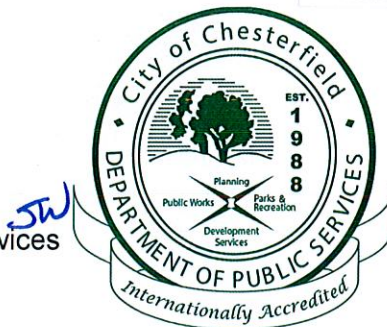


## MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning and Development Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, May 4, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 4, 2017 in Conference Room 101.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barry Flachsbert** (Ward I), **Dan Hurt** (Ward III), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Planning Commission Chair Stanley Proctor; Justin Wyse, Director of Planning & Development Services; Cecilia Hernandez, Project Planner; Cassie Harashe, Project Planner; Mike Knight, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

### I. APPROVAL OF MEETING SUMMARY

#### A. Approval of the March 23, 2017 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of **March 23, 2017**. The motion was seconded by Councilmember Ohley and **passed** by a voice vote of 4-0.

### II. UNFINISHED BUSINESS

#### A. Placement of Solid Waste Containers

#### STAFF REPORT

Justin Wyse, Director of Planning and Development Services, provided a brief history of the topic and stated that Staff had provided a proposed ordinance to modify Section 25-28(a) of the City Code pertaining to placement of trash cans at the March 9, 2017 PPW meeting. At that time, a motion was passed to hold the ordinance until the next Committee of the Whole meeting. However, at the Mayor's request, this is being brought back to Committee for further discussion and recommendation.

In further discussion with Staff, Mr. Wyse suggested adding the following paragraph from Chapter 7, Sec. 7-11 of the City Code to the proposed ordinance pertaining to registering allegations:

*Any person desiring to register an allegation regarding any structure or land which may be in violation of this ordinance shall be required to state his or her name and address which shall be placed on record with the City as a condition precedent to the filing of an*

*allegation. No anonymous allegations shall be accepted or recorded by the City. All allegations must state specifically the violation or violations being reported.*

Mr. Wyse stated the City is a “complaint driven” code enforcement operation. The same identical language is not contained in the current Ordinance pertaining to the placement of trash cans but suggested that it be added for consistency and clarification purposes.

#### **DISCUSSION**

In response to Councilmember Ohley’s question, Councilmember Flachsbart explained that the current ordinance is not clear because it states that trash cans cannot be visible from the street on which the property “faces.” What determines the “face” of the street, the location of the mailbox, the front door or the garage door? Corner lots face two streets. The proposed ordinance is very clear in that it states that trash cans cannot be visible from “any street that abuts the residential property.” This does not preclude adding a fence or shrubbery to shield the trash cans. Chair Tilman stated that the proposed ordinance does not address “how” to do it but states only that trash cans cannot be visible.

Councilmember Ohley stated that the City would be singling out corner lot residences. Councilmember Hurt acknowledged that fact but stated that this is characteristic of corner lots and there is no way around it. Councilmember Ohley suggested retaining the current ordinance and agreeing that the face is the front door. Chair Tilman stated that would not address the issue where houses are on an angle and the corner of the street is in line with the front door of the house.

Mr. Wyse stated the Committee is at the same crossroads as before. Every time an issue is resolved, another issue is created. There is a give and take with everything we do.

Councilmember Flachsbart asked if the goal is to hide trash cans from view for the betterment of the community’s appearance or to let placement of trash cans be unregulated. There is no fair way to deal with the issue of corner lots except to say that they also have to store trash cans out of view and the view is both sides of the street because it is a corner lot.

**Councilmember Flachsbart made a motion to direct Staff to add or refer to the additional language from Sec. 7-11. Registering Allegations, to the proposed ordinance.** The motion was seconded by Chair Hurt.

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

After further discussion, Councilmember Hurt made a motion to amend the motion to include adding the additional language to the current ordinance and the proposed ordinance and bringing them both back to the Committee for consideration. Councilmember Flachsbart seconded the motion which **passed** by a voice vote of 4-0.

**Councilmember Hurt made a motion approve the motion, as amended.** The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4-0.

### **III. NEW BUSINESS**

#### **A. Selection of Officers and Committee Assignments**

- Chair of Planning & Public Works Committee/Planning Commission Liaison
- Vice Chair of Planning & Public Works Committee

- Chesterfield Historic and Landmarks Preservation Committee
- Board of Adjustment

**Chair Tilman made a motion that Councilmember Hurt continue to serve as Planning Commission Liaison.** The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4-0.

