

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning and Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, July 20, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 20, 2017 in Conference Room 101.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Dan Hurt** (Ward III), and **Councilmember Michelle Ohley (Ward IV)** (arrived at 5:47 p.m.).

Also in attendance were: Mayor Bob Nation; Councilmember Randy Logan (Ward III); Planning Commission Chair Merrell Hansen; Planning Commission Member Wendy Geckeler; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Jessica Henry, Senior Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the June 22, 2017 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of June 22, 2017. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 3-0. (*Councilmember Ohley was not present for the vote.*)

II. UNFINISHED BUSINESS - None.

Due to the absence of Councilmember Ohley, Councilmember Hurt made a motion to discuss **item III.D first**. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 3-0.

III. NEW BUSINESS

D. Sewer Lateral Program

STAFF REPORT

Mr. Jim Eckrich, Director of Public Works/City Engineer, gave a brief description of the sewer lateral program and stated that the City annually receives approximately \$425,000 from the collection of a \$28 property tax from every single family home, duplex, and multi-family building

containing six or less units. The program is very effective and popular. He further explained that expenditures have been increasing over the last five years and stated that the program is projected to run a short term deficit in November of 2018 or 2019 due to cash flow. Each year the City transfers approximately \$50,000 from the Sewer Lateral Fund to the General Fund to cover a portion of the salaries of those employees who administer the program. In order to reduce fund expenditures and help alleviate the projected deficit, Staff recommends eliminating that transfer in the 2018 Budget.

Councilmember Hurt made a motion to accept Staff's recommendation to eliminate the \$50,000 transfer from the Sewer Lateral Fund to the General Fund in the 2018 Budget. The motion was seconded by Chair Tilman.

Discussion after the Motion

There was discussion regarding the current balance of the fund and Mr. Eckrich stated that the balance varies and is typically low in November and December until funds are received from the collection of property tax. The Committee also discussed several other possible options to alleviate the projected deficit.

In discussing the long range future of the program, Councilmember Hurt pointed out that eventually the program will reach a plateau noting that repairs are currently being made to clay pipes while PVC pipes are being used in all new developments, which typically have a much longer lifespan.

The above motion **passed** by a voice vote of 4-0. This matter does not need to be forwarded to City Council at this time, as Council will formally consider the elimination of the transfer to the General Fund during the 2018 Budget deliberations. At the request of Chair Tilman, Mr. Eckrich agreed to report back to the Committee on the financial status of the Sewer Lateral Fund in 2018.

- A. **P.Z. 02-2017 Fienup Farms (McBride & Sons)**: A request for a zoning map amendment from the "FPNU" Flood Plain Non-Urban and "NU" Non-Urban Districts to an "E-1" Estate One-Acre District for 223.02 acres located on the north side of Wild Horse Creek Road approximately 3,250 feet east of its intersection with Kehrs Mill Road and 4,400 feet west of its intersection with Baxter Road (18U640049, 18U630028, 18U330454, 17U310093, 17U320070, & 17T110201). (Ward 4)

- B. **P.Z. 03-2017 Fienup Farms (McBride & Sons)**: A request for a zoning map amendment from an "E-1" Estate One-Acre District to a "PUD" Planned Unit Development for 223.02 acres located on the north side of Wild Horse Creek Road approximately 3,250 feet east of its intersection with Kehrs Mill Road and 4,400 feet west of its intersection with Baxter Road (18U640049, 18U630028, 18U330454, 17U310093, 17U320070, & 17T110201). (Ward 4)

STAFF REPORT

Ms. Jessica Henry, Senior Planner, stated that P.Z. 02-2017 is a request for a zoning map amendment from the "NU" Non-Urban District to an "E-1" Estate One-Acre District for a 223 acre tract of land. P.Z. 03-2017 is the request for a zoning map amendment from an "E-1" Estate One-Acre District to a "PUD" Planned Unit Development.

The Public Hearing on both of these petitions was held on April 10, 2017. At that time, a number of items were discussed. The primary area of discussion centered on the inclusion of the three small parcels across the railroad tracks to the north. The "PUD" District has a requirement that all acreage be a minimum of four contiguous acres in size. Two of those parcels are less than an acre and the other is a little over an acre. After the Public Hearing, the petitioner conducted a great deal of legal research and submitted a legal opinion stating that since the railroad interrupts the continuity of the three small parcels from the main parcel, this alone would not disrupt the rights of ownership. The City Attorney has also concurred with that opinion.

