

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: August 14, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary  
**August 10, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, August 10, 2006 in Conference Room 101.

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

Also in attendance were Mayor John Nations; Councilmember Jane Durrell (Ward I); Councilmember Bruce Geiger (Ward II); Councilmember Connie Fults (Ward IV); Maurice L. Hirsch, Jr., Planning Commission Chair; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planner; Mara Perry, Senior 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 July 20, 2006 Planning and Zoning Committee Meeting Summary

**Councilmember Streeter made a motion to approve the Meeting Summary of July 20, 2006. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4 to 0.**

## II. OLD BUSINESS

- A. **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.

### **Staff Report**

Ms. Mara Perry, Senior Planner, demonstrated through a diagram how two different homeowners would be affected by the original language of the Zoning Ordinance vs. proposed language regarding heights of additions to homes or new construction after a tear down.

### **Current Language in the Zoning Ordinance:**

1. Residential Tear Downs  
If the height of any addition exceeds the height of any existing, adjacent dwelling by more than fifteen (15) feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission.
  
2. Residential Additions  
If the height of any addition exceeds the height of any existing, adjacent-dwelling by more than fifteen (15) feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission.

### **Using the current language, results would be:**

In an existing neighborhood of single-story and two-story homes:

- A single-story residence would be allowed to build a second story.
- A two-story residence would have to go before the Planning Commission to add any height to the home.

It was also pointed out that in many of the existing residential districts, residences can build up to a height of 45 feet. In the "NU" District, there is no height restriction at all.

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## Proposed Language A:

1. Residential Tear Downs  
If the height of any ~~addition~~**new construction** exceeds the height of ~~any existing, adjacent dwelling~~ **the original residential structure** by more than fifteen (15) feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission. **The Planning Commission shall establish a simple and expedited process for this review.**
2. Residential Additions  
If the height of any addition exceeds the height of ~~any existing, adjacent dwelling~~ **the original residential structure** by more than fifteen (15) feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission. **The Planning Commission shall establish a simple and expedited process for this review.**

### Using Proposed Language A, results would be:

In an existing neighborhood of single-story and two-story homes:

- If a single-story residence has its roof removed, it would be allowed to add fifteen feet, which would put it slightly above the existing two-story residences.
- If a two-story residence has its roof removed, it would also be allowed to add fifteen feet making it higher than the existing two-story residences.

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## Proposed Language B:

If the height of any addition/new construction exceeds the height of the **prevailing height pattern** by more than fifteen (15) feet, the request shall be reviewed and approved by the City of Chesterfield Planning Commission. **The prevailing pattern of the building height in the subdivision shall be based upon the ten closest lots in the subdivision.**

### Using Proposed Language B, results would be:

Residences would be allowed to construct 15 feet above the prevailing height of the 10 closest homes. Anything above 15 feet would have to be reviewed by the Planning Commission. This language would allow both single-story and two-story homes to add height to the same level.

## DISCUSSION

Councilmember Flachsbart felt the Planning Commission should review any plans for a homeowner who wants to build higher than any of the 10-20 closest houses.

Mayor Nations felt homeowners should be allowed to build whatever the Developer was originally allowed to build on the site under the governing ordinance. He felt that if height restrictions are placed on homes in existing neighborhoods, it would inhibit homeowners from improving their neighborhoods. To insure quality improvements, he felt the pitch of a roof on a second-story home should not exceed a 45° angle.

Councilmember Hurt felt the character of neighborhoods is affected by the height of homes. Councilmember Streeter did not feel homeowners should be allowed to build up to the historical building line.

Councilmember Streeter asked that the term “residential tear down” be clearly defined in the City’s Zoning Ordinance.

Councilmember Flachsbart made a motion to include the Proposed Language B in the Attachment A, as amended, as follows: **(Changes in green)**

If the height of any addition/new construction exceeds the height of the prevailing height pattern by ~~more than fifteen (15) feet~~, the request shall be reviewed and approved by the City of Chesterfield Planning Commission. The prevailing pattern of the building height in the subdivision shall be based upon the ~~ten~~ **fifteen** closest lots in the subdivision, **or the prevailing height of the subdivision homes where there are less than fifteen homes in the subdivision.**

The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

Councilmember Flachsbart made a motion to forward **P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)**, as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the August 21, 2006 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 19-2005 City of Chesterfield (Various Sections of Zoning Ordinance)]**

- 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.

**Staff Report**

Ms. Teresa Price, Director of Planning, presented proposed amendments to the Attachment A for the Committee’s consideration. The amendments are a result of the issues raised at the last Planning & Zoning Committee meeting.

