

TO: Michael G. Herring, City Administrator  
FROM: Mike Geisel, Director of Planning & Public Works  
SUBJECT: Planning & Zoning Committee Meeting Summary  
**September 20, 2007**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, September 20, 2007 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Bob Nation (Ward IV); Maurice L. Hirsch, Jr., Planning Commission Chair; Mike Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Annissa McCaskill-Clay, Assistant Director of Planning; Aimee Nassif, Senior Planner; Mara Perry, Senior Planner; Shawn Seymour, Project Planner; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

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

## I. APPROVAL OF MEETING SUMMARY

- A. Approval of the September 6, 2007 Planning and Zoning Committee Meeting Summary

**Councilmember Durrell made a motion to approve the Meeting Summary of September 6, 2007.** The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

## II. OLD BUSINESS

- A. **Proposed Modifications to Sections 3(f) and 4 of Ordinance No. 385:** Proposed modifications regarding weed control.

### **Staff Report**

Mr. Mike Geisel, Director of Planning & Public Works, stated that Staff believes the existing ordinance needs to be modified as it does not provide for native landscaping. He also pointed out that Staff has not been trained to make the distinctions necessary to enforce the ordinance as proposed. He would like to have Staff develop an entirely new ordinance proposal that meets the objective

of native landscaping. He felt that the ordinance could be crafted to better define the distinctions between “native landscaping” and “weeds”.

## DISCUSSION

### Landscaping of Common Grounds

Chair Fults stated that Trustees of several subdivisions have inquired about the possibility of letting common ground areas “go natural” because of the high cost of maintaining them. She asked how the current ordinance affects lots that are allowed to go natural.

Mr. Geisel replied that the only distinguishing factor under the current ordinance relates to whether the weeds are 12” or higher – or whether they are identified as “noxious weeds”. The current ordinance does not provide for any native landscaping. He pointed out that landscaping can just not be left to “go natural” – areas would have to be professionally landscaped to include native plantings. It was noted that Staff could refer subdivisions to The Department of Conservation and other resources for help on native landscaping.

### Citizens Committee for the Environment

Mrs. Darcy Capstick, Co-Chair of the Citizens Committee for the Environment, expressed her support of a revised ordinance that would encourage native landscaping. Chair Fults asked for Mrs. Capstick’s input in the development of the revised ordinance.

### Review of the Revised Ordinance

Councilmember Hurt suggested that the proposed revised ordinance be reviewed by the Environmental Committee, Beautification Committee and the Landscape Committee of the Planning Commission before it is forwarded to the Planning & Zoning Committee. He asked that these Committees submit one-page responses on the draft ordinance.

Councilmember Durrell made a motion to send the Proposed Modifications to Sections 3(f) and 4 of Ordinance No. 385 back to Staff to draft revisions specific to the City of Chesterfield regarding native landscaping. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4 to 0.

## III. NEW BUSINESS

- A. P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners LLC): A request for a change of zoning from a “NU” Non-Urban District to an “E-One Acre” Estate District with a “WH” Wild Horse Creek Road Overlay for an approximately 4.9 acre tract of land located north of Wild Horse Creek Road and west of Long Road.

### **Staff Report**

Ms. Jennifer Yackley, Project Planner, gave a PowerPoint Presentation showing the Site Plan. She stated that the Petitioner is proposing 4 houses on the 4.9 acre site, which meets the density requirements within the E-One Acre Estate District with the Wild Horse Creek Overlay. The subject site is within the residential only portion of the bowtie area. The petition was approved by the Planning Commission by a vote of 7 to 1 with one abstention.

The E-District requires an 80-foot front yard setback along collector and arterial roadways. The Petitioner requested, and Planning Commission granted, a modification to the front yard setback to 50 feet. The modification was granted because of the bluffs at the back of the site. It was noted that to move the homes an additional 30 feet would put all four houses within the bluffs. With the 50-foot setback, just the rear 25 feet of lots 3 and 4 will impact the bluffs. The 50-foot setback also results in saving 90% of the bluff area which is at a 30% or greater slope – this meets the requirements of both the Overlay District, as well as the E-One District.

### **DISCUSSION**

Chair Fults stated that she and then-Councilmember Brown met with the Petitioner about a year ago regarding their proposal. At that time, the petition proposed attached villas, which were about twice the density of the current petition. At that time, they expressed their views on the importance of this site and worked with the Petitioner to revise the plans. Chair Fults expressed her support of the current petition noting her acceptance of the reduction to the front setback.

