



II.A.

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
April 24, 2008

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, April 24, 2008 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Bob Nation** (Ward IV).

Also in attendance were Mayor John Nations; Councilmember Mike Casey (Ward III); Gene Schenberg, Planning Commission Secretary; Mike Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Susan Mueller, Principal Engineer; Aimee Nassif, Senior Planner, Mary Ann Madden, Planning Assistant, and Kristine Kelley, Administrative Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the March 20, 2008 Committee Meeting Summary

Councilmember Durrell made a motion to approve the Meeting Summary of March 20, 2008. The motion was seconded by **Councilmember Geiger**.

Councilmember Geiger then made a motion to correct page 7 of the Meeting Summary as follows: (changes shown in red)

Councilmember Geiger would like to increase the building setback from the eastern property line from the current 20-foot setback. ~~He finds the Petitioner's request for a 50-foot setback to be acceptable.~~ ***He does not have a big problem with the Petitioner's request for a 50-foot setback.***

The motion was seconded by Chair Hurt and **passed by a voice vote of 3 to 0 with 1 abstention from Councilmember Nation.**

The motion to approve the Meeting Summary, as corrected, passed by a voice vote of 3 to 0 with 1 abstention from Councilmember Nation.

The Committee agreed to change the order of the Agenda to review Items III.A. and III.B. first so that Petitioners in attendance would be able to leave earlier.

III. NEW BUSINESS

- A. P.Z. 05-2008 Double Tree Inn (Ecclestone Organization):** A request for a change of zoning from “C8” Planned Commercial District to “PC” Planned Commercial District for 23.98 acres of land located 1,200 feet west of Swingley Ridge Road and Chesterfield Parkway.

Staff Report

Aimee Nassif, Senior Planner, stated that the reason for the change of zoning is to accommodate the addition of the following uses, which the standard “C8” District does not allow:

- Beauty parlors, spa
- Child care facility

The uses of “Offices” and “Parking areas” were also added because they were not included in the original ordinance with St. Louis County.

The Public Hearing was held on March 24, 2008. At that time only one issue arose requesting that the “Beauty parlor” and “Child care” uses be noted as “Ancillary Uses” in the Attachment A.

Staff recommended the addition of “Cell tower” use in the Attachment A (use h.) to bring it into compliance with the new Cell Tower Ordinance recently passed by City Council. Mr. Mike Geisel, Director of Planning & Public Works, clarified that there are not presently any new cell towers proposed for the site – only existing cell towers.

It was noted that the requested changes do not affect the physical structure of the building – no additions are being made to the building. All the changes will be encompassed within the interior of the building.

Commissioner Durrell pointed out that the Attachment A includes the opportunity for recycling.

DISCUSSION

Cell Towers

Chair Hurt asked if there was any need to address the height of the towers. Mr. Geisel replied that the current Ordinance is satisfactory and Staff sees no need to handle it separately. He pointed out that the City's Public Works Department and Police Department utilize the Double Tree for mounting their communication repeaters.

Planning Commission Report

Commissioner Schenberg stated that the Planning Commission found the uses to be in line with the area and had no problems with the request.

Councilmember Durrell made a motion to forward P.Z. 05-2008 Double Tree Inn (Ecclestone Organization) to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the May 5, 2008 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 05-2008 Double Tree Inn (Ecclestone Organization)].

B. Street Name Change: Chesterfield Airport Road (between Chesterfield Parkway West and Clarkson) to South Outer Forty

Councilmember Nation asked if it would be more appropriate to extend the subject roadway as "Wild Horse Creek Road".

Mr. Geisel replied that the consensus of Staff, the Fire Department, and the State is "South Outer Forty Road" because it parallels, and is comparable to, North Outer Forty on the exact opposite side of Highway 40. He noted that from Chesterfield Parkway West, Wild Horse Creek Road diverges and goes in a more southwesterly direction.

The proposed name change only affects that section of the road between Clarkson Road and Chesterfield Parkway West to South Outer Forty.

Mr. Geisel stated that once this is approved by the Committee, a Notice of Intent to rename the roadway will be published. After the required publication time, any comments received will be forwarded to City Council with the Ordinance to effect the change.

Councilmember Geiger made a motion to forward the Street Name Change to City Council with a recommendation to approve. The motion was seconded by Chair Hurt and passed by a voice vote of 4 to 0.

II. OLD BUSINESS

A. An Ordinance Adopting the Property Maintenance Code of the County of Saint Louis, Missouri, for Inspections Requested by the City of Chesterfield to be Performed by the County of Saint Louis, Missouri

Staff Report

Mr. Geisel stated that at the last Committee meeting, the concept of amending the City's current Services Contract with St. Louis County to supplement the City's Property Maintenance Code was introduced. The City currently uses Ordinance 1932 for Property Maintenance. The City will continue to do those property maintenance inspections as the Staff has been directed to do. Per the direction of this Committee, Staff is beginning to avail itself of some enforcement and abatement options that were not previously used.

