

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa Price, Director of Planning ✓

DATE: November 12, 1998

SUBJECT: Planning and Zoning Committee Public Hearing and Meeting Summary from November 10, 1998

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:35 p.m., on Tuesday, November 10, 1998, in Conference Room A. In attendance were: Chair Dan Hurt (Ward III); Councilmember Barry Streeter (Ward II); and Councilmember Mary Brown (Ward IV). Also in attendance were: Councilmember Larry Grosser (Ward II); Robert Grant, Planning Commission Chair (arrived later); Jane Durrell, Historical Commission Chair; Teresa Price, Director of Planning; and, Laura Griggs-McElhanon, Assistant Director of Planning.

* To Be Discussed at 11/16/98 City Council Meeting

I. Approval of Planning and Zoning Committee meeting summary of October 22, 1998.

A motion to approve the meeting summary of October 22, 1998, was made by Councilmember Brown, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

*III. P.Z. 31-98 Strutman and Busch; a request for a change in zoning from "NU" Non-Urban District to "PC" Planned Commercial District for a .39 acre tract of land located at 16676 Chesterfield Airport Road. Proposed uses: Offices or office buildings.

AND

*IV. P.Z. 31A-98 Strutman and Busch; a request for a Landmark and Preservation Area (LPA) Procedure in the "PC" Planned Commercial District for a .39 acre tract of land located at 16676 Chesterfield Airport Road. Proposed uses: Offices or office buildings.

Director of Planning Teresa Price described the two (2) requests. P.Z. 31-98 is a request to rezone the property from "NU" Non-Urban District to "PC" Planned Commercial District, which will allow the preservation of the two (2) existing buildings on the site. P.Z. 31A-98 is a request for a Landmark and Preservation Area special procedure, which will allow variances in setbacks. She stated that there are two (2) Areas with problems relative to setbacks from the adjacent "NU" Non-Urban District property. This type of special procedure requires input from the Historical Commission. The Planning Commission recommended approval of both petitions.

Dick Busch, petitioner, explained that the building is historical because of the exterior facade material, which is a pressed metal.

Jane Durrell, Historical Commission Chair, stated that the entire Historical Commission supports this request.

Dick Busch stated that they are currently working on having the main structure put on the Historic Register.

There was discussion about what restrictions, if any, the LPA procedure puts on the demolition of the structure, and, if the structure were demolished, would the LPA designation be removed.

Director of Planning Teresa Price quoted the following from the Zoning Ordinance, Section 1003.191 Landmark and preservation area (LPA), #14:

This covenant shall require the continuation of the preservation of the structure, site or area and prohibit the demolition of any structure without approval by the Historic Buildings Commission (Historical Commission) and the City Council. The City Council may release the covenant upon receipt of a report from the Planning Commission.

A motion to approve P.Z. 31-98 was made by Councilmember Brown, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

**Note: One bill relative to this matter will be needed for the November 16, 1998, City Council Meeting.
See Bill # _____**

A motion to approve P.Z. 31A-98 was made by Chair Hurt, seconded by Councilmember Brown, and approved by a vote of 3 to 0.

**Note: One bill relative to this matter will be needed for the November 16, 1998, City Council Meeting.
See Bill # _____**

- *V. P.Z. 29-98 City of Chesterfield; A proposal to amend Section 1003.140 "PC" Planned Commercial District of the City of Chesterfield Zoning Ordinance to allow condominiums on one floor of multi-story (three or more) office buildings as a permitted use and to read as follows: 4.(2)(xx) Apartments and/or condominium units which shall occupy one floor of a multi-story (three or more) office building.

Director of Planning Teresa Price stated that the requested input from the Chesterfield Fire Protection District was contained in the meeting packet.

Councilmember Streeter stated that he feels that this is an inappropriate use in the proposed area and he will vote no on this petition.

Chair Hurt stated that if the City is going to promote a walkable community, then we need to promote residents living where they work; therefore, this petition should be supported.

Councilmember Brown stated that this petition is only to amend the Zoning Ordinance; it is not relative to a specific site.

Chair Hurt asked the Committee if any members objected to allowing residents in attendance the opportunity to speak on this petition. There was no objection indicated.

Laura Lueking, 15021 Conway Road, spoke in opposition to the amendment. She stated that this would set a bad precedent, and will create lighting, safety, and access issues. In addition, there will be 24 hour tenancy. She stated that this is not typically allowed in the suburbs, and no counties in the area allow it.

A motion to deny P.Z. 29-98 was made by Councilmember Streeter.

The motion dies for lack of a second.

A motion to forward P.Z. 29-98 to City Council with no recommendation was made by Councilmember Brown, seconded by Chair Hurt, and approved by a vote of 2 to 1, with Councilmember Streeter voting no.

**Note: One bill relative to this matter will be needed for the November 16, 1998, City Council Meeting.
See Bill # _____**

- *VI. P.Z. 24-98 Central Missouri Pizza, Inc.; a request for a change of zoning from "R-3" 10,000 square foot Residence District to "PC" Planned Commercial District for a 0.64 acre parcel of land located on Chesterfield Parkway East (formerly Chesterfield Parkway North), south of Olive Boulevard, north of Swingley Ridge Road (formerly Roosevelt Parkway). Proposed uses: Corporate Office and Restaurant, Fast Food.

