

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Acting Director of Planning

DATE: December 11, 2006

SUBJECT: Planning & Zoning Committee Meeting Summary  
**December 7, 2006**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Thursday, December 7, 2006 in Conference Room 101.

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

Also in attendance were Councilmember Jane Durrell, Ward I; Councilmember Bruce Geiger, Ward II; Councilmember Connie Fults, Ward IV; Maurice L. Hirsch, Jr., Planning Commission Chair; Lynn O'Connor, Planning Commissioner; Mike Herring, City Administrator; Mike Geisel, Acting Director of Planning; Annissa McCaskill-Clay, Assistant Director of Planning; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Brown called the meeting to order at 5:32 p.m.

### I. APPROVAL OF MEETING SUMMARY

- A. Approval of the October 30, 2006 Planning and Zoning Committee Meeting Summary

**Councilmember Streeter made a motion to approve the Meeting Summary of October 30, 2006.** The motion was seconded by Chair Brown and **passed by a voice vote of 4 to 0.**

### II. OLD BUSINESS - None

### III. NEW BUSINESS

- A. **P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.)**: A request for a change of zoning from “M3” Planned Industrial District to “PC” Planned Commercial District for a 7.8 acre parcel of land located on Chesterfield Airport Road at its intersection with Goddard Avenue. (18026 Chesterfield Airport Road/17V230055)

#### **Staff Report**

Mr. Geisel pointed out a correction to be made to the Attachment A on page 8, Section I.K.4 regarding “Access” as follows:

The nearest edge of any street, access or driveway intersecting the entrance street shall be located a minimum of eighty (80) feet from the edge of pavement of ~~Chesterfield Airport Road~~ **Goddard Avenue**, as directed by the Department of Public Works.

Ms. Annissa McCaskill-Clay noted the following outstanding issue for this petition:

#### **Open Space**

The Comprehensive Plan guidelines for the Valley, in general, suggest 30% open space. However, Ordinance 1747 requires 40% open space for retail development. The subject development has several proposed uses with only Lot 5 showing retail use at the Preliminary Plan stage. Accordingly, the Attachment A is currently written as follows:

A minimum of thirty percent (30%) open space is required for this development overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.

Ordinance 1747 allows a variance to the 40% open space provided the developer can show any type of good planning practice or extraordinary circumstances of the site.

The Petitioner is requesting an amendment to the above language as follows:

A minimum of thirty percent (30%) open space is required for this development overall ~~with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.~~

#### **Planning Commission Report**

Planning Commission Chair Hirsch reported that the Planning Commission voted on a motion to exclude “drive-thru” on the subject site, which failed by a vote of 4 to 5.

To decrease the required 40% open space for retail use would have required six affirmative votes of the Planning Commission for passage. The issue died due to the lack of a motion to amend the open space for the entire development to 30%.

Chair Hirsch stated that some the Planning Commissioners feel that too many petitions are being submitted with building footprints too large for the sites. As a result, some of the Commissioners are not willing to waiver from the requirements of Ordinance 1747.

## **DISCUSSION**

### **Uses**

Councilmember Streeter objected to the uses of “gas station” and “fast-food restaurant with a drive-thru”. It has been his understanding that Council has wanted these types of uses east of Long Road.

Councilmember Flachsbart also objected to the use of a “drive-thru”.

### **Open Space**

Councilmember Flachsbart stated he agreed with the 40% open space requirement.

Mr. Geisel clarified that the generic open space requirement for this area is 30%. Ordinance 1747 states:

“ . . . 40% minimum open space for retail development adjacent to commercial uses.”

It was noted that the adjacent properties include Porta-Fab and Crown Industrial Park. All the surrounding sites are zoned “M3”, including the subject site.

Councilmember Streeter pointed out that the City is receiving a number of petitions requesting reductions from the requirements. He felt it would be interesting to have the Planning Department research the total number of petitions received and noting how many of these have requested reductions.

Chair Brown stated that she does not object to the 30% overall open space because there are two different standards for the same piece of property.

Councilmember Hurt agreed with enforcing the 40% open space.