Chair Tilman indicated that if Councilmember Hurt was unable to attend a Planning Commission meeting, he would be able to serve as liaison.

**Councilmember Flachsbart made a motion that he serve as Vice-Chair of the Planning and Public Works Committee.** The motion was seconded by Councilmember Hurt.

After further discussion, Councilmember Hurt withdrew his second and Councilmember Flachsbart made a motion to appoint Councilmember Ohley to serve as Vice-Chair to the Planning and Public Works Committee. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4-0.

**Councilmember Flachsbart made a motion to appoint Councilmember Tilman to serve as Council Liaison to the Chesterfield Historic and Landmark Preservation Committee.** The motion was seconded by Councilmember Ohley and **passed** by a voice vote of 4-0.

**Councilmember Hurt made a motion to appoint Councilmember Flachsbart to serve as Council Liaison to the Board of Adjustment.** The motion was seconded by Councilmember Ohley and **passed** by a voice vote of 4-0.

- B. P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Rd. (LSL I, LLC and LSL II, LLC):** A request for a zoning map amendment from a "M3" Planned Industrial District to a "PC" Planned Commercial District for a 16.0 acre area of land at 18331, 18333 and 18335 Chesterfield Airport Rd., located at the northwest side of the intersection of Chesterfield Airport Rd. and Spirit of St. Louis Blvd. (17V410060, 17V410026 and 17V410037).

**STAFF REPORT**

Cecilia Hernandez, Project Planner presented the request for a zoning map amendment from a "M3" Planned Industrial District to a "PC" Planned Commercial District. She noted that the requested uses are consistent with, and modeled on, the Valley Village area to the west. Cross access for the development lines up with that of the adjacent parcel to the west, and there is also an extension alignment with Olive Street Road.

A Public Hearing was held on December 12, 2016. On April 24, 2017, the Planning Commission recommended approval of P.Z. 14-2016 by a vote of 8 to 0.

**PLANNING COMMISSION REPORT**

Planning Commission Chair Stanley Proctor pointed out that the Commission also voted to amend the Attachment A to clarify that street lights are required on Chesterfield Airport Road and Spirit of St. Louis Boulevard.

**DISCUSSION**

During discussion about the site's access, Justin Wyse, Director of Planning and Development Services clarified the following points:

- There are three proposed cross access points, which provide cross access all around the site.
- There is no access to Chesterfield Airport Road.
- St. Louis County has future plans to extend Old Olive across Chesterfield Airport Road and property lines to provide an entrance ramp onto I-64 East. The applicant's Preliminary Plan shows a right-of-way dedication for this purpose.

The Petitioner confirmed that the proposed alignment and right-of-way dedication have been shown on the Preliminary Plan based upon the data provided by St. Louis County. It was also noted that the County's plans for this future roadway have not yet been completely worked out.

After further discussion, Mr. Wyse recommended that Staff address the proposed access location on the Olive Street Road extension to clarify that it is not a guaranteed access point, but would be allowed, or not allowed, based upon what future approvals would be necessary. Mr. Wyse also pointed out that if the proposed right-of-way shifts, the Petitioner may not be able to comply with the City's Tree Preservation requirements.

It was subsequently agreed that if the Olive Street Road extension becomes a State road, then access to that road from the subject site would be prohibited.

**Councilmember Flachsbart made a motion recommending approval of the requested zoning for petition P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Road with cross access as indicated, with the understanding that the northern access is subject to County approval, and possibly State approval if the State gets involved in this potential road. The motion was seconded by Councilmember Hurt.**

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

Mr. Wyse suggested that Staff request information from St. Louis County and MoDOT regarding the current status of their roadway plans and then prepare the appropriate language for the Ordinance.

**Councilmember Flachsbart made a motion to amend his motion to modify Section I.I.3. of the Attachment A to include language stating approval is contingent upon County's approval when the future roadway is built; and should it become a State road, the northern access is not allowed. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.**

It was then agreed that Staff would prepare the appropriate language for the Attachment A regarding Access/Access Management to be brought back to the Committee for review.

**The vote on the motion, as amended, passed by a voice vote of 4-0.**

- C. P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd): A request for an amendment to City of Chesterfield Ordinance 2791 to modify permitted uses within an existing "PI" Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road.**

## **STAFF REPORT**

Cecilia Hernandez, Project Planner, presented the request for an ordinance amendment to modify permitted uses within an existing "PI" Planned Industrial District with a Landmark Preservation Area (LPA) overlay. The petitioner is requesting a modification to allow outdoor sales on the property, allow a Sno Cone stand and farmer's market, and to seek flexibility from the minimum parking requirements.

