

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, February 18, 2016



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 18, 2016 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Barbara McGuinness** (Ward I), and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Barry Flachsbart (Ward I); Councilmember Bruce DeGroot (Ward IV); Harry O'Rourke, Interim City Attorney; Planning Commission Chair Stanley Proctor; Guy Tilman, Planning Commission Member; 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 February 4, 2016 Committee Meeting Summary

Councilmember McGuinness made a motion to approve the Meeting Summary of February 4, 2016. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 3-0.

### II. OLD BUSINESS

#### A. Reimbursement of Expenses for Snow Removal on Private, Gated Streets

##### STAFF REPORT

Councilmember Hurt indicated that he would like to table this item in order to discuss the topic at the Finance & Administration Committee meeting to be held Monday, February 22.

Councilmember Hurt made a motion to table **Reimbursement of Expenses for Snow Removal on Private, Gated Streets**. The motion was seconded by Councilmember McGuinness and **passed** by a voice vote of 3-0.

#### B. Street Tree Policy – Replanting

##### STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated that at the January 31, 2016 PPW meeting, the general consensus of the Committee was to maintain the current Street Tree Replacement program in-house and provide additional funding for temporary staff to manage the

work associated with the additional replacement trees anticipated due to the Emerald Ash Borer (EAB) crisis. Accordingly, Staff has revised Public Works Policy #5 again to remove the previously incorporated references to a tree planting reimbursement. The proposed Policy resumes the current practice of the resident paying a \$100 fee for a replacement street tree, with the City managing the tree planting program. Due to the anticipated increase in replacement trees, Staff is recommending the addition of one temporary, full-time employee, at a cost of \$43,000 annually, during the EAB crisis. The position would be subject to annual authorization of the Plan and would terminate once the Plan is complete, which is expected to occur in 2022.

#### **Discussion**

In response to Councilmember Hurt's question, Mr. Mike Geisel, Director of Public Services, stated Staff originally estimated the annual cost increase to manage the program in-house to be \$50,000 to \$60,000. There is a provision in the original EAB Plan to hire seasonal staff to assist the City Arborist during the EAB crisis. In addition to those seasonal employees, Staff is recommending one additional temporary, full-time employee for the duration of the project at an annual cost of \$43,000. This will allow Staff to continue to manage the street tree replacement program, which was originally contemplated as a reimbursement within the EAB Plan.

**Councilmember Hurt made a motion to forward Public Works Policy #5 and the EAB Plan modifications to City Council with a recommendation to approve.** The motion was seconded by Councilmember McGuinness.

#### **Discussion on the Motion**

Chair Fults asked for clarification on the Program. Mr. Eckrich confirmed that an additional full-time, temporary person will be needed if the City is to manage tree replacements in-house. Residents will pay \$100 for a tree and the City will contract for the purchase and planting of the tree versus reimbursing residents \$200 for each tree that they purchase and plant themselves. There is no change to the plan for tree removals; tree removals will still be handled in-house by City maintenance crews. The Committee was reminded that the EAB program is funded annually so it can be modified to add or subtract employees, both seasonal and full time, if needed.

**The above motion passed by a voice vote of 3-0.**

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Street Tree Policy - Replanting.]**

### **III. NEW BUSINESS**

- A. P.Z. 13-2015 Chesterfield Valley Square (Burgundy Arrow LLC): A request for a zoning map amendment from a "PI" Planned Industrial District to a "PC" Planned Commercial District for a 6.07 acre tract of land located on the south side of Chesterfield Airport Road west of Public Works Drive (17U230320).**

#### **STAFF REPORT**

Aimee Nassif, Planning and Development Services Director, presented the request for a zoning map amendment from a "PI" Planned Industrial District to a "PC" Planned Commercial District for a tract of land located on the south side of Chesterfield Airport Road west of Public Works Drive which is currently developed as a multi-tenant center. The zoning change is being requested in order to accommodate additional commercial uses that are not allowed in the "PI" District. There will be no exterior changes to the site.

A Public Hearing was held January 11, 2016. Issues pertaining to use restrictions, open space and hours of operation were raised. These items were discussed and additional information was provided at the Planning Commission Vote Meeting held on February 8, 2016. As a result of the Planning Commission meeting, a proposed Attachment A was prepared, which includes the uses being requested by the applicant, along with language pertaining to the hours of operation, which are similar to the operating hours of Chesterfield Commons. Ms. Nassif explained that a separate, two-thirds vote of the Planning Commission was required to allow 33% open space in lieu of the 35% requirement. The Commission unanimously approved the zoning map amendment with a modification to the open space requirement to allow 33%. It was noted that the approved 33% open space is consistent with the existing surrounding area.

### **PLANNING COMMISSION REPORT**

Planning Commission Chair Stanley Proctor stated there were some concerns raised during the Public Hearing that the Planning Commission felt were addressed before the Vote Meeting was held. One concern was the 33% open space reduction from the required 35% but it was ultimately approved due to the fact that all the surrounding properties have less than 35% and the fact that parking on the site would need to be reduced in order to meet the 35% requirement.

#### **Discussion**

Councilmember Hurt expressed his opposition to a zoning change. He stated that when commercial properties were first approved in the Valley, there was a philosophical discussion about achieving a balance between residential, "PI" and "PC" Districts within the City's development process. At that time, there was concern that commercial districts could allow more retail developments to "creep" in. Councilmember Hurt was of the opinion that if too much retail is allowed without controlling the uses, the area could end up with something like Northwest Plaza where it rapidly expanded and then all of a sudden died out. He feels the City needs to maintain a balance, and if another use needs to be added to the "PI" District, then he suggested amending the uses only and not change the zoning to accommodate a use. In his opinion, the Valley should remain as it is today because adding more "PC" uses could adversely affect the long term character of the Valley.

