

# MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, July 18, 2013

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 18, 2013 in Conference Room 101

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Justin Wyse, Senior Planner; John Boyer, Senior Planner; Sarah Wieder, Planning Intern; and Kristine Kelley, Recording Secretary.

The meeting was called to order at **5:05 p.m.**

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the June 6, 2013 Committee Meeting Summary.

**Councilmember Flachsbart** made a motion to approve the Meeting Summary of June 6, 2013. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 - 0**.

The Committee agreed to move the agenda order and place **IV. INTERVIEW – NOMINEE FOR PLANNING COMMISSION** first on the agenda.

## IV. INTERVIEW – NOMINEE FOR PLANNING COMMISSION

### **NOMINEE MS. MERRELL HANSEN – WARD IV**

Ms. Hansen stated that it is an honor to serve the City and then gave details of her communications background and qualifications. Ms. Hansen expressed her gratitude for the nomination and is looking forward to serving the City.

Chair Fults highlighted Ms. Hansen’s resume and accomplishments and stated she is thrilled that Ms. Hansen is willing to serve on the Planning Commission. In response to questions from Chair Fults, Ms. Hansen explained her thoughts on the positive development projects of the City – specifically the Amphitheater; how commercial buildings are “inviting” and well-landscaped, the lack of traffic issues, and well-kept neighborhoods that have dedicated open space. Ms. Hansen added that Old Chesterfield is an area in the community where there is substantial room to grow.

Councilmember Flachsbart noted that the Planning Commission requires a huge time commitment. Ms. Hansen explained that during a conversation with Councilmember DeGroot she mentioned that she does travel; however, it will not interfere with her attendance at the meetings. He then asked Ms. Hansen for her thoughts about any negative projects that have occurred over the years. She acknowledged the safety reasons for limited access points on the roads within the “inside” areas of the Chesterfield Valley (formerly known as Gumbo bottoms) and while she feels the limited access can make it more difficult for the consumer, she agrees with the decisions made.

Councilmember Hurt felt that based upon her impressive resume and exemplary communication skills, he would have preferred her participation as a member of the “Management Information Systems Citizens Advisory Committee”. His only concerns were her lack of experience relative to the technical and zoning aspects. She noted her construction plan knowledge, commitment to the City, and willingness to learn. Councilmember Hurt noted that as a Planning Commissioner, she will be expected to have a vision for the City that looks 20 years to the future.

Mayor Nation stated that he is very comfortable with her skills and fully supports her nomination.

Ms. Hansen’s final comments were that she welcomes the opportunity for an orientation to learn what the Planning Commission can / cannot do.

**Chair Fults made a motion recommending to City Council the appointment of Ms. Merrell Hansen to the Planning Commission.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 - 0.**

### **III. NEW BUSINESS**

#### **C. Chesterfield Historic and Landmark Preservation Committee Project Request**

#### **STAFF REPORT**

Aimee Nassif, Planning & Development Services Director stated that the Chesterfield Historic and Landmark Preservation Committee (CHLPC) is requesting authorization to engage in a new project for children during the next few months. Tom Rothwell, a member of the CHLPC was present to provide specifics of the project.

Tom Rothwell explained that the CHLPC came up with an idea for a research assignment in which the general public, and specifically families of school age children, are being asked to provide research on the history of their subdivision or neighborhood. He felt that since the demographics are aging, it is important to start gathering photos and collectible items for future reference.

**Councilmember Hurt made a motion authorizing the Chesterfield Historic and Landmark Preservation Committee to proceed with the project.** The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3 - 0.**

- A. **P.Z. 08-2013 16889 Chesterfield Airport Rd:** A request for a zoning map amendment from “M-3” Planned Industrial District to “PC” Planned Commercial District for 0.709 acres located on the north side of Chesterfield Airport Rd., approximately 1,000 feet east of Chesterfield Commons Dr. (17T230189).

