felt it was a valid requirement.

Councilmember Cullen stated he agrees with the recommendation of the Planning Commission and that there has been problems with this builder in Ward 4. He asked

why this item is on the agenda, because of the new Council policy which bypasses the Committee.

Chairman Levinson stated that with the summer schedule, the Committee meeting occurred between the Planning Commission meeting and the next Council meeting.

Councilmember Hurt stated that there is an existing problem to the southeast with rainwater. He inquired of the petitioner's engineer if a detention basin could be located within the Union Electric easement.

Dan Wind, engineer for the petitioner, stated that the project does not currently have approval for this, but he has been involved in projects previously that were permitted to do this.

Councilmember Hurt requested that the same condition required for Schoettler Manor and Amberleigh be required in this case. He stated that they should be required to collect all the rain to the southeast (Baxter Lakes & Baxter Lakes II) and have a 25% reduction in outflow based on a 15-year storm, plus the existing facility downstream to Baxter Lakes II is currently in bad condition, on the Biermann property. This developer needs to assess the detention facility in Baxter Lakes II and put it back in order, including sodding any disturbed areas.

Chairman Levinson stated that adding water from this development will not harm the Baxter Lakes II system.

Councilmember Hurt stated that the Baxter Lakes II system has to be reconstructed and upgraded to handle the additional water.

Staff was directed to develop appropriate wording with City Engineer/Director of Public Works Mike Geisel.

Councilmember Flachsbart stated that significant storms will swamp the system thus the need to make the basins bigger to handle bigger storms.

Councilmember Hurt stated he wants at least a 25% reduction.

A motion was made by Councilmember Hurt Dan to amend Attachment A, to require the developer reduce the flow southeast of the street pavement 25% below current level, tie into the existing Baxter Lakes II system and upgrade that system at least to the Biermann outlet.

Councilmember Flachsbart seconded the motion.

There was discussion between the Committee and Mr. Wind concerning the detention.

Mr. Wind requested clarification of the requirement to rebuild the existing stormsewer.

Councilmember Hurt explained that now it is surface drainage and that the proposed development would be putting it underground, which will create a problem.

A motion was made by Councilmember Flachsbart to amend Attachment A to require the detention to handle a 30-year storm instead of a 15-year storm.

Councilmember Flachsbart requested that the Public Works Department provide the differences in the 15-year storm and the 30-year storm.

The motion to amend Attachment A dies for lack of a second.

Councilmember Hurt called the question.

There was continued discussion among the Committee.

Councilmember Hurt called the question again.

The motion to call the question was approved by a vote of 4 to 0.

The motion to amend Attachment A was approved by a vote of 4 to 0.

Councilmember Hurt inquired as to what the concerns of the residents were.

Planner I Hunt replied that there were concerned about the removal of trees.

Chairman Levinson stated that the residents also felt that the proposed lot sizes were not compatible. The Planning Commission recommendation increased the lot sizes.

A motion was made by Councilmember Hurt, seconded by Chairman Levinson, to approve P.Z. 17-95 (rezoning). The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting. (See Bill #1121)

A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, to approve P.Z. 18-95 (PEU) as amended. The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting. (See Bill #1123)

- * **ITEM VI.** **P.Z. 20-95 Premier Development Corporation (Windridge Estates);** "NU" Non-Urban District and "FPNU" Flood Plain Non-Urban District to "R-1" One acre Residence District and "FPR-1" Flood Plain "R-1" One acre Residence District; south side of Wild Horse Creek Road, west of Long Road.

AND

- * **ITEM VII.** **P.Z. 21-95 Premier Development Corporation (Windridge Estates);** Planned Environment Unit (PEU) Procedure in the "R-1" One acre Residence District and "FPR-1" Flood Plain "R-1" One acre Residence District; south side of Wild Horse Creek Road, west of Long Road.

Assistant Director Griggs-McElhanon summarized P.Z. 20-95 (rezoning) and P.Z. 21-95 (PEU), which were both recommended for approval by the Planning Commission by a vote of 7 to 0. Separate motions are needed on these petitions.