### **Planning Commission Report**

Planning Commission Chair Hirsch stated that Commissioner Watson had abstained from voting on this petition as he was new to the Commission at that time. Commissioner Broemmer was the negative vote on the petition.

The Planning Commission was happy with the petition in that it has only two ingress points off of Wild Horse Creek Road. When asked if only one access point would be feasible, the Petitioner advised that it would not be because of the narrowness of the flat part of the lot. The Commission felt that the reduced front yard setback was appropriate in that it eliminated problems with preserving the bluffs.

### **Reduced Front Yard Setback**

Councilmember Nation noted that the standard for preserving the bluff area is 70% vs. the 90% being preserved with the 50-foot front yard setback. He asked if 70% of the bluff could be preserved with an 80 foot setback. Mr. Paul Ground, petitioner for the project, indicated that an 80-foot setback does not allow the required 70% preservation of the bluff area. The backs of the houses, as

proposed, will be about 20 feet from the bluffs on the east end; and probably less on the west end.

Councilmember Nation expressed his concern about the reduced front yard setback considering the future widening of Wild Horse Creek Road. Mr. Geisel pointed out that the 50-foot setback is measured from the new road dedication – it is currently a 65-foot setback from the existing roadway.

Councilmember Durrell indicated her acceptance of the reduced setback.

### **Shared Driveway**

Councilmember Durrell expressed her support of the detached housing and the two shared driveways instead of four individual driveways.

It was noted that there is approximately 360-400 feet between the two driveways. The driveways fully meet the City's access management guidelines.

### **Cross Access to the East and West**

Councilmember Hurt asked whether cross access could be granted to the east and west properties for any possible changes in the future. It was noted that there is very little property to the west as it drops down severely. It may be possible to provide access to the east.

**Staff was asked to review possible access to the east prior to the October 1<sup>st</sup> City Council meeting.**

**Councilmember Geiger made a motion to forward P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners LLC) to City 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 October 1, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 29-2006 Wildhorse Bluffs (Wildhorse Partners LLC).]**

- B. **P.Z. 31-2007 Terra Corporate Park:** A request for an amendment to City of Chesterfield Ordinance 2245 to amend the allowable building square footage requirements.

**Staff Report**

Mr. Shawn Seymour, Project Planner, stated that the requested amendment asks to remove the maximum buildable square footage number of 25,000 square feet from the outparcels. The entire site consists of ten lots with five outparcels.

**DISCUSSION**

**Overall Allowable Square Footage for the Site**

Mr. Seymour stated that the overall allowable square footage of the site would not be greatly affected. There are still limitations on the four inner parcels. The square footage for the five outparcels will be constrained by setbacks, open space, and parking requirements based on use.

**Planning Commission Report**

Chair Hirsch reported that the Planning Commission approved the petition by a vote of 7 to 0. He noted that the specific requirement of the maximum buildable square footage number of 25,000 square feet is part of an older ordinance. The City does not put such specific requirements in ordinances now. The ordinances now include uses requiring the site to be developed based on setbacks, open space, and parking.

**Petitioner's Presentation**

Mr. Mike Doster, representing the Petitioner, stated that the original proposal consisted of five outparcels showing single-story retail-type uses. Since then, the Petitioner has received an offer from a doctor to acquire an outparcel for a two-story medical office building. It is anticipated the medical building would be approximately 10,000 square feet and it is possible that similar uses would be requested for the site. Because of this offer, they are requesting that the 25,000 square foot limitation be removed. He noted that a medical building is still subject to the setbacks, open space, and parking requirements. The contract for the medical building is conditional upon the removal of the 25,000 square foot limitation.

**Medical Office Building**

Chair Fults noted that one outparcel would be lost for a medical building and asked if the parking on the lot would be sufficient for a medical use. Mr. Doster indicated it would.

Councilmember Durrell stated she likes the idea of a two-story medical building as she felt it would give the area some diversity. She prefers an office-look vs. a retail-look for this area.

Councilmember Geiger expressed his reservations about removing the 25,000 square foot limitation. Mr. Geisel pointed out that the Performance Standards will dictate the look and character of the site. The Performance Standards will result in a much more consistent end product vs. a limitation on square footage.

