MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, September 23, 2010

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 23, 2010 in Conference Room 101.

In attendance were: **Chair Matt Segal** (Ward I); **Councilmember Bruce Geiger** (Ward II), **Councilmember Mike Casey** (Ward III), and **Councilmember Connie Fults** (Ward IV).

Also in attendance were: Mayor John Nations; Councilmember Randy Logan (Ward III); Councilmember Bob Nation (Ward IV); G. Elliott Grissom, Planning Commission Chair; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; 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 Segal then recognized Mayor John Nations and former Councilmember Jane Durrell.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 2, 2010 Committee Meeting Summary.

Councilmember Casey made a motion to approve the Meeting Summary of September 2, 2010**.** The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

II. Interview – Mayor Nations' nominee for Planning Commission – (Endorsed by Ward 4 Councilmembers)

Mayor Nations introduced Mr. Bruce DeGroot and explained that he is currently a member of the Board of Adjustment and has been a resident of the City of Chesterfield since 1994, along with being an active member of the community.

Mayor Nations expressed that it is his privilege and pleasure to nominate, at the request of Councilmember Fults and Councilmember Nation, Mr. DeGroot for the Planning Commission and subsequently to City Council for their approval.

Councilmember Fults added that Mr. DeGroot has also served on the Drug Abuse Task Force, is a Subdivision Trustee and serves on the Board of Adjustment. She feels that he is a qualified candidate and would not have a problem voicing his opinion. She is grateful that Mr. DeGroot is willing to put in the time and effort to serve on the Planning Commission.

Councilmember Geiger concurs with Councilmember Fults that as a member of the Planning Commission it is crucial to voice your opinion. He then questioned as to whether Mr. DeGroot has any financial interest in property within the City of Chesterfield, which could cause any conflict of interest. Mr. DeGroot responded that he did not have any financial holdings within the City. Although he is an attorney, he does not practice real estate law - his field of expertise is primarily criminal, civil or workmen's compensation law.

Councilmember Fults made a motion recommending to City Council the appointment of Mr. Bruce DeGroot to the Planning Commission. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

The Mayor and the Committee thanked Mr. DeGroot for taking the time to meet and speak with the Committee.

III. NEW BUSINESS

Chair Segal made a motion to revise the agenda to address agenda F first to accommodate visitors. *Councilmember Geiger seconded the motion which* ***passed by a voice vote of 4 – 0.***

F. Discussion on Amendment to City Code Article III, Sec. 23-51 Landmarks Preservation Commission

Chair Segal stated that tonight's discussion is to bring clarity to the ordinance, with possible amendments to it. Personnel issues are not on the agenda and will not be discussed.

STAFF REPORT

Ms. Aimee Nassif, Planning & Development Services Director provided background history on the current ordinance governing the Landmarks Preservation Commission:

- Ordinance 1719, written in 2001, defines the rules and procedures for the Landmarks Preservation Commission (LPC).
- In 2005, after working with the Commission, Ordinance 2214 was created establishing the Landmarks Preservation Area (LPA).

- In 2007, at the request of the Commission, Ordinance 2414 amended the membership requirements allowing five (5) alternate members to serve on the LPC.

DISCUSSION

Mayor Nations stated that he feels there needs to be some amendments to the current ordinance to tighten up some of the provisions. He suggested the following amendments:

- Meetings of the LPC are to be held at City Hall unless otherwise authorized by the Mayor or the Chair of the Planning & Public Works Committee.
- All meetings are to have a published agenda.
- The liaison to the LPC is to be notified of all meetings.
- If a member of the LPC resigns or is removed from the Commission, that person would not be eligible to be on the LPC for a given time - such as two (2) years – unless there is a super-majority vote of the Council (6-2).

He added that it is incumbent upon the City to make sure the public is always informed of what the City is doing and to give them the opportunity to be heard at all times. He has concerns that this is not being followed in this case. He finds it unacceptable to not post meeting notices and to hold meetings off premises.