In response to Chair Fults' question, Ms. Nassif stated that the request for the zoning change came after a business license for a beauty shop was denied because it is not a permitted use within a "PI" District.

Ms. Nassif stated that prior to 2007, almost all commercial uses allowed in the "PC" District were also allowed in the "PI" District but with fewer development criteria, such as green space and open space. Mr. Mike Geisel, Director of Public Services, pointed out that in 2007, Council directed Staff to expand the list of uses and create a larger distinction between the "PC" and "PI" Districts, which specifically removed a beauty shop use from the "PI" District. Councilmember Hurt suggested allowing a variance for this request whereby a beauty shop would be allowed rather than rezoning to the "PC" District.

There was further discussion regarding the current surrounding zoning districts and permitted uses within the "PI" District and "PC" District.

***NOTE:*** *Councilmember Bridget Nations (Ward II) arrived at 5:46 p.m.*

In response to Councilmember Flachsbart's question, Ms. Nassif confirmed that the only reason the zoning change was requested was to allow the beauty shop use. Since the Petitioner had to

request a zoning change for this use, he added a few more uses to avoid requesting additional uses at a later time. The additional uses being requested at this time are:

1. Community Center
2. Library
3. Auditorium
4. Banquet facility
5. Club
6. Gymnasium
7. Museum
8. Reading room
9. Recreation facility
10. Union halls and hiring halls
11. Barber or beauty shop
12. Film drop-off and pick up station
13. Oil change facility
14. College/university
15. Kindergarten or nursery school
16. Specialized private school

Mayor Nation questioned whether the Petitioner could just ask for the one additional use of beauty shop. Chair Fults' stated the Petitioner has already gone through several meetings in the rezoning process and it would require the Petitioner to basically start the process over. She further stated the Committee does not have the authority to grant that one use under the "PI" zoning.

The Petitioner stated that when the center was originally built, there was an existing beauty salon there for ten years, so he thought it was a permitted use. However, during negotiations with a prospective beauty salon tenant, he learned that it was not a permitted use. That prospective tenant is gone and he is now negotiating with another beauty salon tenant in a separate building located between Bar Louie and Sherman Williams.

There was some discussion regarding the possibility of splitting that parcel into two different zoning districts, "PC" and "PI", to which Ms. Nassif stated that the legal description would have to be changed and re-advertised in order to meet State statute requirements.

Ms. Nassif then asked whether the process could be changed from a rezoning request to an ordinance amendment whereby use *(ccc) service facilities, studios or work areas*, which currently exists under the governing ordinance, could be amended to add *beauty shop*. Mr. Geisel stated that this would be adding a use to a district where it is prohibited. Ms. Nassif noted that this use was not prohibited prior to 2007, but it is prohibited in the current "PI" District.

Councilmember Hurt stated he is not opposed to the beauty shop use, but is opposed to a change in zoning and asked if there is a way to add the use without changing the zoning.

Chair Fults asked whether there could be an amendment to the original "PI" zoning at this stage in the process so the Petitioner would not have to restart the whole process.

Mr. O'Rourke stated he would research the matter and report back to the Council. He further stated the Committee can forward the zoning request to City Council without a recommendation and he will provide a legal opinion before the March 7 City Council meeting.

In the interim, Mr. Geisel suggested that Staff provide a broader map of the area that depicts all zoning within the area.

Chair Fults summarized by stating this discussion will be continued at the March 7 City Council meeting. There may only be an amendment to allow a beauty shop use in the "PI" District and not a rezoning to a "PC" District. Mr. Geisel clarified that the original request for rezoning will go forward to City Council as the Council has to vote on the petition as it came forward from the Planning Commission. If Council chooses to make an amendment, it will be done at that time.

Since the Petitioner indicated that he would be out of town on March 7, Mr. Geisel stated this request can be held until the March 21 Council meeting if so desired but for now, it will be scheduled for the March 7 meeting.

**Councilmember McGuinness made a motion to forward P.Z. 13-2015 Chesterfield Valley Square (Burgundy Arrow, LLC) to City Council without a recommendation.** The motion was seconded by Councilmember Nations 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 March 7, 2016 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. 13-2015 Chesterfield Valley Square (Burgundy Arrow, LLC).]**

## **B. Ladue Road Islands**

### **STAFF REPORT**

Jim Eckrich, Public Works Director/City Engineer, briefly described the problems incurred with the two easternmost islands on Ladue Road near Green Trails Drive that are within the Ladue Trails subdivision. Staff met with the Mayor and Ward I Councilmembers regarding this issue. As a result, Staff is proposing to send a letter to all Ladue Trails Subdivision residents explaining the situation and why the islands have not been maintained regularly since the completion of the Ladue Road Project.

Staff is requesting Council's authorization to send a letter to the residents of Ladue Trails in an effort to resolve this matter.

### **Discussion**

Councilmember Flachsbart stated he believes a letter would be appropriate. The residents may have to discuss the matter with their subdivision trustees to resolve this. The City never entered into any agreement to maintain the islands. The trustees have maintained the islands for approximately 40 years. When the City took over the right of way from St. Louis County, the trustees assumed that the City would take over the maintenance of the islands. However, through the agreement with St. Louis County, the City only maintains the roadway.

**Councilmember McGuinness made a motion to direct Staff to send a letter to the residents of Ladue Trails subdivision in an effort to provide factual information for residents regarding the two eastern islands on Ladue Road.** The motion was seconded by Councilmember Nations and **passed by a voice vote of 4-0.**

**IV. PROJECT UPDATES** – None was given.

**V. OTHER** – None.

**VI. ADJOURNMENT**

The meeting adjourned at 6:10 p.m.