### **STAFF REPORT**

John Boyer, Senior Planner gave a PowerPoint presentation showing the site and the surrounding area. Mr. Boyer stated the following:

The Petitioner has requested a zoning map amendment to rezone a vacant parcel from “M-3” to “PC” for a proposed commercial/medical office building located east of the Kemp Auto Museum. Associated with this rezoning, a Preliminary Plan has been submitted which identifies the planned development. The Public Hearing was held on this application on May 13, 2013. On July 8, 2013 the Planning Commission recommended 8 - 0 approval of the rezoning with amendments to the Ordinance Attachment ‘A’ concerning hours of operation.

Discussion focused on restricting hours for the retail use; however, the motion approved by the Commission restricted hours for all uses to be limited to 6 a.m. – 11 p.m. and allowing holiday hours (Thanksgiving Holiday) to match Ordinance #2725. The intent to this limitation was to make sure uses within the proposed development are consistent with surrounding developments.

Based upon requested uses and staff research, hours of operation are recommended to be limited to retail uses only for this proposed rezoning, which would avoid conflicts with proposed permitted restaurant – take out and office uses that are not restricted within adjacent developments.

Staff recommends the Committee amend the Planning Commission recommendation on hours of operation to be limited to retail uses only within the proposed development.

## **DISCUSSION**

Ms. Nassif stated that Staff spoke with the Chair of the Planning Commission and he noted that the Planning Commission wanted the proposed development to match the existing surrounding developments and to restrict the hours of operation for “retail” use only. Since discussion at Planning Commission focused on retail operations, Staff researched existing ordinances for surrounding commercial developments. Upon completion of Staff research, past ordinance approvals for the majority of developments are limited only to retail use hours (not office and restaurant). She recommends that the Committee consider a motion for a Green Sheet Amendment to amend the language pertaining to hours of operation to “retail” use only. She explained that the hours of operation for “restaurant” and “office” uses are not restricted in the surrounding Valley developments.

It was also noted that the proposed restaurant is strictly take-out and not drive-thru, which is a separate use and not allowed.

Councilmember Hurt asked for verification of the distance of the access points between the proposed development and the developments to the west and east. Mr. Geisel responded that there is shared access between the developments, but because the drives are existing drives, distance information was not available. Ms. Nassif added that the development meets all Access Management requirements regarding distance between curb cuts. Councilmember Hurt then asked that Staff provide distance between existing curb cuts.

## **PLANNING COMMISSION REPORT**

Planning Chair Watson stated that the only concern brought forth from the Planning Commission was the number of employees and how it relates to parking. The Petitioner informed the Committee that there will be 8-12 employees. Ms. Nassif pointed out that the development must meet the parking requirements before it can move forward.

Ms. Nassif then provided clarification to the access points to the site located to the east. It was then noted that there is a separate access point into the Sachs property. Mr. Boyer pointed out that there is an existing signal and the proposed ordinance will mirror the existing ordinance for the holiday hours.

**Councilmember Hurt made a motion to forward P.Z. 08-2013 16889 Chesterfield Airport Rd to City Council with a recommendation to approve.** The motion was seconded by Councilmember Flachsbart.

**Chair Fults made a motion to amend the motion to direct Staff to prepare a Green Sheet Amendment to address the retail hours of operation.** The motion was seconded by Councilmember Hurt. The motion then **passed by a voice vote of 3 - 0.**

The motion, as amended, then **passed by a voice vote of 3 – 0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the August 5, 2013 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 08-2013 16889 Chesterfield Airport Rd].**

- B. P.Z. 11-2013 346 N. Eatherton Rd:** A request for a zoning map amendment from “NU” Non-Urban District to “PI” Planned Industrial District for a 3.043 acre tract of land located approximately 550 feet southeast of the intersection of Wings Corporate Drive and North Eatherton Road (18W430024).