The Committee’s attention was directed to two changes that have been proposed that are different from the Staff Report: **(Changes in green)**

**Section I.D.2.d. regarding “Lot Criteria”:**

No foundation shall be closer than 400 **150** feet of the eastern property line bearing S00°50’13”W.

**Section II.B.4.a. regarding “Landscape and Tree Requirements”:**

A 40 **50** foot wide landscape buffer strip shall be required along the eastern boundary of the development bearing S00°50’13”W. **The detention basin shall not be allowed within this buffer.**

Ms. Price stated that the following two changes are being proposed by the City Attorney:

**Section K.5. regarding “Environmental Site Assessment”:**

**Clean up shall occur within two years of zoning approval or any case no later than one year from site development plan approval as set forth in the SCI Standard Operating Procedures Memorandum attached as Exhibit 1.**

**Section VI.A.23 regarding “Site Development Plan Submittal Requirements”:**

**Provide as a note on both the record plat and site development plan that, as of the adoption date of this ordinance, the paving company located to the north of the proposed Westland Acres Drive is an existing non-conforming use.**

**DISCUSSION**

**Environmental Clean-Up**

Councilmember Hurt noted Public Works comments indicating that its staff does not have the expertise to monitor environmental clean-up. He suggested that the City hire a professional firm to independently monitor the environmental clean-up

process with reimbursement from the Developer. He noted that Phoenix Environmental Company helped clean up the Valley and may be a good choice for this work.

Mayor Nations stated that a separate procedure would be needed to authorize the City to charge such a fee and appropriate it for that purpose.

**Staff was directed to ask the City Attorney to review this issue to determine how this process could be set up. City Attorney is to have this information available by the next City Council meeting.**

The Developer's Attorney stated that St. Louis County Health Department would also be involved in the environmental clean-up and could be used as the independent monitor. Councilmember Hurt still felt a private independent contractor would be necessary for this project.

#### **Rectangular Area not included in the Rezoning & Disclosure Statement**

Councilmember Fults stated that this area includes a paving company. This area would not be included in the clean-up process. She noted that houses would be built adjacent to it. She felt that a disclosure should be given to any prospective homebuyers in this area indicating that this area was not included in the clean-up process as it is not a part of the Westland Acres development.

Glenn Grissom, SCI Engineering, that this area was not investigated for environmental issues because it is not owned by the Developer.

It was noted that the Developer had tried to acquire this property but the owner was not interested in selling. The property has been cited for violations and is currently going through the Court process.

**The City Attorney was directed to provide language for a disclosure statement to be given to prospective homeowners, who may purchase houses that border on the rectangular area near the property owned by the paving company, notifying them that this property is not part of the Westland development and may require clean-up at a later time.**

It was felt that such language could be included in a Real Estate Contract.

The Developer's attorney indicated that he wants to work with the City Attorney on such disclosure language. They have no objection to disclosure but expressed concern about stating "this may require clean-up". Since it is not known whether clean-up will be required, they would not want to include such language as it could create liability for the Developer.

### **“Natural State” of Site**

It was noted that language is included in the Attachment A that would allow disturbance only for the clean-up and that the area would be restored to its natural state.

The Developer stated that a bobcat would not be feasible in removing car bodies from the site - but since there are already roads and pathways cut through the woods, there would be minimal disturbance.

Councilmember Fults asked how the site would be monitored to insure re-vegetation to bring it back to its natural state. The Developer’s Attorney responded that this issue would be treated the same as any other land disturbance of the site, which will require them to re-establish vegetation on the area as part of the Tree Preservation requirements.

Ms. Stephanie Macaluso, area resident, felt that, if only a few car bodies needed to be removed from the natural buffer area, they could be cut up and removed using nothing larger than a bobcat. This would insure keeping the area natural. Mr. Grissom stated that the site includes ravines which are 30-50 feet deep and it would not be practical to use a bobcat in those areas. He noted that the vast majority of the clean-up of the site will be on areas that will be disturbed for building. They will not be removing any large trees in the clean-up process. They do not think they will be removing any trees larger than 6” caliper. It was also noted that cutting some of the debris for removal purposes could cause an environmental problem.

One of the area residents stated that when he walked the site, he did not see any car bodies or items that would require heavy equipment for removal. He noted barrels, refrigerators, tires, paint cans, containers, and glass in the buffer areas.

### **Special Lighting to Enhance the Historical Nature of the Site**

Councilmember Flachsbart pointed out that the letter from Brad Goss, Attorney for the Developer, stated that street lighting will have to be in accord with standards established by Ameren. Mr. Flachsbart felt this project should have Automatic Power of Review wherein lighting would be reviewed.

### **Landscaping the Berm**

Councilmember Flachsbart felt there should be landscaping around the berm and it should be included in the Site Plan review.

