MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, December 4, 2014

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 4, 2014 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Connie Fults** (Ward IV), **Councilmember Nancy Greenwood** (Ward I), and **Councilmember Elliot Grissom** (Ward II).

Also in attendance were: Libbey Tucker, Community Services/Economic Development Director; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; 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 November 6, 2014 Committee Meeting Summary.

Councilmember Greenwood made a motion to approve the Meeting Summary of November 6, 2014. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4-0.**

II. OLD BUSINESS

A. P.Z. 16-2014 City of Chesterfield (Urban Core Updates): An ordinance amending Article 3 Section 03-04.H of the Unified Development Code to amend development criteria and standards to encourage pedestrian connectivity and access within the Urban Core District.

STAFF REPORT

Aimee Nassif, Planning and Development Services Director, stated at the October 23 PPW Committee meeting, Staff was directed to amend the Urban Core District regulations to include language to encourage increased pedestrian connectivity. Upon approval, a Public Hearing was held on November 24 and the Planning Commission voted to approve the draft language with no changes. After the Public Hearing was held, Staff discovered a typo in the draft language and is requesting a Green Sheet Amendment to remove two instances of the word “common” from page 3 under Open Space.

Councilmember Grissom made a motion to forward P.Z. 16-2014 (Urban Core Updates) with a Green Sheet Amendment to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults 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 January 5, 2015 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. 16-2014 (Urban Core Updates).]

III. NEW BUSINESS

A. Property Assessed Clean Energy Program

STAFF REPORT

Libbey Tucker, Community Services & Economic Development Director, stated this program is similar to other taxing districts that we have locally for TDDs, NIDs and CIDs. The Property Assessed Clean Energy Program (PACE) is a special tax district that operates within the Missouri Clean Energy District. Under the program, municipalities and counties may join the Special Tax District to help commercial and industrial property owners finance energy efficient improvements made to their property. An additional tax assessment is placed on their property for a period of up to 20 years via their annual property tax bills. There is no cost obligation to the City. This merely enables our businesses to participate in the program. Currently, there is a Chesterfield business that would like to utilize the PACE program in early 2015.

DISCUSSION

Chair Hurt asked for clarification on the financing aspect. Mr. Mike Geisel, Director of Public Services, stated that Cambridge Engineering would like to obtain a loan that is guaranteed by the State. The State will then add the value of the loan to Cambridge's annual property tax bill and the County will assess it. Equity companies work through the County to collect the tax even though it is a State program. The proposed ordinance enables Chesterfield businesses to participate in this financing program.

In response to Councilmember Grissom's question, Mr. Geisel stated the County has given every indication that they will collect the tax and Ms. Tucker stated she did verify this. Mr. Geisel further stated Chesterfield approved a similar residential program a few years ago. This simply allows for financing, at no cost to the City, through the State for energy improvements for commercial and industrial properties. Chesterfield will be the fifth city in St. Louis County to participate in the program and 37 states have enacted the program so far.

Councilmember Fults stated it is the same principle as a NID. The loan stays with the property and they have 20 years to repay the loan. If the property is sold before the loan is repaid, the new owner is responsible for payment.

In response to Councilmember Grissom's questions, Ms. Tucker stated there really is no downside to enacting the proposed ordinance as the City will not incur any liability. With regard to why other municipalities have not enacted the program, she stated perhaps they are not aware of it. She also confirmed that the City always has the ability to repeal the ordinance at any time.

Councilmember Fults made a motion to forward to City Council an Ordinance that allows the City of Chesterfield to participate in the Missouri Property Assessed Clean Energy (PACE) program with a recommendation to approve. The motion was seconded by Councilmember Grissom 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 January 5, 2015 City Council Meeting. See Bill #

[Please see the attached report prepared by Libbey Tucker, Community Services and Economic Development Director, for additional information on the PACE program.]

B. Road Closures

STAFF REPORT

Mike Geisel, Director of Public Services, stated he has often been asked if the City can legally close an existing public road and still maintain it as a roadway. That question is different from the question of whether the City has the ability to vacate a public road and not maintain it for public purposes. In a discussion with City Attorney, Rob Heggie, Mr. Heggie indicated this was a very complicated legal issue and would require further investigation. Staff cannot initiate that investigation without concurrence by a majority of the Committee. Therefore, Staff is asking for authorization to initiate a legal opinion on whether or not the City can close a public road while maintaining it as a roadway and what would the impact be to such a closure. This question has a specific application but would be investigated as a generic question.

Chair Hurt recalled that legal ramifications were discussed in the early 1990s by former City Attorney, Mr. Beech, regarding the closure of Clover Ridge and concurred that it can be reviewed again.

Councilmember Greenwood made a motion to direct Staff to perform a legal review on closing an existing public road. The motion was seconded by Chair Hurt.

DISCUSSION

Several residents from River Bend Estates were present for the meeting and Chair Hurt asked River Bend Estates trustee Ms. Barb McGuinness to speak for the residents. Ms. McGuinness expressed concern about a development the City of Maryland Heights is considering whereby the only easy access to this proposed development is through River Valley Drive. The Maryland Heights Expressway and the Page extension have considerably lessened the traffic on River Valley Drive and the residents do not want to again endure an increase in traffic volume. There is a school on this street, there are a lot of walkers, and the street has no shoulder. The street really is meant to serve the neighborhood only. The residents would prefer to have River Valley closed off.

The City of Maryland Heights is currently landlocked and the only place left to build is in the River Valley sub district. Chair Hurt asked if Maryland Heights has already approved the development. Ms. McGuinness stated no, they have to amend their comprehensive plan, which currently prohibits residential development in the River Valley sub district, to allow for this development. The development is on 210 acres with a proposal for 1,000 homes and 210,000 square feet of commercial. Another resident stated that a Maryland Heights engineer estimates

there will be over 12,000 trips a day through River Valley Drive with 80% of those trips occurring between 7 a.m. and 9 p.m. This averages out to one car every six seconds on River Valley Drive.

In response to Chair Hurt's question, Mr. Geisel stated that Mr. Heggie is prepared to move forward with the investigation but he did not know how long it would take to complete.

In response to Councilmember Fults' question, Mr. Geisel explained the difference between terminating a public road that continues to be used as a road versus vacating a public road that will no longer be used. Vacating our interest is a different legal process than simply saying we are going to block off the roadway even though we are still going to use it as a roadway.

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

IV. OTHER – None.

V. ADJOURNMENT

The meeting adjourned at 5:50 p.m.