Chair Fults felt a medical office building is more appropriate for a corporate park setting. Councilmembers Geiger and Durrell both expressed their agreement with this comment.

Mr. Doster stated that it is anticipated that the possible medical building would not be more than 30,000 square feet.

#### **Automatic Power of Review**

Councilmember Hurt suggested Automatic Power of Review of the Site Plans for these parcels.

**Councilmember Durrell made a motion to forward P.Z. 31-2007 Terra Corporate Park to City Council with a recommendation to approve with an amendment to Section L. of the Attachment A adding Automatic Power of Review for the five outlots. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the October 1, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 31-2007 Terra Corporate Park.]**

- C. **P.Z. 39-2007 Amato House (405 Griffith Lane)**: A request for a change of zoning from “NU” Non-Urban District to “E-One Acre” Estate District for a 2.638 acre tract of land located ¼ mile southwest of the intersection of Wild Horse Creek Road and Wilson Road (19T430161).

#### **Staff Report**

Ms. Mara Perry, Senior Planner, stated that the subject petition went before Planning Commission on September 10<sup>th</sup> and was recommended for approval by a vote of 7 to 0. Griffith Lane will eventually become the fire lane for Fox Hill Farms to the west; to the east is Chesterfield Lakes, as well as an additional “NU” property that is accessed by Griffith Lane. The Petitioner is asking for a rezoning with the intention of splitting the lot into two pieces of property

## DISCUSSION

### Road Improvements

Chair Fults asked if road improvements to Griffith Lane would be required once the lot is split. Mr. Geisel replied that road improvements would not be required as they would be considered part of a minor subdivision. It was Staff's determination that road improvements simply were not warranted or practicable for this particular minor subdivision. He added that Griffith Lane cannot physically be improved to City standards.

Chair Fults expressed concern about the remaining lots in this area being split into 12-13 one-acre lots with no road improvements. Mr. Geisel stated that the parcels identified are not indicative of the number of homes that could be physically built. Some of the properties to the east do not even have frontage on Griffith Lane. Staff did look at the total number of homes that are in this area and Staff estimates that no more than 6 lots could be yielded from this area because of the limitations created from the creek and the bridge.

### Subdivision Indentures

It was noted that a title search was done on the subject parcel and it has been determined that it is not within any other indentured subdivision.

### Lot Split

Mr. Geisel pointed out that the Committee is reviewing just the rezoning request at this time. The lot split request will be reviewed in the future. There are still obstacles that the property owners must overcome with regard to infrastructure issues such as water, sewer, etc.

**Councilmember Geiger made a motion to forward P.Z. 39-2007 Amato House (405 Griffith Lane) to City 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 October 1, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 39-2007 Amato House (405 Griffith Lane).]**

- D. P.Z. 20-2007 Buchholz Mortuaries, Inc. (2211 Clarkson):** A request for a change of zoning from a “R1” Residence District with a Conditional Use Permit to a “PC” Planned Commercial District for an approximately 3.26 acre parcel of land located at 2211 Clarkson Road, at the intersection of Clarkson Road and Wilson Road.

### **Staff Report**

Ms. Jennifer Yackley, Project Planner, stated that the Petitioner has submitted a letter requesting that the petition be held at this time until further notification.

Staff has the following issues with the requested rezoning:

- The “Planned Commercial” zoning is inconsistent with the Comprehensive Land Use Plan, which designates this area as “Residential”. The site is currently in compliance as it is zoned “Residential” with a Conditional Use Permit to operate a mortuary.
- Because of the internal drive, the required setback is 25 feet for “Planned Commercial” vs. the existing 18-foot setback at its narrowest point.
- The Tree Manual requires a 30-foot landscape buffer, which the site currently does not have.

It was noted that the motion to approve by the Planning Commission failed by a vote of 0 to 7.

### **Planning Commission Report**

Planning Commission Chair Hirsch stated that the Commission feels the requested zoning of “Planned Commercial” is an inappropriate use of the land since it is surrounded by residential zoning both in Chesterfield and Clarkson Valley. They feel the existing zoning of “Residential” with a C.U.P. is appropriate

Other concerns were also raised at the Planning Commission such as traffic issues.

## **DISCUSSION**

### **Rezoning/Conditional Use Permit**

Chair Fults stated that at the Public Hearing, many residents opposed the rezoning to “Planned Commercial” but were comfortable with the present zoning of “Residential” with a C.U.P.

