

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning

JW

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, April 20, 2023



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, April 20, 2023 in the Council Chambers.

In attendance were: **Chair Merrell Hansen** (Ward IV), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Councilmember Aaron Wahl (Ward II); Councilmember Michael Moore (Ward III); Chris Graville, City Attorney; Planning Commission Chair Guy Tilman; Justin Wyse, Director of Planning; Shilpi Bharti, Planner; Alyssa Ahner, Planner; and Kathy Juergens, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the March 9, 2023 Committee Meeting Summary

Councilmember Monachella made a motion to approve the Meeting Summary of March 9, 2023. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0**.

II. UNFINISHED BUSINESS – None.

III. NEW BUSINESS

A. Selection of Officers and Committee Assignments

- Chair of Planning & Public Works Committee/Planning Commission Liaison
- Vice Chair of Planning & Public Works Committee
- Chesterfield Historic and Landmark Preservation Committee
- Board of Adjustment

Chair Hansen stated that she has been appointed as Chair of the Planning & Public Works Committee/Planning Commission Liaison by President Pro-Tem Mary Ann Mastorakos.

Chair Hansen made a motion recommending the following appointments:

- Vice Chair of Planning & Public Works Committee – Councilmember Hurt
- Chesterfield Historic & Landmark Preservation Committee – Councilmember Mastorakos

- Board of Adjustment – Councilmember Monachella

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

- B. PUBLIC HEARING APPEAL: P.Z. 04-2022 14319 Olive Blvd (Queatham House, LLC):** A request for a zoning map amendment from a “NU” Non-Urban District with a Historic Overlay to a “PC” Planned Commercial District with a Historic Overlay for a 2-acre tract of land located north of Olive Blvd (16R310974).

Chair Hansen explained that once the public hearing is opened, the process will be as follows:

- Staff report/presentation
- Applicant presentation
- Comments from the public
- Response from applicant

Once all comments are received (including any questions from the Committee members), the public hearing will be closed. Once the hearing is closed, the Committee can deliberate and consider a motion for a recommendation to the City Council on the appeal.

Councilmember Monachella then read the “Opening Comments” for the Public Hearing.

PUBLIC HEARING

STAFF PRESENTATION

Alyssa Ahner, Planner, stated that we are here to review an appeal for P.Z. 04-2022 for 14319 Olive Boulevard. This is a request to rezone from an “NU” Non-Urban District with a Historic Overlay to a “PC” Planned Commercial District with a Historic Overlay to allow for additional permitted uses, revised hours of operation, and updated development criteria.

Ms. Ahner gave a PowerPoint presentation showing photographs of the site, the adjacent “R2” and “R3” Residential Districts, the development policy for suburban neighborhoods as defined in the Comprehensive Plan as well as the “PC” Planned Commercial District regulations. One of the requirements of a “PC” District is to *“Ensure consistency with the Comprehensive Plan.”*

A Public Hearing was held on September 12, 2022 at which time several issues were raised by residents of the adjacent neighborhoods. Following the Public Hearing, Staff sent the petitioner a letter providing a concise list of the concerns that were raised and the petitioner’s response was received on October 14, 2022.

The issues and the petitioner’s response were discussed at the February 13, 2023 Planning Commission meeting where a motion to approve failed by a vote of 0-8.

The petitioner has since filed an appeal of the Planning Commission’s decision. The appeal did include some modifications to the original request pertaining to hours of operation, outdoor music, and limitations to retail sales.

As required by City Code, all appeals must be presented to the Planning & Public Works Committee and a Public Hearing must be held prior to any action.

PETITIONER'S PRESENTATION

Scott Ririe, 13 Bellerive Country Club Grounds, Town & Country, MO

Mr. Ririe stated they purchased the property in April 2021 to be used primarily as an event space and used on weekends as a "winery-feel location." The use is not intended for raucous parties.

This is a house that they have tried to restore historically. They have made renovations and improvements to the interior and exterior of the building in line with the historical period in which the building was built. He presented some before and after photos of the improvements. There have been no modifications to the exterior of the house; the interior is a "complete refresh" with updated flooring, paint, electrical work, and plumbing.

