

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: October 23, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary
October 19, 2006

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, October 19, 2006 in Conference Room 101.

In attendance were: **Chair Mary Brown (Ward IV); Councilmember Barry Streeter (Ward II); and Councilmember Dan Hurt (Ward III).**

Also in attendance were Mayor John Nations; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Maurice L. Hirsch, Jr., Planning Commission Chair; City Attorney Rob Heggie; Libbey Simpson, Assistant City Administrator for Economic & Community Development; Teresa Price, Director of Planning; Aimee Nassif, Senior Planner; Mara Perry, Senior Planner; and Mary Ann Madden, Planning Assistant.

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

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the September 11, 2006 Planning and Zoning Committee Meeting Summary

Councilmember Streeter made a motion to approve the Meeting Summary of September 11, 2006. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

II. PROTEST PETITION HEARINGS

- A. **P.Z. 05-2006 Barry Simon Development (Tuscany Reserve):** A request for a change of zoning from "LLR" Large Lot Residential to "E-One Acre" Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Due to changes to the proposed plan, Chair Brown announced that the Protest Petition Hearing was not being held.

III. OLD BUSINESS

- A. **P.Z. 05-2006 Barry Simon Development (Tuscany Reserve)**: A request for a change of zoning from “LLR” Large Lot Residential to “E-One Acre” Estate District for 58.1 acre tracts of land located north of Strecker Road, east of Church Road. (19U420215)

Staff Report

Ms. Aimee Nassif, Senior Planner, reported that the subject petition was held by the Planning & Zoning Committee at its September 11, 2006 meeting to allow the Petitioner to submit an amended plan.

The following sections of the Attachment A will need to be amended in order to accurately reflect what is now being proposed on the preliminary plan (**Amendments shown in red**):

Section I.C.1 “Permitted Uses”, page 1

- a. ~~Forty-five (45)~~ **Thirty six (36)** detached single-family dwellings.

Section I.C.1 “Permitted Uses”, page 1

- c. The minimum lot size for lots ~~8, 9, 37, and 38~~ **6, 7, 35, and 34** shall be a minimum of three (3) acres.

Section I.E.1. “Structure Setbacks”, page 2

- b. ~~Sixty (60)~~ **One hundred and ten (110)** feet from the right-of-way of Kehrs Mill Road on the eastern boundary of the E-1 Acre District.

Section I.E.1. “Structure Setbacks”, page 2

- i. ~~Thirty (30)~~ **Fifty (50)** feet from the boundary of this E-1 Acre district adjacent to the property owned by St. Mary’s Institute.

It was noted that the Petitioner is now requesting a combination of E-1 Acre and E-2 Acre zoning.

Petitioner’s Presentation:

Mr. Mike Doster, Doster, Mickes, James, Ullom, Benson, & Guest LLC, stated that since the September 11th meeting, meetings have been held with Ward IV Councilmembers and residents of Pacland Place. The proposed plan has been presented to the Trustees of Pacland. The proposed plan shows the split zoning as follows:

- Lots 18-33 and acreage for detention, dry stream, and pond would be E-1 zoning.

- Lots 1-17 and 34-36, along with common ground, would be E-2 zoning. The E-2 zoning consists of 41.08 acres.
- Within the E-2 zoning, lots 6, 7, 34 and 35 would be 3 acres. These lots are subject to the Pacland Place Subdivision Indentures.

The proposed zoning supports the residents' request that E-2 zoning surround the border of Pacland and down towards Kehrs Mill Road.

The Petitioner feels that the plan complies with the new E-1 and E-2 regulations with respect to the minimum lot size and density requirements.

The Petitioner is requesting two modifications in the E-2 District:

- Modification of the standard regarding lot size: Requesting that all buffers be included in the calculation of minimum lot size. The Petitioner has previously agreed to an expanded buffer next to Pacland – from the required 30 feet to 50 feet. They request inclusion of the buffer in the calculation of the minimum lot size.
- Modification of standard regarding minimum side yard setback: Requesting that the side yard setback be changed from 25 feet to **20 feet**, and from 50 feet to **40 feet** between structures for lots 12-17.

