

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Aimee Nassif, Planning and Development Services Director  
James Eckrich, Public Works Director/City Engineer

SUBJECT: Planning & Public Works Committee of the Whole Meeting Summary  
Thursday, January 19, 2017



A meeting of the Planning and Public Works Committee of the Whole of the Chesterfield City Council was held on Thursday, January 19, 2017 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Barbara McGuinness** (Ward I), **Councilmember Guy Tilman** by proxy for Councilmember Nations (Ward II), and **Councilmember Nathan Roach** (Ward IV).

Also in attendance were: Mayor Bob Nation; Councilmember Barry Flachsbart (Ward I); Councilmember Randy Logan (Ward III); Councilmember Tom DeCampi (Ward IV); Chris Graville, City Attorney; Mike Geisel, City Administrator; Planning Commission Chair Stanley Proctor; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Jessica Henry, Senior Planner; Cecilia Hernandez, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:32 p.m.

Chair Hurt announced that Aimee Nassif has accepted another position in Kansas and this would be her last meeting with the City. He wished her the best of luck and thanked her for everything that she has done for the City.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the January 5, 2017 Committee Meeting Summary

Chair Hurt asked that the following changes be made to the motions on Unfinished Business: Item A. P.Z. 04-2016 US Ice Sports Complex & Valley Gates (Topgolf USA Chesterfield LLC):

*The original motion, without a recommendation, moved forward to City Council with a voice vote of 2-2 with Councilmembers McGuinness and Nations voting no.*

*Councilmember Nations made a motion allowing a maximum building height of up to 60 feet for all buildings on the site. The motion was seconded by Councilmember McGuinness. The petition, without a recommendation, moved forward to City Council with a voice vote of 2-2 with Chair Hurt and Councilmember Roach voting no.*

**Councilmember McGuinness made a motion to approve the Meeting Summary of January 5, 2017 as amended. The motion was seconded by Councilmember Roach and passed by a voice vote of 6-0.**

II. **UNFINISHED BUSINESS** – None

III. **NEW BUSINESS**

- A. **P.Z. 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.)**: A request for a zoning map amendment from an “NU” Non-Urban District to a “PI” Planned Industrial District for a 10.786 acre tract of land located on the east side of Eatherton Rd., south of The Landings at Spirit Dr. (18W140020). (Ward 4)

**STAFF REPORT**

Ms. Aimee Nassif, Planning and Development Services Director, presented the request for a zoning map amendment from an “NU” Non-Urban District to a “PI” Planned Industrial District for a 10.786 acre site. A Public Hearing was held on November 14, 2016 where concerns were expressed regarding the proposed uses. Those concerns were discussed and addressed at the Planning Commission meeting held on January 9, 2017 and the Planning Commission voted 6-0 to approve the request.

Ms. Nassif stated the preliminary plan depicts access off of Eatherton Road. The proposed building is approximately 140,000 square feet and meets all Code requirements for the underlying district.

**DISCUSSION**

Chair Hurt advised that cross access is not attainable because the adjacent property is owned by Spirit of St. Louis Airport and they will not grant permanent access rights. However, in the future, if the Airport would request a change, the City may be able to obtain cross access at that time. Ms. Nassif stated there are vacant parcels surrounding the site and there may be other opportunities to obtain cross access at the time they are developed. She also confirmed that cross access is a requirement in the Attachment A.

**PLANNING COMMISSION REPORT**

Mr. Stanley Proctor, Planning Commission Chair, did not have any other comments except that the Petitioner removed the two items that the Planning Commission had been concerned about.

Councilmember Roach made a motion to forward **P.Z. 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.) to City Council with a recommendation to approve.** The motion was seconded by Councilmember McGuinness and **passed by a voice vote of 6-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the February 6, 2017 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 12-2016 Chesterfield Commerce Center (150 N. Eatherton Rd.)]**

- B. **P.Z. 15-2016 17256 Wild Horse Creek Road (Lee’s Boys)**: A request for a zoning map amendment from an “NU” Non-Urban District to an “E-1” Estate District for a 4.2 acre tract of land located on the south side of Wild Horse Creek Road east of its intersection with Kehrs Mill Road (18U420027). (Ward 4)



## **STAFF REPORT**

Ms. Aimee Nassif, Planning and Services Director, presented the request for a zoning map amendment from an "NU" Non-Urban District to an "E-1AC" Estate District for a 4.2 acre tract located on the south side of Wild Horse Creek Road east of its intersection with Kehrs Mill Road. As this is a conventional zoning district, the request does not include a preliminary plan or an Attachment A. All conditions and requirements of the City Code must be adhered to without modification or negotiation. The Petitioner intends to develop the site into three single family lots.