Councilmember Flachsbart requested clarification on the required size of lots along Wild Horse Creek Road.

Assistant Director Griggs-McElhanon stated Attachment A requires a minimum lot size of 22,000 square feet.

There was general discussion among the Committee on minimum lot sizes.

Mr. Ed Griesedieck, attorney for the petitioner, stated that the amendments made by the Planning Commission are acceptable.

Murray Fishman, owner of adjacent property to the south (Kennedy Farms), stated that his concerns are: (1) buffering, larger lots help buffering and have less impact on the trees; and, (2) no increase in water on their lot.

Chairman Levinson stated that he thought there was a ditch which had been closed on the Kennedy Farms property.

Murray Fishman stated that they have been involved with the property about two years and have no knowledge of a ditch.

Councilmember Flachsbart stated that he is concerned that the water drainage will swamp the neighbors.

Councilmember Cullen asked the petitioner how they propose to address the concerns

about drainage.

Ed Griesedieck responded that the existing pipe under Deep Forest has caused erosion. The proposed development will pipe drainage to the east (into the flood plain area), which will improve erosion problem.

There was general discussion by the Committee concerning lot sizes.

Chairman Levinson stated that he believed an amendment was needed concerning the retention of 25 feet of trees, to allow for an easement to be obtained from the from adjacent property owners, which would state: "unless agreement is made with property owners to the south".

Councilmember Cullen inquired if the petitioner would be permitted to put a berm along the southern property line.

Assistant Director Griggs-McElhanon stated that the Corps of Engineers would have to approve any work in the flood plain, and they might not allow a berm in this location.

Councilmember Flachsbart inquired if the petitioner would object to having a minimum lot size along Wild Horse Creek Road of 1 acre.

Ed Griesedieck stated that the petitioner would prefer the restriction be no more than 3 lots along Wild Horse Creek Road.

Councilmember Flachsbart stated that the required 30' common ground area could count towards the minimum lot size of 1 acre.

A motion was made by Chairman Levinson, seconded by Councilmember Flachsbart, to amend Attachment A, 4(u), to add "unless grading on one or both of the properties is agreed to by both property owners". **The motion was approved by a vote of 4 to 0.**

A motion was made by Councilmember Flachsbart, seconded by Councilmember Cullen, to amend Attachment A, to require lots along Wild Horse Creek Road be a minimum of one acre, for purposes of calculating the minimum size, the common ground can be included..

There was general discussion among the Committee of 3 lots versus minimum 1 acre requirement.

Councilmember Flachsbart stated that the Preliminary Plan depicts a minimum lot size

of 1 acre along Wild Horse Creek Road.

The motion to amend Attachment A was approved by a vote of 4 to 0.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Cullen, to approve P.Z. 20-95 (rezoning). The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting.

A motion was made by Councilmember Cullen, seconded by Councilmember Flachsbart, to amend Attachment A, to require the existing pipe under Deep Forest Drive to be piped to a point to the east, as approved by MSD and the City of Chesterfield. The discharge shall be a minimum of 100 feet from the south property line. The motion was approved by a vote of 4 to 0.

A motion was made by Councilmember Cullen, seconded by Councilmember Flachsbart, to approve P.Z. 21-95 (PEU), as amended. The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting.

(Note: Subsequent to this meeting, a valid protest petition was filed; hence a public hearing must be scheduled by this Committee before forwarding P.Z. 20 & 21-95 to City Council for consideration.)

***ITEM VIII. P.Z. 11-95 George Eble/Western Oil; Conditional Use Permit (C.U.P.) in "C-2" Shopping District; southeast corner of the intersection of Olive Boulevard (State Highway 340) and Woods Mill Road (State Highway 141).**

Assistant Director Griggs-McElhanon summarized P.Z. 11-95, which was recommended for approval by the Planning Commission by a vote of 7 to 0.

Councilmember Flachsbart requested clarification on the location of the building, signage and landscaping.

John King, attorney for the petitioner, responded and noted the location of the existing and proposed green space, and that a new brick building is proposed.

