

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: May 9, 2005

SUBJECT: Planning & Zoning Committee Meeting Summary – **May 5, 2005**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, May 5, 2005 in Conference Room 101.

In attendance were: **Chair Mike Casey** (Ward III); **Councilmember Jane Durrell** (Ward I); **Councilmember Connie Fults** (Ward IV) and **Councilmember Bruce Geiger** (Ward II). Also in attendance were Councilmember Dan Hurt (Ward III); Planning Commission Chair Victoria Sherman; Teresa Price, Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Nick Hoover, Project Planner; and Joyce Collins-Catling, Executive Secretary.

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

### I. APPROVAL OF MEETING SUMMARY

Councilmember Durrell corrected Page 3 of the Meeting Summary of April 21, 2005 as noted below:

If the site is ~~only~~ **not** large enough for ~~one~~ **all the buildings shown in the proposal, and one or two would have to be eliminated, then** she would like the building closest to Wild Horse Creek Road eliminated.

Councilmember Geiger made a motion to approve the minutes, as corrected. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

### II. NEW BUSINESS

- A. **Drury Plaza Hotel:** A request for an amendment to City of Chesterfield Ordinance 1899, Section II(2)(b) for a change in maximum seats allowed; Section V(1)(b) building setbacks; Section V(3) parking and loading requirements for the Drury Plaza Hotel located adjacent to the Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/61, Interstate 64.

Project Planner Nick Hoover stated that the proposed amendment to Ordinance 1899 would increase the number of seats to 267; decrease the parking reduction to 11.3%; and decrease the western boundary setback to 55 ft.

Councilmember Casey stated that during the Planning Commission meeting it was brought out that the changes were necessitated because when the Concept Plan was presented, there was not a tenant yet for the restaurant. Stony River Steakhouse has now been identified as the restaurant.

Planning Chair Victoria Sherman stated that the increased seating to 267 would be accomplished by the use of tables that can expand from seating four customers to six customers; the parking reduction would only be decreased by 1.3% since the original ordinance called for a parking reduction of 10%; and there is additional parking at a nearby development that could be used, if necessary.

Councilmember Geiger made a motion to forward the Ordinance Amendment for **Drury Plaza Hotel** to Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the May 16, 2005 City Council Meeting. See Bill #**

**B. Bowtie Area – Discussion on Possible Moratorium**

Chair Casey stated that if a moratorium is approved, language would need to be crafted for the resolution. The last moratorium for the City was in 1997 for Resolution #220.

Councilmember Fults made a motion to recommend to City Council to place a moratorium on the area designated as the bowtie for six months until the Planning Commission's Comprehensive Plan Committee has finished its final appraisal of the best use of this land. The motion was seconded by Councilmember Geiger.

Councilmember Geiger felt that not having a clear definition of "Office Campus" is reason enough for a moratorium. He expressed concerns about the office campus proposal currently under review and did not want this project to set a precedent for the rest of the bowtie area.

Councilmember Fults stated that it is important to the residents in the bowtie area that the City takes the time to review this matter and to better define the use of "Office Campus". She felt that the moratorium is necessary to prevent additional petitions being submitted while the Comprehensive Plan for this area is re-evaluated.

Chair Casey felt that more information is needed with respect to the Noise Study. He further stated that if the area is designated partially “residential” and partially “office campus”, specific guidelines would have to be established for setbacks, open space, and development criteria for residential, as to whether it would be attached single-family, etc. The noise and traffic issues would also have to be studied. He thought that Resolution 220 could be used as a guideline for language.

Chair Casey stated that this Committee could ask the Planning Commission to:

- Review the “Office Campus/Mixed Commercial” use of the bowtie area;
- Clearly define the intent and definition of “Office Campus”;
- Develop more extensive criteria for the designation of “Office Campus”;
- Review the current Noise Study information to decide specifics determining “residential” vs. “non-residential” for the bowtie area and to adjust the Comprehensive Plan if necessary.
- Determine if “Office Campus” should be a “zoning or an overlay district” vs. a “land use category”.
- Clearly define the intent and definitions for: *transitional, setbacks, cross-access issues, low-density, low-rise appearance, look of the building, uses – should the unusable property on the bluff be allowed to be included in the open space calculation?*

Chair Casey noted that any moratorium would not affect the current proposal submitted by Vision Ventures.

Planning Commission Chair Victoria Sherman stated that it was agreed at the last Planning Commission meeting that the Committee of the Whole would review the issues presented by the Planning & Zoning Committee for the bowtie area. The Committee of the Whole will be meeting May 9<sup>th</sup> after its 7:00 p.m. Planning Commission meeting.

Councilmember Durrell questioned whether there would be any big downside presented by implementing a moratorium. She felt that there needs to be an expansion of the definition for “Office Campus” and that the Airport Noise Study needs to be completed and reviewed.

Councilmember Hurt asked what the given purpose is for the moratorium. Councilmember Fults replied that the zoning for the bowtie area has been sent back to the Planning Commission for review to determine whether “Office Campus” use will be continued for the 100 acres of the bowtie. The Planning Commission is also to expand the definition of “Office Campus”. The moratorium would be in place while these items are under review.