### **STAFF REPORT**

Justin Wyse, Senior Planner, presenting on behalf of Project Planner, Ms. Purvi Patel, gave a PowerPoint presentation showing a Preliminary Plan of the site and the surrounding area. Mr. Wyse stated the following:

The Petitioner is requesting a zoning map amendment to allow for the property to be used for a landscaping business. The parcel is located in the western end of Chesterfield Valley off of Eatherton Road. Located on the other side of Eatherton Road is the City of Wildwood. The majority of the development is zoned “PI” or “NU” with a “LI” Light Industrial property to the north.

The Preliminary Plan shows that there are no improvements except for some minor paving to accommodate parking for the site. The Petitioner is proposing to occupy the existing garage structure located at the north end of the site, which will require some conversion and the building review process. A small portion will be used for their office and the remainder will be warehouse type uses.

There is an existing one-story ranch-style home on the site which is currently vacant. There are no plans at this time to utilize the structure. Possible future expansion will require that the structure meet all code requirements. The request is strictly to use the garage structure. The Planning Commission recommended approval of the proposal by a vote of 8 – 0.

### **DISCUSSION**

Councilmember Hurt did not have issues with the zoning request; however, he did have concerns regarding access. He is opposed to access along Eatherton Road and feels a better access point would be to the north along Wardenburg Road due to the future expansion along Highway 109. Ms. Nassif pointed out that there currently is access along Eatherton Road and that language was added to the ordinance requiring cross access to the property to the east and the property to the south. There was additional discussion as to whether, legally, access would be allowed on Wardenburg Road.

In response to Councilmember Hurt's concerns, the Petitioner John Denninger explained that Wardenburg Road is currently closed due to an obstruction and is not usable at this time. He then pointed out the difficulties to moving the access points due to the steep grade to the road and he does not believe the property extends all the way to the road. In addition, there is an existing pipeline easement through the property.

Ms. Nassif added that Staff will investigate as to whether Wardenburg Road is a private drive and if it meets City standards. Mr. Geisel suggested including a condition to the ordinance that if the use is expanded, the City reserves the right to close off the Eatherton Road access.

Councilmember Flachsbart suggested including language stating that any expansion of the uses planned on this site would require access from the north rather than off of Eatherton Road. Mr. Wyse stated that a full review will be required if additional uses are considered and as to whether access to the north is available.

Mr. Geisel proposed that if it is the consensus of the Committee, Staff would draft a Green Sheet Amendment to add language to address access issues with respect to any additional uses.

**Councilmember Flachsbart made a motion to forward P.Z. 11-2013 346 N. Eatherton Rd. to City Council with a recommendation to approve.** The motion was seconded by Chair Fults. **Staff was further directed to prepare language that could be used to amend the Attachment "A", requiring access from the north for any expanded uses and to further research the appropriateness/necessity of such an amendment.**

The motion then **passed** by a voice vote of 2 – 1 with Councilmember Hurt voting **NO**, due to the access issues.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the August 5, 2013 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 11-2013 346 N. Eatherton Rd.].**

### **C. 2013 Street Snow Removal Reimbursement For Private Subdivisions**

#### **STAFF REPORT**

Jim Eckrich, Public Works Director/City Engineer explained that in March of 2013 City Council approved a revision to the City's policy on reimbursing un-gated, private streets for snow removal costs (Policy). The revised Policy allows for the recoupment of costs up to \$4,500 per centerline mile, or \$40 per residential unit, whichever is greater.

Further, the Policy provides that during a “severe season”, defined as a season which results in at least fifty percent of the participating subdivision reimbursement requests exceeding the allowable amount, City Council will consider supplemental funding to allow reimbursement at the 80<sup>th</sup> percentile. The costs are delineated in a memo provided to the Committee along with the following options for City Council to consider.