A motion was made by Councilmember Flachsbart, seconded by Councilmember

Hurt, to receive and file P.Z. 11-95. The motion was approved by a vote of 4 to 0.

As this is a request for a Conditional Use Permit, the report of the Planning Commission can be received and filed by Council, and the Conditional Use Permit would be effective fifteen (15) days later. Council could exercise its review on this matter, which would then require referral back to the Planning and Zoning Committee for a hearing and subsequent final action by City Council.

- * **ITEM XI.** P.Z. 9-95 Olympic Homes, Inc. (Ladue Grove); "C-8" Planned Commercial District to "R-2" 15,000 square foot Residence District; south side of Ladue Road (County Road AB), east of Green Trails Drive.

Assistant Director Griggs-McElhanon summarized P.Z. 9-95, which was recommended for approval by the Planning Commission by a vote of 8 to 0.

Jim Zavradinos, representing the petitioner, stated that the issue of rezoning needs to be resolved prior to resolution of the location of the access road. If the access is from the east side of the development, no variance is needed. If the access is from the west side of the development, a variance will be needed to allow a residential street to be located within an easement instead of a dedicated right-of-way.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Cullen, to approve P.Z. 9-95. The motion was approved by a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting. (See Bill #1124)

- * **ITEM X.** P.C. 130-85 Peachtree Limited (Peachtree Apartments); a request for an amendment to Planned Environment Unit (PEU) Ordinance Number 12,282 located in the "R-6" 2,000 square foot Residence District and the "R-6A" 4,000 square foot Residence District; south side of Olive Boulevard, east of Chesterfield Parkway North.

Planner II Hanke summarized the amendment request for P.C. 130-85, to delete the requirement for an island prohibiting left turns onto Olive Boulevard, which was recommended for approval by the Planning Commission by a vote of 7 to 0.

A motion was made by Councilmember Cullen, seconded by Councilmember Hurt, to approve the amendment request to P.C. 130-85. The motion was approved by

a vote of 4 to 0.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting. (See Bill #1125)

- * **ITEM III.** Recommendation from the City Attorney regarding license fees for billboard signs within the City of Chesterfield.

A handout was given to the Committee from City Attorney Beach.

Chairman Levinson expressed his concern with the proposed wording on the ballot. He felt that it was important to let the residents know we are only allowing billboards because of State Statutes.

Councilmember Hurt inquired if the height and lighting of billboards can be restricted.

It was indicated that the Mayor was going to check with City Attorney Beach on this.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Cullen, to **forward this item** to the City Council.

Councilmember Hurt stated that the fee should be higher.

City Administrator Herring stated that it was City Attorney Beach's intent is to charge the highest fee that could sustain a legal challenge, as requested by the Committee.

The motion was **approved** by a vote of 3 to 1, with Councilmember Hurt voting no.

Note: A bill relative to this matter will be needed for the August 21, 1995, City Council Meeting. (See Bill #1111)

- ITEM XII.** Historic District Committee for Old Chesterfield Area per Chairman Levinson.

Chairman Levinson stated that the Historic District Committee should include people from the area. He stated that he knew Pat Catanzaro.

Councilmember Cullen suggested that Charlie Fawcett be considered.

Councilmember Flachsbart suggested a resident of the area be included.

Councilmember Cullen recommended Scott Baum be included, pending confirmation he is a resident of the area.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Cullen to designate Pat Catanzaro, Charlie Fawcett, and a resident of the study area as recommended by the Councilmember from the 4th Ward. **The motion was approved by a vote of 4 to 0.**

ITEM XIII. Building Permits for Signs per Chairman Levinson.

Assistant Director Griggs-McElhanon summarized the Department memo concerning the St. Louis County contract concerning building permits. The Department recommends the following items be exempted from obtaining a building permit: temporary signs less than 10 feet in height and 100 square feet in size (these would still require Zoning Approval from the City); retaining walls less than 4 feet in height; and parking lots. The Department also recommends that there be clarification of sign regulations so that there are no conflicts with the BOCA Code. The Department recommends that the City draft these revisions to the contract with the County and forward them for the County's review. Also included in the Department memo is a recommendation that the City request the County consider re-locating a Plan Reviewer to the West County Satellite Office.

