

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning *JW*  
James Eckrich, Director of Public Works/City Engineer *JE*

SUBJECT: Planning & Public Works Committee **VIRTUAL** Meeting  
Summary Thursday, April 23, 2020



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held virtually via Zoom on Thursday, April 23, 2020.

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

Also in attendance were: Mayor Bob Nation; Councilmember Ben Keathley (Ward II); Councilmember Michael Moore (Ward III); Councilmember Michelle Ohley (Ward IV); Planning Commission Chair Merrell Hansen; City Attorney Chris Graville; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; Annisa Kumerow, 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 February 20, 2020 Committee Meeting Summary

**Chair Mastorakos** made a motion to approve the Meeting Summary of February 20, 2020. The motion was seconded by **Councilmember Hurt** and **passed** by a voice vote of 3-0. (*Councilmember Monachella was not logged in at the time of the vote.*)

## II. UNFINISHED BUSINESS

- A. **P.Z. 18-2019 Clarkson Centre (2264 Clarkson Rd)**: A change in zoning from “C-8” Planned Commercial District and “R-2” Residence District to a “R-4” Residence District for a 0.99 acre tract of land at 2264 Clarkson Road (20T610716). (Ward 4)

## STAFF PRESENTATION

**Annisa Kumerow**, Planner, presented the request for a zoning map amendment from a “C8” Planned Commercial District and an “R-2” Residence District to an “R-4” Residence District to allow for development of a place of worship on the site.

A Public Hearing was held on January 13, 2020 at which time the Planning Commission recommended approval by a vote of 7-0. At the January 23, 2020 Planning & Public Works Committee meeting, per the applicant’s request, the Committee postponed taking action on the petition.

Ms. Kumerow noted the following uses were permitted in the “R-4” Residence District:

- Churches and other places of worship
- Daycare center
- Single family dwelling
- Group home
- Public utility facility
- Nursery school

### **PLANNING COMMISSION REPORT**

Merrell Hansen, Planning Commission Chair, stated that the Planning Commission had concerns regarding the use, the number of people who would be attending the Chabad, parking, and how it would evolve as they continued to acquire new participants. The Petitioner did provide satisfactory answers to their questions and the Commission ultimately approved it.

### **DISCUSSION**

Councilmember Hurt stated that the “R-4” zoning will eliminate any type of commercial use at this site, which has been a contentious issue with the surrounding neighborhood. When asked about the possibility of rezoning to another residential district, Justin Wyse, Director of Planning, replied that the only applicable district would be “R-4” as “R-2” and “R-3” districts have a minimum lot size of greater than three acres for churches and other houses of worship. This parcel is 0.99 acres and it does comply with the minimum requirement for a church or house of worship in the “R-4” zoning district. Councilmember Hurt stated that if the rezoning is approved, he wants to ensure that the applicant adheres to all of the “R-4” requirements. Mr. Wyse stated that the petitioner has been informed of their obligation to fully comply with the City’s Code.

When asked what the City’s definition of a church or house of worship is, Chris Graville, City Attorney, stated that churches and houses of worship are protected by federal law. He cited that RLUIPA is a Federal religious act that protects religious denominations and explained that while it is a broad definition, he and Mr. Wyse are in agreement that the Rabbi’s intent clearly falls within that definition. Councilmember Ohley stated that this definition should help the residents to understand the City’s position and the Rabbi’s. She further stated that it is important to the residents that the proposed Chabad fits in with the character of the neighborhood and that it is not going to be overwhelming.

Mayor Nation expressed his concern that if the Chabad is not the intended use, there are at least two or more of the permitted uses in the “R-4” zoning district that might be high traffic generators. He asked if those uses could be removed as that might alleviate concern for future problems. Mr. Wyse replied that the City does not have the ability to eliminate any potential uses in any of the City’s straight zoning districts. Mr. Graville stated that the applicant has said that if they do not follow through on the purchase of the property, they intend to withdraw the petition.

**Councilmember Hurt made a motion to forward P.Z. 18-2019 Clarkson Centre (2264 Clarkson Rd to City Council with a recommendation to approve.** The motion was seconded by Chair Mastorakos.