Staff, however, has found a few gaps in the City's services. The City currently has no ability to access many of the County's Health Department services. County's ability to provide services to the City of Chesterfield is limited to public health related issues – such as food service, restaurants, and swimming pools. If there is a health-related issue around a resident's home – such as a rodent infestation, sanitary sewer back-up, etc. – the Health Department cannot intervene without the City's authorization via an executed contract for services.

By implementing subsections of the County's Property Maintenance Code, and amending the City's contract with the County, Staff could avail itself of services to which the City currently does not have access.

Photos were distributed of a home showing a "hoarding" incidence, along with unsanitary living conditions. It was pointed out that there are a variety of reasons residents find themselves in such situations – such as financial reasons, substance abuse, neglect, psychological reasons, etc. At this time, the City is unable to offer any assistance for such problems because it does not contract for these types of services with the County. The City does not have access to those advocacy agencies that the County uses in these cases – such as counselors, volunteers, psychiatric agencies, financial support agencies, and advocacy agencies.

In the instance shown in the photographs, County contacted the City offering to intervene to demonstrate the services County can offer. The owner consented to allowing County inside her home and services were provided to alleviate the problem.

If it is a concern, Staff and the County are agreeable to amending the Ordinance to state that no one will enter properties without consent.

It was noted that County cannot provide services within Chesterfield without a contract with the City because it is a jurisdictional issue.

DISCUSSION

Interior Inspections

Referencing the photos that were distributed, Councilmember Geiger asked what the City could, or could not, do in such instances. Mr. Geisel replied that Staff cannot do anything as such services are not provided by the City. Staff cannot enter the building and provide assistance even if the owner gives consent. He further pointed out that Staff does not have the expertise, the resources, or the contacts with the appropriate agencies.

Councilmember Nation questioned why County can't provide services to Chesterfield residents when the residents pay property taxes to the County. Mr. Geisel replied that County is agreeable to providing the services if the City authorizes them to enter into the City. He added that the residents of Chesterfield voted to incorporate and establish a sovereign community, separate and distinct, which would provide its own services. The City does not avail itself of selected County services by choice and the County cannot, therefore, perform those services within the City's municipal boundaries.

Fees for Services

Councilmember Hurt asked if the County assesses a fee for providing such services. Mr. Geisel said fees are charged for particular services, but no budget adjustment or increase in annual appropriation is proposed for this service.

Presentation by St. Louis County

Mr. Geisel introduced representatives from St. Louis County:

- Anthony (Tony) Simpson, Municipal Contract Manager
- Laura Mather, Supervisor – South Office
- Aaron Tossey, Problem Property Specialist with the Problem Properties Unit
- Debbie Grezinski, Resource Coordinator for the Problem Properties Unit

Mr. Tony Simpson stated that the Missouri Constitution allows St. Louis County to contract with municipalities to provide services to municipalities. County cannot provide services to the City unless the City adopts a code and signs a contract with the County allowing the County to provide services. Once a contract is signed, County enforces the code for the City using County's expertise.

Because of the associated costs of enforcing the problem properties aspect of the Property Maintenance Code, it is the only service for which the County charges (\$90/hour) and they feel it is very economical for the services provided.

Mr. Simpson stated that under such a contract, the County is employed by the City of Chesterfield, and the City therefore establishes the parameters of how the City wants the County codes enforced.

Privacy Rights/International Code

Chair Hurt stated that no one is opposed to helping residents experiencing problems. There is concern, however, about invading privacy rights. Mr. Geisel stated that Staff and County are very amenable to amending the enabling ordinance to stipulate that no one will enter a residence without consent of the owner or occupant.

In reviewing the International Code, Chair Hurt noted that there are services that overlap services already being provided by the City. Mr. Geisel stated that Staff is not suggesting repealing Ordinance 1932, which defines the City's existing exterior Property Maintenance Code. The proposed Ordinance clearly states that the City will continue to do its property maintenance inspections as it currently does.

Chair Hurt added that he did not feel that the interior section of the code covers the "hoarding" situation being discussed. It was noted that the code document provided in the meeting packet only portrays the amendments to the code. The entire Property Maintenance Code document is over 200 pages long. There is a section in the Code that does allow inspection in hoarding situations.

Mr. Geisel stated that the City could amend its contract with the County, which would provide access to service agencies to help in problem property situations. In order to provide these services, the City has to adopt the International Property Maintenance Code. County cannot adopt different property maintenance codes for each municipality with whom it contracts. It was noted that County will only inspect at the City's request.

