

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa Price, Director of Planning *TP*

DATE: December 24, 1997

SUBJECT: Planning and Zoning Committee Meeting Summary from December 18, 1997

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:37 p.m., on Thursday, December 18, 1997, in the City Council Conference Room. In attendance were Acting Chairman Mary Brown (Ward IV); Councilmember Barry Flachsbart (Ward I); Councilmember Barry Streeter (Ward II); and Chairman Dan Hurt (Ward III) - arrived later. Also in attendance were: Councilmember Alan Shephard (Ward I); Councilmember Larry Grosser (Ward II) - arrived later; Councilmember Linda Tilley (Ward IV); Robert Grant, Planning Commission Vice-Chairman; Michael Herring, City Administrator; Teresa Price, Director of Planning; and, Laura Griggs-McElhanon, Assistant Director of Planning.

- I. **P.C. 141-79 Chesterfield Village (Sachs Properties, Inc.)**; request for an amendment of "C-8" Planned Commercial District Ordinance Number 1266; southwest corner of the intersection of Olive Boulevard and Chesterfield Parkway North.

Director of Planning Teresa Price described the amendment request, which would allow more flexibility in the location of building square footage in Building Groups G and H, and would allow the building envelope to be increased from 400 feet to 500 feet from Chesterfield Parkway North.

Councilmember Streeter expressed his concern about speeding up the process for this project.

City Administrator Michael Herring explained that the special City Council meeting was scheduled for this evening because of the timing of the proposed project, which is in competition with other areas. He stated that the policy of this Committee has been to look differently at petitions recommended unanimously by the Planning Commission, and this amendment was recommended for approval by a vote of 9 to 0.

Councilmember Streeter inquired if this project delayed other projects in the Department of Planning.

Director of Planning Teresa Price replied that the Planning and Zoning Committee was regularly scheduled for tonight, and the only special meeting is the City Council meeting.

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Councilmember Flachsbart stated that there have been other instances where there have been special City Council meetings, specifically for liquor licenses. He stated that he feels that it seems appropriate to have the special meeting. He noted that in months where there is only one regularly scheduled City Council meeting, it has been the Council policy to hold a second meeting if needed. However, he reminded the Committee that they could hold this item, in which case the issue of the special City Council meeting is moot.

Councilmember Streeter stated that he has no problem with the request, he just feels it is wrong to have the special City Council meeting.

There was general discussion about the allowable square footage, the building envelop, the setbacks, and the future location of the road.

Jerry Duepner, Sachs Properties, provided a Plan which depicted the proposed location of the private road. He clarified that the current proposal is for a six (6) story building, but the Ordinance allows an eight (8) story building.

Acting Chairman Brown stated that Chairman Hurt had talked to Planning Director Teresa Price about some suggestions as follows: the maximum size of any one structure in Building Groups G and H, 300,000 square feet; and the maximum building footprint for structures in Building Groups G and H, 50,000 square feet.

There was general discussion of this proposed amendment.

Planning Director Teresa Price stated that Chairman Hurt felt that this amendment would cut down on the concern of a "bulky building".

A motion to amend the conditions for P.C. 141-79 as stated by Acting Chairman Brown was made by Councilmember Streeter, seconded by Councilmember Flachsbart, and approved by a vote of 3 to 0.

A motion to approve P.C. 141-79 as amended was made by Councilmember Flachsbart, seconded by Councilmember Streeter, and approved by a vote of 3 to 0.

II. Approval of Planning and Zoning Committee meeting summary of November 20, 1997.

A motion to approve the meeting summary of November 20, 1997, was made by Councilmember Streeter, seconded by Councilmember Flachsbart and approved by a vote of 3 to 0.

IV. **P.Z. 25-97 John J. and Caroline A. Williams (West County Motor Sports)**; an amendment to an existing "C-8" Planned Commercial District; north side of North Outer Forty Road, west of Boone's Crossing Street.

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Planning Director Teresa Price summarized the proposal and the outstanding issue with the Levee District.

Councilmember Flachsbart inquired if there was a representation of the proposed building elevation. He stated that he would want to see the proposed elevation, and if he didn't feel comfortable with the proposal, the Council would need to exercise their power of review.

Mike Doster, attorney for the petitioner, stated that the petitioner is requesting that this be held. Currently, the petitioner is trying to resolve the issue of the 220' setback from the back of the property with the Levee District.

Councilmember Streeter inquired if there was to be any outdoor display.

Mr. John Williams, petitioner, replied that there will be no outdoor display, everything will be inside, which is why the second structure is needed.

A motion to hold this petition was made by Councilmember Streeter, seconded by Councilmember Flachsbart, and approved by a vote of 3 to 0.

