



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
Wednesday, February 22, 2017

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Wednesday, February 22, 2017 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Barbara McGuinness** (Ward I), **Councilmember Bridget Nations** (Ward II) and **Councilmember Nathan Roach** (Ward IV).

Also in attendance were: Councilmember Barry Flachsbart (Ward I); Councilmember Guy Tilman, (Ward II); Councilmember Randy Logan (Ward III); Planning Commission Chair Stanley Proctor; Planning Commission Member Steve Wuennenberg; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; and Mary Ann Madden, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 9, 2017 Committee Meeting Summary

Councilmember McGuinness made a motion to approve the Meeting Summary of February 9, 2017. The motion was seconded by Councilmember Nations and **passed by a voice vote of 4-0**.

Due to time constraints, it was agreed to prioritize items of importance and discuss them first.

II. NEW BUSINESS

- A. **P.Z. 08-2016 Breckenridge Materials (17971 N. Outer 40 Rd.)**: A request for a zoning map amendment from a "FPM3" Floodplain Planned Industrial District to a "PI" Planned Industrial District for a 2.688 acre area of land on a portion of the property at 17971 N. Outer 40 Rd., located on the north side of North Outer 40 Rd., east of the Missouri River (a 2.688 acre portion of 16W240041). (Ward 4)

STAFF REPORT

Justin Wyse, Director of Planning and Development Services, presented the project request for a change of zoning from an "FPM3" Floodplain Industrial District to a "PI" Planned Industrial District for a 2.688 acre area of land located on a larger parcel along the Missouri River. A temporary batching plant was approved in conjunction with the Daniel Boone Bridge project by MoDOT.

Approval of the temporary use has expired and now they are requesting a rezoning in order to continue the use of a concrete batching plant on a permanent basis.

A Public Hearing was held on November 14, 2016. Issues discussed included compliance with the Comprehensive Plan, the use itself, and compliance with floodplain regulations. Staff has worked with the Applicant regarding floodplain regulations and FEMA is currently reviewing the submittal. Mr. Wyse stated the use falls under the category of a batching plant. The Planning Commission also had concerns with the definition of a batching plant as it could potentially allow the production of asphalt. The Applicant is agreeable to a condition to prohibit asphalt production on the site.

Mr. Wyse stated the site is currently accessed by a long gravel road off of North Outer 40. The Applicant is requesting relief from paving the entire gravel road. There was discussion about where the gravel road crosses the Levee Trail and that it would be very desirable to reduce the impact of the dust and gravel on the Levee Trail. The Applicant has agreed to pave 100 feet on both sides of the gravel road where it intersects the Trail for a total of 200 feet of paved area. The Planning Commission unanimously recommend approval of the modification as well as the change in zoning.

Mr. Wyse stated that the size of the current facility will not be expanded. It will generally remain the same size as it is now but that improvements will be needed to the site for compliance with floodplain regulations. He also stated the Applicant will be removing the existing fuel storage tank from the site in order to comply with flood regulations.

PLANNING COMMISSION REPORT

Stan Proctor, Planning Commission Chair, stated that although the Comprehensive Land Use Plan designates the area as Agricultural, Floodplain, and Conservation, the concrete batching plant will be allowed for this particular use only and noted that the current operation will not be expanded.

Discussion

Chair Hurt expressed his concern with the amount of dust generated by traffic on the gravel road and its close proximity to the Levee Trail. While the Applicant has offered to pave 100 feet on both sides of the Levee Trail to help alleviate the dust, Chair Hurt pointed out that in rural areas tree sap is sprayed on the dirt to help control the dust. Mr. Andy Arnold, President of Breckenridge Materials, stated that he was not familiar with the use of tree sap for controlling dust, but he has heard of magnesium chloride being used, which would cost approximately \$5,000 per application.

In response to Chair Hurt's question on traffic flow, Mr. Arnold stated there are only two businesses located there; his own operation and a sand plant. He is not sure how much traffic the sand plant generates, but trucks deliver stone to his operation and his ready-mix trucks make deliveries. In the course of an average day, he estimates there would be 30 to 50 trips. When asked about paving the entire gravel road, Mr. Arnold stated that it would cost over \$1 million, making it cost-prohibitive for him to do so. He estimated it will cost \$40,000 just to pave the 200 feet of roadway. Additionally, the Planning Commission added a requirement to pave the parking lot. He leases the land from the sand company and he does not own the road. Chair Hurt suggested only spraying magnesium chloride twice a year to which Mr. Arnold stated that would result in an expenditure of \$10,000 a year on property that he does not own.

After further discussion on dust control, **Councilmember Nations made a motion to forward P.Z. 08-2016 Breckenridge Materials (17971 N. Outer 40 Rd.) to City Council with a**

recommendation to approve pending a requirement that the applicant provide a remedy for dust suppression. The motion was seconded by Councilmember McGuinness and **passed** by a voice vote of 4-0.

Chair Hurt advised the Applicant that the petition requires two readings at City Council and the next two meetings are scheduled for March 6 and March 20.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the March 6, 2017 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on P.Z. 08-2016 Breckenridge Materials (17971 N. Outer 40 Rd.).]

