

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: September 8, 2000

SUBJECT: Planning and Zoning Committee Meeting Summary from September 7, 2000

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, September 7, 2000, in the City Council Conference Room. In attendance were: Chair Dan Hurt (Ward III); Councilmember Jane Durrell (Ward I); and Councilmember John Nations (Ward II). Also in attendance were: Planning Commission Chair Fred Broemmer; Planning Commissioner Mike Kodner; Architectural Review Board Representative Bob Boland; Teresa Price, Director of Planning; Matt Brandmeyer, Project Planner; Mike Hurlburt, Project Planner; John Wagner, Project Planner; and Kathy Lone, Executive Secretary/Planning Assistant.

*To be discussed at 9/18/2000 City Council Meeting.

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

I. Approval of Planning and Zoning Committee Meeting Summary of August 24, 2000.

Councilmember Nations made a motion to approve the Meeting Summary of August 24, 2000. The motion was seconded by Councilmember Durrell and **passes by a vote of 3 to 0.** (Councilmember Brown was absent from the meeting.)

III. St. Luke's Hospital CUP Amendment; An amendment to the City of Chesterfield Conditional Use Permit (CUP) Number 10 for St. Luke's Hospital located on land at the northeast corner of Conway Road and Woods Mill Road commonly known as 232 South Woods Mill Road. The subject property is zoned "NU" Non-Urban and "FPNU" Flood Plain Non-Urban.

Chair Hurt stated that St. Luke's Hospital has sent a letter to the Committee asking that this CUP Amendment be held.

Chair Hurt stated that Mayor Richard Mange of Town & Country is willing to go along with all of the issues except the setback. St. Luke's Hospital responded that they are willing to go along with what Town & Country asks for except the left-hand turn. Town & Country realizes that this is a difficult issue and knows that may not be possible. Mayor Mange stated in a letter that Town & Country still wants the garage rotated but right now St. Luke's Hospital is not willing to do that.

Chair Hurt stated that St. Luke's Hospital wants this CUP amendment held to possibly revise the plan and respond to the Committee.

Councilmember Nations made a motion to hold St. Luke's Hospital CUP Amendment until the next Planning and Zoning Committee meeting on September 21, 2000. The motion was seconded by Councilmember Durrell and passed by a voice vote of 3 to 0.

- * **IV. P.Z. 11-2000 St. Louis Family Church:** A request for a change in zoning from "C-8" Planned Commercial, "NU" Non-Urban, and "M-3" Planned Industrial Districts to "PI" Planned Industrial for a 16.17 acre tract of land located south of Chesterfield Airport Road, west of Valley Center Drive, more commonly known as St. Louis Family Church.

Project Planner Mike Hurlbert gave an overview of this petition and stated that the Planning Commission approved the amended Attachment A by a vote of 8 to 0. Two (2) of the issues, the Church paying for streetlights and the Levee District comments, were not amended. Mr. Hurlbert stated that requiring the petitioner to pay for the streetlights needs to be put in the Attachment A now with the rezoning. The requirement as written requires the petitioner to put the lights in as directed by the Department of Public Works.

Chair Hurt explained that it is a new requirement for rezonings along Edison Road and Chesterfield Airport Road that at some point in time the petitioner may have to pay for streetlights.

Ms. Angela Kelly, attorney for the petitioner, stated that she feels that the lighting requirement is inappropriate since the City requested the petitioner to rezone since all of the parcels at this site had a different zoning status.

Councilmember Nations made a motion to approve P.Z. 11-2000 St. Louis Family Church as recommended by the Planning Commission and forward to City Council. The motion was seconded by Chair Hurt and passes by a voice vote of 3 to 0.

**Note: One bill relative to this matter will be needed for the September 18, 2000 City Council Meeting.
SEE Bill #**

- VI. P.Z. 43-1999 SSM Health Care Central Region:** A request for a change in zoning from "C-8" Planned Commercial District to "PC" Planned Commercial District for a 23.973 acre tract of land located on South Outer Forty, with frontage on Chesterfield Parkway East, approximately 400 feet east of Clarkson Road/State Highway 340. (Locator Numbers: 18S22-0171, 18S22-0148, 18S22-0061)

Chair Hurt stated that the petitioner for P.Z. 43-1999 SSM Health Care Central Region has requested that this petition be held rather than withdrawn. Chair Hurt noted this petition had already been voted on by the Committee to send to Planning Commission. It was a consensus of the Committee this should be placed on the Planning Commission agenda.