### **Discussion after the Motion**

Councilmember DeCampi expressed his concern for future uses and stated that just 18 months ago the Council voted not to approve a rezoning on this property because they did not want to

set a precedent. Councilmember Ohley stated they did vote down a rezoning 18 months ago, however, that was for a planned commercial district and not a residential district. Councilmember DeCampi recalled that the discussion at that time centered around any rezoning and he believes the Council should remain consistent with that decision.

The above motion **passed** by a voice vote of 3-1 with Councilmember DeCampi voting nay.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the May 4, 2020 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 18-2019 Clarkson Centre (2264 Clarkson Road).]**

### **III. NEW BUSINESS**

- A. **POWER OF REVIEW: Chesterfield Presbyterian Church Sign Package:** A request for a Sign Package consisting of an Electronic Message Center for a 12.44-acre tract of land located on the north side of Clayton Road, west of Baxter Road (21S620485). (Ward 3)

#### **STAFF PRESENTATION**

Annisa Kumerow, Planner, presented the request for a sign package that converts one existing V-shaped free-standing sign from a static sign display to an Electronic Message Center (EMC). In addition, the sign package also inventories the existing signage throughout the site.

The Planning Commission recommended approval of the request on April 13, 2020 by a vote of 9-0. Power of Review was called on April 15, 2020 in accordance with Section 31-02-20 of the Unified Development Code.

#### **DISCUSSION**

Councilmember Hurt stated that he and Councilmember Moore called Power of Review. He stated that during the Planning Commission meeting, there was no discussion on how often the sign messaging would change. EMCs have been discussed previously and Council previously approved the EMC at the Phillips 66 on Long Road and Edison with the requirement that the sign cannot change more than once a day. Councilmember Hurt stated that he is not attempting to regulate the sign content, but only the delivery of the message, i.e., the duration and frequency of changes. In addition, since this area is largely residential, he is concerned how this EMC will affect nearby residents.

Councilmember Moore reiterated that this is largely a residential area. He too is concerned about the nature and frequency of messaging in residential areas.

**Councilmember Hurt made a motion to forward the Chesterfield Presbyterian Church Sign Package to City Council with a recommendation to approve with the stipulation that the message board can only change once a day.**

#### **Discussion after the Motion**

Councilmember Monachella expressed concern that allowing the sign to change only once a day might be too restrictive for the church. They may want to advertise their Sunday worship times and then display an advertisement for an event that will be taking place that same

evening. Allowing the message to change twice a day would give them more flexibility. Chair Mastorakos was in agreement.

The above motion died due to lack of a second.

There was further discussion regarding what is currently allowed in the Code regulating EMCs. Justin Wyse, Director of Planning, stated that the Code establishes a minimum duration of ten seconds while being displayed; the image shall be static with no motion blinking, scrolling, color change or special effects. The code also regulates brightness, pixels and onsite and offsite advertising.

Councilmember Moore stated he wants to achieve consistency throughout the City in terms of restrictions or limitations on this type of signage. Since the gas station at Long and Edison is limited to one message a day; it would be inconsistent to allow the church to display a new message every ten seconds.

**Councilmember Monachella made a motion to forward the Chesterfield Presbyterian Church Sign Package to City Council with a recommendation to approve with the stipulation that the message may only change twice within one 24-hour period. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Chesterfield Presbyterian Church Sign Package.]**

- B. P.Z. 19-2019 Briarcliffe Villas (13987 & 14001 Olive Blvd): A request to repeal City of Chesterfield Ordinance 2213 establishing a Planned Environmental Unit over two parcels of land zoned R-3 Residence District and totaling 29.4 acres (16R340207 & 16R340151). (Ward 1)**

### **STAFF PRESENTATION**

Annisa Kumerow, Planner, presented the request for a zoning map amendment from the “R-3” Residence District with a “PEU” Planned Environmental Unit to the “R-3” Residence District. The petitioner is requesting to repeal the “PEU.”