Considering that the developer and residents have come to an agreement on the proposed plan, Mr. Doster requested that the petition be voted upon at tonight's meeting. The residents' legal counsel has also requested, by letter, that the petition be voted upon tonight.

Councilmember Streeter expressed concern about a vote at tonight's meeting considering that Staff only received the revised plan a few hours earlier and had not had time for a sufficient review. It was agreed that the petition would be held until the next meeting re-scheduled to October 30th.

Report from Ward IV Councilmember:

Councilmember Connie Fults reported that the Mayor, Chair Brown and she had met with the Developer. As a result of their meeting, the Developer agreed to:

- Remove several lots.
- Change the configuration at Kehrs Mill Road.
- Provide E-2 zoning along the property that abuts Pacland Place and Kehrs Mill Road.

She pointed out that this proposed plan was just worked out the day before, which is why Staff received its copy of the plan so late in the day.

Councilmember Fults stated that the residents have the following requests:

- A heavily buffered landscaping of trees and barrier bushes on Lots 7-15 abutting Pacland Place. The developer has agreed to the heavily-buffered landscaping.

- The entrance from Westland Acres be a **gated** emergency access. Attachment A indicates the access as gated noting that a minimum of four remote control devices shall be provided to the City of Chesterfield as directed.
- The Attachment A to state that the 12 acres comprising lots 6, 7, 34, and 35 will remain under the Pacland Place Indentures. City Attorney Heggie stated that the Indentures will remain on this property indefinitely. The Attachment A states that the minimum lot size for lots 6, 7, 34, and 35 shall be a minimum of three acres.
- The Attachment A to state that lots 6, 7, 34, and 35 will have a maximum of one home per three acres.

DISCUSSION

Lot 1

Lot 1 has a 110' setback from the right-of-way of Kehrs Mill Road.

Setbacks

Mr. Charlie Macaluso, Trustee of Pacland Place, asked whether the distances from the road to the front of the house are specified. The residents of Pacland Place would like the homes built as far forward on the lots as possible to make the rear yards as large as possible to protect both Caulks Creek and Pacland Place.

Mr. Stock replied that the E-District requires a 25-foot front building line; the proposed plan shows a 35-foot front minimum building line. It is possible that some residents will set their homes further back from the road. It was noted that the distance from the back of the house to the back of the property line is 300 feet.

It was agreed that a rear yard setback would be proposed prior to the next meeting.

Definition of E-2 Zoning/Density

Councilmember Hurt stated that the interpretation of the subject E-2 zoning will set a precedent for future E-2 zoning so everything should be reviewed carefully.

Mr. Doster stated that they are confident that they are applying the new E-2 regulations as they are written – no liberties are being taken with the density calculation.

City Attorney Heggie will review the plan with respect to the E-2 zoning.

Common Ground/Playground Area next to the School

It was noted that this area was included in the original zoning petition. Since then, arrangements have been made with the school to either deed the property back to the school or retain title and give the school a permanent license to use the property as its playground.

Summary of items to be included in the Attachment A for the next meeting:

- Amendments outlined in the October 13, 2006 Staff Report.
- A minimum rear yard setback.
- A fifty-foot buffer is to abut Pacland Place.
- Lots 7-15 will be heavily buffered and screened with landscaping.
- Lots 6, 7, 34, and 35 will have a maximum of one home per three acres.

Variations will be needed for the following items, requiring a separate vote by City Council:

- Include the buffers in the minimum lot size calculations and density calculations.
- Side yard setbacks and setbacks between structures for lots 12-17.

Councilmember Streeter made a motion to hold P.Z. 05-2006 Barry Simon Development (Tuscany Reserve) until the next Planning & Zoning Committee meeting of October 30, 2006. The motion was seconded by Chair Brown and passed by a voice vote of 3 to 0.

Chair Brown thanked Mr. Simon for his cooperation and thanked the residents for their input.

