

**SUMMARY**  
**PLANNING AND ZONING COMMITTEE MEETING**  
**OCTOBER 5, 1994**

A meeting of the Chesterfield City Council Planning and Zoning Committee was held on October 5, 1994, at 5:35 p.m., in the City Council Room. In attendance were Chairman Dan Hurt (Ward III); Councilmember Barry Flachsbart (Ward I); Councilmember Ed Levinson (Ward II); and Councilmember Linda Tilley (Ward IV). Also in attendance were Mayor Jack Leonard; Planning Commissioners Rick Bly, Dave Dalton, Mary Domahidy, and Fred Broemmer, Jerry Duepner, Director of Planning; Laura Griggs-McElhanon - Senior Planner, and Joe Hanke - Planner II.

**ITEM I.** Approval of summary of Planning and Zoning Committee meeting of September 21, 1994.

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart for **approval** of the Meeting Summary. **The Summary was approved by a vote of 3 to 0.**

**ITEM II.** **P.Z. 15 & 16-94 E.M. Harris Building Co. (Wildhorse Meadows); "NU" Non-Urban District to "R-1" One Acre Residence District and Planned Environment Unit (PEU) Procedure in the "R-1" One Acre Residence District; south side of Wild Horse Creek Road, east of Long Road**

(Note: This item is on the agenda for information only. It was requested the item be held pending action by the Planning Commission on P.Z. 13 & 14-94 E.M. Harris Building Co.)

**ITEM III.** **P.Z. 18 & 19-93 Nooning Tree Partnership; "NU" Non-Urban District to "R-3" 10,000 Square Foot Residence District and Planned Environment Unit (PEU) Procedure in the "R-3" 10,000 Square Foot Residence District; south side of Olive Boulevard, east of the intersection of Appalachian Trail and Olive Boulevard.**

Director Duepner summarized action by the Committee at its prior meeting on this item, and presented a revised plan submitted to the Department of Planning by the petitioner on October 4, 1994. He also distributed various handouts submitted to the Department on the matter.

Councilmember Levinson expressed concern relative to the depth of the lots, and recommended that the lots along the perimeter have a minimum depth of 140 feet, and that the rear setback of perimeter lots include a fifteen (15) foot landscape easement, with a thirty (30) foot setback for residential buildings.

Councilmember Flachsbart questioned whether the setback would be for the main residential buildings or for additions to the building, such as porches and decks.

Councilmember Levinson responded that the setback should apply to the main building and any additions to the building.

Councilmember Levinson recommended that a berm be provided at the eastern terminus of the cul-de-sac at Eagle Pass. He also expressed concern about the amount of traffic which could traverse through the development to White Road. Concerns had been expressed in this regard by residents along White Road, and that he had referred to the Public Health and Safety Committee, as well the Public Works and Parks Committee, the issue of traffic and safety along White Road. There is need to balance both the desires of the residents on the west end of the proposed development, and those on the east end. In that regard, he referred to the revised plan submitted by the petitioner which depicts the eastern portion of the development being accessed from White Road, and the western portion of the development being accessed from Olive Boulevard with an emergency access to connect Villages B and C.

Councilmember Flachsbart inquired about the concerns of the Fire District, and would they be addressed.

Councilmember Levinson noted the City would take what action it deemed appropriate, and the Fire District would do likewise. He did note that emergency access was being provided between Villages B and C.

The Committee agreed that the wording for the emergency access should be similar to that utilized by the City for the Stonebriar development.

Councilmember Levinson recommended that side yard setbacks be reduced to six (6) feet for those villages where the Planning Commission had recommended eight (8) feet, with the option for minimum distance between buildings. He also recommended that the requirement for a Forestry Study be deleted.

There was considerable discussion regarding proposed lot frontages. Randy Aselage, on behalf of the petitioner, noted they had reviewed proposed frontages, but saw no need to revise, as they felt proposed frontages were in keeping with those existing in the area.

Councilmember Levinson recommended that the 140 foot depth of lots be provided along the east, west and north perimeters of the development.

Mr. Rodger Winchell, a resident of The Gallery at Chesterfield, noted that he had spoken with representatives of the County Highway and Traffic Department relative to White Road, and there were no plans for any improvements at this time. His concern is the addition of traffic on White Road. He also noted that the Missouri Highway and Transportation Department had indicated no plans for a signal at Olive and entrance to this development at this time. Mr. Winchell also noted he had spoken with a representative of the Parkway School District, who indicated that any students from the Nooning Tree development would attend the Shenandoah School.