Staff was directed to make sure the issue of outdoor display is adequately addressed in the conditions.

A motion to recess the Planning and Zoning Committee meeting to convene the City Council meeting was made by Councilmember Flachsbart, seconded by Councilmember Streeter, and approved by a vote of 3 to 0. It was noted that the Committee will reconvene after the Council meeting and resume the Committee agenda.

The Planning and Zoning Committee meeting recessed at 5:55 p.m.

Acting Chairman Mary Brown reconvened the Planning and Zoning Committee meeting at 6:07 p.m.

(Councilmember Shephard left during the recess.)

- III. **P.Z. 12-97 Kelly Homes, Inc. (Waverly Place)**; "R-2" 15,000 square foot Residence District to "R-5" 6,000 square foot Residence District; west side of Baxter Road, south of the intersection of Clayton Road.

AND

P.Z. 13-97 Kelly Homes, Inc. (Waverly Place); Planned Environment Unit in the "R-5" 6,000 square foot Residence District; west side of Baxter Road, south of the intersection of Clayton Road.

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Planning Director Teresa Price stated that these petitions were previously held by the Committee pending submittal of additional information concerning escrows and the private road (original proposal did not include gates). The applicant has provided information which was included in the meeting packet.

Councilmember Streeter stated that based on the information provided, it appears that Kelly Homes has obtained permission from the Metro-West Fire Protection District to install gates on the proposed private street. He inquired about the proposed road configuration (hammerhead turnaround).

Planning Director Teresa Price stated that the street design still has to be approved by the Public Works Department during the Site Development Plan process. She explained that the Committee's about the escrow was to have enough money to cover any problems. Currently, the City escrows 110% of the construction costs; however, the Council could require a greater percent.

Acting Chairman Mary Brown recognized residents from Wild Horse Springs who wished to speak.

Linda Malin, resident of Plat 1 Wild Horse Springs, stated that in April of 1995 she spoke to the City with similar concerns that she still has today. She stated that she just wants Kelly to complete Plats 1 and 2 of Wild Horse Springs. She acknowledged that Kelly knocked on doors, wrote down issues and started fixing things, then everything stopped.

Brad Notch, resident of Plat 2 Wild Horse Springs, stated that some of the items in the September, 1997 letter have been completed, but there are still major issues to be resolved: drainage, grading, street trees, common ground. He submitted a new list of concerns.

Three additional residents from Wild Horse Springs spoke describing the problems/issues with their houses and/or lots.

Jim Zavrados, engineer for the developer, responded to issues with Waverly Place: 1) the Fire Protection District has decided to allow gates on a case by case basis and has issued approval to Waverly Place; and 2) escrows are established upon completion of improvement plans, and are required before the record plat is approved.

There was general discussion of the escrow process (establishment of and release of).

Mark Kelly, Kelly Homes, stated that he is aware of the issues mentioned by the residents. He noted that it cost \$900,000 to excavate the unlicensed landfill on Plat 2, which required the removal of over 30,000 cubic yards of trash and took over a year, delaying the construction of houses in Plat 2. He stated that they have built 9 subdivisions in the past, and don't feel they should be penalized in another subdivision for problems in Wild Horse Springs.

Councilmember Streeter inquired as to what Kelly Homes track history is in Chesterfield.

Acting Chairman Brown replied that this is the first time they have built in Chesterfield.

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Councilmember Streeter stated that he sides with the residents; but if Kelly has a proven track record in other areas, this could sway his decision.

Councilmember Flachsbart stated that a problem with the ground does not explain why there was a break down in quality control.

Mark Kelly agreed that in some areas, there have been break downs, but most relate to not having financing at the time of closing.

Councilmember Streeter stated that if the developer is having financing problems now, why should we expect something different with a different subdivision.

Councilmember Tilley agreed that Kelly Homes has been addressing some concerns, but there is a lack of man power. She stated that she gets almost weekly calls from residents, and if the don't have the man power now, why should we expect the next development to be different.

Acting Chairman Brown stated that she is familiar with the Clayton and Baxter site (Waverly Place) and there is a problem with stormwater runoff. In addition, the proposed site has a much higher terrain, which is higher than the adjacent houses in Ballwin, which would result in headlights shining into existing houses.

Councilmember Flachsbart agreed with Councilmember Brown's concerns on the Waverly site: grading, erosion, higher terrain.

Acting Chairman Brown stated that these petitions could move forward with or without recommendation of the Committee, or the Committee could hold them again.

There was general discussion of escrows - could the City tie the release of escrow money in one subdivision with another development.

Councilmember Grosser inquired of the names of other subdivisions Kelly Homes has built.

