I.A.
MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, August 8, 2013

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, August 8, 2013 in Conference Room 101

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

Also in attendance were: Mayor Bob Nation; Councilmember Bruce DeGroot (Ward IV); 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; and Kristine Kelley, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the July 18, 2013 Committee Meeting Summary.

Councilmember Flachsbart made a motion to approve the Meeting Summary of July 18, 2013**.** The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 - 0.**

The Committee agreed to move the agenda to discuss New Business first.

III. NEW BUSINESS

A. Amendment to the Chesterfield Historic and Landmark Preservation Committee City Policy

Councilmember Hurt made a motion to approve the Amendment to City Policy No. 3 regarding the Chesterfield Historic and Landmark Preservation Committee.

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

B. Swingley Ridge - License to Utilize Easement

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer stated that RGA (aka Gateway Ridge, LLC) is required to construct improvements to Swingley Ridge Drive to accommodate development of the property located at 16600 Swingley Ridge Drive. Gateway Ridge, LLC is responsible for completing said improvements and is required to dedicate additional right-of-way to the City to accommodate said improvements.

In addition, Missouri American Water Company has specific rights to an existing easement which will be enveloped by the additional right of way. Missouri American is agreeable to allow the expansion of the public right-of-way pursuant to the City's execution of a License to Utilize Easement. The License acknowledges the existence and entitlements associated with the current easement and provides for dedication and use of new right of way, but only subordinate to the terms of their existing easement.

Councilmember Hurt suggested that a rider be added to the agreement to include Schoettler Road. Mr. Geisel replied that the right of way along Schoettler Road has already been dedicated to the City, and it is subordinate to the existing utilities. He further explained that there is a water line at Schoettler Road, but because the Water Company's easement predates the City's right of way, there would be a cost to the City in the event a water line needs to be relocated.

In response to a question by Councilmember Flachsbart, Mr. Geisel stated that if a water main break should occur and damage the street, it is the responsibility of Missouri American Water Company to fix the break and any damage to the street.

Councilmember Hurt made a motion to authorize the City Administrator to execute a License to Utilize Easement with Missouri American Water Company associated with the improvement of Swingley Ridge Drive West of Chesterfield Parkway West and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart 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 August 19, 2013 City Council Meeting. See Bill #

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Swingley Ridge - License to Utilize Easement].

The Committee then moved on to discuss Renewable Energy.

II. OLD BUSINESS

B. Renewable Energy discussion

STAFF REPORT

Aimee Nassif, Planning and Development Services Director stated that at the direction of City Council, Staff began working on draft language for the regulation of renewable energy systems for residential properties only.

In March, the Committee asked for additional information pertaining to height restrictions for both ground-mounted and roof-mounted systems as well as additional information for screening of ground-mounted systems, and height limitations for wind energy systems. After much research of existing ordinances both locally and nationally, Staff then prepared draft language for inclusion in the City Code for the regulation of renewable energy systems on residential properties only.

Height Restrictions for wind energy systems

Staff is proposing language that the maximum height permitted for wind energy systems be no taller than the height of restrictions in the district in which the site is located, or no taller than the height of the existing residential structure on the site. The language would prohibit roof-mounted winded energy systems.

Screening of ground-mounted solar energy and ground source heat pump systems

Staff has included specific language specifying screening requirements for these ground-mounted systems which states the following;

> *Ground-mounted solar energy systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings or other architectural feature or any combination thereof; provided however, that screening shall not be required to be so dense, so tall or so located as to render the equipment essentially non-functional.*

In response to Councilmember Hurt's question regarding screening of ground-mounted wind energy systems, Ms. Nassif explained the difficulty of screening due to the height of the wind energy systems, which can exceed 20 – 30 feet.

Height Restrictions for ground-mounted solar energy systems

Staff added language that the height restrictions for ground-mounted solar energy systems would be measured from the average grade at the base of the structure.

DISCUSSION

Chair Fults then referred to her original concerns which included the following;

1. Require screening of ground-mounted systems – Staff has included language to address this issue.

2. Restrict the height of roof-mounted systems – Staff has included language that the system cannot exceed the height of the roofline.

