MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, March 7, 2013

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 7, 2013 in Conference Room 101

In attendance were: **Chair Randy Logan** (Ward III); **Councilmember Matt Segal** (Ward I); **Councilmember G. Elliott Grissom** (Ward II); and **Councilmember Connie Fults** (Ward IV).

Also in attendance were: Mayor Bruce Geiger; Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 7, 2013 Committee Meeting Summary.

Councilmember Grissom made a motion to approve the Meeting Summary of February 7, 2013**.** The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 - 0.**

*The Committee agreed to move the agenda around to place **III. New Business** first on the agenda.*

III. NEW BUSINESS

A. P.Z. 13-2012 U-Gas, Inc. (17551 & 17555 Chesterfield Airport Road):

A request for an amendment to City of Chesterfield Ordinance 2379 for modifications to permitted uses and development standards for a 2.31 acre tract of land located on Chesterfield Airport Road, approximately 100 feet east of Long Road (17U140263, 17U140203).

STAFF REPORT

Aimee Nassif, Planning & Development Services Director gave a PowerPoint presentation showing the site and the surrounding area. Ms. Nassif stated the following:

The Petitioner is requesting to develop a filling station with convenience store, pump stations, car wash and fast-food restaurant with drive-thru window. The site is the old Simply Storage site.

A Public Hearing was held on November 26, 2012 at which time several speakers had concerns regarding traffic and access. Area business owners also had concerns with an additional gas station in the area. In addition, one comment letter was received after the Public Hearing which is included in the packet.

At the February 25, 2013 Planning Commission meeting the following issues were discussed:

Uses

Concern was expressed about the number of drive-thru uses being requested. To mitigate this issue, drive-thru uses have been limited to one drive-thru car wash and one additional drive-thru use at any given time.

Access and Road Improvements

Ms. Nassif then noted that the draft Ordinance is similar to the Simply Storage ordinance which states that access is restricted to one (1) curb cut as far to the east of the site as possible and cross access will also be required.

The City is requiring the construction of a five-foot wide sidewalk along the Chesterfield Airport Road frontage, and construction of a twelve-foot wide right-turn deceleration lane for westbound traffic heading into the site, along with a four-foot shoulder.

There was also a question about extending the center median in order to restrict the access for a left-turn into the site. After discussions with St. Louis County Department of Highways & Traffic and MoDOT, it was agreed that the Developer will be required to submit a traffic study at the time of Site Plan Review, which may identify additional roadway improvements to be constructed by the Developer prior to the issuance of occupancy permits.

Ms. Nassif clarified that the small half-acre of land immediately to the west zoned “NU” Non-Urban District is owned by Tom Shaw Realtors and is not part of the request. Councilmember Grissom questioned as to how this particular piece of property is accessed. Ms. Nassif replied that the Missouri Department of Transportation will not allow any access or additional curb cut onto the site. The only access allowed would be through the subject site.

PLANNING COMMISSION REPORT

Planning Chair Watson stated that three Commissioners had concerns about neon window signage advertising for a check cashing facility. Ms. Nassif responded that although it is allowed under the current ordinance as an ancillary use, the Petitioner is no longer requesting the check cashing facility.

DISCUSSION

Traffic/Access

Councilmember Fults expressed serious concerns regarding traffic and left-turns into the property from east-bound Chesterfield Airport Road. Ms. Nassif felt that once the traffic study is complete, City Staff and St. Louis County Staff will comment on the efficacy of the left-turn movement. She added that Staff will not submit the Site Plan to the Planning Commission until the traffic study is complete.

Additional discussion followed regarding extension of the center median and the addition of a left turn lane. Mr. Geisel noted that County does not have any plans to extend the median. County will review whether left-turns will queu up and require a turn lane.

Councilmember Fults stated that she will be exercising Power-of-Review during Site Plan Review.

Stormwater Reservoir

Mr. Geisel stated that while the undeveloped three (3) acres of property to the north are reserved for a stormwater reservoir, construction of the reservoir does not necessarily prohibit its use otherwise. Ms. Nassif added that this site is zoned commercial with a variety of commercial uses permitted on this site. Once the stormwater reservoir is constructed, the site can still be used for commercial activity.