Councilmember Hurt expressed concern that six months is not enough time to address zoning changes against the Comprehensive Plan. He noted that to change the Comprehensive Plan would involve the process of Public Hearings.

It was noted that a moratorium would prevent the acceptance of all petitions – whether commercial or residential.

Director of Planning Teresa Price stated that the reason for the moratorium would be to re-evaluate the Comprehensive Plan, specifically reviewing:

- Noise concerns based upon the Part 150 Study.
- The development pattern in the area – such as residential.
- Traffic

The Committee of the Whole would also review:

- Development criteria ;
- Whether “Office Campus” should be a “zoning or an overlay district” vs. a “land use category”.

Councilmember Durrell asked what would happen if the Planning Commission determines that the land use for the bowtie area should be different than what is designated in the Comprehensive Plan. And further, what would happen if the City Council decided on a land use designation different than the Planning Commission’s designation. Ms. Price responded that the Comprehensive Plan is a Planning Commission document. City Attorney Beach has indicated that the City Council could conduct its own study if it disagrees with the Planning Commission.

Councilmember Durrell asked how the area would be “advertised” if the City Council and Planning Commission determine two different uses for the bowtie area. It was noted that in the past, Council endorsed the Comprehensive Plan with the exception of one section of it.

Councilmember Hurt expressed concern that two different uses could cause legal issues. Councilmember Geiger also questioned how the Planning Commission would proceed with reviewing projects if there are two divergent views between the Planning Commission and City Council. Planning Chair Sherman asked that Councilmembers share their views on the matter with Planning Commission members so that their ideas can be considered.

During general discussion, it was agreed that:

- The Planning & Zoning Committee would craft the language for the Resolution implementing a moratorium.
- The proposed document should be reviewed by the City Attorney.
- The proposed document would be presented to the Planning & Zoning Committee for review.

Councilmember Hurt expressed concern over some of the language discussed earlier. He felt that the Committee of the Whole should be “reviewing” the Comprehensive Plan as opposed to “re-evaluating” it.

The motion to recommend a moratorium **passed by a voice vote of 4 to 0.**

### **III. OLD BUSINESS**

#### **A. Review of Comprehensive Plan: Western end of Chesterfield Valley**

Director of Planning Teresa Price stated that the Planning Commission has been dealing with the issue of open space in the Valley. The current open space requirement for the western end of Chesterfield Valley is 50%. She pointed out that because utilities are now being installed in this portion of the Valley, a lot more development will start occurring and Public Works wanted the Committee to be aware of what the Comprehensive Plan shows for this area.

After discussion, it was agreed that this item would be placed on a future agenda and that Ms. Price would provide the Committee with the information from the Comprehensive Plan on all four areas in the Valley, particularly with respect to the open space requirements.

### **IV. PENDING PROJECTS/DEPARTMENTAL UPDATE**

#### **A. Update on Property Maintenance Code**

It was pointed out that the City has had three times more zoning violations thru April 2005 as compared to April 2004 – 240 vs. 80. Ms. Price stated that there has been a big increase in property maintenance violations. The Property Maintenance Code states that when someone is in violation, he must come to the Director of Planning for a public hearing. At the present time, a lot of public hearings are being held on a weekly basis. The person appears before the Director of Planning, the Assistant Director of Planning and the Planning Technician.

Ms. Anissa McCaskill-Clay, Assistant Director of Planning, gave an update on the Property Maintenance Code. She stated that with the increase of complaints that specifically reference code, the Department has formalized the procedure for review of these complaints:

- The Ordinance requires that the complainant provide their name and contact information.
- An inspection is conducted and it is determined whether a violation is present.
- If there is a violation of the Property Maintenance Code, a letter is sent to the property owner scheduling a hearing with the Director of Planning to discuss a course of action to abate the violation.
- Within 30 days of the hearing, the Director of Planning must provide a written statement of findings regarding the violation and set a schedule for re-inspection.
- In instances where the owner will not attend the hearing, refuses to abate the violation, or does not abate within the scheduled time, a summons to Court must be issued.

- Per order of the Court, the City may abate the violation and charge a lien against the property in the form of a special tax bill.

The number of Court hearings scheduled in 2003 was zero; in 2004 – one; and to date for 2005 – seven. Of the seven, one owner did not show up for the hearing and the violation has not been abated.

Because of the requirement for the City to abate the violation if the owner refuses to cooperate, the City is obtaining contractor information from the Home Builders Association to begin obtaining estimates for violation abatement.

Ms. McCaskill-Clay then gave a PowerPoint presentation showing examples of different types of property maintenance violations.

Ms. Price stated that the budget will have to include a line item for “Property Maintenance”. The Ordinance states that the Court can order work to be done and a lien placed on the property for the cost of the work that is done.

## **V. ADJOURNMENT**

The meeting adjourned at 7:00 p.m.