

TO: Members - Planning and Zoning Committee

FROM: Michael G. Herring, City Administrator/Acting-Director of Planning 

RE: Minutes - 8/21/97 meeting

DATE: August 24, 1997

A meeting of the Planning and Zoning Committee of City Council took place on Thursday, August 21, 1997. Those in attendance included Councilmember Dan Hurt, Chairperson - Ward III (arrived 5:34pm), Councilmember Barry Streeter, Ward II, Councilmember Barry Flachsbart, Ward I, Councilmember Mary Brown, Ward IV, City Administrator/Acting Director of Planning Mike Herring, Assistant Director of Planning Laura Griggs-McElhanon and Vice-Chair of the Planning Commission, Bob Grant. Also in attendance were Councilmembers Larry Grosser, Ward II, and Linda Tilley, Ward IV, and approximately 18 visitors.

In the absence of Chairperson Hurt, Vice-Chair Mary Brown called the meeting to order at 5:30pm.

I. On a motion by Councilmember Streeter, seconded by Councilmember Brown, the minutes from the August 7th meeting of this Committee were approved, by a vote of 2-0, with Councilmember Flachsbart abstaining.

VI. P.Z. 20-97, Chesterfield Memorial Building Association (American Legion) - Assistant Director of Planning Laura Griggs-McElhanon discussed the background regarding this petition and noted that the Planning Commission had voted unanimously to recommend approval. The petitioner is requesting approval of an amendment to Ordinance #1156, which would state: "a fraternal organization shall be permitted at 777 Spirit of St. Louis Blvd. (locator # 17V13-0153). (Councilmember Hurt arrived at this time.) On a motion by Councilmember Brown, seconded by Councilmember Streeter, the petition was approved by a vote of 4-0.

VII. P.Z. 22-95, O'Sullivan-Muckle Funeral Home - Ms. Griggs-McElhanon discussed this petition. If approved by City Council ultimately, this petition would amend Ordinance 1091, to allow an overhead canopy to maintain a five (5) foot setback from the west property limits, in lieu of the required twenty (20) foot setback. Ms. Griggs-McElhanon noted that the Planning Commission had voted unanimously to recommend approval of this petition. On a motion by Councilmember Flachsbart, seconded by Councilmember Brown, the petition was approved by a vote of 4-0.

IV. P.Z. 9-97, Sprint PCS, L.P. c/o CIS Communications, L.L.C. (St. Thomas Church) - Ms. Griggs-McElhanon explained that the Planning Commission had voted unanimously to recommend approval of this petition. The petitioners are requesting approval for a Conditional Use Permit for a cellular tower on the St. Thomas Church property. Ms. Griggs-McElhanon noted that, per the City Attorney, this petition will be sent back to the Planning Commission, if

the FAA determines that the tower can be increased in height. On a motion by Councilmember Brown, seconded by Councilmember Streeter, the Committee voted unanimously to recommend that City Council receive and file this petition.

III. P.Z. 31-96, Sebastian Rucci (Eagle Crest Estates AND P.Z. 32-96, Sebastian Rucci (Eagle Crest Estates) - Chairperson Hurt first recognized Director of Public Works/City Engineer Mike Geisel, who discussed various issues associated with this project, contained within his memo, dated August 21 (see attached). Mr. Geisel noted that the engineer for the project must certify that the project will have "no net effect" re: the 100 year flood levels currently found in the creek on this property. There can be "no rise" in the creek, either above or below the proposed bridge. There next followed some discussion regarding the proposed easement to provided for access to the landlocked property to the south. On a motion by Councilmember Hurt, seconded by Councilmember Flachsbart, the Committee voted 3-1, with Councilmember Brown voting "no", to add the following language to Item "m", under Access and Roadway Improvements, Including Sidewalks: Delete the words "access easement" and add the words "right-of-way". At the end of this item, add "A sign is to be erected at the end of the cul-de-sac on Eagle Bluff Court, advising that a fifty (50) foot right-of-way exists for the possible future extension of this road." On a motion by Councilmember Flachsbart, seconded by Councilmember Streeter, the Committee voted 4-0 to amend Item "k", under this same heading, to add the following: replace the period following the word "Chesterfield" with a comma and add the following language: "except Eagle Bluff Court may be longer than 800 feet, as shown on the revised preliminary plan." Following additional discussion, on a motion by Councilmember Flachsbart, seconded by Councilmember Streeter, the Committee voted 4-0 to amend Item "m", under "8. General Development Conditions", to per the attached memo, prepared by Ms. Griggs-McElhanon.

Chairperson Hurt next recognized the petitioner for comments. Mr. Todd Brady, with Heideman and Associates, first addressed the Committee regarding various hydrology issues/concerns. The current/proposed velocity, rise and flow in the creek were all addressed by Mr. Brady. There was also general discussion regarding the retaining wall proposed adjacent to Eagle Bluff Court, by Mr. Doering, with Doering Engineering. On a motion by Councilmember Brown, seconded by Councilmember Flachsbart, the Committee voted 4-0 to recommend approval of the changed conditions contained within the August 18 memo, prepared by Ms. Griggs-McElhanon. Councilmember Streeter asked that the minutes reflect the fact that the Committee has not intention of changing setback requirements regarding retaining walls, as discussed previously with Mr. Doering, and if a request for a variance is received in the future, the Board of Adjustment should be so advised. The Committee acknowledged their support for this statement.