Councilmember Segal made a motion to forward P.Z. 13-2012 U-Gas, Inc. (17551 & 17555 Chesterfield Airport Road) to City Council with a recommendation to approve, subject to Power-of-Review, and to include the green sheet amendment, which elimates an ancillary use for a check cashing facility. The motion was seconded by Councilmember Grissom and **passed by a voice vote of 4 - 0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the March 18, 2013 City Council Meeting. See Bill #

[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on P.Z. 13-2012 U-Gas, Inc. (17551 & 17555 Chesterfield Airport Road)].

II. OLD BUSINESS

A. Renewable Energy Discussion

STAFF REPORT

Aimee Nassif, Planning & Development Services Director stated that in October 2012, Staff was requested to draft language for a Renewable Energy Ordinance for residential properties only. Since that time, Staff has worked diligently with City Attorney Heggie to prepare a draft ordinance for the Committee's review.

During that meeting, questions were raised on the following;

1. Can the City of Chesterfield create such an ordinance? After much research, it has been determined that many municipalities have such an ordinance and Staff is confident of the City's legal authority to create an ordinance to clearly define the criteria for the installation of solar energy systems on private residential property. Staff advises against establishing criteria which would impede a property owner to install a solar energy system. There are protections afforded a private property owner in Missouri State Statute and the Missouri State Code of Regulations, as well as Federal Regulations.

2. The Committee also asked Staff how Monarch Fire Protection District reviews permits for solar energy systems, specifically roof-mounted systems. The Fire District's main concerns with roof-mounted systems relate to access, ventilation, and the marking of energized conductors (electric wiring) with no means of disconnection. While several of these areas of concern are addressed with the 2009 IRC (International Residential Code), the 2012 IRC covers the area of solar energy in greater detail.

St Louis County currently does the following reviews with solar energy permit requests and requires the following:

- Verification from an engineer that the roof can handle the additional dead load added to the roof, usually in the range of two (2) to five (5) pounds per square foot.
- Wind load verification, fire classification, proper pressure and temperature release valves, adequate flashing and sealing to prevent water, rodent and insect entry, installation in accordance with manufacturer's instructions, labeling of pertinent product information, protection from freezing, and access for inspection.
- Electric code requirements which cover grounding, labels and markings, circuit requirements, overcurrent protection, means of disconnection, wiring methods, component interconnections, access to boxes, and storage batteries must be met.

- For ground-mounted systems, installation must be in accordance with manufacturer's instructions; and for ground-mounted systems ten (10) feet in height or greater, verification from an engineer that the structure meets wind load requirements.
- Applicants must apply for and receive a permit for applicable electrical, mechanical, and plumbing work prior to commencing installation.

Small Wind Energy Systems
In order to be proactive, the draft Ordinance also includes language regarding wind energy systems. In completing research on solar energy ordinances and regulations, Staff found that many of the municipalities who have solar energy regulations also have regulations for small wind energy systems. Other municipalities have ordinances similar to the City's, including Clayton, Ellisville, Frontenac, O'Fallon, St. Peters, and Wentzville.

Ms. Nassif then provided photos showing various solar energy systems located throughout the country. She informed the Committee of the number of residential and commercial permits that the Division has reviewed to date.

DISCUSSION

Height Restrictions for Wind Energy Systems
Chair Logan had concerns that the wind energy system is restricted to the height of the restricted structures in the residential area. He noted that there could be a situation of a one-story house with a blade reaching as high as 45 feet in height. He asked that Staff take this into consideration when drafting the ordinance for Council's review. Ms. Nassif pointed out that some municipalities have restricted the height of wind systems by utilizing the 110% setback rule whereby the height of the wind turbine mandates the setback (i.e. a 30-foot tall turbine would be required to be set back 33 feet from the neighbor's property line.)

Inspections
Councilmember Fults asked for clarification about the inspection process. Ms. Nassif noted that the systems are checked by County for fire, electrical, and stability under the 2009 IRC codes. The Fire District does not do a separate inspection but relies on County.

Screening
Chair Logan asked whether anything taller than ten (10) feet requires vegetative screening. Ms. Nassif confirmed this requirement and explained that the ground-mounted systems shall not exceed ten (10) feet in height as measured from the average grade at the base of the structure to the highest point of the structure. In addition, some sort of screening is required whether vegetative or fencing to minimize visibility from adjacent properties.