He has received several comments from people who are anxious for the venue to open. People do not want to drive 40 miles out on Hwy 94 to go to a winery. They would prefer to stay in their own community. Local news outlets have heard about the venue and have published stories in the newspapers and magazines. They did not seek the news media for this purpose.

Heather Everett, General Manager of Queatham House, 118 Peine Hollow Place, Wentzville, MO

Ms. Everett stated that they did send out a petition and survey to the Chesterfield community and read a portion of the petition. Out of the 800 petitions sent, they have received 600 signatures in support. Ms. Everett stated that this venue is needed and wanted. Everyone has been isolated for so long and they want to bring back the feeling of togetherness. They want this venue to be the place to host small events, dine outdoors, and be that place that will bring the community together. Chesterfield is the perfect place for this venue.

They feel that their rezoning request was denied due to opposition from the community located behind Queatham House and that community is only 1% of Chesterfield taxpayers and residents.

They have not formally done any advertising; however, their website has been gaining hits. The hits are engaged hits, which means that people are going through and reading all the pages to find out more about the venue.

Mr. Ririe then spoke again and stated they have been property owners in the County since 1985. He has lived in Chesterfield for over three decades before recently moving to Town & Country. In addition to the Hog Hollow property, they also own two properties on White Road where they plan to build houses.

PUBLIC COMMENT

In Favor

Lisa Berger, 14018 New Bedford Court, Chesterfield, MO

Kim Cameron, 14353 Ladue Road, Chesterfield, MO

Both speakers are excited for the prospect of having a unique place to have a baby shower, a Mother's Day lunch, a book club meeting, or other small events in a historical venue such as this. They definitely think there is a need for this type of venue in Chesterfield. There is such a sense of community within Chesterfield but as the City has grown, there are not a lot of historic buildings left.

Neutral – there were no neutral speakers.

In Opposition

Rosemary Rifkin, Representing The Mansions at Spyglass Summit, 14348 Spyglass Ridge, Chesterfield, MO

Ms. Rifkin stated that as a member of the HOA, they are very much opposed to this project. The proposed changes will significantly have a negative impact on their quality of life as well as for those who reside in the surrounding areas.

The Riries have proposed an outdoor event space that is not in character with the surrounding area. The initial plans included the following:

- Host outdoor events with seating for up to 60 people.
- Provide live, piped-in outdoor music.
- Sell high-end spirits.
- Add a wood burning pizza oven.
- They intend to bus people into the venue due to the lack of parking spaces.
- They initially wanted to expand the hours until 9 p.m.

As a result of neighborhood opposition, they have since narrowed their request to limiting the number of outdoor events and limiting the outdoor hours. The HOA believes they are only willing to make those changes just to get their foot in the door and then once the requests are granted, they will slowly and methodically increase the scope and usage of the property.

This property is located just a few feet away from the homes in Spyglass.

In the Riries' March 2023 correspondence to the Planning Commission's denial, they begin by listing a history of site ordinances and how permitted uses have changed over the past 40+ years even citing that this property was governed by St. Louis County even before the City of Chesterfield. Referencing the site ordinances, they said that expansion of zoning requirements is a foregone conclusion. Based on prior ordinances, they think they can continue to expand.

Queatham House has consistently been a small, indoor craft shop with a tea room. It has maintained limited seating, limited hours, and has operated exclusively as an indoor venue. Historically Chesterfield has not materially expanded the permitted usage of this property.

To vote now to expand permitted usage, would not only be inconsistent with the previous decisions of the Council, it would be inconsistent with the area in which Queatham House is located. The rezoning is also in direct opposition to the Comprehensive Plan that was developed by Chesterfield for the future development of our City.

