

SUMMARY
PLANNING AND ZONING COMMITTEE MEETING
NOVEMBER 4, 1993

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on November 4, 1993, at 5:55 p.m., in the City Council Chambers. In attendance were Chair Susan Clarke (Ward II); Councilmember Dan Hurt (Ward III); and Councilmember Dick Hrabko (Ward IV); and Mayor Jack Leonard. Also in attendance were Planning Commission Chair Barbara McGuinness; Jerry Duepner, Director of Planning; Assistant City Administrator/Director of Personnel, Brenda Love-Collins; and Laura Griggs-McElhanon, Senior Planner.

ITEM I. P.Z. 22, 23 & 24-93 Miceli Development Corporation (Somerset West); "NU" Non-Urban District to "R-2" 15,000 Square Foot Residence District, and "R-3" 10,000 Square Foot Residence District and Planned Environment Unit Procedure in the "R-2" and "R-3" Residence Districts; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Long Road.

Director Duepner summarized the report of the Planning Commission and its recommendation. The Director also referenced the letter attached to the Commission report from the petitioner's attorney, indicating the possible dedication of property to the north of the petition site be brought to the City Council for attention, by the Council Liaison to the Planning Commission, at an appropriate time.

There was discussion by the Committee relative to placement of a condition in the ordinance approving this development, to require dedication of the property to the north.

Director Duepner noted that the property was not part of the petition submitted by the petitioner, and the appropriateness of requiring the dedication of property, in conjunction with the requested Rezoning and Special Procedure, was questioned.

The Committee requested a letter from the petitioner/owner indicating their desire to dedicate the property to the City, upon demand, which letter would be attached to the ordinance for information purposes.

Councilmember Hrabko noted concern relative to the pedestrian way, as recommended by the Planning Commission, and observed that this recommendation was opposed by a minority of the Planning Commission.

Councilmember Hrabko moved that the condition requiring the pedestrian connection between subject development and adjacent development to the east be eliminated. The motion was seconded by Councilmember Hurt and **approved** by a vote of 3 to 0.

Councilmember Hrabko also noted the recommendation of the Planning Commission relative to the side yard setbacks. It was noted that the petitioner had requested side yard setbacks of six (6) feet.

Director Duepner noted that the side yard setback, as recommended by the Planning Commission, of six (6) feet, with a minimum of sixteen (16) feet between structures, was comparable to that of the "R-3" Residence District which required a minimum side yard setback of eight (8) feet.

Councilmember Hrabko moved that the side yard setbacks be a minimum of six (6) feet. The motion was seconded by Councilmember Clarke and **approved** by a vote of 2 to 1, with Councilmember Hurt voting no.

Councilmember Hurt indicated, for the record, he was not in favor of setbacks less than that recommended by the Planning Commission.

Mr. Tom Cunningham, Attorney representing the petitioner, addressed the Committee. He asked the Committee to consider revision of conditions relative to the requirement for a traffic study, Traffic Generation Assessment, and lot sizes along the north property line.

Relative to the Traffic Generation Assessment, it was noted that the adjoining development to the east was required to contribute to the Traffic Generation Assessment Fund in their ordinance, and the City has consistently required contributions to Traffic Generation Assessment Funds for all rezonings and special procedures when requested by St. Louis County.

Mr. Cunningham requested a minimum lot size of 22,000 square feet along the north property line, in lieu of the 25,000 square feet recommended by the Planning Commission. Mr. Cunningham noted that with 22,000 square foot lots the same amount of trees could be preserved, regardless of the size of the lots.

Mr. Thomas Krull, on behalf of the petitioner, addressed the Committee, noting the location of the bluff line and tree line on the subject site, as opposed to the development to the east (Somerset). He further noted that the proposed development would be well out of the tree line.

Director Duepner addressed the Committee relative to the Planning Commission's recommendation, noting the location of tree line and the top of the bluff line, on both the Somerset and the proposed Somerset West developments.

Mr. Fred Bruning of Miceli Development addressed the Committee, noting that he intended to combine the outfall structure from the stormwater detention area with the adjacent Somerset development.