III. UNFINISHED BUSINESS

A. Placement of Solid Waste Containers

STAFF REPORT

Regarding the issue of where residents can store their solid waste containers, Jim Eckrich, Director of Public Works/City Engineer, presented the following four options:

1. Revise the code to require that solid waste containers cannot be stored within any yard that faces the street. This could be accomplished by replacing the requirement with the following: *The containers shall be stored inside the garage or within any side or rear yard which does not abut a street.*
2. Revise the code to require that the solid waste containers cannot be stored within any yard that faces the street and cannot be visible from a public street. *The containers shall be stored inside the garage or within any side or rear yard which does not abut a street. Additionally, said containers shall not be visible from a street which abuts the property.*
3. Revise the code to simply require that solid waste containers cannot be visible from the street. *The containers shall be stored in a place not visible from a street which abuts the property.*
4. Eliminate this requirement and allow individual subdivisions to enact their own rules regarding the storage of solid waste containers.

Mr. Eckrich stated it is difficult to consider every potential scenario for this issue and it would be easier to leave it up to each individual subdivision. If not, his opinion is that the best option would be Option 1 that requires containers to be stored inside the garage or within any side or rear yard which does not abut a street. Thereby, homes on corner lots could not store solid waste containers in the rear yard because the rear yard would abut a street.

Councilman Tilman offered the following suggestion: *Solid waste containers can be stored inside the garage or within any side or rear yard such that containers are not visible from a street which abuts the property.* He felt that this language addresses both the visibility of trash cans and the issue of corner lots.

Steve Wuennenberg, member of the Planning Commission, stated he lives on a corner lot and provided an aerial view of his home. He stated there is nowhere on his property other than the garage where he can store the waste containers and comply with the proposed code revision. He currently places the containers on the side of his house. They are not visible from the street which the house faces; however, they can be seen from a side street. He agreed that in his particular situation the cans could be screened from the house using his fence, but noted that not everyone on a corner lot has a fence, and he would ultimately like to remove his fence.

After further discussion, **Councilmember Nations made a motion to direct Staff to draft an ordinance stating that *solid waste containers shall be stored inside the garage or within any side or rear yard, such that containers are not visible from a street which abuts the property.*** The motion was seconded by Councilmember Roach and **passed by a voice vote of 4-0.**

IV. NEW BUSINESS

C. Streetlights on Long Road

STAFF REPORT

Jim Eckrich, Director of Public Works/City Engineer stated that before Long Road was transferred to MoDOT, it had been maintained by the County. There are 17 cobra style streetlights on Long Road between Chesterfield Airport Road and Wild Horse Creek Road. These lights were previously funded by St. Louis County. However, since St. Louis County is no longer responsible for the maintenance of Long Road, they have notified Ameren that they will no longer fund these lights. MoDOT has informed Ameren that these lights are not necessary and they will also not pay to provide service to these lights. So unless the City pays to provide service for the lights, Ameren will terminate electric service to the lights and remove the light fixtures. The City does not generally fund streetlights except for the decorative lights on Chesterfield Parkway, the lights in Central Park along Veteran's Place, and 19 other locations throughout the City. If the City were to fund the streetlights on Long Road, the cost will be approximately \$305 per month. Staff does not recommend funding these streetlights.

Discussion

Chair Hurt stated he did not want to set a precedent and concurs with Staff's recommendation.

Councilmember Roach stated that he believes there is enough lighting generated by businesses on Long Road from Chesterfield Airport Road to the southern limits of Chesterfield Towne Center; however, past Chesterfield Towne Center, it is extremely dark from that point to Wild Horse Creek Road, including the railroad crossing. Chair Hurt suggested that a letter be written to the State Legislators asking them to require MoDOT to maintain the lights as part of their acceptance of the Long Road right of way.

Councilmember Flachsbart stated that obviously the streetlights were thought to be necessary when they were installed. He did not feel the City would be setting a precedent by accepting the lights. He pointed out that the City would only be funding them because ownership of the road changed to the State. In another situation where ownership of the road changes to the State, then that would be a precedent. He believes that safety should be the City's primary concern, and feels that \$305 a month is a reasonable cost for funding the lights. Councilmember Nations and Councilmember McGuinness concurred.

There was further discussion regarding the City's policy on streetlight installations and whether allowing the lights to be turned off would be in conflict with the policy.

Chair Hurt suggested that Staff draft a letter to Chesterfield's State Representatives asking them to require that MODOT maintain the streetlights as the City believes this is a safety issue. He also suggested that Staff ask Ameren to postpone turning off the lights until this matter is addressed with MoDOT. Ultimately, if MoDOT does not agree to maintain the lights, then the Committee should vote on whether to fund the lights.

Chair Hurt made a motion to direct Staff to prepare a letter for the Mayor's signature to the State Representatives requesting that MoDOT be required to continue to fund the streetlights along Long Road. Staff is also directed to contact Ameren and ask them to postpone terminating electric service to those streetlights until MoDOT responds and this matter can be resolved. The motion was seconded by Councilmember McGuinness and passed by a voice vote of 4-0.

B. Public Works and Parks Policies 30 – 44

Councilmember McGuinness made a motion to hold Public Works and Parks Policies 30-44 until the next Planning and Public Works Committee meeting. The motion was seconded by Councilmember Nations and passed by a voice vote of 4-0.

V. OTHER - None

VI. ADJOURNMENT

The meeting adjourned at 6:10 p.m.