Problem Properties/Entering with Consent Only

Councilmember Durrell stated her desire that a clear distinction be made between a "problem property" and a "bad housekeeping" situation. Mr. Geisel felt that if County can only enter a residence after consent is given, it should alleviate this concern.

Mr. Simpson stated that if a person does not allow access, County would contact the City for further direction. He added that 99% of the time people give their consent because they want assistance.

Ms. Debbie Grezinski stated that County representatives offer assistance to residents – they do not judge. Assistance is provided through volunteers and service agencies, and grant funding is available for dumpsters. The only fees assessed are for the County's hourly rate.

Councilmember Durrell related an incident in unincorporated County where an individual's belongings were removed without his consent. She asked for assurance that this would not happen if the City approves the proposed Ordinance. Mr. Geisel stated that the Ordinance can be amended allowing entry only upon consent.

At the present time, the City can already enter property under the following circumstances:

- With consent
- By court order or search warrant
- When there are exigent circumstances, such as an unsafe condition

Residential Re-Occupancy Inspections/Occupancy Permits

It was noted that the proposed Ordinance specifically excludes Residential Re-Occupancy Inspections.

The City's current code requires Occupancy Permits on new construction and commercial re-occupancy. The code does not provide for re-occupancy permits when a residential structure changes occupants. These procedures will not be changed under the proposed contract with County.

Mayor's Comments

Mayor Nations encouraged the Committee to support the proposed Ordinance noting that the County would only provide services at the request of the City and only with the consent of the owner. (The Mayor left the meeting at this time because of another commitment.)

City Administrator's Comments

City Administrator Mike Herring stated that the County's purpose is to identify problems and assist in correcting them. Their purpose is not to issue citations and fines.

Comments from Kristie Turpin, Resident

Ms. Turpin related an existing condition on her rental property wherein her basement is flooded with sewage. She is not allowed to remove any of her belongings from the basement at this time because it all has to be bacterialized. In making phone calls to both the City and County, it was determined that neither has the authority to address the problem at this time.

Ms. Turpin's situation is not covered under any of the codes in the current contract between the City and County. Had the proposed contract been in place, Mr. Simpson stated that County would have had the authority to (1) issue a citation to the landlord; and (2) request an expedited hearing in the City's court. If the owner did not appear at the Court Hearing, then a bench warrant would be issued. If the owner did show up for the Hearing, he would be instructed to clean up the property. Representatives from County would also be present at the Hearing to ask the Judge to assess a fine to recover the costs of the materials lost. Ideally, the owner would clean up the sewage, would reimburse the resident

for materials lost, and would reimburse the City for the time spent in pursuing this matter. In most situations, the problem is corrected very quickly.

Budget

Commissioner Schenberg questioned whether funds are budgeted for the proposed services. Mr. Geisel replied that funds are budgeted for contractual services, including services with St. Louis County such as vector control. There would be no additional appropriation for these services.

Councilmember Nation did not understand why the City would be assessed a fee for these services when the residents are already paying property taxes to the County. Mr. Geisel stated that there is a rebate that the City receives on the property tax.

Councilmember Nation expressed his concern about voting on the proposed Ordinance until he has a better understanding of the full scope of the contract. He stated he has serious reservations about the appropriateness, or the necessity, of obligating municipal funds for these services.

Ordinance Amendment

Chair Hurt made a motion to amend the proposed Ordinance by adding a new "Section 4" as follows:

Under the terms of this Ordinance, entry to the property will only be upon consent of the owner or occupant.

The motion was seconded by Councilmember Durrell and **passed by a voice vote of 3 to 0 with Councilmember Nation abstaining.**

Based upon Councilmember Nation's concerns, Chair Hurt suggested holding the vote on the proposed Ordinance until the next Committee meeting.

Considering some of the problem properties brought to the Committee's attention, Councilmember Geiger stated he was uncomfortable with not moving the Ordinance forward at this time. He noted that if issues arise in the future, they can be addressed at that time.

Chair Hurt indicated his agreement with moving the Ordinance forward to Council with the stipulation that both readings are not held at the May 5th meeting.

Ms. Grezinski suggested that the Committee contact City officials from Wildwood to get their opinion of the program. City Administrator Herring stated he has spoken to the City Administrator from Wildwood, who is very positive about the program and recommends it without reservation.

Councilmember Geiger made a motion to forward An Ordinance Adopting the Property Maintenance Code of the County of Saint Louis, Missouri, for Inspections Requested by the City of Chesterfield to be Performed by the County of Saint Louis, Missouri, as amended, to City Council with a recommendation to approve with the First Reading only on May 5th and the Second Reading on May 19th. The motion was seconded by Councilmember Durrell and passed by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the May 5, 2008 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on An Ordinance Adopting the Property Maintenance Code of the County of Saint Louis, Missouri, for Inspections Requested by the City of Chesterfield to be Performed by the County of Saint Louis, Missouri].

