

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 9, 2019



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 9, 2019 in Conference Room 101.

In attendance were: **Chair Mary Ann Mastorakos** (Ward II), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Dan Hurt**, Ward III); and **Councilmember Tom DeCampi**, (Ward IV).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Andrew Stanislav, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the April 18, 2019 Committee Meeting Summary

Councilmember Flachsbart made a motion to approve the Meeting Summary of April 18, 2019. The motion was seconded by **Councilmember Hurt** and **passed** by a voice vote of 3-0. (*Councilmember DeCampi was not present for the vote.*)

II. UNFINISHED BUSINESS - None.

III. NEW BUSINESS

Since Councilmember DeCampi called Power of Review for Item A, and he was not yet present, **Councilmember Flachsbart** made a motion to discuss Item A after Item D. The motion was seconded by **Councilmember Hurt** and **passed** by a voice vote of 3-0.

- B. **P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging)**: A zoning map amendment request from a “C-8” Planned Commercial District to a “PC” Planned Commercial District for a 2.84 acre tract of land located at the northwest corner of the intersection of Chesterfield Parkway East and Conway Road. (18S331381). (Ward 2)

STAFF REPORT

Andrew Stanislav, Planner, presented the project request for a zoning map amendment from a “C-8” Planned Commercial District to a “PC” Planned Commercial District. The Petitioner is seeking to define development criteria for the site that would allow two development paths. One path is for 2 conjoined hotels consisting of 200 rooms and the second path is similar to what exists on the site currently, which is a single 92-room hotel and a stand-alone restaurant.

A Public Hearing was held on January 14, 2019. Several issues were raised which have all been addressed by the Applicant. To address the Planning Commission's main concern, the proposed parking structure has been relocated underneath the proposed hotel instead of along Chesterfield Parkway East. The project returned to the Planning Commission on April 22, 2019 at which time they recommended approval by a vote of 7-0.

DISCUSSION

Access points were briefly discussed as well as the slight reduction in open space.

Councilmember Hurt made a motion to forward P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging) to City Council with a recommendation to approve. The motion was seconded by Councilmember DeCampi and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the May 20, 2019 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on P.Z. 12-2018 Fairfield Suites (Chesterfield Village Lodging).]

C. P.Z. 02-2019 Highland on Conway (14880 Conway Road): A request for a zoning map amendment from the "NU" Non-Urban District to the "R-4" Residence District for a 2.14 acre tract of land located on the south side of Conway Road at its intersection with Still House Creek Road (18R120324). (Ward 2)

STAFF REPORT

Andrew Stanislav, Planner, presented the project request for a zoning map amendment from the "NU" Non-Urban District to the "R-4" Residence District. The Petitioner intends to develop the subject site into a single-family dwelling.

A Public Hearing was held on March 25, 2019. Issues raised at that time included building materials, lot size and density, tree preservation, traffic, and compatibility with the nearby development. At the April 22, 2019 Planning Commission meeting, these items were discussed and the Petitioner provided additional information. The Planning Commission recommended approval by a vote of 5-2. This is a conventional zoning, so there is no Attachment A or preliminary plan.

DISCUSSION

There was discussion regarding a potential stub street as a connection to the property to the east. That property is currently in a trust that the owner's children will inherit. If the heirs are able to sell the property, they would be limited to selling it to the Bonhomme Church. Therefore, if future access would be established, the access would only be to Bonhomme Church. Before the site plan review, Staff would research and verify this information.

Ms. Laura Lueking, 15021 Conway Rd., Chesterfield, MO – Trustee of Conway Glen

Ms. Lueking expressed her concern with the density of the proposed development and noted that one cannot compare the proposed development with the adjacent property to the west, Conway on the Grove. Conway on the Grove is a very unique development. It has one single-family home on a 17,700 sq. ft. lot with attached homes on the remaining acreage. A more appropriate zoning is R-3, which requires 10,000 square feet between buildings versus 8 feet in R-4 zoning. Seven homes on a 2 acre site is too dense.

Councilmember Hurt stated that there is a single family home combined with attached homes in Conway on the Grove. The proposed development is seven single family detached homes. Even though the lot sizes are similar, single family attached homes tend to be denser than single family detached.

There was some discussion on whether 7,500 square feet was the average lot size or the minimum lot size in an R-4 district. Justin Wyse, Director of Planning and Development Services clarified that 7,500 square feet was the minimum lot size and the minimum setback is 6 feet. Lots can be larger, but not smaller. The minimum lot size on Conway on the Grove is 7,163 square feet. Zoning Districts only set minimums.