Councilmember Fults felt that it would be beneficial to more clearly define the screening requirements. Ms. Nassif pointed out that screening style and materials must be included with the building permit as part of the Division review process. She added that a chain-link fence or see-through fence will not be allowed which has no impact on the visibility for the neighbors. The size and type of the system will determine what type of screening will be required.

There was additional discussion relative to the ground-mounted system located on Benton Taylor Drive. It was clarified that the solar system was constructed to strictly heat the swimming pool and that County performed the required inspections.

Liability

Councilmember Fults asked if the owners are required to insure the systems in the event that parts of it are blown into neighboring properties and thereby causing damage. Ms. Nassif stated that it was the City Attorney and Staff's recommendation that the City not address this matter. She noted that St. Louis County requires that all electrical and building codes are adhered to and that the plans are drawn by a licensed engineer.

Mr. Geisel added that the systems would be covered under the homeowner's insurance; however, it is the responsibility of the homeowner to take an affirmative action to notify the insurance company and inevitably the liability rests with the homeowner.

Councilmember Fults also had concerns about the possibility of a roof being damaged during a storm from equipment that is not insured. Mr. Geisel indicated that this could be covered by homeowner's insurance but the City has no mechanism in place to know what type of policy the homeowner has. It was identified that the Property Maintenance Code would apply in such a case.

Location

Councilmember Fults questioned whether there are any provisions that prohibit locating equipment in the front yard. Ms. Nassif noted that language has been included in the Attachment A that all ground-mounted systems shall be located in the rear yard of the residential property but roof-mounted systems are not restricted.

Councilmembers Fults then asked if the ordinance should include language noting that subdivision indentures may be more restrictive than the City regulations. Ms. Nassif replied that such language is included as part of the Municipal Zoning application. Mr. Geisel added that although it is the responsibility of the homeowner to notify the Trustees and adjacent property owners of any/all exterior construction, as part of a courtesy Staff either sends an email or mail notification to the Trustees of said work.

Requirements for Ground-mounted Systems

Chair Logan had concerns about the requirement that states: *ground-mounted systems shall not exceed ten (10) feet in height as measured from the average grade at the base of the structure to the highest point of the structure.* After discussion, it was

recommended that language be included stating: At no point shall the bottom of the structure be more than 10 feet above grade.

It was the Committee's directive that Staff further research other municipality height restrictions for the ground-mounted systems, visibility, height restrictions of wind energy systems and bring the revisions back to the Committee.

B. Snow Removal Reimbursement

STAFF REPORT

Mike Geisel, Director of Public Services explained that in June 2012, Staff was asked to review the current Snow Removal Reimbursement Program (SRRP) to develop future budget recommendations. Staff has analyzed 13 years worth of data and pointed out that any time a statistical analysis is done, sample size is critically important. He added for the purposes of this analysis, Staff refers to the 80th percentile - the percentile rank, is the percentage of sample occurrences that are the same or lower.

Mr. Geisel then gave a PowerPoint presentation showing several detailed graphs outlining annual actual reimbursement for snow removal from 1999-2011 for condominiums and large-lot subdivisions. On average, large lot subdivisions receive approximately 2/3rds of the total distribution, and condominium subdivisions receive 1/3rd.

The analysis strongly suggests that the City is reimbursing subdivisions and condominiums for different levels of service.

In summary, and for the purpose of providing a recommendation for the program:

1. The funding formula should be revised for the purpose of providing full funding of reasonable and customary expenses for snow removal and deicing efforts on private streets, for participating subdivisions during a typical winter season. The proposed formula would be $40/unit or $4,500 per centerline mile, whichever is larger. In the event of a severe winter season, Staff will provide information as to the the cost of supplemental funding to provide for additional reimbursement at the 80th percentile value for each category of reimbursement. City Council would subsequently decide what level of supplemental funding would be provided, if any. It was noted that the 2013 fiscal budget provides $75,000 for this program. Supplemental funding would be necessary only if the 80th percentile of the reimbursement exceeds $75,000.

2. The Snow Removal Reimbursement Program will be funded annually, in the amount of $145,000 from the General Fund – Street Maintenance Division budget, subject to annual appropriation by City Council.

If the Committee accepts this recommendation, Staff will prepare revisions to Policy PW 38 for approval to City Council.