On a motion by Councilmember Streeter, seconded by Councilmember Brown, the Committee voted 4-0 to recommend approval of P.Z. 31-96 (re-zoning). On a motion by Councilmember Brown, seconded by Councilmember Hurt, the Committee voted 3-1 (Councilmember Flachsbart voted "no") to approve P.Z. 32-96 (PEU), as amended.

V. P.Z. 14-97, Nancy M. Cullen and Michael P. Cullen (18450 Olive Street Road) - Ms. Griggs-McElhanon explained that Staff had recommended that the area in question be re-zoned C-8;

however, the Planning Commission had voted unanimously to recommend approval of the petitioner's request for a C-3. In addition, the Planning Commission recommends that conditions be required for this development, as outline in the meeting packet. (Note: Ms. Griggs-McElhanon left the meeting at 7pm, to attend a meeting of the Board of Adjustment.) There followed general discussion regarding this petition. The Committee unanimously agreed that the "permitted uses" shown in the proposed "Attachment A" be changed to list the allowed uses, versus listing the excluded uses. Chairperson Hurt next recognized Mr. Cullen, who explained why he was seeking the C-3 zoning designation. Mr. Cullen noted that he would face significant costs if he were to propose a C-8 zoning. Mr. Cullen confirmed his willingness to abide by the conditions contained in "Attachment A". On a motion by Councilmember Flachsbart, seconded by Councilmember Streeter, the Committee voted 4-0 to amend Item 2(b) in Attachment A, to add the following: "No single building shall exceed 7000 sq. feet and the total for all seven buildings shall not exceed 35,000 sq. feet." Following additional discussion, on a motion by Councilmember Brown, seconded by Councilmember Streeter, the Committee voted 3-1 (Councilmember Flachsbart voted "no") to recommend approval of P.Z. 14-97, as amended.

Chairperson Hurt asked that the minutes reflect that he is concerned about the comments made by Mr. Cullen that there were significant cost factors involved in seeking a C-8. Chairperson Hurt noted that he had discussed this with consultants and did not get this same answer. He indicated his intention to revisit this issue prior to the Sept. 15 meeting of City Council.

ADD-ON #1 - City Administrator/Acting Director of Planning Herring distributed copies of information provided to him by the Historical Commission, regarding their proposal to establish a "local register of historic places" and an "Historic Preservation Commission". This item had been referred to the Committee by City Council. Following some discussion, the Committee agreed unanimously to defer discussion of this matter until the second meeting in October, 1997.

ADD-ON #2 - Chairperson Hurt repeated the concerns that he had stated at the last Council meeting, re: any sort of "open-ended" timeframe regarding the possible extension of the moratorium on residential re-zoning. Mr. Herring noted he had based his "thirty day" extension recommendation on the fact that six of the seven panels had completed their work and were scheduled for a public hearing before the Planning Commission, at a special meeting, to be held Tuesday, Sept. 2. Mr. Herring noted that he had met recently with the Planning Commission Chairperson, Vice-Chairperson and Secretary and wished to convey that the Planning Commission does not intend to vote on the moratorium panel recommendations the same night that they are presented at the public hearing. As a result, the actual vote by the Planning Commission will not occur until Monday, September 22. Even scheduling the vote to occur at the Sept. 22 meeting is two weeks faster than normal and will involve by-passing the "issues meeting" where additional discussion usually occurs. Bob Grant, Vice-Chairperson of the Planning Commission concurred with this timeframe. Mr. Herring continued by indicating that, assuming the Planning Commission votes on each item September 22, the items will be forwarded to the Planning and Zoning Committee for consideration at their October 9th meeting and then on to City Council for a vote at the October 20 City Council meeting. Next, Chairperson Hurt asked Councilmember Flachsbart, who serves as a member of the Character of the Neighborhoods panel, to update the Committee with regard to the work of that panel.

Councilmember Flachsbart presented the attached memorandum to summarize all of the panel's efforts to date and to indicate what work remained to be completed. Councilmember Flachsbart indicated that he thought this panel could complete its current work "within three weeks" or by September 19, at the latest. Given the willingness of the Planning Commission to schedule a special public hearing to consider this panel's recommendations, Councilmember Flachsbart indicated that the items coming from this panel could be submitted to City Council, under a "best case" scenario, at the November 3 City Council meeting and, under a "worst case" scenario, at the November 17 City Council meeting. Councilmember Flachsbart stressed that this was just his opinion and that he had not concurred with Chairperson Domahidy and the other panel members. He noted that the panel was divided in its opinions at this point and that a 4-2 vote might result regarding the panel's recommendations, with "minority" reports prepared by those "opposed" to the panel's recommendations. Chairperson Hurt directed Mr. Herring to summarize this information in a memo, to be provided to the Mayor and all members of City Council, as information only. Chairperson Hurt stressed that he did not think it appropriate for this Committee to develop a recommendation regarding how long the moratorium should be extended, if at all.

There being no further business to discuss, the meeting was adjourned at 8PM.