

# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: September 25, 2000

SUBJECT: Planning and Zoning Committee Meeting Summary from September 21, 2000

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, September 21, 2000, in the City Council Conference Room. In attendance were: Chair Dan Hurt (Ward III); Councilmember Jane Durrell (Ward I); Councilmember John Nations (Ward II) and Councilmember Mary Brown (Ward IV). Also in attendance were: Planning Commission Chair Fred Broemmer; Teresa Price, Director of Planning; Paul DeLuca, Project Planner; and Kathy Lone, Executive Secretary/Planning Assistant.

\*To be discussed at 10/2/2000 City Council Meeting.

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

## I. Approval of Planning and Zoning Committee Meeting Summary of September 7, 2000.

Councilmember Nations made a motion to approve the Meeting Summary of September 7, 2000. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 0.** (Chair Hurt was absent from the meeting at this time.)

\*IV. **P.Z. 25-2000 Amburn Homes**; A request for a rezoning from "NU" Non-Urban District to "R-3" 10,000 square foot Residence District for a 3.00 acres tract of land located on the south side of Kehrs Mill Road, east of Blue Hill Road. (Locator Number 21T 62 0541, 2707 Kehrs Mill Road).

Project Planner Paul DeLuca gave an overview of this petition.

General discussion followed concerning berming along Kehrs Mill Road and water run-off along Blue Hill Road.

Vice Chair Brown made an amendment to the motion to approve P.Z. 25-2000 Amburn Homes with the requirement of a swale within a dedicated easement with minimum tree loss. The amendment to the motion was seconded by Councilmember Nations and **passes by a voice vote of 3 to 0.**

Councilmember Nations made a motion to approve P.Z. 25-2000 Amburn Homes, as amended. The amended motion was seconded by Councilmember Durrell and **passes by a voice vote of 3 to 0.**

**Note: Two bills relative to this matter will be needed for the October 2, 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)**

- \*V. P.Z. 32-2000 City of Chesterfield Planning Commission; A proposal to amend the City of Chesterfield Zoning Ordinance by creating a new Section 1003.167(21) Power of Review.**

Director of Planning Teresa Price gave an overview of this petition and stated that this is current Council policy with regards to power of review that allows either the Mayor or either Council member of the ward to exercise power of review. This must be done 24 hours before the agenda is posted and at the next Council meeting following the Planning Commission meeting where the item was voted on.

Councilmember Nations made a motion to approve P.Z. 32-2000 City of Chesterfield Planning Commission. 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 October 2, 2000 City Council Meeting.**

**SEE Bill # \_\_\_\_\_**

Chair Hurt arrived at the meeting at 5:45 p.m. and chaired the remainder of 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 the petitioner has two (2) new options of revised plans. Chair Hurt asked the petitioner to address why they did not rotate the garage and whether the security fence on the eastern property line crosses private property.

Mr. Bob Boland, ACI Boland, architect for the petitioner, presented two (2) revised plans:

1. (Plan B-2) The garage is totally buried, located on top of the existing driveway on the top level, and the grade drops away. Some of the surface parking has been removed and a large berm has been created and the whole facade has been buried along the eastern edge. Landscaping pines would be along the top and a mixture of evergreens and deciduous materials along the berm. A series of berms and landscape elements would be developed along the entrance drive. There would still be some surface parking. The visual impact for the neighbors to the east would be better than it is today.

2. (Plan C) This plan improves on what is already there. There would be a 300-foot setback and parking on the east side of the garage would be eliminated.

Mr. Boland stated that the garage was not fully rotated due to the fact that it would be virtually impossible to find the entrance to the building.

General discussion followed concerning the two (2) plans.

Chair Hurt allowed the residents to discuss the two (2) proposals among themselves.

The Committee unanimously agreed to waive Committee policy and accept information from the petitioner.

Mr. John Young, attorney for the residents, stated that the residents still have questions pertaining to the security fence, lighting, parking and the height of the proposed berm between the parking area and the houses.

General discussion following concerning these issues.

Chair Hurt stated that Plan C was more appropriate.

Staff was directed to prepare Attachment A addressing Plan B-2.

Chair Hurt stated that the petitioner has agreed to either revised plan. If the residents decide by the City Council meeting that they like the other revised plan better, it can be changed at the Council meeting.

Councilmember Nations made a motion to approve St. Luke's Hospital CUP Amendment with Plan B-2 with the further setback. If the residents decide to change plans, it can be changed at the City Council meeting. This also includes the items from Mr. Young's letter of September 21, 2000 to the Committee except the gate, number of parking spaces and the parapet. The motion was seconded by Councilmember Durrell and passes by a voice vote of 4 to 0.

Staff was directed to have the other revised plan (Plan C) ready in case the Council will need to make changes.

Mr. Young stated that he will submit information for the Council packets by Wednesday, September 27, 2000.

**Note: Motion to Receive and File. Two versions:  
Planning Commission  
Planning & Zoning Committee**

V. P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates); a request for a rezoning from "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 15,000 square foot Residence District for a 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard. (Locator Number 16Q64-0241).

AND

VI. P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates); a request for a Planned Environment Unit (PEU) Procedure in the "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain 15,000 square foot Residence District for the same 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard. (Locator Number 16Q64-0241).