A resident of the White Road area addressed the Committee relative to traffic accidents in the area and concerns about safety on White Road.

Councilmember Levinson noted that the issues of safety and traffic along White Road had been referred to both the Public Health and Safety Committee and the Public Works/Parks Committee.

Chairman Hurt addressed the petitioner and urged that he work-out the issues with the Fire District.

Councilmember Levinson also recommended that there be no street access between Villages B and C, but that provision be made for emergency access only, similar to the design as submitted to the Department of Planning on October 4, 1994. Councilmember Levinson also recommended that a four (4) foot sidewalk connection be provided at the Eagle Pass cul-de-sac in the development.

A motion was made by Councilmember Levinson and seconded by Chairman Hurt for approval of P.Z. 18 & 19-93, as recommended by the Planning Commission, subject to the following conditions:

- deletion of the requirement for a Forestry Study;
- that side yard setbacks in Village A be amended to a minimum of six (6) feet, with eighteen (18) feet between structures, and in Village B to six (6) feet, with a minimum of twenty (20) feet between structures;
- a condition be added requiring no street access between Villages B and C, but that provision be made for an emergency pedestrian access in the northernmost portion, as approved by the City of Chesterfield and Chesterfield Fire Protection District;

- amending of the rear yard setback for all perimeter lots, to require the house, and any additions thereto, maintain a minimum setback of thirty (30) feet from the rear property line; and all other accessory structures, one (1) story or less in height, have a minimum setback of fifteen (15) feet;
- the minimum lot depth along the west, east and south perimeters be 140 feet;
- a sidewalk connection be provided from Village E to Eagle Pass cul-de-sac; and
- a berm be located at the terminus of the Eagle Pass cul-de-sac.

The motion was approved by a vote of 3 to 0.

(Note: A bill relative to this matter will be needed for the October 17, 1994 City Council Meeting.)

**ITEM IV.**

**P.Z. 20-94 Chesterfield Village, Inc. (Wildhorse/Baxter Center);** "NU" Non-Urban District to "C-8" Planned Commercial District and Amended "C-8" Planned Commercial District; southwest corner of the intersection of Wild Horse Creek Road (State Highway CC) and Baxter Road Extension.

Director Duepner summarized the recommendation of the Planning Commission for approval of the petition.

Councilmember Levinson inquired why should the property be rezoned when there seems to be no market for restaurants.

Mr. Al Michenfelder spoke on behalf of the petitioner noting that the rezoning was done in anticipation of the market. Ms. Kathy Higgins of Sachs Properties has indicated there was interest in the property.

Councilmember Flachsbart expressed concern about expanding the commercial node in this area.

Councilmember Tilley noted concerns of residents in the area relative to commercial development at the corner.

Chairman Hurt inquired of the Commission vote, and inquired as to the two (2) members who were opposed.

Director Duepner noted that Commissioners Fred Broemmer and Dave Dalton, who were in attendance, voted no.

Mr. Broemmer addressed the Committee citing concerns about expansion of commercial westward on Wild Horse Creek Road.

Mr. Dalton addressed the Committee expressing concerns about the expansion of commercial, and that there were no proposed users at present.

Director Duepner clarified the Comprehensive Plan designation in the area of the petitions.

Planner II Joe Hanke addressed the Committee on possible access to the restaurant parcel at Wild Horse Creek Road.

A motion was made by Chairman Hurt and seconded by Councilmember Levinson for approval as recommended by the Planning Commission. The motion passed by a vote of 2 to 1, with Councilmember Flachsbart voting no.

(Note: A bill relative to this matter will be needed for the October 17, 1994 City Council Meeting).

#### ITEM VI.

P.C. 62-75 (Steak N' Shake); Amendment of "C-8" Planned Commercial District Ordinance; south side of Olive Boulevard, east of Woods Mill Road.

Director Duepner summarized the report of the Planning Commission recommending approval of the requested amendment.

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart for approval, as recommended by the Planning Commission. The motion was approved by a vote of 3 to 0.

(Note: A bill relative to this matter will be needed for the October 17, 1994 City Council Meeting).