### **Petitioner’s Report**

Mr. Mike Doster, attorney for the Petitioner, stated the following:

- Uses for “M3” vs. “PC” vary quite significantly. He pointed out that Ordinance 1747 requires 40% minimum open space for retail development adjacent to commercial uses and he noted that everything around the subject site is zoned “M3” – light industrial. The only use that deviates

- from the “light industrial” is O&W. He questioned whether this performance standard even applies since the site is not adjacent to “commercial” uses.
- Ordinance 1747 is written so that reductions can be granted if certain things are shown.
  - The performance standard in Ordinance 1747 for floor area ratio requires a minimum of .25 – the petitioner is showing .15. He feels that because this performance standard exceeds the minimum, the petitioner should be allowed the reduction in open space.
  - There are developments north of Chesterfield Airport Road and west of Long Road that have restaurant and filling station uses approved. A service station has been approved for the Terra Corporate Park development.
  - He feels that the site will be a “green jewel” in the area with the 30% open space because of all the light industrial surrounding it.
  - The retail use is at the rear of the site - where the 40% open space is required. He noted that the retail use is next to a light industrial site and away from Chesterfield Airport Road.
  - The petitioner intends to install a traffic signal at Goddard Avenue and Chesterfield Airport Road, which will benefit all motorists using Goddard Avenue north and south of Chesterfield Airport Road. This is a considerable expense for the petitioner and in order to recoup the expense, they request greater density and uses that would generate an economic return to justify the investment. Mr. George Stock stated that St. Louis County has agreed to the signalized intersection.

### **Curb Cut**

Councilmember Hurt did not feel the curb cut on Eads Avenue to the east is necessary.

Mr. George Stock stated that the access point on Eads Avenue would help ease traffic and allow movement further from the intersection. The Petitioner had requested cross-access with Porta-Fab but Porta-Fab denied cross-access.

Councilmember Fults stated that Eads Road is an internal drive between the developments and she does not agree with restricting the curb cuts on Eads.

Mr. Geisel clarified that Eads Road is dedicated as a public street as part of the Air Park. In its current condition, one would not consider Eads a “street” – it is more of a “driveway”. The street is not maintained by the City or County. The road would have to be maintained by the adjacent property owners. He noted that there is a difference between a “dedication” and an “acceptance” – Eads Road has not been accepted.

Councilmember Geiger questioned whether Eads Road is the type of road that motorists should be using to exit the development. Mr. Geisel replied that Eads

Road is not a road that meets City standards but he feels it is important to have a secondary exit onto Goddard Avenue.

**Councilmember Hurt made a motion to eliminate the east curb cut on Eads Avenue.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 to 1.** (Chair Brown voted “no”.)

### **Traffic Light**

Councilmember Streeter asked why the County has not installed a traffic signal at the intersection of Goddard and Chesterfield Airport Roads if a need exists for one. Mr. Geisel replied that the current volume of traffic does not warrant a traffic signal at the intersection; however, the Master Plan includes a traffic signal at this intersection some time in the future considering forecasted traffic volume.

Councilmember Flachsbart pointed out the issue of the traffic signal is not an issue for the City – it is an issue between the developer and St. Louis County.

### **Drive-thru restaurants**

Councilmember Flachsbart felt a drive-thru is not appropriate for this site and would cause problems with the traffic.

Councilmembers Hurt and Streeter expressed concern about having a restaurant at this site.

Councilmember Fults pointed out that there are other restaurants in this area.

**Councilmember Flachsbart made a motion to amend Section I.C.1 regarding “Permitted Uses” as follows:**

#### **q. Restaurants, fast food, ~~excluding drive-up facilities~~**

The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 1.** (Chair Brown voted “no”).

### **Filling Stations**

**Councilmember Flachsbart made a motion to amend Section I.C.1 regarding “Permitted Uses” as follows:**

#### **~~h. Filling stations, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours.~~**

The motion was seconded by Councilmember Streeter and **passed by voice vote of 3 to 1.** (Chair Brown voted “no”).