### **Petitioner’s Presentation**

Mr. Campbell Mulvihill, representing the Petitioner, stated that he felt residents expressed concerned at the Public Hearing about any possible alteration to the existing building and an increase in traffic due to a rezoning. He noted that they expressed appreciation for the attractiveness of the site.

Mr. Mulvihill stated that the only commercial use being requested is an office building. The other uses being requested are a school, a facility for public assembly, and the mortuary. If the building were used as an office, the existing 14,000 square feet would only allow 75 people per day based on BOCA requirements. Currently, the mortuary is allowed up to 340 people at any one time entering or exiting the building. The Petitioner felt that an office use would decrease the traffic from the site.

Mr. Mulvihill also stated that the Petitioner does not intend to make any alterations to the building. If a future owner wanted to alter the building, the changes would have to come before the Planning Commission.

Mr. Mulvihill stated that the Buchholz's want him to investigate an additional piece of property owned by them to see if this would satisfy the buffering requirement. Ms. Yackley pointed out that the Public Hearing Notice was published with a specific legal description. If the site has a different legal description, it presents another issue.

Councilmember Geiger noted that since the petition was rejected at the Planning Commission level, it would need six votes from City Council members for approval.

Councilmember Hurt stated that the petition could be withdrawn at this time with "no prejudice" and could be resubmitted within one year. If the petition is not withdrawn and is rejected by Council, the Petitioner would have to wait one year before re-submittal.

Mr. Mulvihill stated he would like the petition held at this time for further consultation with the Petitioner.

### **Permitted Uses**

Councilmember Durrell asked if it was possible to eliminate some of the permitted uses to ease the concerns expressed by the residents. Mr. Mulvihill stated that the list had been substantially reduced already.

Planning Chair Hirsch suggested that the uses be reviewed with respect to what is allowed in residential districts with a C.U.P. as opposed to rezoning to Planned Commercial. Ms. Yackley advised that this would require the Petitioner to amend the existing Conditional Use Permit and the uses would be limited to what is allowed in an "R-1 District". It was noted that an office use is not allowed in a residential district.

Mr. Geisel pointed out that a generic C.U.P. cannot be created. A C.U.P. is specific for a given use, a given time, and a given configuration.

Councilmember Geiger advised Mr. Mulvihill that the Committee is comfortable that the existing residential zoning is the appropriate zoning for the site. The Committee is open to giving some flexibility on the residential uses but not changing the zoning to Planned Commercial.

**Councilmember Geiger made a motion to hold P.Z. 20-2007 Buchholz Mortuaries, Inc. (2211 Clarkson). The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.****

- E. P.Z. 34-2007 Blue Ocean (Johnny Y Properties LLC):** A request for a change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District for 2.7 acre tracts of land located south of US Highway 40&61, east of Chesterfield Commons Drive (17T230123, 17T230112)  
Proposed Uses include: Restaurants, sit down.

### **Staff Report**

Ms. Aimee Nassif, Senior Planner, stated that the Petitioner is requesting a single use of sit-down restaurants. The site is located just south of Highway 40 and just east of the Kemp Auto Museum. The Public Hearing was held July 9, 2007 at which time issues were raised concerning access and internal circulation. Staff has worked with the Petitioner and has advised them that during the Site Development Plan review, they will have to meet all of the City’s zoning ordinance requirements and the access management guidelines. The Preliminary Plan does meet all City requirements for rezoning. The Planning Commission recommended approval by a vote of 7 to 0 at its September 10<sup>th</sup> meeting.

The Petitioner has been granted a variance by the Department to the Tree Manual. The Department approved a variance for the width of the buffer based upon a letter submitted by the Petitioner, along with a Landscape Plan. The Petitioner has been able to increase the open space to 41.6% from the required 30%. In some areas, the buffer meets the required 30-foot buffer while in other spots it drops down to 15 feet.

### **Planning Commission Report**

Planning Commission Chair Hirsch stated that the Planning Commission felt the rezoning is appropriate realizing that some issues will have to be resolved at the Site Development Plan stage.

## DISCUSSION

### **Automatic Power of Review**

Commissioner Hurt felt that Council should have Automatic Power of Review of the Site Development Plans.