A Public Hearing was held on February 10, 2020 and there were no issues raised by the Planning Commission at that time. On April 13, 2020, the Planning Commission recommended approval by a vote of 9-0.

**Councilmember Monachella made a motion to forward P.Z. 19-2019 Briarcliffe Villas (13987 & 14001 Olive Blvd) to City Council with a recommendation to approve. The motion was seconded by Chair Mastorakos and passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the May 4, 2020 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 19-2019 Briarcliffe Villas (13987 & 14001 Olive Blvd).]**

- C. **P.Z. 20-2019 Briarcliffe Villas (14001 Olive Blvd)**: A request for a change in zoning from R-3 Residence District to PUD Planned Unit Development for a maximum of 117 residential units (16R340151). (Ward 1)

### **STAFF PRESENTATION**

Annisa Kumerow, Planner, presented the request for a zoning map amendment from the “R-3” Residence District to a PUD Planned Unit Development. The PUD request is for a maximum of 117 lots to include single-family detached, single-family attached and multi-family.

A Public Hearing for this request was held on February 10, 2020. At that time, the Planning Commission requested additional information regarding several items including utilities, traffic issues, tree preservation, lot types and development density and access road. The applicant addressed these items and at the April 13, 2020 Planning Commission meeting, the Planning Commission recommended approval of the change in zoning by a vote of 6-3 with the following amendments to the Attachment A:

- The addition of the minimum lot size of 6,000 square feet for single family attached and single family detached.
- Revision of the setback from the right-of-way line of any roadway from 20 feet to 15 feet.
- Include in the Attachment A that the site development plan review process include added design features.

### **DISCUSSION**

Councilmember Monachella expressed concern that not enough information is available at this time regarding any amenities that may be proposed for the PUD. She is not against the PUD, but she does not have enough information.

Councilmember Hurt stated that at the Planning Commission meeting, it was suggested that approval of PUDs be done later in the review process and with a site development plan submitted and the Commission is looking at this question.

### **PLANNING COMMISSION REPORT**

Planning Commission Chair Merrell Hansen stated that the Planning Commission had a lengthy discussion on this. The core of the problem was that the Articles in the Code that relate to both the application for and the definition of a PUD, list a variety of requirements for a PUD. However, there was not enough information for the Planning Commission to determine what this was really going to be. The Petitioner explained over and over that no one had bought the land, there was no developer or builder at this time and they could not offer the specifics that were needed for this important designation. The Planning Commission ultimately approved the request by a vote of 6-3.

**Chair Mastorakos made a motion to forward P.Z. 20-2019 Briarcliffe Villas (14001 Olive Blvd) to City Council with a recommendation to deny.** The motion was seconded by Councilmember Monchella.

### **Discussion after the Motion**

In response to Councilmember Hurt's question, Ms. Hansen stated that she was under the impression that without the ability to offer this as a PUD to a potential builder, the applicant would not be interested in the change of zoning.

To clarify voting, Justin Wyse, Director of Planning, stated that a “yes” vote would be to deny the request and a “no” vote would be in opposition to the motion.

The above motion to deny passed by a voice vote of 3-1 with Councilmember DeCampi voting no.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the May 4, 2020 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 20-2019 Briarcliffe Villas (14001 Olive Blvd).]**

#### **D. August Hill Drive Streetlighting**

##### **STAFF PRESENTATION**

Jim Eckrich, Director of Public Works/City Engineer stated that the report in the packet regarding streetlights on August Hill was completed at the direction of the Planning and Public Works Committee. Mr. Eckrich stated that he is prepared to provide the presentation remotely, but stated that it may be more effective if provided in person. Mr. Eckrich also stated that much has changed in the world since the direction from the Committee, and he was not certain whether the Committee would prefer that this presentation be deferred until a later date. This topic was discussed by the Committee, and there was consensus that the presentation should be provided at this time in order to give the Committee and Council the opportunity to move this project forward.

Mr. Eckrich stated that at the February 6, 2020 Planning and Public Works Committee meeting, the Committee directed Staff to obtain costs for streetlighting on August Hill Drive from Central Park to Baxter Road for the purpose of lighting the road for pedestrians accessing Central Park.