The Mayor went on to say that the LPC serves a very important function for the City but he does not want LPC to act on any property unless the owner is informed of it. He would like to see the ordinance amended and forwarded to City Council as soon as possible.

Chair Segal then distributed proposed amendments to the ordinance, as follows:

- Members of the Chesterfield Landmarks Preservation Commission shall not represent themselves, nor state any position, as officials representing the City without the knowledge and consent of the Planning and Public Works Committee of City Council.
- Applications for any historic, landmark, or similar registry shall not be made without majority vote of Council.
- Meetings of the Chesterfield Landmarks Preservation Commission are considered public meetings and therefore, shall be posted in accordance with the City of Chesterfield procedures. Said meetings shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee.
- If a member of the Chesterfield Landmarks Preservation Commission resigns or is removed from the Commission, they cannot seek a new appointment by City Council for two (2) years, unless approved by a super-majority vote of 6 - 2.

Chair Segal stated that he supports all of the above-mentioned amendments.

Councilmember Fults stated that the City is legally required to publish agendas for all its Committee meetings.

Motion #1
Councilmember Fults then made a motion that all meetings of the Landmarks Preservation Commission are to have a published agenda and that all meetings are to be held at City Hall. The motion was seconded by Councilmember Casey.

Discussion on the Motion:
Mayor Nations agrees with conducting meetings at City Hall but noted that, from time to time, it may make sense to hold a meeting other than at City Hall. In such instances, the Mayor, Chairman of the Planning & Public Works Committee, or City Administrator must grant consent to hold the meeting off-site.

Councilmember Fults amended her motion as noted below:

> **Meetings of the Chesterfield Landmarks Preservation Commission are considered public meetings and therefore, agendas shall be posted in accordance with the City of Chesterfield procedures and in accordance with the Sunshine Law.**

Councilmember Casey accepted the amendment.

It was noted that the above amendment amends City Code Article III, Sec. 23-51, which pertains solely to the Landmarks Preservation Commission.

The motion, as amended, passed by a voice vote of 4 to 0.

Motion #2
Councilmember Fults made a motion to amend City Code Article III, Sec. 23-51 as follows:

> **Meetings shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee. Regardless of meeting location, said meetings shall be posted in accordance with the City of Chesterfield procedures and in accordance with the Sunshine Law**.

The motion was seconded by Chair Segal and **passed by a voice vote of 4 to 0.**

Motion #3
Councilmember Geiger made a motion to amend City Code Article III, Sec. 23-51 as follows:

> **If a member of the Chesterfield Landmarks Preservation Commission resigns or is removed from the Commission, they cannot be re-**

appointed to the LPC by City Council for two (2) years, unless approved by a super-majority vote of 6 - 2.

The motion was seconded by Chair Segal and **passed by a voice vote of 4 to 0.**

Motion #4
Councilmember Geiger made a motion to amend City Code Article III, Sec. 23-51 as follows:

> **Applications for any historic, landmark, or similar registry shall not be made without majority vote of Council and consent of the landowner.**

Discussion on the Motion:

Mayor Nations stated that some authority, other than the City of Chesterfield, may want to designate something in the City as an historical landmark. He noted that City Attorney Heggie will be reviewing all the proposed amendments prior to them being forwarded to City Council.

Chair Segal made a motion to amend the motion as follows (amendment shown in **bold)**:

> Applications for any historic, landmark, or similar registry shall not be made without majority vote of Council and consent of the landowner. **The proposed amendment is to include a review by City Attorney.**

The motion, as amended, was seconded by Councilmember Casey.

Councilmember Fults asked whether applications for historic registries would come to this Committee prior to going to Council. Mr. Geisel stated that the way the amendment is written, applications would go straight to Council. Councilmember Fults noted her preference of having applications submitted to the Committee prior to Council.