Ms. Rifkin then stated the following:

The Riries also claim that there has been an undue influence on the Planning Commission's decision by less than 1% of Chesterfield taxpayers and residents. This argument has no merit. As citizens and taxpayers of Chesterfield, we have collectively exercised our right to voice our opinion and raise our concerns with how the proposed zoning changes will impact the quality of our lives. Queatham House is in very close proximity, it is literally a few feet away from the entrance to The Mansions at Spyglass Summit and several of our homeowners. Any outdoor activity will affect us all. There will be issues with noise, lights, traffic, strangers in our

neighborhood, people looking for a place to park or turn around. We do not want, nor do we need strangers in our neighborhood. Additionally, when they made changes to the landscaping, they have diminished our privacy and those changes are already in need of sprucing up.

Then there is the issue of the giant mural that was painted on the back of the building. Initially the Historical Society rejected the mural. They were very adamant that it was not in keeping with the historical aspect of the building, it needed to be removed, and it should not be sandblasted but meticulously taken down as to not to destroy the historic brick. For some reason or another, the Historical Society has changed their mind and the mural stands. I see it every day when I drive out of my neighborhood as does everyone else in the neighborhood.

In the Riries' letter of appeal, they assert that in denying the zoning modifications, the City is limiting their financial interest, diminishing property value and diminishing their opportunity to have a return on investment. This also has no merit. Scott and Shelly Ririe are not novices in the business world. They hold themselves out to be savvy business people, no doubt this is not the first time they have purchased and/or developed property. It would have been their responsibility to do their due diligence in researching the property and zoning prior to purchase. Contracts contingent on the buyer being able to develop property before purchase is a common practice. In fact, the City's Planning Department has a webpage that advises potential buyers to make certain that the intended use of the space is allowed before leasing or purchasing a building in Chesterfield.

The residents of Spyglass are asking that the City deny this request. A denial will not only follow the previously permitted uses for this property, but it is also in accordance with the master plan for the future of Chesterfield. Our concerns are beyond just the rezoning to allow outdoor activity. Should this venture fail, and with the proposed rezoning being in place, we may be faced with even more potentially disruptive neighbors. That is not the future of Chesterfield and we are asking the City to honor that.

Other Speakers in Opposition

Bonnie & Gary Vickar, 14352 Spyglass Ridge, Chesterfield, MO

Mr. and Mrs. Vickar provided the following information.

- Baby showers, book clubs and events have taken place indoors within the Hog Hollow house so those events can continue to take place without an outdoor venue.
- The developer has stated that this is going to help the community and this is what the community wants. Having heard from numerous unsubstantiated and anecdotal statements of meeting people at church and the grocery store does not indicate the groundswell they suggest the community seems to want.
- They originally said this would not be a restaurant and that food would be catered in. Apparently, the kitchen remodel contains microwaves, ovens, etc., that would suggest that there will be on-site cooking.
- They emphasize the historical setting as opposed to any other venue. Typically, historic sites are not restaurants or bars, or places to sit and drink wine.

Frank Agovino, 14360 Spyglass Ridge, Chesterfield, MO

Mr. Agovino stated that he has lived in Chesterfield for over 30 years and one of the reasons he moved from Greentrails to Spyglass was because it was an area that he viewed as non-commercial, an area that was quiet. He urged the Council to enforce the City's master plan.

Bernard Mayer, 612 Paddington Hill Drive, Chesterfield, MO

Mr. Mayer pointed out a procedural matter with the appeal. The Ordinance says that the appeal must be filed *within* 18 days. The Planning Commission's decision was on February 13, 2023. The appeal was dated March 3, 2023 and it was filed at the last minute by email. The difference in time from the Planning Commission decision to their appeal is 18 days. The Ordinance says it must be filed *within* 18 days, not on the 18th day. In addition, with the appeal they must submit a fee of \$200. The fee was not paid with the appeal. He believes the appeal was outside of the 18-day period and it should be dismissed.

Mr. Mayer also pointed out that the application they filed for the rezoning specifically states "*List the name of the individual or company that owns the real estate.*" According to the records of the Assessor's office, the owner is Statesman Properties, LLC, who was not listed on the application nor the appeal. The appeal is printed on a plain white sheet of paper and it is signed *Heather*, who is an employee of the company. It was not signed by an officer or the manager of Statesman Properties.

