

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: March 14, 2005

SUBJECT: Planning & Zoning Committee Meeting Summary – **March 10, 2005**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, March 10, 2005 in Conference Room 101.

In attendance were: **Chair Bruce Geiger** (Ward II); **Councilmember Jane Durrell** (Ward I); **Councilmember Connie Fults** (Ward IV) and **Councilmember Dan Hurt** (Ward III). Also in attendance were Planning Commission Chair Victoria Sherman; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Senior Planner; Nick Hoover, Project Planner; Christine Smith Ross, Project Planner; and Mary Ann Madden, Planning Assistant.

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

I. APPROVAL OF MEETING SUMMARY

Councilmember Fults made a motion to approve the Meeting Summary of February 24, 2005. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

Councilmember Fults made a motion to suspend the rules to allow “New Business” to be reviewed before “Old Business”. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

III. NEW BUSINESS

Agenda Items III.A. and III.B were presented together.

- A. **Chesterfield Commons Four, Outlot D:** Site Development Section Plan, Architectural Elevations, Lighting Plan, and Landscape Plan for a 1.01 acre parcel located south of THF Blvd, east of its intersection with Public Works Drive.
- B. **Chesterfield Commons Four, Outlot E:** Architectural Elevations, Landscape Plan, Lighting Plan and Site Development Section Plan for a 1.1 acre parcel located south of THF Boulevard, east of its intersection with Public Works Drive.

Project Planner Nick Hoover noted that Ordinance 1928 states:

The Planning and Zoning Committee shall review the appropriate Site Development Plan for each of the Outparcels.

Outlot D was presented to the Planning Commission on February 14, 2005. At that time, the Planning Commission recommended approval by a vote of 7 to 0, with the condition that all mechanical roof top equipment be shielded.

Project Planner Christine Smith Ross stated that Outlot E was presented to the Planning Commission on February 28, 2005. At that time, the Planning Commission recommended approval by a vote of 8 to 0.

Ms. Smith Ross pointed out that when Outparcels B, D and E were presented to the Architectural Review Board, they recommended the addition of hedges to shield grills and headlights along THF Boulevard. In each instance, the Planning Commission decided not to enforce the hedge recommendation. Planning Commission felt that hedges would create an alley feeling as opposed to an open feeling. Planning Commission Chair Victoria Sherman stated that the Commission also felt a hedge would hinder pedestrian traffic in the area.

Councilmember Durrell felt that a few flowering shrubs in the area would soften the look without creating an alley feeling. It was pointed out that annual flowers would be planted around the sign. After discussion, it was agreed that the flowers would soften the look without the addition of hedges or shrubs.

General discussion was held regarding sight problems in the Commons area because of the size of the trees. It was noted that as the trees mature, the sight problem will be alleviated. The developer also stated that the trees will be trimmed once a year once they are more mature. Staff noted the sight triangle was shown on the landscape plan.

Councilmember Hurt made a motion to accept **Chesterfield Commons Four, Outlot D** and **Chesterfield Commons Four, Outlot E** as presented.

Note: These items are required to be reviewed by the Planning and Zoning Committee

Councilmember Durrell questioned why the area did not become a Technology Park, as originally planned. The developer replied that the original thinking was that there was a market for more industrial on Edison. However, the first set of buildings did not lease very quickly and the tenants turned out to be quasi-retail and quasi-service. Once the Theatre came along, the strategy for the area was switched.

II. OLD BUSINESS

A. Selling of Lots Prior to Platting

Ms. Teresa Price, Director of Planning, reported that the City does not have any ordinance or policy regulating the selling of lots prior to platting. There is a Missouri Statute, Section 445.070 which pertains to a penalty for selling lots before the plat is recorded. The statute states:

If any person shall sell or offer for sale any lot within any city, town, or village, or any addition thereto, before the plat thereof be made out, acknowledged and recorded, as aforesaid, such person shall forfeit a sum not exceeding three hundred dollars for every lot which he shall sell or offer to sell.

A copy of the Statute was given to the Councilmembers.

B. Moratorium on the Bowtie Area

Ms. Price reported that the City Attorney advised the following:

- A moratorium could be placed on the bowtie area only.
- The moratorium should have a reasonable time limit, i.e. no more than six months.
- The moratorium would require specific criteria, i.e. a traffic study for the entire bowtie area or release of the final airport study.
- The procedure to be followed would be a recommendation by the Planning & Zoning Committee to the City Council. City Council would have to adopt a resolution.
- Any moratorium would not affect the present project being proposed for the bowtie area.

Ms. Price stated that the Noise Consultant for the Airport Study will be in attendance at the March 14, 2005 Planning Commission Meeting. At that time, he will respond to questions raised by the Commission. It was noted that the study has not yet been completed but the Consultant would be able to provide information regarding the noise contours.

General discussion was held regarding the bowtie area and concerns expressed by some of the residents in the area regarding the proposed Office/Campus.

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE

A. Business Licenses

Ms. Price stated that the City does not charge a fee for Zoning Approvals but a fee is charged for Business Licenses. The Planning Department found that some businesses were not applying for Business Licenses after receiving a Zoning Approval. To address this issue, the Planning Department will generate a weekly report of approved commercial zoning approvals. The report will be forwarded to the Finance Department to compare against Applications for Business Licenses.

Councilmember Hurt suggested that another way would be to cross-reference the Business Licenses against the Occupancy Permits issued by the County. Senior Planner Annissa McCaskill-Clay stated that the Occupancy Permit is generated out of the Building Permit from the County. In most cases, the omission of a Business License would be caught earlier by reviewing the Zoning Approvals. Councilmember Hurt pointed out that in some instances, a developer will apply for a Zoning Approval for a “tenant finish” before a particular tenant is in place. In these instances, the tenant could move in without applying for a Zoning Approval. Ms. Price stated that the Department would research whether reviewing Zoning Approvals or Occupancy Permits would best flag the omission of a Building License.

B. Planner of the Day Information Sheet

Beginning next week, Ms. Price stated that all elected officials, along with the City Administrator, will be receiving weekly email reports on the Planner of the Day Information Sheet. The information will be sorted by Ward. The email will be sent to each person’s Chesterfield email box.

C. Miscellaneous

Councilmember Durrell asked what action is taken after a developer goes through the entire planning process and then it is noted that the construction is not following what has been approved. Ms. Price stated that the Department will cite them as being in violation of their approved plans. There have been instances where a Stop Work Order has been issued when a violation is noted.

Planning Commission Chair Sherman stated that this was discussed at a recent meeting of the Planning Commission. It was determined at that meeting that the Planning Commission does not have to approve amended plans retroactively – the original approved plans can be enforced. It was also noted that the County has inspectors who review the work in progress to try to prevent any violations.

V. ADJOURNMENT

The meeting adjourned at 6:20: p.m.

