MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning, Public Works and Parks

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, April 21, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, April 21, 2011 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Matt Segal** (Ward I), **Councilmember Derek Grier** (Ward II); and **Councilmember Randy Logan** (Ward III).

Also in attendance were: Mayor Bruce Geiger; Councilmember G. Elliott Grissom (Ward II); Councilmember Bob Nation (Ward IV); Mike Geisel, Director of Planning, Public Works and Parks; Aimee Nassif, Planning & Development Services Director; Shawn Seymour, Senior Planner; Justin Wyse, Project Planner; and Kristine Kelley, Recording Secretary.

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

Chair Fults began the meeting by welcoming the newly elected City Officials - Mayor Bruce Geiger, Councilmember Segal, Councilmember Grier, Councilmember Logan and Councilmember Grissom. (It was noted that Councilmember Grissom will also be representing the Planning Commission.)

I. APPROVAL OF MEETING SUMMARY

A. Approval of the March 24, 2011 Committee Meeting Summary.

Councilmember Segal made a motion to approve the Meeting Summary of March 24, 2011**.** The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS

A. Wild Horse Creek Road sidewalk gap

STAFF REPORT
Brian McGownd, Public Works Director/City Engineer gave a PowerPoint presentation showing an aerial and photos of the site. Mr. McGownd explained that Project Manager Mark Wilson met with the two property owners listed on the five parcels. After an explanation of the situation, the owners verbally granted the necessary easements to complete the sidewalk gap. It was noted that the City has an estimate of $18,700 for this work. Mr. McGownd recommended approving $20,000 which would come directly out of General Fund - Fund Reserves to complete the sidewalk gap.

Councilmember Segal made a motion recommending a fund transfer not to exceed $20,000 for the Wild Horse Creek Road sidewalk gap to come directly out of General Fund - Fund Reserves and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan

Mr. McGownd noted that Staff will prepare the necessary easement agreements and officially submit to the property owners for their approval.

The motion then **passed by a voice vote of 4 to 0.**

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Wild Horse Creek Road sidewalk gap].

III. NEW BUSINESS

A. Schoettler Road sidewalk gap – Mike Casey

STAFF REPORT
Brian McGownd, Public Works Director/City Engineer gave a PowerPoint presentation showing an aerial and photos of the site. Mr. McGownd stated that currently there is a gap in the sidewalk on the east side of Schoettler Road between Amberleigh Hill Court and Hunters Point. He added that there are existing obstacles that need to be considered such as; vegetation, utilities and grading issues.

Mr. McGownd noted that once direction is provided by the Committee the property owner will be contacted. The estimated cost is approximately $33,000 and does not include potential utility relocation and a small retaining wall. If it is agreeable to the property owner, Mr. Geisel felt that it would be more beneficial to grade the area rather than to build and maintain a retaining wall.

Councilmember Casey felt that although he had not been in contact with the property owner, he recommends that Staff contact the property owner and proceed with the necessary research to provide cost estimates to construct the sidewalk gap and bring that information back to the Committee. Councilmember Logan added that the area does not provide much shoulder for pedestrian traffic.

Councilmember Logan made a motion directing Staff to contact the property owner and to prepare an estimate to complete grading and construct a retaining wall and bring that information back to the Committee. The motion was seconded by Councilmember Segal

Discussion on the Motion

Councilmember Nation asked what would happen if the property were to be developed and the sidewalk was damaged. Mr. McGownd replied that the developer would be responsible for any necessary repairs. He added that if a developer came in to develop this site, he would be required to put in a sidewalk as part of the improvements. It was noted that at this time, there are no plans for developing this property.

Mr. Geisel recommended an additional $2,500 be authorized to complete a survey of any existing utilities and grading.

Councilmember Logan made a motion to amend to spend no more than $2,500 from General Fund - Fund Reserves for a survey and bring that information back to the Committee. The motion was seconded by Councilmember Segal. The motion as amended then **passed by a voice vote of 4 – 0.**

B. Emergency Purchase – Deicing Salt – Fund Transfer

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that due to the above normal snowfall and subsequent salt usage, and the delay of barges delivering salt up the river as part of the coop, the decision was made to purchase additional deicing salt.

Due to the demand for salt, the City had to purchase the supplemental salt at a slightly higher rate. Therefore, due to this emergency situation; an additional $30,391 was expended that was not anticipated. Transfer of the additional funds would assure that there will be ample enough salt for the upcoming winter with a full dome of salt.

It was noted that there are approximately 42 cities that participate in salt usage. Mayor Geiger added that the Parkway and Rockwood School Districts will be utilizing the salt coop during the upcoming winter season.

Councilmember Logan made a motion recommending the transfer of $30,391 from General Fund – Fund Reserves into Account No. 001-072-5340 to replenish the deicing salt account and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and then **passed by a voice vote of 4 – 0.**

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Emergency Purchase – Deicing Salt – Fund Transfer].

C. **P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC):** A request for a change of zoning from a "PC" Planned Commercial District to an "R-2" Residence District for an 8.04 acre tract of land located north of Wild Horse Creek Road and west of Long Road (18V510138).