They state that there are a number of Ordinances that are in conflict with one another, but they do not explain what the conflicts are. They claim the Planning Commission's decision was unduly influenced. There is no proof. However, the key to the whole situation is that they are asking for the rezoning because a denial would limit the financials, diminishes the property and opportunity for a return on investment.

Caryn Gershenson, 14366 Spyglass Ridge, Chesterfield, MO

Ms. Gershenson stated that they moved to Chesterfield and the Parkway School District because they have an intellectually disabled adult son. They moved into their home on Spyglass Ridge because it is a gated community and where their son could feel safe walking around the neighborhood. This safe and peaceful way of life will likely be disrupted by turning this quiet neighborhood into the backyard of an event space that serves alcohol and shuttles patrons to drink and be entertained. This is not something we plan to tolerate or live with if the efforts to prevent this proposal from moving forward fail. It would be our family's plan to move out of Chesterfield for the safety and security of our family. She was very impressed when Chesterfield stood up against the proposed Maryland Heights development near the River Bend subdivision. She hoped that the City would put up the same fight for the residents of Spyglass as they did for the residents of the River Bend subdivision.

Mary Louise Smith, 14380 Spyglass Ridge, Chesterfield, MO

Ms. Smith stated there seems to be a misunderstanding with some about how the residents of Spyglass feel about the "old grey house." We love the beauty of it and appreciate the history behind the house.

The owners have already made several changes without the City's permission; they went against the rules. Everyone agrees that what the owners have already done was wrong.

Should we forgive them for the wrongdoing? The law is the law. Why are there laws if they are not followed.

The parking spaces are not correct. The Facebook article says that less than 1% of the Chesterfield residents are opposed to the rezoning. We live here, Heather nor the owners live here.

They claim that they have not solicited any advertising. What is posting an article on Facebook, sending out a petition or what about the sign out front. That is advertising.

David & Kelly Kendrick, 14193 Cross Trails Drive, Chesterfield, MO

Mr. Kendrick and his wife are 50% owners in Statesman Properties, LLC. They are the owner of record for the property located at 14319 Olive Boulevard. Mr. Ririe stated he is the owner of a couple of other properties on White Road, but that is not exactly true. The owners of record for the properties on White Road is Statesman Construction, LLC, in which he and his wife are also partners. He and his wife were not aware of the original zoning meeting where the Planning Commission denied the rezoning. As 50% partners, he and his wife are in opposition of the rezoning of the property. They have provided ownership information to the City.

Alfred Brown, 14312 Spyglass Ridge, Chesterfield, MO

Mr. Brown keeps hearing them talk about community. He does not think they meant *our community* because if they meant *our community*, they would not have done a lot of the things that they have done; telling us something and then changing what they are going to do. If you do something, you do it not to the best of your ability and not lie about it. Yet they claim they are doing it for the community. This many people would not have come tonight if they were doing it for the community.

The following individuals chose not to speak but noted their agreement with comments already made and their opposition to the petition:

Sue Anne Hempstead, 14384 Spyglass Ridge, Chesterfield, MO

Cheryl Reeve, 14376 Spyglass Ridge, Chesterfield, MO

Victoria Higginbotham, 646 Spyglass Summit Drive, Chesterfield, MO

Andrew Smith, 14380 Spyglass Ridge, Chesterfield, MO

Mallika Ballal, 14356 Spyglass Ridge, Chesterfield, MO

Kent Higginbotham, 646 Spyglass Summit Drive, Chesterfield, MO

Barbara Wright, 14320 Spyglass Ridge, Chesterfield, MO

Susan O'Neill, 663 Spyglass Summit Drive, Chesterfield, MO

Anne Kirkpatrick, 14354 Spyglass Court, Chesterfield, MO

Elena Kratz, 651 Spyglass Summit Drive, Chesterfield, MO

Ginny McCook, 14362 Spyglass Court, Chesterfield, MO

Sylvia Murphy, 609 Spyglass Summit, Chesterfield, MO

Marge Merjavy, 633 Spyglass Summit Drive, Chesterfield, MO

Terry Wynn, 14324 Spyglass Ridge, Chesterfield, MO

Bill Wynn, 14324 Spyglass Ridge, Chesterfield, MO

M.P. Fryer, Jr., 14335 Olive Blvd, Chesterfield, MO

Herman Mitchell, 650 Spyglass Summit, Chesterfield, MO

John Hendrickson, 115 Kendall Bluff Court, Chesterfield, MO

Billie Hendrickson, 115 Kendall Bluff Court, Chesterfield, MO
Anne Agovino, 14360 Spyglass Ridge, Chesterfield, MO
Keith Maddox, 659 Spyglass Summit Drive, Chesterfield, MO
Subra Vadlamani, 14350 Spyglass Court, Chesterfield, MO
John Merjavy, 633 Spyglass Summit Drive, Chesterfield, MO
Neil Frederickson, 629 Spyglass Summit, Chesterfield, MO
Ruth Frederickson, 629 Spyglass Summit, Chesterfield, MO
June Brown, 14312 Spyglass Ridge, Chesterfield, MO

REBUTTAL

Scott Ririe stated they made an adjustment on the hours of operation to accommodate the residents. They have not changed the original concept of the venue. Even though it is classified as a restaurant, it is not going to be a restaurant. They will not be preparing food; only catered events will be allowed. There seems to be misinformation on hours and music, etc. but the plan does vary from our original proposal. We are going to hold events there. The idea was to have an outdoor garden, which may just end up being a waiting area. If we cannot use the patio as a restaurant, we will come up with another way to have an enjoyable experience. The events will not be loud and the hours will not be extended.

Heather Everett stated that the only things that were changed were the ones that the community objected to. We heard their concerns. We understand what they do not want. We are willing to work with the community. We want to encourage togetherness. We are here for the community. We are here to be successful.

DISCUSSION

Councilmember Monachella stated that the main issue is the rezoning. No one wants Olive Boulevard to turn into a Manchester Road; therefore, we want to limit commercial uses on Olive Boulevard. The current zoning will still allow for inside events.

Planning Chair Guy Tilman stated that the Comprehensive Plan was completed in 2019-2020. At that time, there were hundreds of residents and business owners in the City of Chesterfield that participated in that process. That stretch of Olive Boulevard was the subject of discussion on numerous occasions. Although there is some existing neighborhood commercial along that stretch, it was crystal clear to the Planning Commission at that time, that residents and business owners wanted to maintain the residential character of that particular stretch of Olive and to not see a proliferation of additional commercial activity there. That is why the Comprehensive Plan, which was approved in 2020, made it clear that this section of Olive Boulevard was to remain as a residential area, not a future commercial development area. That is why the Planning Commission voted to deny the rezoning.

Chair Hansen concurred. She stated that she was the Planning Commission Chair during the development of the current Comprehensive Plan and she does not feel that this project is aligned with the Comprehensive Plan.

Councilmember Mastorakos concurred with Councilmember Monachella that we are very cognizant of commercial development along Olive Boulevard. Some of the commercial business existed before Chesterfield incorporated, therefore, the City cannot change that. We can only move forward with the current Comprehensive Plan.

Councilmember Hurt stated that he has no objection to what the owners want to do with the property. The problem is the zoning designation. Queatham House is surrounded by "R2" and

“R3” Residential Districts. The City was incorporated to protect the character of the neighborhoods and it started along Olive Boulevard. If the property was sold in the future, the rezoning would stay in effect and that is the biggest concern. Indoor events can still take place with the current zoning, and yes, Chesterfield could probably use the proposed venue, however, this is just not the appropriate location.