### **Monitoring the Water Quality of Lakes and Ponds**

Councilmember Flachsbart felt there should be a pre- and post-construction examination of water quality of the surrounding lakes and ponds. He wants the water examined for more than siltation – such as whether petroleum has been added to the water; whether the ph of the water has changed dramatically, etc. Chair Brown suggested Mr. Flachsbart contact Mr. Geisel about his concerns.

**Councilmember Flachsbart made a motion to amend Section III.I.6 of the Attachment A as follows: (Changes in green)**

“. . . The developer shall perform pre-construction and post-construction surveys **(including water quality)** of these facilities and determine any changed condition. . .”

The motion died due to the lack of a second.

#### **Maintenance of Berm**

Councilmember Durrell asked who would be responsible for any future repairs to the berm in a case where the subdivision does not have the funds for repairs. It was noted that this would be a civil matter for the subdivision.

#### **Cul-de-Sac by the Cemetery in Wildwood**

Councilmember Durrell asked the Developer, if possible, to re-sketch the location of the cul-de-sac so it is moved further to the north away from the cemetery.

(Councilmember Flachsbart left the meeting at 6:31 p.m.)

#### **50' Buffer and 150' Foundation Setback**

Concern was raised by Mr. David Potter, area resident, that the 50' natural buffer and the 150' foundation setback do not apply to the entire area abutting Pacland Place. He felt the buffer and setback should be consistent from north to south.

#### **Historical Site/E One-Half Acre Zoning**

**City Attorney was directed to draft language stating that the reason the City is allowing E One-Half Zoning is due to the historical nature of the site.**

Ms. Price suggested including such language in Section II.B. of the Attachment A regarding “History of the Westland Acres Area”.

**Councilmember Streeter made a motion to require Automatic Power of Review and to forward P.Z. 39-2005 Westland Acres (Westland Acres Development LLC), with the adoption of the following amendments to the Attachment A, to City Council with a recommendation to approve. (Changes in green)**

#### **I.C. PERMITTED USES (PG 2)**

- d. The minimum lot size for this development in the City of Chesterfield shall be 15,000 square feet.**

#### **I.D. SETBACKS (PG 2)**

##### **1. STRUCTURE SETBACKS**

No building or structure, other than: a freestanding project identification sign, boundary and retaining walls, light standards, flag poles or fences will be located within the following setbacks:

- a. **One hundred fifty (150) feet from the landscape buffer along the southern property line bearing N52°16'36"E.**
  - b. **Twenty (20) feet from the landscape buffer along the eastern property line bearing S00°50'13"W.**
  - c. **Forty (40) feet from the landscape buffer bearing S53°08'47"E.**
  - d. **Twenty (20) feet from the landscape buffer along the northern property line with bearing S88°37'46"E.**
2. LOT CRITERIA

In addition to the above-referenced requirements, no building or structure (other than boundary and retaining walls) light standards, flag poles or fences, the following lot criteria shall apply:

- a. Front yard setback: Twenty five (25) feet from the internal public right-of-way.
- b. Side yard setback: Fifteen (15) feet from the side property line.
  - (i.) A minimum of 30 feet must be maintained between structures.
- c. Rear yard setback: Twenty (20) feet from the rear property line.
- d. **No foundation shall be closer than 150 feet of the eastern property line bearing S00°50'13"W.**

**IIB. HISTORY OF THE WESTLAND ACRES AREA (PG 3):**

- a. installation of a system of eight (8) foot wide multiple use trails which provide logical interconnections to all areas of the site and the historic assets planned within the development **as directed by the City of Chesterfield**. The trails will be reviewed and approved by the City of Chesterfield during the site development plan review.
- b. provide artwork (both sculptures and statues) at a minimum of five (5) prominent locations within the boundaries of the development located in the City of Chesterfield **as directed by the City of Chesterfield**. The artwork must be respectful and appropriate of this community and its history. Said

artwork shall be reviewed and approved by the City of Chesterfield during site development plan review;