Mark Kelly replied: Chesterfield Shores in Wildwood, Nantucket, Dartmouth, Highland Summit, Forest Lane, St. Albans, Great Warrior Meadows in O'Fallon, and Crown Point Estates

Chairman Hurt arrived at 6:35 p.m.

Mark Kelly noted that there was no litigation in any of these. Crown Point is still being developed. He stated that when you take 30,000 cubic yards out of a subdivision, you run short on dirt, which is what is causing most of these problems.

A motion to hold pending history, including what problems have been addressed, was made by Councilmember Streeter and seconded by Acting Chairman Brown.

There was general discussion about the motion.

The motion was changed by Councilmember Streeter, with Acting Chairman Brown agreeing to the change, as follows: motion to hold the petitions, pending information on appropriate escrows for Waverly and how the conditions will ensure erosion control and that stormwater issues are taken care of.

Acting Chairman Brown stated that the Committee needed to spend time on Waverly, not just Wild Horse Springs.

Chairman Hurt stated that he is concerned with the escrow amount, which needs to be sufficiently high, higher than the norm.

The motion was approved by a vote of 4 to 0.

V. Planning Commission of the City of Chesterfield - Update to the City of Chesterfield Comprehensive Land Use Map.

Planning Director Price stated that there were two (2) proposed map revisions that the Planning and Zoning Committee had asked the Planning Commission to reconsider. The Planning Commission subsequently agreed with the Committee's recommendation, which resulted in a revision to #3 and the elimination of #8.

A motion to recommend the City Council pass a resolution of support for the proposed revisions was made by Councilmember Flachsbart and seconded by Councilmember Streeter.

There was general discussion about #8, which is being eliminated from the recommended map revisions (northwest corner of Schoettler and Clayton Roads), and the difference between single family and single family attached developments. It was agreed that it should be entered into the record at the City Council meeting that this area could be developed as single family attached, and staff was asked to bring this to the Council's attention at the January 5, 1998 meeting.

The motion was approved by a vote of 4 to 0.

Note: One resolution relative to this matter will be needed for the January 5, 1998, City Council Meeting.

SEE Resolution # _____

VI. Resolution 230 and other policy items from the moratorium.

Planning Director Teresa Price stated that the items in Resolution 230, which were discussed during the moratorium, need to be prioritized. She summarized the issues: fences - need to establish

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regulations (type, location, height, etc.); retaining walls - material, height, type, when permit is needed, height regulation when in conjunction with a fence; dedication of land for parks and schools - minimum acreage requirements, need to allow more flexibility; comprehensive major street plan; need to adopt an on-going traffic counting plan; and identification of areas with traffic concerns.

There was general discussion of fences.

Chairman Hurt stated that he thought the Comprehensive major street plan was done.

Planning Director Teresa Price stated that this plan could be a future street plan for future dedication.

Councilmember Streeter stated that he was on the Moratorium Panel that recommended this. He stated that the City needs to know where the streets should go.

A motion was made by Councilmember Flachsbart, seconded by Chairman Hurt, to establish the following priority:

- #1 Comprehensive Major Street Plan (#1 from Resolution)
- #2 Dedications for public schools and park land
- #3 Frequent updates of current and projected traffic volumes and the Transportation Section of the Comprehensive Plan and adoption of an on-going traffic counting program (#2 from Resolution)
- #4 Regulations concerning retaining walls
- #5 Identify areas with existing and projected traffic concerns, and, establish guidelines relative to acceptable traffic flows (#3 and #4 from Resolution)
- #6 Require developers to complete traffic studies (#5 from Resolution)

In addition, the motion included a recommendation that the issue of fences not be addressed.

City Administrator Herring recommended adding parking requirements to the list

Councilmember Flachsbart suggested making parking #1A.

Planning Director Teresa Price requested that the Committee reach a consensus on the first two (2) items, then the Department will come back with the others.

Chairman Hurt agreed with the order, but recommended the motion be changed to add the issue of fences with retaining walls.

Councilmember Flachsbart accepted the change.

Councilmember Flachsbart revised the motion, which was accepted by Chairman Hurt, to note that this was a suggestion of priority to the Planning Director.

Chairman Hurt left the meeting at 7:05 p.m.

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

VII. Tree Ordinance

A motion to hold this item was made by Councilmember Flachsbart and seconded by Councilmember Streeter for the purpose of discussion.

Councilmember Streeter stated that the Committee needed a table that listed the differences in the revisions to the Tree Ordinance.

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

Planning Director Teresa Price stated that the Department has used the Tree Ordinance for two (2) projects.

The next regularly scheduled meeting will be held at 5:30 p.m. on Thursday, January 8, 1998.

The meeting adjourned at 7:10 p.m.

TP/LPGM/lpgm
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