Chair Mastorakos, pointed out that everything surrounding the proposed development is zoned less dense. There is an R-1A, which no longer exists, an R-2, and an R-3. The property that this development would back up to is NU. There is zero space between the attached units, however, between the buildings there is anywhere from 28 to 30 feet. The residents are concerned that there would only be 12 feet between the homes in the proposed development and they would only be 6 feet from the property line.

Chair Mastorakos also expressed concern that the developers did not meet with the adjacent homeowners. If they had, it could have mitigated some of their concerns.

In response to Chair Mastorakos' question regarding the topography of the site, Mr. Wyse replied that a geotechnical study would have to be completed prior to the site plan.

Chair Mastorakos made a motion to forward P.Z. 02-2019 Highland on Conway (14880 Conway Road) to City Council with a recommendation to approve with rezoning to an R-3 Residence District. The motion was seconded by Councilmember DeCampi and **passed by a voice vote of 3-0** with Councilmember Flachsbart abstaining.

Discussion after the Vote

In response to Mayor Nation's question, Mr. Wyse stated that an R-3 zoning requires a minimum lot size of 10,000 sq. ft. versus 7,500 sq. ft. in an R-4 zoning. An R-4 district requires 6 feet between buildings and an R-3 requires 8 feet.

Jason Hagan, Petitioner, stated they are proposing high end, custom boutique homes valued at \$1.1 to \$1.2 million.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the May 20, 2019 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on forward P.Z. 02-2019 Highland on Conway (14880 Conway Road.)]

- D. P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown):** A request for a zoning map amendment from the "FPM3" Flood Plain Planned Industrial District to the "AG" Agricultural District for a 153-acre tract of land located on the north side of North Outer 40 Road. (16U110023 and 16V320067). (Ward 4)

STAFF REPORT

Andrew Stanislav, Planner, presented the request for a zoning map amendment from the “FPM3” Flood Plain Planned Industrial District to the “AG” Agricultural District for two parcels totaling 153-acres. These properties are located within the regulatory floodway, which places considerable limitations and restrictions on development. The land is currently undeveloped and utilized for agriculture and the import/export of topsoil, sand, and fill materials.

A Public Hearing was held on April 22, 2019. No issues were raised at that time and the Planning Commission recommended approval by a vote of 7-0. This is a conventional zoning, so there is no Attachment A or preliminary plan.

Councilmember Hurt made a motion to forward P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown) to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the May 20, 2019 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on forward P.Z. 06-2019 17627 & 17659 N. Outer 40 Road (Andrew Brown).]

- A. POWER OF REVIEW: Monarch Center, Partial Amended Sign Package:** A request for a Partial Amended Sign Package for Lot A (Edison Express) of Monarch Center. (Ward 2)

STAFF REPORT

Andrew Stanislav, Planner, presented the request for a partial amendment to the existing Sign Package for Lot A, Edison Express, of the Monarch Center Development. The original Sign Package was approved in three separate meetings by the Planning Commission in late 2016-2017. The current request is for additional signage on Lot A, the Edison Express development, for a new tenant occupying the restaurant space. No changes are proposed for the other lots of the Monarch Center subdivision.

The Planning Commission reviewed the request at their April 22, 2019 meeting at which time a motion to deny the request passed by a vote of 7-0. Power of Review was then called for this item following the Planning Commission’s consideration.

DISCUSSION

Councilmember DeCampi stated that he called Power of Review because he believed that revisions were made to the partial amended sign package since the Planning Commission meeting. Justin Wyse, Director of Planning and Development Services, stated that he has spoken to the Applicant regarding his intention to make some revisions, however, what is presented tonight is what the Planning Commission reviewed and acted on.

Mr. Wyse gave a brief history of this parcel stating that this project was part of three lots, Wildhorse Dental, a large open field behind it, which has since been purchased by St. Louis Family Church, and Edison Express. The original sign package covered lots A, B and C. There was a lot of discussion regarding the signage throughout the development which took place over three

meetings spanning six months. The Petitioner is currently requesting an amendment to Lot A, the service station/car wash and former McArthur's Bakery site.