#### ITEM VII.

Recommendation of the West Area Study Committee concerning revision of the City of Chesterfield Comprehensive Plan.

Director Duepner summarized the recommendation of the West Area Study Committee noting the effort of the Committee and process followed by the Committee in preparing their recommendation. Director Duepner also noted that the matter had been the subject of a public hearing before

the Planning Commission, and had been referred back to the West Area Committee after the hearing. The Committee voted 7 to 5 to recommend a one-plus (1+) acre residential designation for large portions of the West Area.

Planning Commissioner Dave Dalton, Co-Chair of the West Area Committee, addressed the Committee noting that the West Area Study group had considered information from Rockwood School District, and other service providers for the area. He noted the Metropolitan St. Louis Sewer District had indicated their plan for sanitary sewer service to the area was based on a one (1) unit per acre density for the Caulks Creek area.

Planning Commissioner Mary Domahidy, Co-Chair of the West Area Study Committee, noted that she had not voted for the recommendation, but that she shares the concern expressed by other members of the Committee to preserve the open space character of the West Area. She does not believe the Committee was far apart on its belief on the matter, but does not feel that one-plus (1+) acre minimum lot size is the best way to preserve open space. A one (1) unit per density would be a better approach. She also noted that such a motion was not voted on by the Committee.

Commissioner Dalton noted that residents of the Wildhorse Subdivision were concerned about the "Office Campus" designation in the Comprehensive Plan for an area on the north side of Wild Horse Creek Road. This issue is to be considered at a future date by the Committee.

Commissioner Domahidy noted that some of the concern of residents may revolve around a lack of faith in the tools for land development presently available. She also noted that it may be appropriate to seek to move up the efforts of the City's consultant, Lane Kendig, in the design of appropriate tools to deal with development in the West Area.

Director Duepner noted that the matter of the proposed amendment of the Comprehensive Plan was before the Planning and Zoning Committee for comment. This was in keeping with a policy adopted by the Planning Commission that, prior to taking any action on amendment or revision of the Comprehensive Plan, the Commission would seek comment from the Planning and Zoning Committee.

Councilmember Levinson addressed the matter noting that the Planned Environment Unit, over the years, had proved to be a valuable tool in land development. He also noted that Councilmember Mike Cullen, a member of the Committee, has requested that the matter go back to the Planning Commission for consideration, and then back to the Planning

and Zoning Committee. Councilmember Levinson also suggested that the recommendation should be discussed with the City Attorney relative to legal ramifications. He felt that he could not support it, as he believes it could be construed as a taking. He also noted there are areas within the West Area where other densities may be appropriate. He suggested that, prior to any action by the Planning Commission, the City Attorney should be consulted on the matter.

Councilmember Flachsbart indicated that the character of the Wild Horse Creek area is different than that of other areas of the City. He complimented the Committee Members and their effort to preserve the overall character of the area, and that he was generally for their concept, but had concerns about the one-plus (1+) acre recommendation.

Mayor Leonard expressed concern that the Conceptual Land Use Map, as recommended by the Committee, was leaning more towards a zoning map.

Councilmember Tilley echoed the concern of residents relative to the Planned Environment Unit Procedure. She acknowledged concern with the proposal for one-plus (1+) acre lots, but also noted residents need to be assured that the City is seeking to preserve the character of the area. She requested more sensitivity to the planning needs of the residents.

Planning Commissioner Rick Bly addressed the Committee noting the proximity of the Urban Core. He views Long and Wilson Roads as the appropriate boundaries for lower density development.

Councilmember Flachsbart noted that the proposal is a conceptual plan, and that he believes the recommendation is correct.

Mr. Tom Krull addressed the Committee, voicing the concerns expressed by Councilmember Levinson. He noted the history of the development in the Chesterfield area, and that one-plus (1+) acre lots would be an abomination. He cited the need for flexibility and the ability to work with an average density.

**Note:** At this point Mayor Leonard and Councilmember Tilley left.

Fred Bruning, of the Miceli Company, spoke on behalf of the Home Builders Association and echoed Mr. Krull's comments. He emphasized the need to retain flexibility in the use of the Planned Environment Unit.

Chairman Hurt noted that perception of some people that the Planned Environment Unit Procedure may be related to a misunderstanding.