Councilmember Monachella made a motion to forward P.Z. 04-2022 14319 Olive Blvd (Queatham House, LLC) to City Council with a recommendation to uphold the Planning Commission’s decision to deny the rezoning. The motion was seconded by Councilmember Hurt and **passed by a roll code vote of 4-0 as follows:**

Councilmember Mastorakos – yes
Councilmember Monachella – yes
Councilmember Hurt – yes
Chair Hansen - yes

Justin Wyse, Director of Planning stated that this item will be forwarded to the full City Council on May 1, 2023 for first reading with the second and final reading on May 15.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the May 1, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 04-2022 14319 Olive Blvd (Queatham House, LLC)]

C. POWER OF REVIEW: Dierbergs The Market Place (Billy G’s) Sign Package: A sign package for Dierbergs The Market Place located on an 11.35-acre tract of land located east of Clarkson Road and north of Baxter Road, zoned “C8”- Planned Commercial District (Ward 2).

STAFF PRESENTATION

Shilpi Bharti, Planner, stated that Summit Sign has submitted a Sign Package for Dierbergs The Market Place. The applicant request is to amend the existing Sign Package for Dierbergs The Market Place to include one blade sign on the west side of the outlot building in addition to the attached wall sign. The total area of the blade sign and the wall sign will not exceed 5% of the building elevation.

The project was reviewed by the Planning Commission on March 13, and they voted to approve the project by a vote of 5-2.

Ms. Bharti also stated that back in 2021, the proposed blade sign was approved as an architectural feature.

Per City Code, the City Council has called Power of Review.

DISCUSSION

Councilmember Mastorakos stated that she called Power of Review and that the issue is the blade sign and the height of the lettering on the blade sign. Originally, the blade was part of the architectural definition of the building and it was not intended for signage. Now they are requesting signage on the blade.

Chair Hansen asked the applicant to speak.

Andy Barnes, Arts and Construction Management and William Gianino (Billy G's) were present. Mr. Barnes stated that the blade sign is an architectural feature and they decided to put a sign on the side of it.

There was a discussion on the blade sign location. The discussion was to have the blade sign below or flush to the roof line of the building. There was further discussion as to what is considered the actual roofline and after conferring with Mr. Barnes, Chair Hansen stated that the applicant is willing to reconsider the blade sign and is willing to resubmit a modified design.

It was agreed to postpone the project until the next Planning & Public Works Committee meeting.

Councilmember Mastorakos made a motion to postpone Dierbergs The Market Place (Billy G's) Sign Package to the May 5, 2023 Planning & Public Works Committee meeting. The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

D. P.Z. 08-2023 City of Chesterfield (UDC – Article 4): A discussion regarding the City's requirements for guarantees for required improvements associated with subdivisions.

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that the Revised Statutes of the State of Missouri allows cities to require guarantees of improvements associated with the subdivision process and these requirements are codified in Section 405.02.120 of the Unified Development Code (UDC). These regulations are put in place to ensure required improvements to serve the subdivided areas are completed.

The City accepts cash or a letter of credit for construction deposits and maintenance deposits for items including streets and sidewalks, street lights, grading, water mains, storm and sanitary sewers, bioretention and other required items.

The City currently retains 5% of all construction items until the completion of all improvements. However, as regulations have changed, this practice is having an unintended consequence of delaying the completion of subdivision improvements as MSD water quality elements are not completed until after construction of all homes within a subdivision.

There are several developments within the City that have been in the construction phase of improvements for years. While this does have some advantages for the City, it can be a detriment to the homeowners within the subdivision due to the inconvenience of incomplete subdivision improvements and additional costs (i.e., snow plowing) over an extended period because the City has not accepted the roadways. One of the goals of the City's subdivision requirements is to complete improvements within two years.

To better achieve the outcome and intent of the City's regulations, Staff is recommending to remove escrow requirements for items that are completed following all construction activity. This would remove the barrier of completion of final stormwater improvements to completion of other subdivision improvements.

Councilmember Hurt made a motion to direct Staff to work with the Planning Commission to draft an ordinance to amend Article 4 of the Unified Development Code pertaining to escrow requirements. The motion was seconded by Councilmember Mastorakos.

