

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: August 22, 2003

SUBJECT: Planning and Zoning Committee Meeting Summary from August 21, 2003

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held at 5:30 p.m., on Thursday, August 21, 2003, in Conference Room 101. In attendance were: Chair Barry Streeter (Ward II), Councilmember Jane Durrell (Ward I), Councilmember Dan Hurt (Ward III) and Councilmember Mary Brown (Ward IV). Also in attendance were: Councilmember Bruce Geiger (Ward II); Councilmember Connie Fults (Ward IV); Planning Commission Chair Victoria Sherman; Director of Planning Teresa Price; Senior Planner Annissa McCaskill; Project Planner David Bookless; Project Planner Mike Hurlbert; and Kathy Lone, Planning Assistant.

*To be discussed at the 9/3/2003 City Council Meeting.

Chair Streeter called the meeting to order at 5:33 p.m.

I. Approval of the Planning and Zoning Committee Meeting Summary of August 7, 2003.

Councilmember Durrell made a motion to approve the Meeting Summary of August 7, 2003, as corrected. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

Chair Streeter stated that a ruling from City Attorney Doug Beach stated that a 4-3 vote from Planning Commission is a vote of denial.

Correction:

Page 2 of the Planning and Zoning Committee Minutes was corrected as follows (for **P.Z. 29-2002 The Bluffs at Appaloosa Way**):

Councilmember Brown made a motion that the above three (3) items be incorporated with the Attachment A for the original 'E-3' Residence District as ~~recommended~~ **denied** by the Planning Commission. The motion was seconded by Councilmember Durrell and **passes by a voice vote of 4 to 0.**

Chair Streeter stated that he would be taking agenda items out of order.

***III. P.Z. 1-2003 (LPC 1-2003) Ravens-Queathem House**; a property, located at 14319 Olive Boulevard, has been nominated for Landmark Designation under the process established by the City of Chesterfield Ordinance Number 1719.

Project Planner Mike Hurlbert gave an overview of **P.Z. 1-2003 (LPC 1-2003) Ravens-Queathem House**. Mr. Hurlbert stated that **P.Z. 1-2003 (LPC 1-2003) Ravens-Queathem House** was approved without conditions for Landmark Designation by the Planning Commission on February 24, 2003. Mr. Hurlbert stated that an Attachment 'A' has been developed in accordance with Ordinance Number 1719 and the criteria for designation.

Councilmember Durrell made a motion to recommend approval and forward to City Council an Attachment 'A' for **P.Z. 1-2003 (LPC 1-2003) Ravens-Queathem House**. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

***Note: One bill, as recommended by the Planning Commission, will be needed for the September 3, 2003 City Council Meeting.
SEE Bill #**

***IV. P.Z. 2-2003 (LPC 2-2003) Eberwein-Howe House**; a property, located at 1734 Old Baxter Road, has been nominated for Landmark Designation under the process established by the City of Chesterfield Ordinance Number 1719.

Project Planner Mike Hurlbert gave an overview of **P.Z. 2-2003 (LPC 2-2003) Eberwein-Howe House**. Mr. Hurlbert stated that **P.Z. 2-2003 (LPC 2-2003) Eberwein-Howe House** was approved without conditions for Landmark Designation by Planning Commission on February 24, 2003. Mr. Hurlbert stated that an Attachment 'A' has been developed in accordance with Ordinance Number 1719 and the criteria for designation.

Councilmember Durrell made a motion to recommend approval and forward to City Council an Attachment 'A' for **P.Z. 2-2003 (LPC 2-2003) Eberwein-Howe House**. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

***Note: One bill, as recommended by the Planning Commission, will be needed for the September 3, 2003 City Council Meeting.
SEE Bill #**

V. **Underground Electric – Spirit Trade Center**

Director of Planning Teresa Price stated it is a policy of the City to require utilities to be located underground. Ms. Price stated that when a development is the first to go in, it is basically paying for everything if there are not any developments going in at approximately the same time.

Mr. Jerry Wamser, attorney for House of Denmark which is to be located in the Spirit Trade Center, expressed concern if there are not any new developments within the next year, then the owner of House of Denmark will be unfairly paying the entire amount.