There was some discussion regarding how to proceed. Mr. Wyse stated that nothing has changed from what was presented to the Planning Commission and it cannot change unless that action comes from the Planning Commission. If Power of Review had not been called, the request would have died. However, since Power of Review was called, the request must go before this Committee. This Committee has to vote yea or nay on the denial by the Planning Commission and forward it on to Council. The Petitioner would then have to resubmit a revised sign package to the Planning Commission.

Since the owner of Edison Express, did not speak at the Planning Commission meeting, he was asked to comment at this time. Mace Nosovitch stated that he is trying to attract a new business to occupy the McArthur's site and install signage to support the new business. He agreed that there was substantial discussion when the original sign package came through, in part because there are three different businesses on one lot and the sign package does not always accommodate this. The property that the church bought behind them was supposed to be a strip center so the original sign package was based upon that. The existing sign package allows a monument sign, however, that was given up in lieu of a few extra signs. McArthur's only had a single sign on the front of the building. There is no signage on the north side or the drive-thru side of the building facing the dentist. Schlotzsky's corporate office is willing to give up the graffiti mural on the north side. They would like to have the name Schlotzky's Austin Eatery on the North side, the main Schlotzsky's sign on the front to replace McArthur's sign, and then Schlotzsky's on the south side where the car wash sign is. The restaurant is supposed to open May 30 and they need signs on the building. He understands the process, and understands they can at least put the Schlotzsky's sign on the front to replace the existing McArthur's sign.

When asked what signage is allowed in the current Ordinance, Mr. Wyse stated that under the current Ordinance, the Petitioner is allowed to replace the existing sign on the front (west) of the building, which would have to be modified slightly though to make it work, and he can install a new panel on the existing monument sign. If a sign permit application were submitted today, Staff can approve those two signs. Any other revisions must be resubmitted through the Planning Commission.

Councilmember DeCampi made a motion to refer any revisions to the Partial Amended Sign Package submittal made by the Applicant back to the Planning Commission for review. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

E. Fair Housing Act

STAFF REPORT

Jim Eckrich, Director of Public Works/City Engineer, stated that in an ongoing effort to ensure that all City policies and ordinances are in compliance with Missouri law, it was recently discovered that the City's Fair Housing Ordinance (Ordinance 863), required modification to comply with Chapter 23 of the Missouri Statutes.

The City's Fair Housing Ordinance established the City's Human Rights Commission (Commission). The Commission was created to receive and investigate complaints involving housing discrimination. However, a local commission cannot perform such a task unless the local commission is certified by the Missouri Commission on Human Rights. Additionally, any local

commission must have been established prior to August 13, 1986. The City's Commission has never been certified and cannot be certified since it was established on July 18, 1988.

To correct this problem, a new ordinance has been drafted with the assistance of the City Attorney. Section 9-24 of the City's Municipal Code has been modified and Section 9-25 has been repealed. These two sections have been replaced with a new Section 9-24 which stipulates that complaints regarding housing discrimination must be filed with the Missouri Commission on Human Rights. Subsequently, the City's Human Rights Commission will be disbanded. In addition, a few minor revisions were also made.

The proposed changes will have minimal impact on the City. The City's Human Rights Commission has met only a few times since the City's inception.

Councilmember Flachsbart made a motion to forward the revised City of Chesterfield Fair Housing Ordinance to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on the revised City of Chesterfield Fair Housing Ordinance.]

F. Right of way Transfer to MoDOT – Long Road and Edison Avenue

STAFF REPORT

Jim Eckrich, Director of Public Works/City Engineer, stated that when Long Road was transferred from St. Louis County to MoDOT, a triangular portion of the right of way was not properly conveyed to MoDOT. This tract of land was originally owned by the Chesterfield Fire Protection District and was conveyed to the City in 1999.

MoDOT is requesting that the City convey the triangular shaped property to MoDOT via quitclaim deed. This will allow MoDOT to effectively maintain the Long Road right of way, including the intersection at Edison Avenue. Staff recommends approval.

Councilmember Flachsbart made a motion to forward to City Council with a recommendation to approve the Quitclaim Deed to Transfer Right of Way for a portion of Long Road at Edison Avenue to MoDOT. The motion was seconded by Councilmember DeCampi and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on Right of Way Transfer – Long Road at Edison Avenue.]

IV. OTHER

After a brief discussion, it was agreed to change the start time of the next Planning & Public Works Committee meeting to 5:30 p.m. instead of 5:45 p.m.

V. ADJOURNMENT

The meeting adjourned at 6:53 p.m.