Two estimates were prepared. Both estimates include nine new street lights beginning approximately 230 feet west of the existing light at Monarch Trace and extending to the intersection at Baxter Road. In both cases, the intersection of August Hill and Stonebrook/Willow Weald Path had been skipped as there are two existing streetlights at that intersection.

##### **Electric Streetlights through Ameren**

Two options for streetlighting were considered. The first was conventional lighting that is powered by electricity. These lights would generally match the lighting at Monarch Trace. To install these lights, Ameren would require that the City install underground conduit so that Ameren can pull the cable necessary to power the lights. The estimated cost for conventional streetlighting is \$89,527. There would also be an additional monthly cost of \$22.59 per month, per light for street lighting. This would result in an annual charge to the City of \$2,440.

##### **Solar Streetlights**

The second option was solar streetlighting. Mr. Eckrich stated that he has researched solar streetlighting and found a company called ClearWorld that has a patented system utilizing solar LED technology. The ClearWorld lights eliminate the raised solar panel/pad typically seen on conventional solar lights. Instead, the solar power system is incorporated into the light. The cost estimate for nine ClearWorld lights is \$38,907, excluding shipping and installation. It is possible that these lights could be installed by Public Works maintenance personnel, with

training provided by ClearWorld, once the furlough is over and the Street Division is fully staffed. As these lights are solar, there would be no annual charge associated with the lights.

Mr. Eckrich stated that one factor the Committee should consider is that additional street lighting will change the character of August Hill Drive. Some residents will be in favor of street lights while others will oppose them, especially when it affects the lighting of their house. Mr. Eckrich provided photos showing the proximity of area homes to August Hill.

Mr. Eckrich stated that when reviewing the City's Code, he noted that the Code requires streetlighting within subdivisions to be provided by Ameren. Also, the City's Streetlighting Policy clearly addresses how to request a light at the intersection of a county road and city road; however, it does not address how subdivisions can request additional lights or the removal of specific street lights. Currently, such requests are presented to the Planning Commission. Since this may not be the best way to handle these requests, he recommends a thorough review of the City's Code and the City's Streetlighting Policy.

If the City wants to move forward with this project, Mr. Eckrich recommended the ClearWorld proposal, along with a budget transfer of \$50,000 from the General Fund/Fund Reserves to the Capital Projects Fund in order to accommodate the purchase. This budget adjustment includes the estimated cost of lighting as well as funds for material and tools necessary for installation of the lights.

#### **DISCUSSION**

In response to Chair Mastorakos' question, Mr. Eckrich stated that installation is not included in the solar light proposal. However, the proposal includes a kit for installation and training at a cost of \$1,500. The labor cost for the City's workforce is not included.

There was further discussion on the number of street lights that are needed for pedestrian safety and whether the proposed street lights would be considered residential lighting.

Councilmember Hurt agreed that lighting should be considered for the area. However, he stated that he was not certain the money should be spent at this time. If the City were to proceed with the project, Councilmember Hurt stated he believes lighting should only be added from Central Park to the Willow Weald Path intersection. He believes that any lighting west of Willow Weald Path/Stonebrook should be installed by the subdivisions.

Mr. Eckrich stated that another factor to consider is that the existing streetlights in the vicinity of Baxter Road and August Hill do not really illuminate that intersection, and that the City has received complaints about the lighting at that intersection in the past. If the Committee does not want to fund all lighting west of Willow Weald Path, it may still want to consider a streetlight at the intersection of Baxter Road and August Hill.

To summarize, Chair Mastorakos stated that the Committee needs to decide the following:

- The type and number of streetlights to install.
- When to pursue the project. Specifically should the project be installed now under the present financial constraints, or defer the decision to a future meeting.
- Whether the Committee should direct Staff to look into revising the City's Streetlight Policy and Code.

**Councilmember DeCampi made a motion to forward the original ClearWorld solar lighting proposal to City Council with a recommendation to approve.** The motion was seconded by Chair Mastorakos.