Director of Planning Teresa Price stated that correspondence from the petitioner was included in the packet.

There was general discussion of the letter from the petitioner.

Councilmember Streeter stated that he has a problem with a fast food use in this location, but he has no problem with sit down restaurant in this location. He feels there is a problem with the traffic flow, and it is wrong to put the access drive as depicted, because it is too close to the adjacent house.

Councilmember Brown inquired of the petitioner why both proposed uses were not contained in one building.

Greg Neitcher, petitioner, responded that the restaurant/bakery is a retail use and the other building is for an office use. He prefers the greater visibility for the retail use from the Parkway. He stated that there were preliminary discussions of only having one building.

Dick Ansteth, architect for the petitioner, stated that putting the buildings together will make it harder to have access because of the 80' setback for parking area access and cross access requested by Public Works. If the proposed bakery is put in the proposed office building, there won't be enough square footage for the office use.

There was general discussion of eliminating the 80' setback requested by Public Works.

Dick Ansteth advised the Committee that the Fire Protection District needs a certain turning radius to gain access to entire site.

There was discussion about relocating the office building by changing its orientation.

Chair Hurt stated that his biggest concern is curb cut issue.

Dick Ansteth stated that the restrictions placed on the property by "PC" Ordinance would never allow a drive-thru and would never allow a sit down facility. If Dominoes leaves, any other user would have the same restrictions.

Planning Commission Chair Bob Grant stated that the Planning Commission focussed on the use and didn't really address access. The Commission tried to limit the use on this site to a Dominoes type facility, but the proposed use does not fit into the Zoning Ordinance.

There was general discussion about the walkable community concept, the peak delivery and pick-up times (6-7 p.m., open at 11 a.m.), and City Engineer/Director of Public Works Michael O. Geisel's presentation at the last Committee meeting.

Chair Hurt advised the petitioner that if no motion relative to this petition is made, the petition will stay on the table.

Dick Ansteth inquired what needs to be done in order to advance the project.

There was general discussion about combining the proposed access with the Taco Bell access, continued cross access to Haas property, and only allowing an office use on this site.

Chair Hurt stated that if the petitioner can't design around the proposed criteria, the proposed use may not be the use for this site.

There was general discussion about the intent of the City of limit the number of curb cuts on the Parkway by requiring cross access to adjacent sites.

Chair Hurt stated that the Committee can recommend denial and move the petition forward to City Council or leave the petition here and try and work it out.

Greg Neitcher responded that he wants to petition moved forward.

A motion to deny P.Z. 24-98 was made by Chair Hurt, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

Note: One bill relative to this matter will be needed for the November 16, 1998, City Council Meeting.

See Bill # _____

The petitioner was advised that he could request the petition be held prior to action by the City Council. He was also advised of the impact of Council denial of the petition (can't file for rezoning for same uses for 12 months). In addition, if the petition is withdrawn with prejudice, will also not be able to file for rezoning for the same uses for 12 months.

- *II. **P.Z. 26-98 St. Mary's Institute of O'Fallon Inc. (Linda Vista School)**; a request for a change of zoning from "NU" Non-Urban District to "LLR" Large Lot Residential District for a 68.59 acre tract of land on Kehrs Mill Road. Proposed Use: Schools, public or private, including kindergarten, elementary, secondary and collegiate; cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses, but excluding any structure used as a salesroom.

AND

- * **P.Z. 27-98 St. Mary's Institute of O'Fallon, Inc. (Linda Vista School)**; a request for a Conditional Use Permit in the "LLR" Large Lot Residential District for a 18.4 acre tract of land located on Kehrs Mill Road. Proposed Use: Dormitory or group living facilities for religious, educational or charitable purposes.

Director of Planning Teresa Price stated that these two (2) petitions were filed at the request of the Planning Department. P.Z. 26-98 is a request to rezone the entire property from "NU" Non-Urban District to "LLR" Large Lot Residential District. P.Z. 27-98 is a request for a Conditional Use Permit (CUP) for that portion of the property that contains a house that is being used as a convent.

A motion to approve P.Z. 26-98 was made by Councilmember Brown, seconded by Chair Hurt, and approved by a vote of 3 to 0.

Note: One bill relative to this matter will be needed for the November 16, 1998, City Council Meeting (as recommended by the Planning Commission, and the

Planning & Zoning Committee).

SEE Bill #

A motion to receive and file P.Z. 27-98 was made by Councilmember Brown, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

Note: This item is to be received and filed at the City Council meeting on November 16, 1998. The CUP would go into effect 15 days later, on December 1, 1998.

VII. 1999 Planning and Zoning Committee Meeting Calendar

A motion to approve the 1999 meeting calendar was made by Councilmember Streeter, seconded by Chair Hurt, and approved by a vote of 3 to 0.

VIII. Department Update – Director Teresa Price

Director of Planning Teresa Price advised the Committee that the Planning Commission was going to hold a special meeting on Wednesday, November 18, 1998, for the purpose reviewing the Site Development Plan, Landscape Plan and Architectural Elevations for Chesterfield Commons. The Tree Consultant and the City Engineer/Director of Public Works, Michael O. Geisel will be in attendance.

The next meeting will be held at 5:30 p.m. on Thurs, November 19, 1998.

The meeting adjourned at 7:00 p.m.

TP/LPGM/lpgm

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