Chair Streeter stated that City Attorney Doug Beach is requesting a new Ordinance that when it can be established that there is a commercial area where the first extension of underground electric service would serve two or more parcels yet to be developed, that each parcel that will be served by the first extension shall share in a pro rata amount that costs of the first extension as a condition of their development.

General discussion followed concerning including all utilities or just electric.

Mr. Wamser stated that the request is for placing utilities underground and then be reimbursed later from a Trust Fund when there are more developers.

Councilmember Brown made a motion to direct Staff to review and see if an ordinance can be written to include comments of City Attorney Doug Beach. The motion was seconded by Councilmember Durrell.

General discussion followed concerning having the Ordinance cover all utilities.

Councilmember Brown accepted including all utilities in the motion. Councilmember Durrell also accepted and **the amended motion passes by a voice vote of 4 to 0.**

II. P.Z. 29-2002 The Bluffs at Appaloosa Way: A request for a change of zoning from a "NU" Non-Urban District to a "E-3" Residence District for a 13.5 acre tract of land located north of Wildhorse Creek Road, to the west of the "Appaloosa Way" subdivision (Locator Numbers 18T-42-0194, 18T-42-0161, 18T-44-0059, 18T-44-0015, 18T-42-0039).

Chair Streeter stated that the Committee had several options to consider at their last meeting which were: The original rezoning request of 13.5 acres to be rezoned 'E-3,' the 13.5 acres to be zoned 'E-One Acre,' and remove the northern parcels and rezone to 'E-3' and 'E-One Acre.'

Chair Streeter stated that Staff had been directed to draft potential Attachment 'A's' for the different classifications.

Chair Streeter stated that the attorney for the petitioner has submitted a letter requesting that the original rezoning petition be amended to remove the northern parcels and rezone 7.4 acres instead of 13.5 acres.

Chair Streeter stated that City Attorney Doug Beach stated that by amending the original rezoning petition, according to the Zoning Ordinance, it is the same as withdrawing the original request and requires the Planning Commission to vote on the change.

Chair Streeter stated that the Committee needs to decide if they want to accept the amendment and return this petition to the Planning Commission or not accept the amendment and continue with discussion.

Mr. Mike Doster, attorney for the petitioner, stated that he was not aware that if the original petition was amended, it would need to return to Planning Commission. Mr. Doster stated that he would need to discuss with the petitioner whether to withdraw the amendment due to Mr. Beach's opinion.

Chair Streeter stated that he is waiting on an opinion from Mr. Beach regarding the procedure and whether this amended petition would require another Public Hearing.

Mr. Doster asked for a five-minute recess for discussion with the petitioner.

Chair Streeter called a recess at 5:50 p.m. and the meeting reconvened at 5:55 p.m.

Mr. Doster stated that the petitioner requests to hold this petition until the next Committee meeting and get a full opinion from Mr. Beach and then make a decision as to whether or not to amend the original rezoning request.

Chair Streeter stated that a motion was on the table from Councilmember Hurt from the last meeting concerning rezoning to 'E-One Acre' for the 13.5 acres.

Councilmember Durrell made a motion to table indefinitely Councilmember Hurt's motion for the 'E-One Acre' zoning for **P.Z. 29-2002 The Bluffs at Appaloosa Way**. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

Councilmember Durrell made a motion to hold **P.Z. 29-2002 The Bluffs at Appaloosa Way** until the September 4, 2003 Committee meeting and receive an opinion from City Attorney Doug Beach. The motion was seconded by Councilmember Brown and **passes by a voice vote of 4 to 0.**

VI. Pending Projects/Departmental Update

Councilmember Brown stated that she has an issue on standard setbacks for commercial developments, i.e. Walgreen's on the Parkway and also Monarch Trace.

General discussion followed concerning commercial setbacks and the sky plane issue with a two-tier approach either by use or location.

Director of Planning Teresa Price stated that each 'PC' Planned Commercial District development has its own setbacks.

Councilmember Durrell stated that she thinks that Walgreen's on the Parkway is a nice asset to the area.

The meeting adjourned at 6:11 p.m.

TP/kl