Chair Fults agreed with having Automatic Power of Review noting that the back of the building will be very visible. Mr. Chris Kehr, representing the Petitioner, stated that there “will not be a back of the building”. It will be a very attractive, first-class restaurant.

### **Underground Utilities**

Councilmember Hurt pointed out that all utilities within the boundaries of the site – including any on-site existing utilities and/or the distribution lines - must be placed underground.

### **Signage**

It was noted that the Petitioner did not request a sign package. They will have to adhere to the strict requirements of the zoning ordinance at the time of Site Plan review. At that time, the location of the monument sign will be shown on the Site Plan. They will also be allowed a sign on two faces of the building.

### **Architectural Review**

It was noted that the Architectural Review Board reviews all Site Plans before being reviewed by the Planning Commission.

Councilmember Hurt stated that it is preferred that the materials used be an integrated brick as opposed to a painted brick. The Petitioner indicated that a painted brick would not be used.

Councilmember Hurt requested that ARB comments be forwarded to the Committee members. Ms. Nassif stated that when a project comes before them with Automatic Power of Review, the Planning Commission Report is included in the meeting packet, which always includes ARB recommendations.

Councilmember Hurt requested that the ARB comments be noted on a different color paper to make them easier to find.

### **Access**

Councilmember Hurt asked why the site cannot be developed with only one access.

Mr. Geisel stated that immediately to the west of the site is the Kemp Auto Museum, which has shared access. Immediately to the east of the site is the Sachs facility, which has two existing curb cuts – one of which Staff would propose to be eliminated with any future development. Two curb cuts will serve

three sites with the subject site not having any individual curb cuts for its site alone. Sachs is agreeable with the two intended curb cuts.

It is estimated that the distance between the two curbs is 600 feet.

### **Open Space**

Councilmember Fults expressed concern about the all the parking across the street from the subject site and the intended parking for this site. She would like to see some landscaping of the site.

It was noted that the Ordinance requires 41.6% open space. This calculation does not include right-of-way property.

Councilmember Fults noted that open space is different from green space and may not address her concerns.

### **Landscaping**

Councilmember Durrell suggested that additional flowering shrubs be added to the site. She felt that a lot of flowering shrubs would soften the look of the site.

Councilmember Hurt encouraged the Petitioner to consider some kind of water feature. Mr. Kehr noted that because of the site's proximity to the Airport they are restricted from water features that would attract water fowl. Councilmember Hurt directed the Petitioner to the online site of "Replicas Unlimited", which features water gardens.

**Councilmember Geiger made a motion to forward P.Z. 34-2007 Blue Ocean (Johnny Y Properties LLC) to City Council with a recommendation to approve with the inclusion of Automatic Power of Review. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the October 1, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 34-2007 Blue Ocean (Johnny Y Properties LLC).]**

## **F. Municipal Zoning Applications**

Councilmember Durrell asked if it would be possible to add a line to the zoning applications asking if the applicant had checked with the Subdivision Trustees. Mr. Geisel replied that the application already includes an area where the

applicant must certify that the Trustees have been notified. Staff is now notifying Trustees by e-mail (if available) when applications for their subdivisions are received. It was noted that the City doesn't require the Trustees approval for work being done but they are made aware of it.

Chair Fults asked if the application includes a line asking if the residence is within an indentured subdivision. Mr. Geisel stated that this is not included on the application; however, it shows up in the legal description. **It was agreed that Mr. Geisel would explore this further with the City Attorney.**

## **G. Public Hearing Signs**

Chair Fults noted that other municipalities post a code number on their Public Hearing signs that a resident could use to find the specific project related to the Public Hearing on the City's website. She asked if this would be possible on Chesterfield's notices.

Ms. Nassif replied that, in essence, the City already has this procedure in place. The City's "code number" is the "P.Z." number posted on the sign. This number can be plugged into the City's website and the Public Hearing notice comes up with the graphic and description. The Planning Department Section of the website also lists all the Public Hearings. The website also includes a "Planning Projects" section, which includes all active projects showing their status. The entire meeting packets are also posted on line.

Councilmember Durrell liked the idea of having a recorded message describing upcoming Public Hearings. Mr. Geisel stated that City Council had previously directed that the phone system be created avoiding the voice mail chain. It was noted that the "Planner of the Day" is available to respond to questions about current projects.

## **IV. ADJOURNMENT**

The meeting adjourned at 7:00 p.m.