**Ancillary Uses**

**Councilmember Hurt** made a motion to amend Section I.C.1. of the Attachment A regarding “Permitted Uses” as follows:

- ~~c. Automatic vending facilities for:~~**
  - ~~(i) Ice and solid carbon dioxide (dry ice);~~**
  - ~~(ii) Beverages;~~**
  - ~~(iii) Confections~~**

and adding Section I.C.3. as follows:

**Ancillary Uses:**

- a. Automatic vending facilities for:**
  - (i) Ice and solid carbon dioxide (dry ice);**
  - (ii) Beverages;**
  - (iii) Confections**

The motion was seconded by Councilmember Flachsbart and **passed** by a **voice vote of 4 to 0.**

**Open Space**

Chair Brown made a motion to amend Section I.D.3.a. of the Attachment A regarding “open space” as follows:

Open space: Open space includes all areas excluding the building or areas for vehicular circulation.

A minimum of thirty percent (30%) open space is required for this development **due to the increased Floor Area Ratio over the minimum standard, and the other good planning practices as shown in this development.** ~~overall with the exception that Lot 5 shall be developed in accord with City of Chesterfield Ordinance 1747.~~

The motion was seconded by Councilmember Flachsbart and **passed** by a **voice vote of 4 to 0.**

**Sign Package**

It was noted that a sign package would have to be submitted at the time of Site Plan review.

**Commendations to Petitioner**

Councilmember Flachsbart commended the Petitioner for clearly listing all the uses.

Councilmember Hurt commended the Petitioner for keeping access off Chesterfield Airport Road.

**Councilmember Flachsbart made a motion to forward P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.****

**Note: One bill, as recommended by the Planning Commission, will be needed for the January 3, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 1-2006 Spirit Town Center (Greenberg-Blatt Management, L.P.).]**

- B. P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors):** A request for a change of zoning from a “NU” Non-Urban District to an “E-One Acre” Estate District for a 4.3 acre tract of land located at the northwest corner of Wildhorse Creek Ridge Road and Cripple Creek Road.

Chair Brown announced that P.Z. 20-2006 has been passed by the Planning Commission. She has been informed that a Protest Petition will be filed requiring a hearing before the Committee. City Attorney Heggie has recommended that the Committee discuss the petition but that a final vote not be taken at this time.

### **Staff Report**

Ms. Yackley outlined the following issues raised by the neighboring residents:

- Easement – Regarding the easement on Wild Horse Ridge Road and access from Wild Horse Creek Road through Bentley Place Drive, the City Attorney’s position is that this a private matter. The Petitioners believe they have all the necessary easements and that the easements are shown on record plats. The neighboring residents do not agree with the Petitioner’s interpretation.
- Subdivision – Question was raised as to whether a particular parcel is part of the Wild Horse Ridge Subdivision. The City Attorney has determined that the subject parcel is a stand-alone parcel and not part of the Wild Horse Ridge Subdivision.
- Storm Water Run-off – Residents of the Country Ridge Subdivision expressed concern about storm water run-off into their dry creek bed. Public Works has reviewed the storm water issue. The development will have to comply with all the storm water requirements.

Staff is proposing the following amendments to Section I.E. of the Attachment A:

- 1.a. ~~Fifty~~ **Twenty-five (25) feet from the** eastern property line of ~~this E-1 Acre Estate District bearing S 00° 55' 33"W~~ **Wild Horse Ridge Road roadway easement.**
- 1.b. ~~Fifty-five~~ **Twenty-five (25) feet from the** southern property line of ~~this E-1 Acre Estate District bearing N 89° 54' 27"W~~ **Cripple Creek Road roadway easement.**
- 2.a. Front yard setback: Twenty-five (25) feet from ~~any roadway~~ **the roadway easement.**

## DISCUSSION

### Surrounding Zoning

Country Place Subdivision has a minimum lot size of 28,000 square feet, as zoned under St. Louis County.

Chair Brown felt that this site has a lot of similarities to what was done with the E-Two acre zoning in Tuscan Reserve next to Pacland Place. She noted that Wild Horse Ridge Subdivision is zoned Non-Urban with three acre lots or larger. The property to the north of the subject site is comprised of six acres along Wild Horse Creek Road, and there are four acres in the middle of this area.

Councilmember Fults stated that if the subject site is zoned E-One Acre, the City should be looking at the surrounding parcels with the thought that these too will be coming in for rezoning. She questioned whether the City wants E-One Acre zoning for this entire area. She felt it would be inconsistent to zone the subject site E-One Acre when it is surrounded by three acre lots or larger.