Staff will place this petition on the September 25, 2000 Planning Commission agenda for action.

- *V. **P.Z. 28-2000 Simon Development & Harold P. Greuling**; a request for a change of zoning from an "NU" Non-Urban District to an "E-3" Estate One Half Acre Residence District for 10.9 acres of land located northwest of Wildhorse Creek Road and northeast of Woodcliffe Drive and Hipoint Road. (Locator Numbers: 18T420040, 18T420831, 18T510053, 18T510130, 18T510031 and 18T510064)

Project Planner John Wagner gave an overview of this petition and stated that the Planning Commission approved this petition by a vote of 8 to 0.

Councilmember Nations stated that since this is a straight rezoning and will not have an Attachment A, the Planning Commission had concerns about saving as many trees as possible and having meandering sidewalks.

Councilmember Nations made a motion to approve **P.Z. 28-2000 Simon Development & Harold P. Greuling** and forward to City Council. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 0.**

**Note: One bill relative to this matter will be needed for the September 18, 2000 City Council Meeting.
SEE Bill #**

- *I. **P.Z. 36-1999 City of Chesterfield**; A proposal to amend Section 1003.140 "PC" Planned Commercial District of the City of Chesterfield Zoning Ordinance.

Ms. Price presented a handout of suggestions from the Architectural Review Board. Mr. Bob Boland represented the Architectural Review Board at this meeting.

Project Planner Matt Brandmeyer gave an overview of **P.Z. 36-1999 City of Chesterfield**. Mr. Brandmeyer stated that this was approved by the Planning Commission by a vote of 7 to 2 with the stipulation that the Valley be excluded.

Ms. Price stated that she conferred with City Attorney Doug Beach. There are two (2) issues: 1. The ability of City Council to deviate from the standards; 2. What vote does it take of the City Council if the Planning Commission has deviated (super majority or simple majority vote.) Mr. Beach said that the deviation from the standards as written would occur at the Planning Commission level. It is not written that way. If City Council wants to deviate it will need to be written into the ordinance. With regard to vote, once Planning Commission has approved the deviation, a simple majority of Council is required.

Chair Hurt stated that what Council is looking for is the ability to deviate if it can be allowed or if the majority of Council feels that way.

Ms. Price explained any deviation to the Zoning Ordinance would be to the Board of Adjustment.

General discussion followed about the deviation process.

Planning Commission Chair Broemmer stated the views of the Planning Commission concerning building height.

Councilmember Nations made a motion to approve P.Z. 36-1999 City of Chesterfield. The motion was seconded by Councilmember Durrell.

The Committee was in general agreement with Item 1. 'Maximum density of .65 Floor Area Ratio (F.A.R., the gross area divided by site area.)' and Item 2. 'Minimum Open Space of 45% (Minimum open space, landscaped area and pervious surface.)'

Ms. Price clarified whether a front yard setback included surface parking. Ms. Price stated that the setback is a structure setback. Mr. Boland agreed stating that it is easier to screen this area.

General discussion followed.

Councilmember Nations made an amendment to the motion to approve Item 3. 'Front Yard Setbacks: A minimum of a 50-foot **setback for all structures** ... (Words in bold were added.) The amendment to the motion was seconded by Chair Hurt **and passes by a voice vote of 3 to 0.**

General discussion followed concerning maximum building height with regards to BOCA Code requirements, including or excluding rooftop mechanicals, and density.

Chair Hurt made an amendment to the motion to amend Item 1. to read '.55 Floor Area Ratio' and amend Item #4 to read '75 feet exclusive of mechanical.' **The amendment to the motion dies due to the lack of a second.**

Councilmember Nations stated that he would be interested in studying what area the amendment to the motion would be appropriate and not to just blanket the City given some of the issues they have been facing.

General discussion followed.

Chair Hurt restated his amendment to the motion: Chair Hurt made an amendment to the motion to amend Item 1. to read '.55 Floor Area Ratio' and amend Item #4 to read '75 feet exclusive of mechanical.' Councilmember Durrell seconded the amendment to the motion **and passes by a vote of 2 to 1.** (Councilmember Nations voted nay.)