IV. NEW BUSINESS

- A. Herman Stemme Office Park** A request for an ordinance amendment to a 28.1 acre tract of land zoned "C8" Planned Commercial located at the northwest quadrant of Swingley Ridge Road and Chesterfield Parkway East.

Staff Report

Ms. Nassif reported that the Ordinance Amendment is a request to add the use of "medical office" to Lot 2C-2B in the Herman Stemme Office Park. She noted that the zoning ordinance does not require the Petitioner to submit a Preliminary Plan when requesting an Ordinance Amendment.

The Attachment A has been written in two sections – one section for the entire Herman Stemme Office development and one section for just Lot 2C-2B, which includes all the new conditions and criteria.

The following three amendments have been approved by the Planning Commission as recommended by Staff.

1. **Remove** from Section E. 2. "PARKING SETBACKS", PAGE 10.
 - a. No surface parking will be permitted.
2. **Add** to Section E.1. "STRUCTURE SETBACKS", PAGE 10.
 - a. The setback for the canopy from the right-of-way of Chesterfield Parkway East shall be forty (40) feet.
3. **Add** to Section K. "ACCESS/ACCESS MANAGEMENT", PAGE 13.
 3. Cross access shall be provided to adjacent parcels **as directed by the City of Chesterfield.**

The following amendments were requested by the Petitioner:

4. **Amend** in Section E.2. "PARKING SETBACKS", PAGE 10.
 - b. ~~Fifty (50)~~ **Twenty-five (25)** feet from the right-of-way of Chesterfield Parkway East.
5. **Amend** in Section G. "LANDSCAPE REQUIREMENTS", PAGE 12.
 2. A landscape buffer of ~~forty five (45)~~ **twenty-five (25)** feet shall be required along Chesterfield Parkway East.

Ms. Nassif pointed out that Staff had proposed the 50' parking setback from the right-of-way of Chesterfield Parkway East because Congregation Kol Am is built at 50'. She stated, however, that Kol Am's Site Plan notes 25', which is what is required under its ordinance.

The parking setback would allow parking in front of the building.

Planning Commission Report

Planning Commission Chair M. L. Hirsch, Jr. stated that the Ordinance Amendment is to move the 20,000 sq. ft. of existing medical use from the Roosevelt Bank Building to Lot 2C-2B. The use is not being added to the site – it is being moved from one part of Herman Stemme Office Park to another part.

At the October 9th Planning Commission Meeting, two members of the Commission were uncomfortable with the ordinance amendment process and decided to abstain from the vote. The vote to approve all five of the above amendments was 4 to 2 with 2 abstentions – with the 2 abstentions counting as negative votes per the City Attorney. Five votes from Planning Commission were needed to approve the ordinance amendment. The two Commissioners who voted against the ordinance amendment did so because they preferred the 50' parking setback vs. the requested 25' parking setback.

DISCUSSION

Structure Setback

Councilmember Hurt felt that the canopy setback should be changed from 40' to 70'.

Surface Parking/Parking Setback

Councilmember Hurt expressed concern about surface parking in front of the building.

Mr. Doster stated that because the legal parking setback for Kol Am is 25', the Petitioner is asking for a 25' parking setback for consistency from an ordinance standpoint. He noted that the parking setback for Walgreen's is 10'. The lot is 163.5 feet deep and if the 50' setback is required, proper circulation could not be attained.

It was noted that the required parking is met without any excess spaces.

Chair Brown felt that the 25' parking setback should be granted to keep it consistent with Kol Am's legal parking setback.

Councilmember Hurt asked the Petitioner to review whether the building could be moved to the north to allow parking on the Swingley Ridge side of the lot.

Cross Access

Councilmember Hurt felt that cross access to the west is necessary.

Review Process

Councilmember Streeter thought that plans should be provided for proper review on such an ordinance amendment request. He did not feel that the Committee had been given ample time or information to review the presented drawing against the Attachment A.