A motion was made by Councilmember Cullen, seconded by Councilmember Flachsbart, to have staff draft the proposed revisions to the County contract outlined in their memo for consideration by the County and to request the County consider re-locating a Plan Reviewer to the West County Satellite Office. **The motion was approved by a vote of 4 to 0.**

Chairman Levinson requested the Department work with City Administrator Herring on a letter to the County.

***ITEM XIV.** Memorandum from the Director of Planning concerning City Council Policy on Planning Commission recommendations.

Assistant Director Griggs-McElhanon summarized the Department memo concerning the Council Policy on Planning Commission recommendations and clarified the Policy revision discussed at the July Committee meeting, which was to continue to forward items to the Committee if there was an intervening Committee meeting prior to a Council meeting (which would occur during the summer schedule). She pointed out that the April, 1995, Zoning Ordinance revision, which requires protest petitions to have individually notarized signatures and increased the filing time from 9 days to 18

days, was done to bring our Ordinance into conformance with State Statues concerning individually notarized signatures. She stated that the City could amend the protest procedure to decrease the number of days to file a protest petition.

Chairman Levinson stated that he is in favor of changing the protest filing time period. He felt that the Councilmembers usually know what is going on in their Ward.

Planner II Hanke stated that previously a valid protest was filed by residents of Clarkson Valley (for Sea Beauty Farms) which did not involve Chesterfield Councilmembers. He also noted that it is difficult to properly advise residents of the potential timing for meetings on a specific petition.

A motion was made by Councilmember Barry, seconded by Councilmember Cullen, to accept the Department recommendation on page 2, first paragraph.

Assistant Director Griggs-McElhanon stated that it is not only a problem with residents no knowing the potential timing for a petition, it is also a problem for the petitioner.

Councilmember Cullen asked Chairman Levinson what time period he felt was appropriate.

Chairman Levinson replied whatever would fit the meeting schedule.

Assistant Director Griggs-McElhanon stated that would mean 1 week to get individually notarized signatures.

Councilmember Cullen stated that 1 week is too short.

Planner II Hanke commented that when absentee owners are involved, it could take a longer time to obtain their notarized signatures.

Chairman Levinson stated that a week is possibly too short. The regular meeting schedule results in 3 weeks between the Planning Commission and the Council meetings. Chairman Levinson stated that he was concerned that the Council as a whole voted on a policy and then staff decided they didn't like the policy so they were not going to implement it.

Councilmember Flachsbart suggested that we could modify the Zoning Ordinance stating anyone wanting to file a protest should notify the City so we can extend the time period.

Chairman Levinson sought clarification of the Zoning Ordinance amendment process from staff.

Assistant Director Griggs-McElhanon stated that the Department was in error in not pointing out the conflict with the Policy and the Zoning Ordinance and just wanted to make sure the Committee realized the implication of the Policy. She clarified the Zoning Ordinance amendment process.

Chairman Levinson suggested the Committee ask staff to prepare an amendment and have the Planning Commission hold a public hearing.

Councilmember Flachsbart stated that in any case where a petition goes to Council, anyone who notifies the City within 7 days of their intent to file a protest would cause the time frame to be extended.

Councilmember Cullen withdrew his second.

The motion dies for lack of second.

A motion was made by Councilmember Cullen, seconded by Chairman Levinson, to send a request to the Planning Commission to hold a public hearing to amend the Zoning Ordinance for those petitions that require a public hearing to require notification of the City within 7 days of Planning Commission action of an intent to file a protest, then an additional 11 days will be given to submit the protest petition. **The motion was approved by a vote of 3 to 1, with Councilmember Flachsbart voting no.**

There was discussion among the Committee of the time of the next meeting.

Chairman Levinson requested staff look at scheduling future Thursday meetings at 7:30 p.m.

The next meeting is September 7, 1995, at 5:30 p.m.

The meeting adjourned at 8:00 p.m.