Mr. Boland explained phantom parking.

Chair Hurt stated that allowing the concept of phantom parking might be added to the parking standard. Phantom parking would add to the green space.

General discussion followed concerning phantom parking and the number per thousand of parking spaces.

Mr. Boland suggested having the wording state that either the City or the petitioner have the right to require parking be built if there is phantom parking. Mr. Boland stated that if this is built into the basic ordinance, the Planning Commission and/or City Council has the prerogative to grant that, and then it is a normal review process. Mr. Boland stated that it is not the prerogative of the petitioner, although they may go ahead and build it. Mr. Boland suggested adding this to the Parking Regulations section of the Zoning Ordinance not just this amendment.

Staff was directed to review the possibility of adding phantom parking to the Parking Regulations.

General discussion followed concerning amendment voting.

Chair Hurt stated that he is not comfortable with Council not having the ability to make a change and that it should be with a majority of Council.

Councilmember Nations stated that the issue for Mr. Beach is to whether or not the Council could amend it anyway. Under the City structure, the Planning Commission is an advisory body that makes recommendations to the City Council. Councilmember Nations is not sure but that it would be an unlawful delegation to say that the Council can not change something that the Planning Commission did. Councilmember Nations requested a clarification from Mr. Beach on what the restrictions are.

Councilmember Nations made an amendment to the motion that the language be altered to

specifically direct Mr. Beach to draft language which would allow the Council to deviate from the standards by majority vote notwithstanding the actions of the Planning Commission. The motion was seconded by Chair Hurt and passes by a voice vote of 3 to 0.

Chair Hurt directed Staff to get Mr. Beach's legal opinion on what Councilmember Nations thinks needs to be there.

The Committee voted on Councilmember Nation's original motion, as amended: Councilmember Nations made a motion to approve **P.Z. 36-1999 City of Chesterfield**. The amended motion was seconded by Councilmember Durrell and passes by a voice vote of 2 to 1. (Councilmember Nations voted nay.)

Chair Hurt asked Planning Commission Chair Broemmer and Mr. Boland to attend the City Council Work Session on September 18, 2000 for discussion of this petition.

Note: Two bills relative to this matter will be needed for the September 18, 2000 City Council Meeting (one as recommended by the Planning Commission and one as recommended by the Planning & Zoning Committee).

SEE Bill # (as recommended by the Planning Commission)

SEE Bill # (as recommended by the Planning & Zoning Committee)

VII. Escalating Fines for Violations

Councilmember Nations made a motion to place this item on the next Planning and Zoning Committee agenda of September 21, 2000 when Councilmember Brown will be present. The motion was seconded by Chair Hurt and passes by a voice vote of 3 to 0.

***VIII. Telecommunications Right-of-Way Ordinance**

Councilmember Nations made a motion to forward to City Council an ordinance authorizing the City Administrator to establish interim right-of-way application procedures and fees and to join the St. Louis County Municipal League Rights-Of-Way Consortium. The motion was seconded by Chair Hurt and passes by a voice vote of 3 to 0.

Note: One bill relative to this matter will be needed for the September 18, 2000 City Council Meeting.

SEE Bill #

Chair Hurt called a recess from 7:40 p.m. to 7:45 p.m.

IX. Departmental Update

Ms. Price stated some questions have arisen concerning zoning classifications, detention, the 141 Extension dedication area, and calculations for petitions (see attached correspondence) **P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)** and **P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)**.

Ms. Price stated that City Attorney Beach said that if there were a misunderstanding on what previously was told to the Committee, these petitions would return to Committee to make the decision whether it intended the corridor to go all the way through the property.

Chair Hurt stated that he is more comfortable with proceeding to the City Council **P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)** and **P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)**. If they choose, it may come back to the Planning and Zoning Committee for review.

Ms. Price asked the Committee their policy for receiving last minute information to the Committee for their meetings.

General discussion followed.

Chair Hurt made a motion to make it a policy that the Committee will vote at the meeting to suspend the rules. And, if approved, the Committee will accept the information, if necessary. All information needs to be to Staff 48 hours before the meeting. The motion was seconded by Councilmember Nations and **passes by a voice vote of 3 to 0.**

Councilmember Nations made a motion to adjourn the meeting. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 0.**

The meeting adjourned at 8:02 p.m.

TJP/kl