Density

Ms. Henry stated the request is for 223 homes on 223 acres thus yielding a building density of one unit per acre. When compared to the density of the surrounding developments, this site will maintain a density that is lower than all surrounding developments with the exception of Eagle Crest Estates on the south side of Wild Horse Creek Road.

Access

There are two proposed access points off of Wild Horse Creek Road with a third, emergency-only gated access.

Amenities

The following design features and amenities are proposed:

- Enhanced buffers
- Preservation of existing 26 acre lake with the addition of two fountains
- Preservation of two existing small ponds
- 60% tree preservation
- 54.9% of total land area to be preserved as common open space or common ground
- Recreational amenities to include:
 - Walking trail around lake
 - Fishing docks
 - Boat dock with paddleboats
 - Four pavilions with seating and BBQ/fire pit
 - Four pickle ball courts
 - Two tot lots
 - One larger playground
 - Community garden with restrooms and tool shed

Ms. Henry stated both petitions were unanimously approved at the June 26 Planning Commission meeting.

DISCUSSION

In response to a question regarding maintenance of the amenities, Ms. Henry stated that the HOA indentures will require that upkeep of the amenities will be paid as part of the association dues and that the HOA will be responsible for maintenance after the initial development.

There was discussion on whether the trail system could connect to the City's trail system. Ms. Henry stated that given the topography, a connection does not seem feasible at this point, however, the petitioner would be willing to give the City an easement for future use. Ms. Henry agreed to discuss a possible trail connection with the Director of Parks, Recreation and Arts.

There was discussion on the proposed access points and future alignment. Paragraph 5 under Access/Access Management in Attachment A states that the developer will provide for future alignment and dedicate right-of-way for the realignment of the development's easternmost access across 16931 and 16939 Wild Horse Creek Road to align with Riverdale Drive at such time as those parcels develop. Ms. Henry agreed to have the City Attorney review this section prior to the City Council meeting.

Councilmember Ohley made a motion to forward P.Z. 02-2017 Fienup Farms (McBride & Sons) to City Council with a recommendation to approve. 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 and Development Services, for additional information on P.Z. 02-2017 Fienup Farms (McBride & Sons).]

Note: One Bill, as recommended by the Planning Commission, will be needed for the August 7, 2017 City Council Meeting. See Bill #

Councilmember Ohley made a motion to forward P.Z. 03-2017 Fienup Farms (McBride & Sons) to City Council with a recommendation to approve. 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 and Development Services, for additional information on P.Z. 03-2017 Fienup Farms (McBride & Sons).]

Note: One Bill, as recommended by the Planning Commission, will be needed for the August 7, 2017 City Council Meeting. See Bill #

C. Schoettler Road Left Turn Lane

STAFF REPORT

Mr. Jim Eckrich, Director of Public Works/City Engineer, stated that in early 2017, the PPW Committee directed Staff to pursue the design of a center/left turn lane at Georgetown Road and incorporate the cost into the 2018 Budget. After reviewing the matter in detail, Staff believes that an isolated turn lane at Georgetown Road is possible to construct; however, it will create another jog in Schoettler Road which will not be positively received by motorists. When traveling north from Clayton Road, there is a jog in the roadway at the intersection of Amberleigh and Schoettler Road. If the City constructs a center left turn lane at Georgetown, it would create a similar jog at Georgetown. Instead of having a jog at Amberleigh and another jog at Georgetown, it would be better to construct a center turn lane from Georgetown to the Amberleigh/Schoettler Grove intersection which will have the additional benefit of addressing the missing turn lane at Westerly. However, this approach will necessitate acquisition of right of way and easements from the property owner at 2290 Schoettler Road, who is unwilling to consider any property conveyance for road improvements. If the City proceeds with this project, the use of eminent domain will be required.

Mr. Eckrich further explained that if the City proceeds with this project, it would be advantageous to include an additional southbound lane on Schoettler Road for traffic turning westbound onto

Clayton Road. Currently, as motorists travel southbound on Schoettler Road and approach the Clayton Road intersection, they enter either one of the two left turn lanes or the shared right/through lane. Vehicles making the through movement have to wait for a green signal, while vehicles desiring to turn right could lawfully do so if they could reach the intersection. This problem can be eliminated by the construction of an additional southbound lane for traffic desiring to turn right (west) onto Clayton Road. The future construction of this lane was planned as part of the Schoettler Grove project and thus the necessary right of way was acquired at that time so there is no need for additional property acquisition in this area.