Ms. Nassif stated a public hearing was held on January 9, 2017. At that time, several residents expressed concern regarding access, the current and future state of Wild Horse Creek Road, storm water, and tree preservation, among other items. These items will be considered during Site Plan review as they all relate to the Site Plan. After some discussion, the Planning Commission did approve the zoning request 6-0.

## **DISCUSSION**

Chair Hurt pointed out that this particular parcel is not a flat piece of land. If it were flat, four homes could possibly be built on it. However, the site is challenged topographically and it appears that only three homes can reasonably fit. The Petitioner is aware of this and, in fact, realizes that only one home may fit.

*Councilmember DeCampi arrived at this time.*

In response to Councilmember Flachsbart's inquiry regarding access, it was confirmed that only one access off Wild Horse Creek Road would be allowed regardless of the number of homes.

Due to the fact that there is a swimming pool adjacent to the parcel, Councilmember Logan asked about the required setbacks. Ms. Nassif stated that the E-1 district requires a 30 foot perimeter landscape buffer. She did not know the exact setbacks for the proposed site. An R-1 rear yard setback is 15 feet. She pointed out that the aerial photograph is not a boundary survey so it could be a few feet off.

In response to Councilmember McGuinness's concern related to siding to grade on rear elevations, Ms. Nassif stated Staff is currently researching an update to the City Code to address this and it may come before the Committee before the Site Plan is presented to the Committee.

Councilmember Flachsbart stated he was involved with the formation of the E-1 district and believes that the Petitioner meets the requirements for the E district, therefore, the only concern would be access.

With regard to access, the Petitioner stated he is governed by St. Louis County's regulations. He also stated a preliminary site plan had been completed prior to applying for this zoning request. Two homes are feasible, however, a third home would be a challenge but he is willing to explore the possibility of including a third home. He is aware that he will have to meet MSD requirements, the County's requirements and the City's requirement that the entrance be located directly across from the entrance to Baxter Gardens.

## **PLANNING COMMISSION REPORT**

Stanley Proctor, Planning Commission Chair, stated that the issues raised were all site plan issues and were not applicable for the zoning request. There was also a procedural issue regarding the vote, but the Planning Commission did approve the request unanimously.

**Councilmember Roach** made a motion to forward P.Z. 15-2016 17256 Wild Horse Creek Road (Lee's Boys) to City Council with a recommendation to approve. The motion was seconded by Councilmember McGuinness and **passed** by a voice vote of 7-0.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the February 6, 2017 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 15-2016 17256 Wild Horse Creek Road (Lee's Boys)]**

### **C. Development Review Process Presentation and Discussion**

#### **STAFF REPORT**

Ms. Aimee Nassif, Planning and Development Services Director, reported that the City adopted its Unified Development Code (UDC) in 2014. The UDC consolidated all development requirements into a single document and includes all requirements pertaining to the development review process. When the development review process was incorporated into the UDC, the process was not changed or updated. Many property owners, developers, elected officials, and residents have expressed concerns regarding the City's current review process. Staff felt it was time to review the process and seeks direction and input from the City Council.

Ms. Nassif then gave a PowerPoint presentation depicting the following:

#### **Average Timeframes for Review**

- Zoning-Conventional            6.5 months
- Zoning-Planned District       10 months
- Ordinance Amendment        6 months
- Conditional Use Permit        7 months
- Plan Review                      4 months

#### **Zoning-Conventional District**

While this is the fastest type of zoning option currently available, developers rarely choose it. Developers generally choose to zone to a Planned District.

While the current process takes an average of 6.5 months, it could be shortened to 4 months by:

- Limiting Planning Commission meetings to 1 or 2 vs. the current 3 meetings.
- Eliminating Power of Review.

Since there is no Attachment A, Council could consider adding conventional districts to the Code. This could make it a more attractive option for developers and give the City more control. Having more of a menu option for districts was also discussed.

#### **Zoning-Planned District**

As applicants go through the zoning process, they are typically asked to provide much more information on the preliminary plan than what is required by Code, which creates a site development plan during the zoning process. Applicants are then required to submit a formal site development plan after zoning is approved which makes everything identical and redundant.