Councilmember Geiger made a motion to amend the motion as follows (amendment shown in **bold)**:

> Applications for any historic, landmark, or similar registry shall not be made **without a recommendation of the Planning & Public Works Committee and** without majority vote of Council and consent of the landowner. The proposed amendment is to include a review by City Attorney.

Councilmember Casey accepted the amendment to the motion.

Discussion was held on whether a positive recommendation is necessary to forward any applications for historic registries onto Council – or whether applications could be forwarded to Council without a positive recommendation. It was agreed that a positive recommendation is not necessary to forward onto Council.

The motion, as amended, **passed by a voice vote of 4 to 0.**

Mayor Nations suggested additional amendments to the Ordinance as follows:

- There should not be any vote taken on any property that the LPC is considering without the owner being notified.
- If it comes to the attention of the LPC that any property within the City is subject to some application or designation, LPC should so notify the City.

Discussion was held as to whether the owner of any property involved in historic registries or designation needs to **grant approval** before moving forward.

Mr. Geisel clarified that the amendment being proposed refers to the *notice provisions* by an action for the LPC – it does not refer to LPC putting a property on a registry. After the notice provisions are followed, then the other provisions of the ordinance become applicable – such as applications needing a majority vote of Council.

After further discussion, it was agreed that the subject owner must be **informed** of any registries or designations being considered for the property and that the City Attorney would review this further.

Motion #5
Councilmember Casey made a motion to amend City Code Article III, Sec. 23-51 as follows:

> **No action or vote on any property shall be taken without the owner being notified and/or the owner granting approval. If the Landmarks Preservation Commission knows of any property that is subject to any application on any matter, then the LPC is to notify the City. Said amendment is subject to review by the City Attorney.**

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

Motion #6
Councilmember Geiger made a motion to amend City Code Article III, Sec. 23-51 as follows:

> **Members of the Chesterfield Landmarks Preservation Commission shall not represent themselves, nor state any position, as officials representing the City without the knowledge and consent of the Planning and Public Works Committee of City Council.**

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

Mrs. Jane Durrell representing the Landmarks Preservation Commission gave background information on the work involved in getting the Landmarks Preservation Commission established.

As past-Chair of the Chesterfield Historical Commission, it was her idea to establish a local register for historic places. With the Historical Commission's approval, she presented the idea of establishing a local register of historic places and the creation of a preservation committee to Council in July 1997. At that time, the request was forwarded to the Planning & Zoning Committee for review. During the next six months, the Historical Commission worked on a document which would create a local register and preservation committee. In addition, a member of the Historical Commission, Dan Rothwell, attended a conference giving information on how to form a preservation commission that would be eligible for grants. As a result, an ordinance was prepared in 2001, which has since grown and developed over the years. She noted that the Landmarks Preservation Commission has brought pride and tributes to the City.

Mrs. Durrell agreed that the ordinance needs updating and said that after having time to review the proposed amendments, she would call the Committee members if she has any concerns or suggestions.

Mayor Nations then thanked Mrs. Durrell for all her wonderful work for the City and stated that it has been a great privilege to serve with her.

Chair Segal announced that all the proposed amendments will go forward to City Council for their October 4th meeting.

Ms. Joan Schacht, a member of the Landmarks Preservation Commission, requested that the City consider providing on-going volunteer training, which could include explanations of all the terms utilized in the ordinances.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on Amendment to City Code Article III, Sec. 23-51 Landmarks Preservation Commission].

A. T.S.P. 26-2010 Clearwire US LLC. (1850 Baxter Road): A request to obtain approval for a Telecommunication Facility Siting Permit for location of antennas and equipment on an existing AmerenUE tower on a 4.71 acre "NU" Non-Urban District-zoned tract of land located northeast of Baxter Road (19S220028).

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 petitioner intends to install antennas on an AmerenUE tower and ground equipment will be enclosed by a fence. The site is located north of Claymont Estates Subdivision and south of Baxter Lakes Subdivision. The surrounding property is zoned "R2" Residential District.