Proposed Uses:

- ◆ Dwellings, single family attached;
- ◆ Dwellings, single family detached.

Chair Hurt gave an overview of these petitions. Chair Hurt stated that the issues involve density calculations and ownership.

Director of Public Works Mike Geisel discussed the differences in calculating the density between the petitioner and St. Louis County.

Councilmember Nations made a motion to recommend that City Attorney Beach and Mr. Geisel review pages 310 and 311 of the Zoning Ordinance for a determination on density. The motion was seconded by Chair Hurt and **passes by a voice vote of 4 to 0.**

Mr. Ed Levinson, petitioner, and Mr. Dan Bloom, attorney for the petitioner, discussed their reasonings for the density calculations.

General discussion followed concerning the density calculations.

Mr. Geisel discussed the no-rise certification in the flood plain.

Mr. Geisel suggested the following language and it was agreed to by the petitioner's engineer: "During development of the hydraulic models for the Mill Valley Development, the Engineer will provide a model, which includes cross sections representing a reasonable approximation of the pier configuration for a future elevated section of Route 141. The engineer must demonstrate that the no-rise certification can be achieved with the presence of the anticipated elevated road section."

General discussion followed concerning dedication of the property for right-of-way.

Mr. Bloom stated that Mr. Walsh is not willing to give away his home in order to see the property developed. Mr. Walsh will sell his 37 acres of property at fair market price.

Mr. Ed Levinson, petitioner, stated that he can only dedicate what he owns.

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Ms. Price stated that she needs a legal description for the 8 acres to be zoned R-2. Ms. Price stated that there will be a rezoning ordinance but the PEU ordinance covers the entire tract and has the conditions. This is where the question arose as to who owns the property.

Mr. Bloom stated that he would have the legal description to Ms. Price on Friday morning, September 22, 2000.

General discussion followed concerning the detention.

Mr. Bloom suggested changing the language to read; "Reservation of a strip. At some later date some narrow right-of-way will be in that corridor to be dedicated at no cost."

Chair Hurt made a motion to change the wording, "Reservation of a corridor in which at some future time the portion needed for a right-of-way will be dedicated at no charge." The motion was seconded by Councilmember Nations.

Ms. Price asked when the dedication would occur.

Mr. Levinson stated that this could be put in the Indentures. Mr. Levinson will e-mail wording to Ms. Price to be forwarded to City Attorney Beach for review.

General discussion followed concerning the dedication.

Chair Hurt withdrew his motion. Councilmember Nations agreed.

Staff was directed to reword concerning the corridor being dedicated before going to City Council.

Chair Hurt stated that, with the issues that need to be addressed, these petitions would not be ready for the next City Council meeting.

Chair Hurt suggested these petitions return to the Committee and that the other Council members be encouraged to attend the Committee meeting.

Councilmember Nations made a motion to pull Mr. Walsh's property out of the dedication. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Chair Hurt made a motion to direct Staff to address language with regard to the dedication of the corridor. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Ms. Price stated that the following items would be addressed:

1. Recommendation with the verbiage by Mr. Geisel concerning the piers;
2. Receive legal description for 8.3 acres;
3. Mr. Beach and Mr. Geisel to get clarification and clear cut criteria for and determining the

- number of units that would be allowed in the development;
4. Review with Mr. Beach the reservation/dedication verbiage for the corridor;
  5. Removal of the Walsh property from the dedication.

Councilmember Brown made a motion to hold 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). The motion was seconded by Councilmember Durrell and passes by a voice vote of 4 to 0.

#### VII. Escalating Fines for Violations

Ms. Price stated that Mr. Beach has determined that the overall governing ordinance can be changed to allow for progressive fines, however, the judge has the authority to go up \$500 per violation, and could consider citations for each violation for each vehicle or truck.

Chair Hurt made a motion to send an informative letter to the Prosecuting Attorney, on behalf of the Committee, indicating they need to start looking at per violation due to current problems in the areas of start times and noise. The motion was seconded by Councilmember Brown and passes by a voice vote of 4 to 0.

Councilmember Durrell asked what was going on between White Road and Rogue River Drive. Ms. Price stated that she would check with Staff.

Councilmember Durrell expressed concern with the wording of violation letters.

Chair Hurt asked Councilmember Durrell to review the letter sent out from the Planning Department.

#### VIII. Pending Projects/Departmental Update

Councilmember Nations expressed concern about getting the RFP process started for the Comprehensive Plan update.

Chair Hurt directed Staff to place 'Comprehensive Plan Update' as an item on the Committee agenda.

- IX. Other: The Planning and Zoning Committee will consider and act upon the matters listed above, and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Councilmember Brown expressed concern with not being able to put conditions on straight zonings.

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General discussion followed.

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Councilmember Brown made a motion to make a recommendation to Council to place money in next year's budget for review of straight zonings.

Ms. Price stated there are additional problems with the Zoning Ordinance.

Chair Hurt directed Staff to see how much money this would cost to develop a new Zoning Ordinance and return to Committee with this information.

Councilmember Brown withdrew her motion.

Councilmember Nations made a motion to adjourn the meeting. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

**The meeting adjourned at 8:07 p.m.**

TJP/kl

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