Discussion after the Motion

As an example, Chair Hansen stated that there was an issue at Burr Oaks relative to landscaping. Improvements were not completed and the homeowners hoped that the City would not give the developer all the money back because they never properly finished the job. Mr. Wyse replied that these changes will not have an impact on landscaping. This will give the City the ability to push developers to complete the job. For example, in Schoettler Grove, the developer completed their work. The City inspected the streets and told the developer that all the street slabs need to be replaced. The developer then said that they will replace them in ten years when they have completed building. The City will hold the money anyway, so why would they replace the slabs until everything is completed. Therefore, the developer will not make the necessary repairs because it is against their interest. Therefore, the residents are living with substandard infrastructure.

Councilmember Hurt pointed out one downside. For example, in Schoettler Grove; if these changes are exacted, this will put pressure on the developer to finish the last one or two homes, even if it is a spec home, rather than leaving an empty lot there with a Johnny-On-The Spot for years.

City Attorney Chris Graville explained the purpose of an escrow. If a developer goes defunct, the City will have to complete the job. Compare the cost for a sidewalk 25 years ago to today's cost. If the escrow is held for several years, there may not be enough escrow funds to cover the current cost. Shortening the timeframe of holding escrows will be a benefit to the City.

The above motion was passed by a voice vote of 4-0.

- E. P.Z. 09-2023 City of Chesterfield (UDC – Article 3: Recreational Uses):** A discussion regarding the City's zoning districts and locations for where recreational uses are appropriate.

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that the City's Unified Development Code (UDC) contains several recreational uses and zoning districts in which certain uses are permitted. In reviewing the use table, Staff believes there are reasonable changes that should be considered.

Many recreational uses that were previously permitted in the Planned Industrial District, are no longer permitted in any other district. Does the City want to move those recreational uses out of the industrial areas or does the City want to be more inclusive in allowing recreational uses in an industrial area.

This item is being forwarded to the Planning & Public Works Committee prior to working with the Planning Commission on any potential updates to the UDC.

DISCUSSION

There was some general discussion regarding combining recreational uses within an industrial area.

Councilmember Mastorakos made a motion to direct Staff to work with the Planning Commission to determine if the Unified Development Code needs to be updated pertaining to Recreational Uses in Zoning Districts. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4-0.

- F. Traffic Generation Assessment (TGA) Trust Fund Rate Schedule:** An ordinance establishing an annual rate schedule for the five Traffic Generation Assessment (TGA) trust funds in the City of Chesterfield, Missouri.

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that the City utilizes Traffic Generation Assessment (TGA) trust funds. The TGA assessment is calculated by a dollar amount per measurable unit, typically per parking/loading space.

TGA rates are increased or decreased annually to account for changes in construction costs. The St. Louis County Department of Transportation uses the percent change for the construction cost index for the St. Louis area as published in the Engineering News Record to determine the rate of increase or decrease and the City has followed the same methodology.

The proposed ordinance updates the previously defined rate schedules based on the increases in costs that the City has seen over the past year.

Councilmember Hurt made a motion to forward an ordinance amending the Traffic Generation Assessment Trust Fund Rate schedule to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the May 1, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on an ordinance amending the Traffic Generation Assessment Trust Fund Rate schedule.]

- G. Chapter 353 Procedure Ordinance:** An ordinance adopting a procedure for considering development plans pursuant to Chapter 353 of the Revised Statutes of Missouri, as amended.

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that Council had previously directed Staff to begin the process of consideration of a Chapter 353 redevelopment area around Chesterfield Mall.

The proposed ordinance satisfies the legal requirements for a municipality to have an ordinance that details the procedure for the review of proposals under Chapter 353.

This is only a procedural matter. The ordinance does not deal with tax abatement or financial incentives. This merely establish a procedure for sending out legal notices.

Councilmember Monachella made a motion to forward the Chapter 353 Procedure Ordinance to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the May 1, 2023 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Chapter 353 Procedure Ordinance.]

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 7:50 p.m.