There will be three (3) antennas and one (1) round dish-like antenna. The public hearing was held on September 13, 2010 and there were no speakers other than the Petitioner and no outstanding issues. Councilmember Casey stated that he is familiar with the site and no one has contacted him with any outstanding concerns.

PLANNING COMMISSION REPORT

Planning Chair Grissom stated there were no issues brought forth to the Planning Commission.

Councilmember Casey made a motion to forward T.S.P. 26-2010 Clearwire US LLC. (1850 Baxter Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger. The motion **passed by a voice vote of 4 to 0.**

Note: This is a Telecommunication Siting Permit, which requires a voice vote at the October 4, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 26-2010 Clearwire US LLC. (1850 Baxter Road)].

B. Route 141 construction and enhancement update – Mike Geisel

STAFF REPORT

Mike Geisel, Director of Planning and Public Works stated that the City was able to move forward for the successful completion of the Route 141 in 2012. As part of the process, the Planning & Public Works Committee authorized execution of a contract with the Missouri Department of Transportation (MoDOT) and funded $89,000 for enhancements to be incorporated into the MoDOT project in January of 2010. The following is a list of the potential enhancements:

- Creating areas for landscape medians and incorporating those enhancements into the overall design.
- Adding form liners to the parapet walls on bridges, etc. – to give an architectural finish and an architectural appearance.
- Adding 12 locations where the City's logo will be incorporated into the Mechanically Stabilized Earth (MSE) retaining walls.

St. Louis County is also incorporating some of the same features on the Page-Olive Connector Project, which links the MoDOT 141 Project to the Maryland Heights Expressway. The City previously expressed an expected commitment in the amount of $500,000 for aesthetic enhancements to the overall project, primarily for landscaping those areas provided by MoDOT and St. Louis County. St. Louis County will maintain Ladue Road and Woodsmill Road and the State will maintain Route 141 and Olive Boulevard, but not the architectural enhancements that the City would like to add.

Mr. Geisel stated that Staff is working internally on landscape designs to reduce external design costs.

In the General Fund Fund Reserves there is $250,000 allocated for an environmental study associated with the Route 141 construction project, which can be used for landscaping enhancements. Mr. Geisel suggests that the Committee reaffirm the City's desire to earmark the $250,000 already available with an additional $250,000 to complete the project. ***EDITORS NOTE: The actual amount previously allocated for the environmental study was $200,000, not $250,000.***

Chair Segal noted that the intersection at 141 and Olive is currently "decimated" from the work that's been done over the past 90-120 days and feels that since the natural scape has been taken away, the intersection deserves some attention. Councilmember Geiger agrees with Chair Segal but encouraged Staff to keep the philosophy that "less is more" with respect to this intersection.

Chair Segal suggested that the $250,000 assigned for the 141 study be re-assigned and that an additional $250,000 be set aside – for a total of $500,000 - for Staff to apply to the subject intersections and to provide the Committee with a landscape rendering before the money is spent. It was noted that the funds will require approval by the Finance and Administration Committee. Mr. Geisel added that on the north side of Olive Boulevard it appears that St. Louis County is willing to do the initial planting for landscape enhancements. Those landscape plantings have been designed by St. Louis County as part of their project, and City Staff is working to design an irrigation system which we hope would be installed with the road construction and landscaping.

Mr. Geisel indicated that currently there is no project and Staff is not suggesting that the Committee appropriate any money, but rather earmark or set aside $500,000 to beautify those locations. Staff is unable to direct any labor or resources to a non-existent project. Council has not yet provided direction as to whether or not they desire to fund and proceed with the aesthetic enhancement project. There is no transfer of money at this time, but the money would be set aside within the General Fund – to assure the future availability of funds. The funding could then be appropriated and transferred when the plans are completed and bids are sought.