### Presentation from Residents

Mr. Tom Fleming, Trustee of Wild Horse Ridge Subdivision, stated the following:

- When the area was developed in 1976, it was developed under St. Louis County. All the lots that were sold prior to 1976 were sold under metes and bounds. After January 1, 1977, St. Louis County changed its ordinance to require surveyed lot subdivisions so all lots sold after this point, were sold under this new requirement.
- Since 1976, all these lots have functioned as a subdivision. They have eight residences and four empty lots. All the empty lots have been empty since their original purchase.
- Speaker feels that the petition would set a precedent for spot-zoning.
- They ask that the City protect the character of their subdivision by keeping it large lot zoning. They feel the subject site should have a single home built on it.

- The subject area has a lot of green space utilized by the residents for walking and playing.
- All the neighboring residents are opposed to the subject petition, with the exception of the homeowner who is trying to sell his four-acre site for development.

Ms. Yackley clarified the use of the word “subdivision” by Mr. Fleming and by herself. When she has used the word “subdivision”, she was referring to the record plat recorded with St. Louis County, which does not include all of the parcels Mr. Fleming referred to when he used the word “subdivision”.

Mr. Ken Aston, homeowner in Wild Horse Ridge Subdivision which is part of the record plat, stated the following:

- He has a contract with a developer, who is interested in purchasing his property if this petition is approved.
- If the petition is approved, Speaker stated he would probably sign the contract because the character of his subdivision would change.
- The proposed contract he has would include seven homes of a smaller size, and less expensive, than those being proposed by Mayer Homes.

Councilmember Fults pointed out that the whole area could result in a hodgepodge of different builders, different home sites, different roads, and different layouts of the land.

**Petitioner’s Presentation:**

Mr. Magre, representing Mayer Homes, stated the following:

- The Comprehensive Plan calls for one-acre density in the subject area.
- He does not feel they are “spot-zoning” because R-1A and R-1 zoning is adjacent to the subject site with lots as small as one-half acre.
- He pointed out that nothing ever prevented the recording of a plat with three-acre lots. This would have required property owners to place their property under subdivision indentures but no such thing was done.
- Although the owner of the subject site is bound by a Road Maintenance Agreement to contribute to the maintenance of the road, this does not mean he is part of a subdivision or subject to any subdivision indentures.

Chair Brown felt the Committee should review the surrounding zoning to determine what is appropriate for the area.

**Access to the South**

Councilmember Streeter expressed concern about access to the properties to the south. He asked what modifications would be necessary to allow access to the south.

Mr. Geisel noted that this proposal requires that a full-width street be constructed to City standards from Bentley Place up to the intersection of Cripple Creek

Road. If a lot fronts on Cripple Creek Road, they would also be responsible for half of the improvements to Cripple Creek Road. However, the road is a single way in and a single way out, which is contrary to what Public Works would recommend.

Councilmember Fults pointed out that if all 80 acres are developed at one-acre density, the road is not capable of handling that amount of traffic.

**Councilmember Streeter made a motion to hold P.Z. 20-2006 Mayer Manors, Inc. (Chesterfield Manors) and directed Staff to do an analysis of the road system regarding its adequacy with the possible development of the properties to the south.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 to 0.**

- C. **P.Z. 21-2006 Precision Plaza (Precision Properties, LLC)**: A request for a change of zoning from “NU” Non-Urban to “PI” Planned Industrial for an approximately 14.28 acre tract of land located at 496 N. Eatherton north of the intersection of Wings Corporate Drive and Eatherton Road.

### **Staff Report**

Ms. Yackley stated that there are no outstanding issues on this petition.

### **Runway Protection Zone**

It was noted that the Runway Protection Zone is allowed under the “PI” zoning. The Attachment A restricts the use in this area.

### **Curb Cuts**

Discussion was held on the number of proposed curb cuts on the site. The Petitioner stated that one entrance would serve Lot 1, with the other one serving Lots 2 and 3. It was noted that there is more than 500 feet between the two curb cuts.

Mr. Geisel stated that the existing roadway was not set up to be a collector/distributor roadway for the adjacent properties. He would be concerned about running all the traffic through the parking lots. The spacing for the proposed curb cuts is more than sufficient.

As part of this development, the developer is required to construct a deceleration/entrance lane. The developer is also providing for the half-width improvements for a full three-lane section.