Mr. Bruning suggested, on behalf of the Home Builders Association, that the proposed amendment be referred back to the Planning Commission and await the completion of the Lane Kendig study.

Mr. Tom Cunningham addressed the Committee on issues of land use and land use law. He noted that application of a broad brush approach to the area could present problems.

Councilmember Levinson also noted the range in types and densities of development within the City of Chesterfield.

Councilmember Flachsbart again noted that the West Area is different than other portions of the City.

Chairman Hurt directed the Commission be prepared legally to consider the matter, and would also like to see more of a consensus from the group.

#### ITEM VIII.

Memorandum from the Director of Planning concerning Revision of the Zoning and Subdivision Regulations.

Director Duepner commented about the recent visit by the Consultant. He noted there would be an effort in upcoming meetings to increase public attendance.

The Committee recommended that the notices be sent to subdivision trustees and businesses with City licenses for the November meeting. It was also suggested that Mr. Kendig repeat his presentation on "Community Character."

A motion was made by Councilmember Levinson and seconded by Councilmember Flachsbart that the "Community Character" presentation be made again by Mr. Kendig in November, and that a mailing be sent to trustees and licensed businesses to generate more attendance. **The motion was approved by a vote of 3 to 0, and Director Duepner was directed to present an estimated cost of such a mailing at the City Council Meeting.** The Committee seeks to increase public and business interest in the process.

Director Duepner noted that, in all likelihood, Mr. Kendig will be recommending performance zoning to the Committee, and that this would mean movement away from discretionary zoning in which the Planning Commission and City Council have the ability to recommend and include a variety of conditions to a proposed development.

Councilmember Levinson suggested that Mr. Kendig should work more in terms of what the City is striving for, and temper his comments.

Councilmember Flachsbart indicated that Mr. Kendig should be free to present esoteric ideas, and they could always be edited out.

The Committee agreed there would be a public meeting on November 2, 1994, at 7:00 p.m., at which Mr. Kendig would again present the Community Character presentation. On November 3, 1994, at 5:30 p.m., there will be a work session with the Committee.

Chairman Hurt also directed the Planning Department to seek whether or not Mr. Kendig can speed up his effort in order to assist the Commission with its work on the West Area Study.

It was noted that no members of the Committee would be able to attend the October 10, 1994 Planning Commission Meeting, and Director Duepner was directed to report back to the Committee on that meeting.

ITEM V.

P.Z. 26-93 Glenn Novak and Redia McGrath (The Wedge); Amendment of "C-8" Planned Commercial District; north of Old Olive Street Road at Chesterfield Airport Road.

Director Duepner summarized the report of the Planning Commission for approval.

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

(Note: A bill relative to this item is needed for the October 17, 1994 City Council Meeting).

ITEM IX.

Memorandum from the Director of Planning regarding Public Hearing scheduled before the Planning Commission on Amending the Zoning Ordinance relative to Day Care.

This item was received and filed.

ITEM X.

Letter from the Director of Planning recommending reimbursement of filing fee to Richard Halbman, which was submitted in conjunction with a request to amend a Planned Environment Unit Procedure for White Gate Farms (north side of Clayton Road, west of Clayborn Drive).

Director Duepner summarized the letter regarding reimbursement.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Levinson for approval of Council Order to reimburse filing fee. **The motion was approved by a vote of 3 to 0.**

(Note: A vote by Council is necessary to order reimbursement of the filing fee).

ITEM XI.

Memorandum from the Director of Planning recommending reimbursement of filing fee to Chesterfield Village, Inc., submitted in conjunction with a request for rezoning and Planned Environment Unit Procedure for Wildhorse Hills Apartments (south side of Wild Horse Creek Road, west of Baxter Road Extension).

Director Duepner summarized the letter regarding reimbursement.

A motion was made by Councilmember Flachsbart and seconded by Councilmember Levinson for approval of Council Order to reimburse filing fee. **The motion was approved by a vote of 3 to 0.**

(Note: A vote by Council is necessary to order reimbursement of the filing fee).

ITEM XII.

City Council Bill No. 958 regarding Amendment of Sign Regulations relative to Menu Boards for Fast Food Restaurants.

A motion was made by Councilmember Flachsbart and seconded by Chairman Hurt that the matter be held. **The motion was approved by a vote of 2 to 1, with Councilmember Levinson voting no.**

ITEM XIII.