Councilmember Logan questioned how the City knows whether $500,000 is the correct amount without seeing specific plans. Mr. Geisel stated that the $500,000 is an

estimate based on the landscaped areas that are being left for the City, utilizing the historic costs that the City has spent on past landscaping projects and applying them to this project. These are not estimates – they are orders of magnitude.
An order of magnitude is necessary to define the character and desired appearance of the ultimate project.

Councilmember Casey stated that whether the funds are allocated or not, Route 141 will be completed, but the City's plans for landscape enhancements will not be completed.

Councilmember Geiger suggests converting the $250,000 Route 141 study to the landscaping of the intersections. Mr. Geisel indicated that $250,000 will not cover the costs to provide adequate landscaping for the five medians that the City would need to landscape. Councilmember Fults felt that when a project is sparsely designed, it becomes very difficult to add to it. She suggests allocating the $400,000 for the landscape design.

Once the Committee provides direction, Staff is prepared to submit cost estimates and a strip map indicating the areas that are to be landscaped.

Councilmember Geiger made a motion to identify and set aside $400,000 within the General Fund – Fund Reserves for aesthetic enhancements to the Route 141 and Page-Olive Connector Projects, and to forward this recommendation to the Finance and Administration Committee for approval. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

EDITORS NOTE: It was determined that $200,000 – rather than $250,000 – has been set aside within the General Fund - Fund Reserves for this project.

C. Stop Sign Request – Chesterfield Commons Drive at Frontage Road.

Councilmember Geiger made a motion to forward a Stop Sign Request - Chesterfield Commons Drive at Frontage Road to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey.

Discussion on the Motion

Councilmember Fults felt that the stop signs are warranted but had concerns that it could cause potential traffic congestion at the nearby intersection of THF Boulevard and Chesterfield Commons Drive. Mr. McGownd indicated that staff had modeled the traffic flows and that the proposed stop signs should not negatively impact the other intersections. It was noted that the stop signs, if authorized by City Ordinance, are to be on the City maintained street and will be legally enforceable by the Police Department. Staff provided clarity as to the location of the sign placement.
Mr. Geisel stated that an analysis was also completed at other intersections and indicated that stop signs were not warranted at this time.

Councilmember Fults mentioned that she would like consistency throughout the development by installing 4-way stop signs at all the intersections. Mr. Geisel indicated that the traffic modeling indicated that such stop signs would create backups onto Chesterfield Airport Road. He indicated that the best alternative for the intersection of THF Boulevard and Chesterfield Commons Drive would be to construct a round-a-bout.

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

> **Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the October 4, 2010 City Council Meeting. See Bill #**

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Stop Sign Request – Chesterfield Commons Drive at Frontage Road].

D. Planning and Development Services Update

STAFF REPORT

Justin Wyse, Project Planner stated that Staff continues to make updates to the Comprehensive Plan, City Code, and the Zoning Ordinance. Over the last two (2) years Staff has made significant amendments to the City Codes and Ordinances. On a periodic basis, Staff will be providing to the Committee status updates on what the Department is doing.

In June of 2009 updates were completed to the commercial and industrial Districts with the creation of three new districts:

1. Staff has made some revisions to the "PI" Planned Industrial District and the "PC" Planned Commercial District – with an increase in the open-space. Language has been included to clarify the open-space requirements. Since the passage of Ordinance 2527, two petitions requested modifications to reduce the minimum open-space from 35% to 30%. Those requests are listed below:

    - Chesterfield Blue Valley has dedicated a public park and will provide the maintenance.
    - Chesterfield Fence and Deck Company added a landscape buffer area with plantings, sidewalk curbs and a gazebo.

2. Staff has recently approved a project at 414 N Eatherton Road under the new "LI" Light Industrial District.
3. Definitions were created and approved for every use contained within the commercial and industrial zoning districts. This process took seven months and included a comprehensive review of the current uses and definitions.

Staff is working on updates on the "UC" Urban Core which will be submitted at a later date.