After some further discussion, **Councilmember Hurt made a motion to amend the above motion to reduce the number of street lights to seven on August Hill Drive from Central Park to the intersection of Willow Weald Path/Stonebrook Court plus the lighting at Baxter Road.** The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

**Councilmember DeCampi made a motion to forward the ClearWorld solar lighting proposal, as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Monachella and **passed by a voice vote of 4-0.**

In addition, the Committee reached a consensus to direct Staff to review the Streetlighting Code and Streetlighting Policy and to make recommendations for improvements.

**[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on August Hill Streetlighting.]**

#### **E. Dumpsters in Residential Areas**

##### **STAFF PRESENTATION**

Justin Wyse, Director of Planning, stated that the City has received complaints regarding a single-family residential property under construction; specifically, the issue of the duration of a dumpster in conjunction with renovation of the home.

The City currently regulates dumpsters in residential areas through the building code which allows for a residential dumpster in conjunction with an active building permit. In other municipalities, dumpsters are either addressed through the building code or a separate permit is required. These permits typically allow for a dumpster to remain for 30 or 45 days with the ability for an additional 30-45 day extension.

If the Council wishes to regulate the duration of such dumpsters, Staff recommends that the following language be considered for inclusion in Section 07-03 of the City Code:

*The placement of any container on or adjacent to residential property shall require approval of a Municipal Zoning Approval (MZA). Said permit shall be issued for a period not to exceed thirty (30) days. Extensions may be granted by the Director of Planning for an additional thirty (30) days. The container must be wholly on the permittee's property.*

##### **DISCUSSION**

Councilmember Monachella cited two incidents in Ward 1 where this has been an ongoing problem. In one instance, for over a year, debris is being brought in from other sites and is being dumped there. They have been approached by the City, but since the City does not have a ruling against it, nothing can really be done. They do have an open building permit but still there is nothing the City can do about it.

**Councilmember Monachella made a motion to approve a revision to the Unified Development Code to include restrictions on the use of dumpsters in residential areas**

and to forward to City Council with a recommendation to approve. The motion was seconded by Chair Mastorakos.

#### **Discussion after the Motion**

There was some discussion with regard to including portable storage units and trailers in the regulation. Mr. Wyse replied that there are already regulations on portable storage units, but trailers are considered licensed vehicles and that can create a problem. He also noted that the City needs to be mindful of instances where extensions are warranted so as not to create another issue whereby trash is being piled up. If someone has a use for a dumpster and it stems from work associated with that property, the City needs to be reasonable in allowing them to dispose of trash.

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

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Dumpsters in Residential Areas.]

#### **F. Ordinance Adopting the Technical Codes as Amended and Adopted by St. Louis County**

##### **STAFF PRESENTATION**

Justin Wyse, Director of Planning, stated that since 1988, the City has contracted with St. Louis County for enforcement of our building codes; i.e., building, mechanical, plumbing, and electrical. The County has recently adopted the updated 2015 codes and pursuant to our ongoing agreement, it is necessary for the City to adopt the updated editions of the St. Louis County Codes as our minimum standards for construction, alteration, use and occupancy of buildings and structures. If the Committee recommends approval, a resolution of notice to adopt will be forwarded to City Council and the required comment period would commence.

If the new codes are not adopted, the City will no longer be operating in accordance with the agreement for the services and the City would need to immediately start the process of creating a building department within the City.

Councilmember Monachella made a motion to recommend adoption of the 2015 Building Code, 2015 Residential Code, 2015 Existing Building Code, 2015 Mechanical Code, 2014 Electrical Code, 2015 Plumbing Code and the 2015 Property Maintenance Code and forward to City Council for approval. The motion was seconded by Chair 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 4, 2020 City Council Meeting. See Bill #**

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Ordinance Adopting the Technical Codes as Amended and Adopted by St. Louis County.]

#### **G. Revised 2020 Planning and Public Works Meeting Schedule**

Chair Mastorakos made a motion to adopt the Revised 2020 Planning and Public Works Meeting Schedule. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.

**IV. OTHER**

**V. ADJOURNMENT**

The meeting adjourned at 7:17 p.m.