Memorandum from the Director of Planning regarding Budget for Fiscal Year 1995 Departmental Goals.

Director Duepner summarized the Department Goals.

There was considerable discussion by the Committee, and the Department was directed to prepare more measurable goals. The Department should also not include as goals those items which are required.

ITEM XIV.

Memorandum from the Director of Planning concerning responses to RFP for Westland Acres Study.

This item was received and filed by the Committee.

ITEM XV. Memorandum from the Director of Planning concerning regulation of News Racks.

The Committee directed this item be held.

ITEM XVI. Memorandum from the Director of Planning concerning Appearance Code.

Director Duepner summarized the memorandum on the Appearance Code.

Councilmember Levinson expressed concern about additional costs to be incurred by the City in order to undertake an Appearance Code.

Chairman Hurt noted that the matter should be looked at in terms of what other municipalities do, and, of those, what may be most appropriate for the City of Chesterfield. The service provided by the County should also be considered. A key issue will be the cost of implementation.

The Committee directed the Department to pursue this matter and to have a status report on it by the end of the year.

ITEM XVII. Memorandum from the Director of Planning regarding Off-Site Directional Signage.

Director Duepner summarized the memorandum regarding off-site directional signage.

The Committee was in agreement with the proposed definition for "institutional uses" with addition of "temple and synagogue."

Councilmember Levinson suggested a uniform size, and if an institution sought a larger sign, they could utilize a standard established by the City. There should also be a restriction on the number of signs permitted.

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

ITEM XVIII. P.Z. 11-93 City of Chesterfield Planning Commission; revisions to Sign Regulations.

This item was held.

**ITEM IX.**

**SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION ON AUGUST 22, 1994.**

- A. **P.Z. 9-94 The Hayden Company (Amberleigh)**; Planned Environment Unit (PEU) in "R-3" 10,000 square foot Residence District Site Development Plan, Landscape Plan, and Architectural Elevations; northeast corner of the intersection of Clayton and Schoettler Roads.
- B. **P.Z. 6-94 C.L. Family Land Company (Schoettler Manor)**; Planned Environment Unit (PEU) in "R-1A" 22,000 square foot Residence District, and "R-2" 15,000 square foot Residence District; Site Development Plan and Landscape Plan, east side of Schoettler Road, north of Clayton Road.

**Note:** Action on this item by the P & Z Committee was necessary.

- C. **P.C. 38-87 Geriatrics Management and Union Electric (Brooking Park Village)**; Conditional Use Permit (CUP) in "R-1" One Acre, "FPR-1" Flood Plain One Acre, and "R-3" 10,000 square foot Residence Districts Site Development Section Plan and Architectural Elevations; west side of Old Woods Mill Road, north of Conway Road.
- D. **Chesterfield Day School**; "NU" Non-Urban District Amended Site Development Plan and Architectural Elevations; east side of White Road, north of Wainridge Drive.
- E. **P.C. 126-79 Delmar Gardens Enterprises (Chesterfield Villas)**; Conditional Use Permit in "NU" Non-Urban District; Amended Site Development Plan; south side of Conway Road at Chesterfield Parkway North.

A motion to receive and file the site plans was made by Councilmember Flachsbart. The motion was seconded by Councilmember Levinson and approved by a vote of 3 to 0.

**ITEM XX.**

**SITE PLANS, BUILDING ELEVATIONS AND SIGNS REVIEWED BY THE PLANNING COMMISSION ON SEPTEMBER 12, 1994.**

- A. **P.Z. 9-94 The Hayden Company (Amberleigh)**; "R-3" 10,000 square foot Residence District PEU Subdivision Promotion Sign; northeast corner of the intersection of Clayton and Schoettler Roads.

A motion to receive and file the site plans was made by Councilmember Flachsbart. The motion was seconded by Councilmember Levinson and approved by a vote of 3 to 0.

Director Duepner noted that a public hearing would be held before the Committee on P.Z. 12-94, on October 19, 1994, at 5:00 p.m.

The next meeting of the Planning and Zoning Committee will be on **Wednesday, October 19, 1994, at 5:30 p.m.**

A motion was made by Councilmember Flachsbart and seconded by Councilmember Levinson for adjournment. **The motion was approved by a vote of 3 to 0.**

The meeting adjourned at 8:56 p.m.

[PZC-SUM.005]