Ms. Nassif added that the system must be parallel to the roof. A photograph of an existing roof-mounted system was then shown to the Committee, which would not be allowed under the proposed draft language. It was noted that the example provided is grandfathered in, which will allow the homeowner to keep his roof-mounted system as it currently exists.

Councilmember Flachsbart indicated that he did not have concerns with the example provided since it is below the line of the roof. Ms. Nassif explained that at the last meeting, there were concerns expressed that residents would be installing roof-mounted systems in a way that the height would take away from the architectural structure or value of the home, or take away from the character of the neighborhood. Councilmember Grier agreed with Staff's recommendation to include language for height restrictions on the roof-mounted systems.

3. Restrictions of ground-mounted systems to the front or rear of the property. Ms. Nassif stated that language has also been added requiring ground-mounted systems to be located to the rear of the property. She then explained that the roof-mounted systems cannot be restricted to the rear of the property because of how the house may be positioned on the lot.

Councilmember Hurt added that a resident has the option to go before the Board of Adjustment to appeal an administrative decision if they feel they can prove a hardship exists.

4. What recourse does the City have regarding damage to a system during severe weather? Mr. Geisel pointed out that there is language in the current Property Maintenance Code that addresses property damage, such as broken glass panes, peeling paint and requiring roofs to be water-tight.

5. If a system is approved by the City, are residents still required to meet their Subdivision indentures? Ms. Nassif responded that residents still need to get approval from their Trustees. She noted that this is a separate, parallel process and that the City does not enforce Subdivision indentures. As part of the permit process, the property owners must notify the subdivision trustees of any exterior modifications. As a courtesy, Staff notifies the subdivision trustees of exterior work being performed on residential properties

Assuming that a small wind energy system is roof-mounted, Councilmember Hurt questioned why there is language requiring all electrical lines to be located underground. Ms. Nassif pointed out that the proposed ordinance does not permit wind

energy systems to be located on the roof of any structure. Councilmember Hurt indicated that he does not want to preclude small wind energy systems from being roof-mounted.

Councilmember Hurt then questioned why regulations being established for residential energy systems or put in a different category than government regulations. He asked how the City would respond to any inquiries from residents asking why they can't have a system while City Hall is allowed one. Mr. Geisel responded that residential properties are not required to go through the Architectural Review process while commercial properties are.

Because of time constraints, Councilmember Grier made a motion to table the Renewable Energy discussion to discuss Commercial Vehicle Parking in Residential Districts. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 - 0.**

A. Commercial Vehicle Parking in Residential Districts

STAFF REPORT

Justin Wyse, Senior Planner explained that a draft ordinance regulating the parking of commercial vehicles in residential areas was discussed at the July 18th Committee meeting. At that time, Staff was asked to supplement the proposed ordinance with the graphic representation of vehicles that would be prohibited and permitted under the proposed ordinance. The images have been added to the ordinance as Attachment "B" and the legislation has been amended to reference this new attachment. No other changes have been made to the regulations since the Committee last saw the information.

RESIDENT COMMENT

Mr. Al Strobing, resident indicated that he fully supports prohibiting commercial vehicles from being parked in residential areas. He felt that it affects the overall value of one's home and recommends language be included in the ordinance that the vehicle must be parked in a garage or it will not be allowed. Councilmember Flachsbart stated that he concurs with Mr. Strobing's comments. Mr. Geisel then explained the differences on what is defined as a commercial vehicle. He added that significantly modified vehicles are not allowed under the proposed ordinance such as; the Weiner Mobile or a bill board truck.

Councilmember Hurt made a motion to direct Staff to modify the proposed language where it states "Commercial Motor Vehicles" or "Recreational Vehicles" to read "Certain Motor Vehicles" in the title and throughout the body of the proposed ordinance. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 - 0.**

DISCUSSION

Planning Chair Watson had concerns with commercial trailers being parked in his subdivision. Mr. Geisel stated that Staff will look into the matter.