- Provide reimbursement at the budgeted amount of \$75,000. This would result in most subdivisions receiving reimbursements in an amount substantially less than their costs. It would also provide reimbursements on a per lane mile or per unit rate much lower than that which was approved as the most recent revision. The new Policy dictates that \$145,000 be budgeted annually for private street snow removal reimbursements. However, the Policy was created subsequent to the completion of the 2013 Budget, which only contains \$75,000 for these costs.
- Provide reimbursement at the \$4,500 per lane mile or \$40 per unit rate detailed in the new Policy. This would result in a total cost to the City of Chesterfield of \$134,155, and would require an authorization of the use of \$59,155 in Fund Reserves, which represents the costs above the \$75,000 which was budgeted.
- Consider the most recent winter as a “severe season” and provide reimbursements at the 80<sup>th</sup> percentile of reimbursements received. This would result in reimbursements up to \$6,555 per mile or \$94.32 per unit, and would cost the City of Chesterfield \$188,066.

Mr. Eckrich pointed out that proceeding with either Option 2 or Option 3 will require supplemental funding as only \$75,000 was budgeted. He also noted that four subdivisions have not submitted requests for reimbursement. These totals have been accounted for in the recommended action, and those subdivisions will have one more chance to submit their eligible costs.

Councilmember Hurt asked for clarification as to which reimbursement option comes closest to the original formula. Mr. Geisel responded that option 3 most closely resembles the original formula. However, in recent years that formula has been capped, so the subdivisions would have received substantially less than that amount.

**Councilmember Flachsbart made a motion recommending that the City of Chesterfield provide reimbursement at the amounts authorized in the Policy, at a total cost of up to \$140,676, which includes a supplemental appropriation of \$65,676 from General Fund - Fund Reserves as was described and approved during the most recent Policy review. The motion was seconded by Councilmember Hurt**

### **DISCUSSION ON THE MOTION**

In response to Councilmember Hurt’s request to clarify the amounts, Mr. Eckrich stated that the total cost will include the four subdivisions that did not apply for reimbursement.

Staff will send out letters to the four subdivisions specifying a deadline for reimbursement. Mr. Geisel commended Mr. Eckrich for his time and effort reviewing the submittals.

The motion then **passed** by a voice vote of 3 - 0.

**Councilmember Flachsbart** then made a motion to direct Staff to revise the policy to make it easier to administer and to better and more appropriately define a severe winter and to bring the revised policy back to the Committee at a later date. The motion was seconded by Chair Fults and **passed** by a voice vote of 3 – 0.

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on 2013 Street Snow Removal Reimbursement For Private Subdivisions].**

**E. Private Street Approval** – Sean Michael Square

**STAFF REPORT**

Aimee Nassif, Planning & Development Services Director stated that Staff has recently conducted an inspection in the Villages of Olde Baxter Square Subdivision. The development is approximately 100% constructed and Staff is ready to release escrows. Staff has determined that *Sean Michael Square* meets the City's design and construction standards for approval as a private street.

As this is a private street, there is no maintenance obligation on behalf of the City and no ordinance is required.

**Councilmember Hurt** made a motion to accept Sean Michael Square as a private street. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 3 – 0.

**IV. OLD BUSINESS**

**A. Commercial vehicles in residential subdivisions discussion**

Councilmember Flachsbart asked Staff to provide photos at the next Committee meeting of vehicles defined as “commercial” as well as photos depicting which types of vehicles would be prohibited from, or allowed to, park in residential areas.

Mr. Geisel advised the Committee that the major concerns he has fielded from the public involve restricting someone's livelihood by not allowing those individuals to bring a commercial vehicle home. He indicated that the current ordinance would not restrict the great majority of commercial vehicles.

Planning Chair Watson explained that there is a huge vehicle with graphics taking up multiple parking spaces being parked within his subdivision.

**Councilmember Flachsbart made a motion to hold until the next Planning and Public Works Committee meeting.** The motion was seconded by Chair Fults and **passed** by a voice vote of 3 - 0.

## **V. ADJOURNMENT**

The meeting adjourned at 6:03 p.m.