STAFF REPORT

Justin Wyse, Project Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. Wyse stated the following;

The request is for a change in zoning from a "PC" Planned Commercial District with a Wildhorse Overlay to an "E-1" Estate One Acre District.

SURROUNDING LAND USE AND ZONING

The property is located at 17655 Wild Horse Creek Road and west of Long Road.

- The property to the north is Spirit of St. Louis Airport and is zoned "M-3" Planned Industrial District.
- The property to the south is the Wild Horse Child Care Center zoned "E-1/2" Estate Half Acre District.
- The property to the east is zoned "NU" Non - Urban District.
- The property to the west is zoned "NU" Non - Urban District.

The initial request submitted to the City for P.Z. 11-2010 requested a change in zoning to an "R-4" Residence District as well as action on P.Z. 12-2010, which requested a change in zoning from an "R-4" to a "PUD" district to permit a senior living facility on the subject site. After several discussions at Planning Commission, the Petitioner has amended the request to an "E-1" Estate One Acre District and has withdrawn the request for the "PUD" Designation.

Staff has received the submittal for a "CUP" Conditional Use Permit in the "E-1" Estate One Acre District which is scheduled for Public Hearing at the May 9th meeting of the Planning Commission and at this time Staff has no outstanding issues.

Ms. Nassif added that the "E-1" Estate One Acre District is a straight zoning district noting that a straight zoning district does not include an Attachment A or development agreement.

Mr. Wyse noted that the plan before the Committee is the required survey and that a Preliminary Plan has been submitted, which will be reviewed per preliminary plan

requirements of the CUP. If the CUP is approved, the Petitioner will have to come in for Site Plan approval as well.

PLANNING COMMISSION REPORT

Planning Chair Grissom stated that the Planning Commission voted 9 – 0 in favor of the request and felt that the Commission was very pleased with the recommendation to change zoning to an "E-1" Estate One Acre District.

DISCUSSION

Councilmember Nation had a question related to the density of the site with respect to the "CUP" Conditional Use Permit. Mr. Wyse explained that if the petition were to proceed it would; (1) require a "first" reading before City Council on May 2nd and at the Planning Commission meeting on May 9th, the Public Hearing will be held for the "CUP" Conditional Use Permit and (2) the "second" reading for the "E-1" Estate One Acre District will be held on May 16th before the City Council. Ms. Nassif added that the City Code allows a "CUP" Conditional Use Permit to be approved prior to zoning being established.

Mr. Wyse noted that, per City Code, the "CUP" would not go into effect until the E-1 zoning is approved.

Councilmember Segal provided Councilmember Grier background history on this project and noted the outstanding collaborative effort by the Committee, the Petitioner and Staff on the project which has taken well over a year to complete. He felt that this would be a "win – win" situation for the Petitioner, the residents and the City noting that the change in zoning to the "E-1" Estate One Acre District will fit well with all future uses in the surrounding area. If the Petitioner were unable to build the senior living center, the change of zoning would allow for 1-acre lots for housing, which matches the surrounding area.

Councilmember Nation felt that although the zoning is consistent he still has concerns with the density of the site and with it not being compatible with the surrounding area.

There was additional discussion as to the density requirements. Councilmember Segal noted that Staff had prepared a density study for the Planning Commission, which noted that the proposed 120-bed facility would generate less traffic than 20 one-acre houses that would be allowed under the E-1 zoning.

Mr. Geisel then provided additional information regarding the separate processes for the zoning petition and the CUP. He noted that the E-1 zoning is not dependent upon the CUP petition. The CUP is a permit that is reviewed and approved by the Planning Commission and will not be forwarded to Council unless Council exercises its right to Power of Review. After 15 days from approval, the CUP becomes effective.

Councilmembers Segal and Fults both felt that there was a positive response from the residents in favor of the "E-1" Estate One Acre District and the residential use. Chair Fults added that the density and performance standard issues will be addressed in the CUP.

Mr. Wyse noted that since the last Planning Commission meeting, Staff and the Petitioner have continued to further refine the requirements such as; a reduction in parking, the parking setbacks have been moved approximately 20 feet, and design improvements to the entrance of the building that will highlight the residential nature of the building.

Mayor Geiger asked for clarification as to dates when the project will be reviewed and submitted for final approval at City Council. The following was noted:

- May 2 – First reading of P.Z. 11-2010 (rezoning) at City Council
- May 9 – Public Hearing and possible of vote of P.Z. 02-2011 (CUP) at Planning Commission
- May 16 – Second reading of P.Z. 11 2010 (rezoning)

If any Councilmember has an issue with the CUP, they should call for a Power of Review prior to May 16th.

Councilmember Nation had concerns that: (1) the request is greater than the Certificate of Need that has been obtained by the Petitioner, and (2) there are three large institutional facilities within the City of Chesterfield that are vacant – two churches and a school. He added that he would not like to see future development of this type in a residential area and felt that commercial development would have to be obtained. Chair Fults explained that the "Certificate of Need" does not affect how the City zones it property.