Mr. Geisel mentioned that although the economy is down the Planning Staff continues to work diligently and is doing long range comprehensive planning that is the envy of most municipalities. He indicated that the planning process is relentless, going from preparing public hearings, to packets, to presentations, then summaries, to recommendations and ordinances. Going from one recommending body to the next requires rigid adherence to process and dedication to meet deadlines.

Digital Equipment
Councilmember Geiger noted the enormous amount of paperwork involved in the preparation for all the Committee meetings and wants to consider alternatives to reduce paper, potentially using electronic files and personal computers. Planning and Public Works Staff continue to scan the information required for the meetings which is already readily available on the City's website. Mr. Geisel stated that Staff would be more than willing to work with the other City Departments and specifically the Information Technology professionals to develop a strategy as requested. Councilmember Fults and Chair Segal concur that there are significant benefits by using digital equipment.

The information provided is for update purposes only. No vote was required.

Councilmember Casey excused himself from the meeting at this point.

E. CVAC road near Holtzman parcel

Mike Geisel, Director of Planning & Public Works first reminded everyone that Staff is happy to provide tours and conduct site visits at the various park sites. He advised that during a recent tour with Councilmember Geiger, several questions arose with regard to the ultimate construction of the loop road around the Chesterfield Valley Athletic Complex. Mr. Geisel then provided a PowerPoint presentation showing an aerial of the site and the surrounding area near the CVAC.

Mr. Geisel stated that in 2009, the City purchased the Holtzman Tract of land with no intent to develop the site at this time. The Loop Road which will completely encircle the CVAC serves multiple purposes, (1) access for emergency service providers, improves circulation around the site and also adds parking closer to many of the facilities, (2) gives large trucks traveling to and from the Kurtz Top Soil Farm an alternative route instead of driving near the athletic fields, which has the potential of causing a serious hazard to pedestrian traffic. The road is off of City property on an existing easement, and added additional costs that were not included in Proposition P.

Through discussions with Councilmember Geiger, it was determined that the entire road does not need to be constructed at this time. Mr. Geisel then distributed site plans showing which sections of the road could be delayed, to be constructed at a future time. The entire road would be designed for possible future construction.

In his absence, Councilmember Geiger stated that Councilmember Logan was in support of the loop road, but would like the loop road paved from the west end to the Kurtz Road to the east. Paving the road will eliminate a lot of the dust. Councilmember Fults felt that any development of the eastern roadway should be placed on hold at this time.

Drainage

Discussion was held regarding drainage of the site. Mr. Geisel stated that there is an extensive 6" under-drain system under the loop road, which is constructed adjacent to the levee toe, which allows underseepage to freely drain without destabilizing the levee.

Paving of the entire roadway, including the construction of the underdrain system is intended to be bid as a single package as soon as approvals are received from the Corps of Engineers and Levee District. It is expected that this paving will occur in the early summer of 2011.

Lighting

Councilmember Nation inquired as to the status of the lighting at the west end football fields. Mr. Geisel explained that all of the underground work has previously been completed, including the wiring and light bases for future field lighting. There is a cost estimate of approximately $350,000 to purchase and install the lights, poles, and fixtures. This was not a project funded by Proposition P and no funds currently are proposed for this work.

Councilmember Geiger made a motion directing Staff to continue design and planning for the full Loop Road, but authorized Staff to terminate the eastern extent of the road at the Kurtz Road intersection. The motion was seconded by Councilmember Fults and **passed by a voice vote of 3 to 0.**

Mr. Geisel reminded the Committee that they had been invited to a social hour with the Parks Accreditation Panel on Thursday, October 14th at the Parks Maintenance Facility between 4:30 pm and 6:00 pm.

G. Volunteer Workshop

Chair Segal requested that Staff prepare a Sunshine Law Volunteer Workshop to occur semi-annually. Councilmember Geiger added that it would be beneficial for Staff to go over with the Committee Chairs the responsibilities that are required with that position.

IV. ADJOURNMENT

The meeting adjourned at 7:28 p.m.