A motion was made by Councilmember Hrabko for Lots 22, 23 & 24, as indicated on the preliminary plan, be a minimum of 22,000 square feet. Councilmember Clarke seconded and the motion passed by a vote of 3 to 0.

A motion was made by Councilmember Hrabko and seconded by Councilmember Clarke to recommend approval of P.Z. 22, 23 & 24-93, Miceli Development Corporation, with conditions as amended by the Committee. The motion was approved by a vote of 3 to 0, with Councilmember Hurt noting his opposition to revision of the side yard setback.

Note: Two (2) bills relative to this matter will be needed for the November 15, 1993 City Council meeting.

ITEM VI. Memorandum from the Director of Planning concerning Section 404 Hazard Mitigation Grant.

Director Duepner summarized the memorandum concerning the Section 404 Hazard Mitigation Grant.

There was considerable discussion by the Committee, noting that it appeared that the proposed program could be of benefit to residents of Chesterfield Valley. Assistant City Administrator/Director of Personnel Brenda Love-Collins noted that under the current program, as presented, any acquisition of property by the City would cause that property to be retained as open space forever.

Director Duepner noted that the City may wish to indicate its interest in the program, if there was some modification to the requirement for acquired land to be retained as open space, in recognition that land within Chesterfield Valley would be protected not only by the 100 Year Levee, but also by a 500 Year Levee in the future.

It was noted that the requirement for property being retained as open space was a federal requirement, and that recent discussions with representatives of St. Louis County who are administering the program indicated they do not foresee a change in this requirement.

Councilmember Clarke commented that the City should consider becoming involved in the program.

Councilmember Hrabko noted that, in most federal programs, there is the ability to withdraw from the Grant Program by repaying the money.

A motion was made by Councilmember Hrabko for staff to investigate whether or not property acquired in the Program would have to be kept as open space forever. The motion was seconded by Councilmember Hurt, who noted that he did have concern about property being acquired and having to be retained as open space. **The motion was approved by a vote of 3 to 0.**

It was directed by the Committee that this matter be brought forward for discussion at the Council Work Session by the Committee of the Whole on November 15th, as the City must submit its response on the Program by December 1st.

Ms. Collins left the meeting at this time.

ITEM II. Memorandum from the Director of Planning concerning the Request for Proposal for Zoning and Subdivision Ordinance Revision.

This item was **received and filed** by the Committee.

ITEM III. Memorandum from the Director of Planning concerning Board of Adjustment Meeting of October 21, 1993.

This matter was **received and filed** by the Committee.

ITEM IV. Memorandum from the Director of Planning concerning Southern Annexation.

This item was **received and filed** by the Committee.

ITEM V. Memorandum from the Director of Planning concerning December meetings.

There was discussion relative to meeting in December on the 22nd, noting that it was a Wednesday. It was agreed by the Committee that it would meet on Wednesday, December 22nd, in lieu of December 23rd.

ITEM VII. Site Plans, Building Elevations and Signs reviewed by the Planning Commission on October 25, 1993.

A. Baxter Road Extension (Chesterfield Farms); Road Dedication and Easement Plat; north side of Wild Horse Creek Road, west of Santa Maria Drive.

Note: This item will have been acted-upon by the City Council at its November 1, 1993 Meeting.

ADD ON #1 Correspondence from the City Attorney regarding basketball goals.

Director Duepner summarized the correspondence from the City Attorney on this matter.

A motion was made by Councilmember Clarke and seconded by Councilmember Hrabko that a resolution be prepared for the City Council meeting, directing this particular provision of the ordinance not be enforced, pending the review of the City Zoning Ordinance, and that the matter also be referred to the consultant retained by the City for revision of the Zoning Ordinance. **The motion was approved by a vote of 3 to 0.**

Note: A resolution relative to this matter will be needed for the November 15, 1993 meeting.

ADD ON #2 Correspondence from the City Attorney concerning billboard signs.