Councilmember Grier stated that his position has not changed and he will be voting in opposition of the proposed ordinance. He did not feel a global ordinance was necessary and felt that enforcement could be done at the local level by the Homeowner's Association. He also felt it could potentially affect an individual's livelihood.

Chair Fults explained that the Homeowner's Association did not want to get involved because of the expense related to going to court and had requested that the City offer assistance. It was noted that the proposed ordinance will allow Staff and the Police Department the ability to further clarify and enforce any violation of the ordinance.

Councilmember Flachsbart made a motion to forward Parking of Certain Vehicles Prohibited in Residential Districts to City Council with a recommendation to approve with the modified language. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 – 1 with Councilmember Grier voting NO.**

> **Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the August 19, 2013 City Council Meeting. See Bill #**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Parking of Certain Vehicles Prohibited in Residential Districts].

Councilmember Grier had no issues with the proposed ordinance for Renewable Energy so he then excused himself from the meeting at 6:10 p.m. ***Discussion then resumed on II.B Old Business "Renewable Energy".***

When preparing the draft ordinance, Councilmember Hurt questioned as to whether Staff consulted with vendors of renewable energy systems. Ms. Nassif responded that Staff did contact several during the initial drafting of the language. Mr. Geisel explained that in his opinion certain vendors might object to the regulation requiring solar energy systems be parallel to the roof. Ms. Nassif added that the proposed ordinance establishes parameters in a general way so as not to forbid a resident the ability to install a renewable energy system on their property.

A PowerPoint presentation was provided to show photographs of existing roof-mounted and ground-mounted solar energy systems. It was noted that sound restrictions are in place for wind turbines and the sound level cannot exceed 60 decibels.

Ms. Nassif stated that currently Staff has reviewed two permits for residential lots to install renewable energy systems and in 2012 Staff reviewed three permits for residential lots to install renewable energy systems.

Councilmember Flachsbart made a motion to forward Renewable Energy for Residential Properties to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 – 0.**

> **Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the August 19, 2013 City Council Meeting. See Bill #**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Renewable Energy for Residential Properties].

IV. PROJECT UPDATES

Aimee Nassif provided a thorough project update.

Ward 1: Project Updates

- Monsanto Campus is before the Architectural Review Board this evening for a 500,000 square foot four-tiered parking garage only. Since the garage is at grade level it will not be visible. It will then go before the Planning Commission and Monsanto will be submitting at a later date for the additional improvements and expansion of the campus.

- A Pre-Application meeting was held to discuss St. Luke's Parcels A, B, C and D which have separate "MU" Medical Use zoning districts. Each district has separate zoning ordinances, so they wish to consolidate the individual ordinances into one ordinance and then add an extension to the campus for Parcels B and D with a small addition to Parcel C.

Ward 2: Project Updates

- A Pre-Application meeting was held to discuss a potential 6,000 square foot Bonefish Grill Restaurant at Chesterfield Mall – the restaurant will be located in the corner of the Sears parking lot area across the internal roadway of Jared's the Galleria of Jewelers.

Ward 3: Project Updates

- Schoettler Grove - the Public Hearing will be held on August 12, 2013 to rezone to an "R3" Residential District density with a "PUD" Planned Unit Development at Schoettler and Clayton Road. Councilmember Hurt expressed his traffic concerns along Schoettler Road and recommends left-hand turn lanes at Georgetown, at Westerly and the addition of a dedicated right-hand turn lane into the new development along Clayton Road.

Ward 4: Project Updates

- Arbors at Kehrs Mill is on for vote with the Planning Commission August 26th.

Other projects in various stages of the development process include but not limited to:

- Telecommunication Siting Ordinance – Staff is currently working with City Attorney Heggie to update the current ordinance. House Bill 331 passed on July 5th by the Governor of the State of Missouri which renders the current City of Chesterfield Telecommunication Siting Ordinance obsolete.

Other Activities reviewed by Staff in July.

- 230 Municipal Zoning Approval Applications
- 183 Occupancy Permits
- 99 Business Licenses

V. OTHER

VI. ADJOURNMENT

The meeting adjourned at 6:26 p.m.