Staff recommends that both projects be constructed at the same time and be considered as one project. While a turn lane at Georgetown could have been designed in-house, the combined projects are more substantial and the City would have to contract out for the design and right of way acquisition. Therefore, Staff recommends that the engineering design cost (\$100,000) and the cost of right of way acquisition (\$120,000) be included in the 2018 Capital Projects Budget. Staff estimates that an additional \$800,000 will be needed for construction. If construction were to occur in 2019, it would require a supplement from the General Fund-Fund Reserves account. If construction were postponed until 2020, such a transfer would not be necessary due to the debt service retirement in the Capital Projects Fund.

DISCUSSION

Councilmember Hurt stated that he believes the property owner at 2290 Schoettler Road does not feel comfortable negotiating with the City because she does not understand all of the factors involved in the conveyance of right of way. He suggested that the City contact her legal advisor, or someone she trusts to try and work out an agreement so eminent domain is not necessary. If the owner is unwilling to grant the easement, the subdivision trustees in the area have indicated that this is a big enough problem that they feel the City should proceed with the eminent domain process. Only 15 feet of right of way and easements is needed and that area is currently a stormwater runoff area that contains a hedge row and is virtually unusable.

Councilmember Hurt made a motion to include in the 2018 Budget \$100,000 for engineering design and \$120,000 for right of way acquisition for the construction of a left turn lane on Schoettler Road. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4-0.

Councilmember Hurt made a motion to direct Staff to pursue further attempts to acquire the necessary right of way from the homeowner at 2290 Schoettler Road before beginning the eminent domain process to construct a left turn lane on Schoettler Road. The motion was seconded by Councilmember Ohley and passed by a voice vote of 4-0.

- E. P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living):** A request to postpone the Public Hearing for an appeal by the Petitioner of the Planning Commission's decision of denial for a request for a zoning map amendment from a "C-8" Planned Commercial District to a "UC" Urban Core District for 5.21 acres located south of Wild Horse Creek Road and east of its intersection with Baxter Road (18T630283). (Ward 2)

Councilmember Flachsbart stated that if the petitioner comes back with a significant change to the size or the density of the project, the Committee will send it back to the Planning Commission for review. If they come in with a different site, it will require a new Public Hearing before the Planning Commission. He feels that they should just withdraw the submittal but because the

petitioners feel there is an advantage to postponing the Public Hearing again, he stated he will make a motion to accommodate them.

Councilmember Flachsbart then made a motion to change the postponement of the Public Hearing for P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living) from August 10, 2017 to October 19, 2017. The motion was seconded by Chair Tilman.

Discussion after the motion

Chair Tilman asked Mr. Mike Doster, representative for the petitioner, to provide an update on the project.

Mr. Doster stated that since the postponement of the Public Hearing at the last Committee meeting, the Petitioner has had ongoing discussions with Sachs Properties and an alternative site has been identified. They are at the beginning stages of negotiation and he expects that a Letter of Intent will be submitted shortly. However, any alternative site will require rezoning and the Petitioner does not want to go through another elongated and complicated process. Mr. Doster speculated that by the middle of August he will be able to report that the alternate site is under a Letter of Intent and the Petitioner will then proceed to negotiate the specific terms of the purchase and sale agreement. Mr. Doster further stated that the Petitioner has three options to consider: 1) to pursue the appeal with the current plan, 2) pursue a different business model that may result in the reduction of the size of the building, or 3) acquire another site.

Mr. Doster indicated that his client has expended a considerable amount of money pursuing the current petition. They do not want to dismiss the appeal until the alternative site is under contract and they know that they will not receive the same opposition. After being asked his opinion, Mr. Doster indicated that he believes the alternative site should not receive any opposition due to its location.

After considerable discussion regarding an appropriate date to reschedule the Public Hearing, **Chair Tilman made a motion to amend the motion to postpone the Public Hearing for P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living) until the October 4, 2017 Planning and Public Works Committee meeting.** The motion was seconded by Councilmember Flachsbart. The amended motion **passed** by a voice vote of 4-0.

Chair Tilman made a motion to approve the original motion, as amended, to change the postponement of the Public Hearing for P.Z. 05-2016 Wildhorse Baxter Center, C148B (Shelbourne Senior Living from August 10, 2017 to October 4, 2017. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4-0.

IV. OTHER - None

V. ADJOURNMENT

The meeting adjourned at 7:05 p.m.