Councilmember Hurt felt that Eatherton Road needs to be carefully monitored in order to limit the number of future curb cuts.

## **Extension/Improvements to Highway 109 and Dedicated Right-of-Way**

Mr. Geisel stated that the State and County have said Highway 109 will not be extended. The City has met with St. Louis County and the State, and neither the County nor the State want additional lanes and will not take the dedication.

Councilmember Flachsbart asked if the City could take the dedication. Mr. Geisel replied that this is a County road but the City could take the dedication if so desired. He noted that there is not extra space for road improvements due to the major storm water channel that parallels the roadway.

Councilmember Flachsbart felt that Highway 109 will eventually have to be widened – even though it may be way in the future.

**Councilmember Flachsbart made a motion directing the Acting Director of Planning to add language to the Attachment A requiring dedication of the right-of-way for any future expansion of Highway 109. The motion was seconded by Councilmember Streeter.**

The Petitioner stated that there is no way to dedicate because of the drainage easement.

The motion requiring dedication of the right-of-way **passed by a voice vote of 3 to 1.** (Chair Brown voted “no”.)

Councilmember Flachsbart noted that the Acting Director of Planning may advise the Committee that the dedication is not possible – but he does want the issue researched.

**Councilmember Streeter made a motion to forward P.Z. 21-2006 Precision Plaza (Precision Properties, LLC), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the January 3, 2007 City Council Meeting.  
See Bill #**

**[Please see the attached report, prepared by Mike Geisel, Acting Director of Planning, for additional information on P.Z. 21-2006 Precision Plaza (Precision Properties, LLC)].**

- D. **Tech Park II (THF Chesterfield Four Development) Ordinance Amendment:** A request for an amendment to City of Chesterfield Ordinance Number 1928 for an amendment to the greenspace requirement, structure setbacks and parking setbacks for Chesterfield Commons Four an approximately 21.6 acre tract of land, zoned "PI" and located east of the intersection of Chesterfield Airport Road and Public Works Drive.

### **Staff Report**

Ms. Yackley stated that the Petitioner is requesting the following three Ordinance amendments to build the proposed Flex Building:

1. **Section D. Building Requirements:** Requires a minimum of twenty-eight percent (28%) green space. The petitioner is requesting a change to allow for a minimum of thirty percent (30%) open space.
2. **Section E. Structure Setbacks:** Requires a one hundred and forty (140) foot structure setback from the eastern boundary. The petitioner requests a one hundred (100) foot structure setback from the eastern boundary.
3. **Section E. Parking Setbacks:** Requires a seventy-five (75) foot parking setback from Edison Avenue right-of-way. The petitioner requests a twenty foot (20) setback from Edison Avenue right-of-way.

## **DISCUSSION**

### **Open Space/Green Space**

The current open space on the site is 32.7% without the Flex Building. With the construction of the Flex Building, the open space will be 31.2%

The green space with the Flex Building will be 25.6%.

Councilmember Flachsbart indicated his opposition to all three requested amendments and then **made a motion to deny Tech Park II (THF Chesterfield Four Development) Ordinance Amendment.** The motion died due to the lack of a second.

### **Setbacks**

Mr. Geisel pointed out that because of the planned nature of these districts, the setbacks were established based on the construction of the theater and its specific plan. The setbacks were not established as part of performance criteria in the Comprehensive Plan and, therefore, the petitioner is asking for an adjustment.

### **Parking**

Councilmember Streeter opposed the proposed parking near the seepage berm.

Committee members expressed concern that parking for the theater is not adequate, especially on weekend evenings.

It was noted that if the petition is approved, the current parking would be reduced by 50 spaces from 836 spaces to 786 spaces. The required parking is 772 spaces – 1 space/3 theater seats.

[Councilmember Flachsbart](#) requested that the Planning Commission review the City's parking requirements for theater complexes.

**Councilmember Hurt made a motion to amend the site as follows:**

- **Move the Flex Building closer to the road;**
- **Eliminate the internal access points into the parking lot on the east side of the building. Traffic should enter from Edison Road and drive around the building and enter the parking area from the west;**
- **Provide all parking inside the development;**
- **Eliminate the following uses for the Flex Building in order to provide more parking for the theater:**
  - **r. Restaurants, fast food**
  - **s. Restaurants, sit down**
  - **v. Vehicle repair facilities**
  - **w. Vehicle service centers**
  - **x. Vehicle washing facilities**

The motion was seconded by [Councilmember Flachsbart](#).