Director Duepner summarized the correspondence from the City Attorney on this matter.

A motion was made by Councilmember Hrabko and seconded by Councilmember Clarke that this matter be referred to the consultant retained by the City for revision of the City's Zoning Ordinance. **The motion was approved by a vote of 3 to 0.**

ADD ON #3 Correspondence from the City Attorney regarding the Smokehouse.

Director Duepner summarized correspondence from the City Attorney on this matter. The Director also noted that, at the present time, the owner of the Smokehouse was attempting to resolve the issue of handling of stormwater. The site development plan for the project was conditionally approved by the Planning Commission, subject to approval by the Department of Public Works of a preliminary plan for handling of stormwater. It was noted that the City Attorney had prepared an agreement to enable the developer to proceed with footing and foundation permits. This agreement has been signed by the developer.

Director Duepner noted that the owner was currently in the process of attempting to acquire an off-site easement to compensate for lack of storage capacity for stormwater to permit piping under a proposed parking area, in lieu of the required Booker Ditch along the back portion of the property.

Director Duepner noted that the City Attorney had noted a recent Missouri Supreme Court's decision which raised a question about the impact of stormwater upon other properties.

Councilmember Hrabko indicated that the owner could be given a building permit to complete the total work, but that an occupancy permit not be released until all issues were addressed. Councilmember Hrabko also noted that it is questionable whether the owner would be able to resolve the stormwater issue in the time it takes to complete footing and foundation work.

Director Duepner noted that the issue of the stormwater was initially raised prior to the public hearing, and was included as a condition within the Planning Commission's recommendation and the ordinance approved by the City Council.

There was discussion by the Committee relative to responsibility of the current owner to provide for a drainage ditch along the back portion of the property.

Director Duepner noted that the ditch was indicated in the Booker Study for master drainage in the Valley, and that the City has been consistent in requiring compliance with the Booker Study in new development and expanded development within the Valley.

Councilmember Hrabko noted the owner may be able to resolve the drainage issue by the time footing and foundations are completed; however, if he has not, Councilmember Hrabko will come back to the Committee to address the issue in order to keep the project moving forward. Councilmember Hrabko noted that the owner should be allowed to build all but the parking lot, and that the occupancy permit be withheld until such time as the stormwater issue has been resolved.

Director Duepner noted concern relative to a precedent being established allowing development to continue, in view of the need to address stormwater.

It was noted by the Committee that the current situation is considerably different, in view of the emergency conditions in the Valley Area.

Councilmember Hrabko reminded the Committee that he wanted them to be aware of the situation, and that the matter may be brought back to the Committee if the stormwater issue cannot be resolved upon the completion of footing and foundation.

A motion was made by Councilmember Hrabko that the matter be brought to the Committee of the Whole at the November 15th Council work session to discuss continuing through the building permit process, not issuing an occupancy permit until the drainage issue had been addressed, and the parking lot not be paved until the stormwater issue has also been resolved. The motion was seconded by Councilmember Hurt and **approved** by a vote of 3 to 0.

Note: This item will need to be brought forward to the Committee of the Whole at the meeting on November 15, 1993.

ADD ON #4

Correspondence from the City Administrator concerning the letter received relative to Spirit of St. Louis Airport.

Director Duepner summarized the memorandum from the City Administrator relative to a letter received from the Director of the Spirit of St. Louis Airport. The letter had indicated concern that, with the recent flood and the artificially low activity at the Airport for the coming months, potential residents in the area adjoining Wild Horse Creek Road may not be aware of the proximity of Spirit of St. Louis Airport. Director Duepner noted that there has been a standard condition for developments in the Wild Horse Creek Road area requiring disclosure of the airport.

A motion was made by Councilmember Hrabko and seconded by Councilmember Clarke that the letter be **officially received and filed**, and directing the Department of Planning to share a copy of the letter with all residential developers contacting the City for proposed possible development in the Wild Horse Creek Road area. The motion was approved by a vote of 3 to 0.

The meeting adjourned at 7:02 p.m.

[PZC-SUM.N04]