### **III.B. LANDSCAPE AND TREE REQUIREMENTS (PG 5)**

1. The developer shall submit a landscape plan, tree stand delineation, in adherence with the Tree Manual of the City of Chesterfield Code.
2. Landscaping in the right of way, if proposed, shall be reviewed by the City of Chesterfield Department of Public Works.
3. Tree canopy preservation for this site shall be ~~50%~~ **45%**.
4. **A minimum 30 foot wide landscape buffer strip shall be required around the perimeter of this development in accordance with the City of Chesterfield Tree Manual.**
  - a. **A 50 foot wide landscape buffer strip shall be required along the eastern boundary of the development bearing S00°50'13"W. The detention basin shall not be allowed within this buffer.**
5. **The minimum amount of this 58 acre tract of land, which must be preserved in a natural state as part of this development, shall be 22 acres.**
6. **Natural state is defined as an area of land in its original state before any clearing, grading, excavating or filling. The areas shown on the preliminary plan labeled as being "common ground" shall remain in its natural state.**
7. **Trees located in the common ground area shall be replanted if any loss occurs due to cleaning and/or clearing of the area so that the area is restored to its natural state.**
8. **During Site Development Plan review, Tree Stand Delineation shall be submitted to the Department of Planning for approval before the Planning Commission. The Tree Stand Delineation shall adhere to the requirements set forth in the City of Chesterfield Tree Manual and show the exact location of trees being lost in the common ground area in an overlay form, provide the reason for said tree loss, and provide replanting information to restore said area to its natural state.**

### III.G. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION (PG 7)

6. All new roads within and adjacent to this site shall be constructed at least one (1) foot above the base flood elevation of the Special Flood Hazard Area. ~~Improvements to existing roadways shall be required as necessary.~~ **Improvements to Church Road from the proposed subdivision to Strecker Road including any necessary improvements to the intersection of Church and Strecker shall be required as necessary** to provide at least one access route to each lot that is at least one (1) foot above the base flood elevation ~~as directed by the Department of Public Works.~~

### III.K. ENVIRONMENTAL SITE ASSESSMENT (PG 11)

4. **Certification regarding the environmental cleanup must be submitted prior to the issuance of 25% of the building permits in the City of Chesterfield.**
5. **Clean up shall occur within two years of zoning approval or any case no later than one year from site development plan approval as set forth in the SCI Standard Operating Procedures Memorandum attached as Exhibit 1. (Attached to green sheet)**

### VI.A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS (PG 13)

23. **Provide as a note on both the record plat and site development plan that as of the adoption date of this ordinance, the paving company located to the north of the proposed Westland Acres Drive is an existing non-conforming use.**

The motion was seconded by Councilmember Hurt 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 21, 2006 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 39-2005 Westland Acres (Westland Acres Development LLC)]**

### III. NEW BUSINESS

- A. **P.Z. 8-2006 Four Seasons Plaza (Dr. Phil Hendricks)**: A request for an amendment to City of Chesterfield Ordinance 775 to permit financial institutions, medical offices, restaurants, and drive-up facilities in Four Seasons Plaza, a 2.35 acre "C8" Planned Commercial District located on the south side of Olive Boulevard, directly across from the intersection of State Highway 340 and River Valley Drive. (LOCATOR NUMBER 16Q230260)

#### **Staff Report**

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the Petitioner is requesting a drive-thru, which has been reviewed by the Department of Public Works and the Fire District and they have no issues with circulation or ingress and egress.

The major changes include: (1) the closure of one entry point because of access management problems off of Olive Boulevard, which could cause stacking issues; and (2) the removal of the first raised island, which would be re-stripped for separate left and right-turn lanes.

The Planning Commission approved the petition by a vote of 7 to 0.

### DISCUSSION

#### **Access**

There are currently three accesses to the site – the first one will be eliminated. Councilmember Hurt stated he would like the entrance to be as far away from Olive as possible to avoid stacking issues.

#### **Drive-thru/Permitted Uses**

Councilmember Hurt expressed concern about having a drive-thru at this site and the use of "fast food restaurant". Ms. McCaskill-Clay pointed out that the Attachment A states that the drive-up facilities are limited to "low intensity" financial institutions and restaurants in the form of bakeries and/or coffee shops and similar or comparable uses. It was noted that "low intensity" type uses were defined for the Chesterfield Oaks development.

Councilmember Streeter had concern that something similar to a Taco Bell could be allowed in the future. Ms. Price stated that the Planning Commission worked with the City Attorney to craft the language of "low intensity" uses to prevent such a fast-food type use for this site.

Mr. John King, Attorney for the Petitioner, stated that at the present time they are working with National City Bank for this site.

Councilmember Durrell stated she would be agreeable to a drive-thru for uses such as a dry cleaner, bank, or ice cream shop – but not a fast-food, drive-thru restaurant.

### **Signage**

An Amended Site Plan will be needed for the canopy. Any changes to the present monument sign would have to meet the City's code.

### **Green Space**

Councilmember Hurt pointed out that all the green space is behind the building and felt more should be added to the site in the form of islands. The Developer stated that they plan on replanting and sprinkling the site.

**Councilmember Hurt made a motion to forward P.Z. 8-2006 Four Seasons Plaza (Dr. Phil Hendricks) 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 21, 2006 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by the Director of Planning, for additional information on P.Z. 8-2006 Four Seasons Plaza (Dr. Phil Hendricks)]**

**IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None**

**V. ADJOURNMENT**

The meeting adjourned at 7:03 p.m.