City Attorney Heggie stated that the existing Ordinance does not require the submittal of a Preliminary Plan.

Councilmember Hurt made a motion to approve the following amendments to the Attachment A:

- **Remove** from Section E. 2. "PARKING SETBACKS", PAGE 10.
 - a. No surface parking will be permitted.
- **Add** to Section E.1. "STRUCTURE SETBACKS", PAGE 10.
 - a. The setback for the canopy from **Swingley Ridge Road** and the right-of-way of Chesterfield Parkway East shall be forty ~~(40)~~ **seventy (70)** feet.

- Add to Section K. "ACCESS/ACCESS MANAGEMENT", PAGE 13.
- 3. Cross access shall be provided to adjacent parcels **as directed by the City of Chesterfield.**

The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

Councilmember Hurt made a motion to hold the request for an ordinance amendment for Herman Stemme Office Park until the October 30, 2006 meeting. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

For the October 30th meeting, the Petitioner was asked to:

- Provide information as to the northern setbacks if cross access is provided to the west.
- Present plans moving the building to the north to allow parking on the Swingley Ridge side of the lot.
- Provide a Preliminary Site Plan.

B. Petro Mart (14898 Clayton Road) A request for an ordinance amendment to allow for a change in the height of the car wash and a structure setback for a .92 acre parcel zoned "PC" Planned Commercial located on the south side of Clayton Road at its intersection with Baxter.

and

C. Petro Mart (14898 Clayton Road) Site Development Plan, Architectural Elevations, Landscape Plan and Lighting Plan for a .92 acre tract of land located at 14898 Clayton Road.

Staff Report

Ms. Nassif stated that since the time of the rezoning, the petitioner realized that the height of the car wash will need to be 17 feet versus the 12 feet originally written in the Attachment A. Also, in an effort to provide additional greenspace, the car wash facility has been relocated and will require an amendment to the structure setback.

The two amendment requests to the Attachment A are as follows:

- **Section D. Height** allows for a maximum height of twelve (12) feet for the car wash and the Petitioner is requesting an amendment to allow for **seventeen (17) feet.**

- **Section E. Structure Setbacks** to allow for a setback of **thirty-eight (38) feet** from the northern property line in lieu of the current forty (40) feet requirement.

Ms. Mara Perry, Senior Planner, stated that Staff was required to get Agency comments from St. Louis County Highways & Traffic and MoDOT. In working with these agencies, they made an effort to increase the green space. One additional tree has been added to the site. Green space has been increased from 19% to 22%.

County asked that the car wash be moved back to help with exiting the site.

DISCUSSION

Councilmember Hurt asked that the presented drawing of the site be rectified before the next City Council meeting to:

- Accurately reflect the northwest corner of site.
- Include the proposed trees on the drawing.

Councilmember Streeter made a motion to forward the request for an ordinance amendment and the Site Development Plan, Architectural Elevations, Landscape Plan and Lighting Plan for Petro Mart (14898 Clayton Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the November 6, 2006 City Council Meeting.
See Bill #**

Note: This is a Site Development Plan, which requires approval by City Council. A voice vote will be needed at the November 6th City Council Meeting.

[Please see the attached report, prepared by the Director of Planning, for additional information on Petro Mart (14898 Clayton Road)].

V. PENDING PROJECTS/DEPARTMENTAL UPDATE

A. Criteria for “Requests to Hold Legislation”

Discussion was held on whether it is beneficial or detrimental to rezone property when a Petitioner has requested a hold on the rezoning request.

Suggestions included:

- Requiring the Petitioner to appear at the meeting to explain why the hold is being requested.
- Imposing a time limit as to when a request for a hold can be accepted.
- Amending the zoning ordinance to include procedures for holding and withdrawing.

It was agreed that City Attorney Heggie will do further research on this item as to what other cities are doing.

B. Rescheduling of Meeting Dates

The Committee rescheduled the meeting dates for the November 8th and November 21st meetings to **October 30th and November 16th (subsequently re-scheduled to November 15th)**.

VI. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.