A public hearing was held on December 12, 2016. A subsequent issues meeting was held on April 10, 2017. Issues discussed related to parking, the types of items to be sold and the hours of operation. The Planning Commission approved the request by a vote of 5-3 at their April 25 meeting. Additionally, due to the LPA overlay designation, the Chesterfield Historic and Landmark Preservation Committee (CHLPC) has also recommended approval.

## **PLANNING COMMISSION REPORT**

Planning Commission Chair, Stanley Proctor commented that the approval vote was 5-3. Those opposing the request were concerned about the parking reduction and the type of items to be sold outside. The Petitioner stated the items would be similar to the items sold on the inside. An additional concern was the hours of operation. The hours have since been reduced from 6 a.m. – 10 p.m. to 8 a.m. to 8 p.m. The farmers market will end at noon and will only take place on the weekends. Staff has approved the parking reduction.

## **DISCUSSION**

Regarding the parking reduction, Justin Wyse, Director of Planning and Development Services, stated the decision to reduce the parking requirement is ultimately a decision to be made by the Planning Commission and City Council. The farmer's market and outdoor sales will be utilized on the southern portion of the small building that is located on the western edge of the property. According to City Code, when determining the number of parking spaces, there is no difference between an outdoor sales area and an indoor sales area. The Petitioner wishes to use the outdoor sales and display area without having to add additional parking. They currently have 41 spaces and when calculated according to the Code, they would be required to provide 55 spaces. However, under the LPA overlay, they do have the flexibility to request a modification to the parking requirement as an incentive to maintain the site's historic character.

**Councilmember Flachsbart made a motion to forward P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt.

### **Discussion on the Motion**

Chair Tilman stated there was also concern raised relative to outdoor equipment sales as a permitted use. He pointed out that located on the back side of the lot, there is currently a company that uses outdoor equipment as part of their operation. He suggested that storage of those vehicles be limited to a line that would be 150 to 200 feet from the southern property line to keep that equipment stored at the back of the building. If another tenant would occupy the property and decide to convert that building on the west to a showroom, the equipment would be back off of the property line by 150 to 200 feet or so and out of the way of the public shopping at the outside market. Additional discussion followed regarding storage and screening of outdoor equipment.

**Councilman Hurt made a motion to amend the motion to require that the storage of vehicles be no closer than 150 feet and screened from the Old Chesterfield Road right-of-**

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

**Councilmember Hurt** made a motion to approve P.Z. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd), as amended, and forward to City Council with a recommendation to approve. The motion was seconded by Councilman 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 May 15, 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. 16-2016 EJ Properties (16625 & 16635 Old Chesterfield Rd).]**

**D. P.Z. 06-2017 City of Chesterfield (Unified Development Code-Articles 3 and 4)**

**STAFF REPORT**

Justin Wyse, Director of Planning and Development Services, stated that at the direction of the PPW Committee, Staff prepared an amendment to *Article 4-01 – Development Requirements and Design Standards: Architectural Review Design Standards* to require that the primary building material is to be extended to within 12 inches of grade. A Public Hearing was subsequently held and during that process, the Planning Commission asked for another amendment to that Article as follows:

*Use architectural elements and materials matching the front façade on the sides and rear of the structure where the front façade is visible from streets external to the subdivision.*

This amendment serves to clarify the requirement and reflects the manner in which Staff has been interpreting and applying the requirement.

Prior to the Public Hearing, Staff noted an error in *Article 3-06 – Zoning Districts and Uses: Use Table for Residential Districts*. Staff, therefore, decided to incorporate an amendment to this Article at the same time as Article 4-01.

Mr. Wyse explained that the revision clarifies a small number of permitted uses in the Use Table for Residential Districts. The current UDC states that Livestock and Stables are permitted in the LLR District, that Multi-Family and Single Family Attached Homes are permitted in the R-4 District, and that Multi-Family is permitted in the R-5 District. However, these are all incorrect and are not permitted in the R-4 or R-5 Districts and Livestock/Stables is a conditional use only in the LLR District.

**Councilmember Ohley** made a motion to forward P.Z. 06-2017 City of Chesterfield (Unified Development Code-Articles 3 and 4) to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt 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 May 15, 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. 06-2017 City of Chesterfield (Unified Development Code-Articles 3 and 4).]**

**IV. OTHER** – None.

**V. ADJOURNMENT**

The meeting adjourned at 7:06 p.m.