[Mr. Geisel](#) pointed out that there is a limit to how far south the building can be moved because of the seepage berm. [Planning Chair Hirsch](#) stated that if the building is moved, some parking may be eliminated.

[Mr. Doster](#) asked that the motion be withdrawn to allow the Petitioner time to re-configure the plans taking into consideration the suggestions made.

[Councilmember Hurt](#) withdrew his motion.

[Chair Brown](#) stated that she does not agree with the suggestions made in the above motion with respect to access and removing the restaurant use.

[Mr. Doster](#) stated that Wehrenberg and THF have been in consultation with respect to the parking and they are in agreement that the location of the building will not adversely affect the theater's parking based upon their experience to date. He will provide some statistics on this issue for the Committee.

**Councilmember Flachsbart made a motion to hold Tech Park II (THF Chesterfield Four Development) Ordinance Amendment.** The motion was seconded by Councilmember Streeter and **passed by a voice vote of 4 to 0.**

The agenda was changed to discuss item IV.A. next.

**A. Update of Telecommunications (Cell Tower) Ordinance**

Mr. Geisel reported that Staff has been directed by City Council to review and revise the Cell Tower Ordinance. He asked for specific direction or comments to be taken into consideration. The following issues were noted:

- Should cell towers be allowed in “NU”/residential areas?
- Should cell towers ever be administratively approved?
- Should cell towers be allowed in residential areas only to the height of the tree line?
- Should public hearings be held for all proposed cell towers?
- Review the implications of having a Conditional Use Permit on all cell towers.
- Should City Council review all cell towers? If so, the request should have two readings.
- Review notification requirements.
- If a petitioner requests a tower in a residential area that will go above the tree line, the petitioner needs to provide proof that there is no other way to provide cell service.

Lauren Strutmann noted that the FCC policies allow municipalities, within their zoning codes, to govern where cell towers go.

Mr. Geisel stated that the City Attorney will be involved in the updating of the City’s ordinance with respect to cell towers.

Councilmember Durrell felt that if strict guidelines are established, some cell towers could be administratively approved. After discussion, the Committee agreed that cell towers should not be administratively approved.

Mr. Geisel was directed to do the research on cell towers and report back to the Committee.

(Councilmember Flachsbart left the meeting at this point.)

**E. Discussion re: Demolition of Minna Waldman House by Missouri Department of Conservation**

Councilmember Durrell reported that the house was demolished this morning by the State.

It was been suggested that the land be rezoned to Parks & Scenic, as designated in the Comprehensive Plan. Mr. Geisel stated that this would not prevent the State from building an office on the site if it so desired.

Mr. Geisel stated that property cannot be rezoned involuntarily. Since the State of Missouri is a higher form of government than the City of Chesterfield, they do not have to come to the City for any permits or approvals. Trying to impose City criteria or municipal law on a State government, won't work. If the State would sell the property, there is a deed restriction on the property which would still apply. If sold to a third party private entity, the City does have the ability to rezone or establish restrictions.

**Councilmember Hurt made a motion directing Staff to send a letter to the State asking them to allow the City to proceed with a zoning petition for Parks and Scenic to comply with the City's Comprehensive Plan. The motion was seconded by Councilmember Streeter and passed by a voice vote of 3 to 0.**

**IV. PENDING PROJECTS/DEPARTMENTAL UPDATE**

**B. 2007 Meeting Schedule**

Due to the City election on April 3<sup>rd</sup>, **Councilmember Streeter made a motion to omit the April 5<sup>th</sup> Planning & Zoning Committee Meeting from the 2007 tentative schedule.** The motion was seconded by Chair Brown and **passed by a voice vote of 3 to 0.**

**Councilmember Hurt made a motion to approve the 2007 Meeting Schedule, as amended.** The motion was seconded by Councilmember Streeter and **passed by a voice vote of 3 to 0.**

**V. ADJOURNMENT**

The meeting adjourned at 7:45 p.m.