DISCUSSION

Chair Logan commended Mr. Geisel for providing such a thorough analysis of the current Snow Removal Reimbursement Program. He expressed concerns that some subdivisions are allowing themselves a higher level of service knowing that a significant portion of the bill will be reimbursed. He noted that there is nothing in place for the City to evaluate the individual contracts that each subdivision has with their private service provider.

Councilmember Grissom also thanked Mr. Geisel for all the work that went into the report and concurs with Staff's recommendation for the reimbursement costs.

Councilmember Grissom made a motion to proceed in accordance with Staff's recommendation, as provided in Mr. Geisel's memorandum to Mike Herring dated January 30, 2013, wherein the reimbursement formula is adjusted to $40/unit or $4,500 per centerline mile, whichever is larger, and to fund the program at $145,000 annually based upon the 80th percentile and forward a revised Policy #38 to City Council with a recommendation to approve.

Councilmember Grissom asked for clarification in the case of a new subdivision choosing to participate in the program. Mr. Geisel responded that adding subdivisions could increase the City's exposure but, in his opinion the maximum exposure of $145,000 is substantial enough to cover those expenses for the near future. He added that this only applies to public residential non-gated subdivisions. If the City were to provide service to private streets, the costs would be substantially higher than what it costs to obtain it privately because those contractors have equipment more suited to smaller streets.

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

Note: A voice vote will be required at the March 18, 2013 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Public Services, for additional information on Snow Removal Reimbursement].

IV. PROJECT UPDATES

Aimee Nassif gave a brief update

Ward 2: Project Update

- Thousand Oaks site – a formal submittal has not yet been received as the Applicants are still meeting with residents and the Ward Councilmembers.
- Mercy Health Systems – an ordinance amendment was recently submitted to the department. Public Hearing will take place on March 25, 2013.

Ward 4: Project Update

- Arbors at Kehrs Mill (formerly the Tuscany Reserve site) – a Change of Zoning application has been submitted. However, the Petitioner has not yet requested to move forward as they are also meeting with residents and the Ward Councilmembers.
- Spirit Valley Business Park – an Ordinance Amendment will be required to add "kennel" use only. Public Hearing is not yet set.
- Monarch Center – Ordinance Amendment to modify some of the existing development conditions such as; setbacks and the legal description due to the acquisition of additional property. Public Hearing is set for March 25th. Potential user for a gas station.

Pre-application Meetings

- Discussion was held regarding the 22,000 square foot Flex Building at the Wehrenberg Theatre site (formerly Chesterfield Technology Park). The site is already zoned "PC" Planned Commercial. No formal submittal has been received. Carry-over parking from the theatre will be addressed during plan review.

Other development projects but not limited to:

1. Renewable Energy Draft
2. Surdex, Lot A
3. Golf Galaxy amended elevations
4. Babies R Us
5. Friendship Village
6. Church of the Resurrection
7. Windsor Crossing Community Church
8. Spirit 40 Park
9. 1901 Wilson Road
10. Wendy's Restaurant
11. Valvoline Instant Oil Change
12. Terra Vista
13. Blue Valley sign package – approved at the March 11th Planning Commission meeting.
14. Premium Outlets sign package – also approved at the March 11th Planning Commission meeting.
15. Arbors at Wild Horse amended elevations
16. 18366 Wings of Hope

New businesses the Division has approved in February.

1. Illuminateleds Limited Company (Online sale of LED components)
2. Pinot's Palette (Artistic paint studio) – Sale of beer & wine will be available to patrons.
3. International Marketing Partners (Sales and Marketing Firm)
4. Graphic Packaging International (Paperboard packaging sales office)
5. Sharon Moehle, MD (SM Psychological Services)
6. Nestle' Toll House – located within Chesterfield Mall
7. Pearl Serota, MD (Child, Adolescent & Adult Psychiatry Services)
8. Elite Performance Academy (Sports training services)
9. Heart & Hands (Massage Therapy)
10. Camela Medical Group (Supplier of medical devices, equipment & hygiene products)
11. Mary Cordero (Translator)
12. Joan Butcher, MD (Psychiatric services)
13. Gateway Pharmacology Laboratories (Pharmacology study design consultation)
14. KAB Agronomics, LLC (Provide agronomic consulting service to the Midwest Region)

Due to the influx of calls regarding the tenants of the outlet malls, Ms. Nassif notified the Committee that a weekly update will be available on the City's website.

V. OTHER

VI. ADJOURNMENT

The meeting adjourned at 6:40 p.m.