There was additional discussion as to the requirements and the process to obtain a Certificate of Need. Mr. Wyse added that the Petitioner did not have to apply for a Certificate of Need for the independent living units. In as much, Staff provides research and analysis of what is appropriate for the location. Chair Fults added that the CUP is for the assisted living; but a Certificate of Need is required to build the assisted living units.

There was continued discussion as to whether a Certificate of Need is required for reimbursement by Medicare or Medicaid. Mr. Wyse clarified that if you do not seek reimbursement, approval is not required by the State of Missouri.

Councilmember Segal made a motion to approve P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the May 2, 2011 City Council Meeting.
See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning, Public Works and Parks, for additional information on P.Z. 11-2010 Chesterfield Senior Living (Plan Provisions, LLC)].

D. P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC): A request for a change of zoning from a "PC" Planned Commercial District to a "PC" Planned Commercial District of 5.2909 acres in size and located on the north side of US Highway 40/Interstate 64 east of its intersection with Chesterfield Parkway and west of its intersection with Timberlake Manor Parkway (18R110745).

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. Seymour stated the following;

The property was zoned to "PC" Planned Commercial District in 2002 by the City of Chesterfield under Ordinance No. 1870 and the Petitioner is requesting a zoning map amendment to zone to "PC" Planned Commercial District – due to an amendment to the enabling "PC" Planned Commercial Zoning District.

Surrounding Land Use and Zoning

The surrounding properties to the west and to the east are like zoned – "PC" Planned Commercial District. Immediately to the north is a residential district zoned "R3"/PEU. There are a group of properties to the south which are zoned "NU" Non Urban District, "R1A" Residence District and "R2" Residence District.

A Public Hearing was held on February 14, 2011 and at that time no issues directly germane to the zoning request were identified. However, there were four Site Plan related concerns that were identified. Those concerns are identified below.

1. Ability to provide the required thirty (30) foot landscaped buffer at the north property line, adjoining the residential properties.
2. Accuracy of the Tree Stand Delineation.
3. Ability to preserve 30% of the existing tree canopy.
4. Architectural lighting and parking structure lighting.

The Petitioner has addressed the concerns and the Planning Commission was satisfied with the response. On April 11, 2011 the Planning Commission voted 9 – 0 recommending approval.

The property is directly located next to the Delmar Gardens development. First, the Petitioner is requesting a like-zone and would create an extension of the existing

campus to the east. The use of curvilinear architecture will blend in with their current campus to the west. Specifically, the Petitioner is requesting to add the land uses of *office, dental* and *office, medical*. In 2002, the previous owner of the site was able to zone the site to an *office, general* land use entitlement.

Secondly, the Petitioner is requesting a couple setback changes to pull the building closer to the road and further to the west to tie it in with the existing campus to give it a one-development feel.

PLANNING COMMISSION REPORT

Planning Chair Grissom stated that the Planning Commission voted 9 - 0 in favor of the request. He added that the issues that came up were primarily related to the Site Plan.

DISCUSSION

It was noted that any issues related to the Site Plan will be addressed by Staff and the Planning Commission as the project moves forward. Councilmember Grier fully supports the like—zoning with the addition of the two uses. The Petitioner added that there was no opposition from the neighbors located on Upper Conway Road.

Mr. Geisel added that there has been a diligent effort to create "connectivity" north of the Outer 40 Road to allow traffic that could flow back to Timberlake Manor Parkway because of the overload situation that exists at the Parkway and North Outer 40.

Hours of Operation

At the Public Hearing one item was brought to Staff's attention that related to the hours-of-operation. A resident asked if one of the uses at the site would be an "emergency care" or "after-hours care". The Petitioner addressed those concerns and noted that such uses would not occur. Staff was asked to provide Councilmember Grier with a copy of the Site Plan issues raised at the Public Hearing.

Councilmember Grier made a motion to approve P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the May 2, 2011 City Council Meeting.
See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning, Public Works and Parks, for additional information on P.Z. 15-2010 Highland on Conway (Delmar Gardens at Conway Ridge III, LLC)].

E. Selection of Officers and Committee Assignments

- Chair of Planning & Public Works Committee/Planning Commission Liaison – ***Connie Fults***
- Vice Chair of Planning & Public Works Committee – ***Randy Logan***
- Landmarks Preservation Commission & Chesterfield Historical Commission Liaison – ***Derek Grier***
- Board of Adjustment - ***Matt Segal***

Councilmember Segal made a motion to approve the Officers and Committee Assignments. The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

Ms. Nassif, Planning & Development Services Director invited the Committee members to an upcoming "Back to Basics" Planning Commission Training Session to be held on Wednesday, May 4th from 5:30 PM to 7:30 PM. The training session will thoroughly explain the processes for site plans, zoning, CUPs, TSPs, etc. and everything that goes on behind the scenes. Planning Chair Grissom recommends that the training session be video recorded.

IV. ADJOURNMENT

The meeting adjourned at 6:17 p.m.