While the current process takes an average of 10 months, it could be shortened to 5.5 months by:

- Requiring a concept plan, rather than a preliminary plan, with the application and outboundary survey.
- Having more administrative review options.
- Eliminating Power of Review.

Discussion ensued regarding calling Power of Review. Suggestions included having Power of Review held at PPW Committee with both Councilmembers from the affected Ward having voting rights; or requiring Councilmembers to attend Planning Commission meetings which may eliminate the need for power of review.

Discussion also ensued regarding uses. Mayor Nation felt that a petitioner should be allowed all reasonable uses, which could eliminate the need for an ordinance amendment at a future date. Other Councilmembers felt that the City is already allowing a generous number of uses.

Ms. Nassif stated that Planned Districts could be added – such as a shopping center district, office complex district, mixed retail use district – which would allow the City to allocate appropriate uses for each specific district.

#### **Zoning-Planned Unit Development (PUD) District**

PUD is a two-step zoning process – first to zone to a specific district and then to a PUD. This two-step process is very confusing for applicants, and can be for the City as well. Because of the requirement to show design criteria to qualify for a PUD, the preliminary plan often replicates the site development plan.

In order to apply for a PUD, the petitioner must meet four application requirements. Mr. Geisel stated that a PUD provides both the City and the developer the maximum flexibility and should only be utilized when something exceptional is being provided – a PUD is not a by-right district.

While the current process takes an average of 10 months, it could be shortened to 4.5 months by:

- Requiring a site development plan, rather than a preliminary plan, with the application and outboundary survey.
- Having density be made part of the request.
- Preparing the Attachment A at time of site development plan review.
- Eliminating Power of Review.

Councilmember Flachsbart suggested that, as the first step in applying for a PUD, the PPW Committee should vote on whether what is being presented as “exceptional” will be accepted by Council as being exceptional. This step should be done prior to the petition going to Planning Commission. If this step is enacted, it was recommended that the petitioner be required to submit only a Narrative Statement and outboundary survey to the Council.

City Attorney Graville stated that if this process is initiated, Council is really making a legislative determination that should be completed by ordinance. An ordinance could hold up in a court of law in the event Council decides that the “exceptional” factors submitted do not qualify for a PUD. Mr. Graville also cautioned that Council would be making a decision on whether something is, or isn't, exceptional without seeing the final product. Debate followed as to whether a process could be implemented whereby a developer could provide data which would allow access to the PUD



process without necessitating an ordinance. Ms. Nassif suggested that the criteria for a PUD be better defined and increased.

### **Conditional Use Permits**

While the current process takes an average of 7 months, it could be shortened to 4 months by:

- Requiring a site development plan, rather than a preliminary plan, with the application and outboundary survey.
- Eliminating Power of Review at both the site development plan stage and the permit stage.

Chair Hurt expressed concern about eliminating Power of Review for CUPs. It was agreed that Power of Review could potentially be eliminated for the site development plan, but maintained for the permit.

**Councilmember Tilman made a motion directing the City Administrator to continue pursuing options for streamlining the development review process.** The motion was seconded by Councilmember Flachsbart.

### **Discussion on the Motion**

Councilmember Tilman stated that if the City can better establish a standard set of guidelines, it could make Power of Review unnecessary. But if a developer requests any exceptions, he/she should understand that Council has the right to call, and likely would call, Power of Review. Councilmember Flachsbart expressed his agreement with Councilmember Tilman.

Chair Hurt stated he also agrees with Councilmember Tilman's statement, but only if the site development plan comes through with the zoning request. Chair Hurt added that he agreed with the presentation with the exception of eliminating Power of Review for CUPs.

Mr. Geisel stated that he is confident Staff can pursue this further given the input provided by Council. He pointed out, however, that the Planning Department is currently short by three employees. Chair Hurt acknowledged this and noted that a timeframe is not being set.

Planning Chair Proctor stated that the Planning Commission is available to Staff or Council for any necessary input.

**The above motion passed by a voice vote of 7-0.**

## **IV. OTHER**

Since this was her last meeting, Ms. Aimee Nassif, Planning and Development Services Director, took a few minutes to thank everyone and stated that she has enjoyed working with everyone. In the 13 years that she has been with the City, she has learned a lot, and grown a lot, and she wished everyone the best.

## **V. ADJOURNMENT**

The meeting adjourned at 7:00 p.m.