III. NEW BUSINESS

The Committee agreed to review Agenda Item III.D. next.

D. Size of Plans for Submission – Councilmember Durrell

Councilmember Durrell stated her preference for smaller-sized plans for the meeting packets. She added that small business owners find that the requirement to submit large-sized plans is a big expense for them.

In researching the issue, she found that a smaller-sized plan would be acceptable for the Planning Commission as long as it is legible and is drawn to scale.

Mr. Geisel advised that, in the past, the Planning Commission has specified their desire for full-sized drawings (24"x36") for Site Plans, Site Development Plans, Landscape Plans, etc. The Architectural Review Board accepts 11"x17" plans, or half-size drawings. The smaller-sized plans sacrifice legibility and the ability to differentiate between small dimensions. The Council will need to make the decision on what direction will be taken with respect to plan submittals that go to the Planning Commission and this Committee. He noted that there is the "green component" to consider also.

Mr. Geisel also pointed out that all plan submittals are on the City's website for review.

Chair Hurt and Commissioner Geiger indicated their preference for full-sized plans.

Commissioner Schenberg indicated that small-sized plans are acceptable for him. He suggested having one set of full-sized plans available at City Hall for review - possibly in the Mail Room where everyone would have easy access – or having one computer station with a larger monitor available at City Hall for the review of plans.

Commissioner Durrell made a motion that 36”x48” plans be reduced for meeting packets wherever feasible.

Mr. Geisel expressed concern that leaving such a procedure in a Planner's discretion would create a built-in conflict with the Planning Commission.

Commissioner Schenberg suggested that the Planning Commissioners discuss their preference in a future Work Session meeting.

Mr. Geisel pointed out that there has to be a consistency for the size of plans used for Planning Commission meetings, Committee meetings, and Council meetings because plans are re-used from meeting to meeting whenever possible.

After further discussion, Councilmember Durrell withdrew the above motion.

Councilmember Durrell then made a motion to refer this issue to the Planning Commission for comment. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

C. Subdivision Promotion Signs – Councilmember Nation

Councilmember Nation stated that in Ward IV there are an abundance of subdivision direction signs at Long Road and Wild Horse Creek Road. He noted that Staff has reviewed the relevant ordinances and proposes some recommendations with respect to direction signage.

Councilmember Nation pointed out that neighboring municipalities – Creve Coeur, Wildwood, and Ballwin – do not allow direction signs.

Mr. Geisel reported that there are multiple conflicts in the existing Ordinance and asked that the Committee direct Staff to review the Ordinance to eliminate these conflicts.

He stated that Staff also needs direction on the following:

- Should direction signs be eliminated entirely?
- Should the number of direction signs be reduced?
- Should the size of the signs be standardized?
- Should the spacing of signs be reduced by a particular amount?
- Should direction signs be allowed to extend their time for advertising past the one-year time limit?

Councilmember Nation made a motion directing Staff to review the existing Ordinance to eliminate any conflicts and to prepare a draft Ordinance for the Committee's review. The motion was seconded by Chair Hurt and passed by a voice vote of 4 to 0.

Discussion was held on whether to eliminate off-site direction signs. City Administrator Herring pointed out that the Home Builders Association and the Association of Realtors would probably strongly object to the elimination of these signs.

Because of the use of the internet to find directions to a specific site, Councilmember Nation stated he did not see the need for multiple direction signs. He pointed out that other neighboring municipalities do not allow direction signs.

Councilmember Nation then made a motion asking Staff to provide proposed language that would disallow off-site subdivision direction signs. The motion died due to the lack of a second.

Councilmember Geiger made a motion prohibiting signs in Chesterfield which promote subdivisions in other municipalities.

Chair Hurt felt that prohibiting such signs could be viewed as not being a good neighbor and would encourage neighboring municipalities to disallow signs in their cities that promote subdivisions in Chesterfield. It was pointed out that Ballwin, Creve Coeur, and Wildwood already prohibit such signage in their cities. With that information, Chair Hurt indicated no objection to prohibiting such signage in Chesterfield.

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

Councilmember Nation made a motion to amend the Ordinance to allow no more than one (1) one-year extension beyond the initial permitted period. The motion was seconded by Councilmember Geiger.

Councilmember Durrell pointed out that many subdivisions project a five-year build-out and she expressed concern about cramping a builder's ability to advertise these larger subdivisions. Commissioner Schenberg felt that the City would not want to penalize a homebuilder from selling homes if it takes more than 24 months to sell. Mr. Geisel stated that builders could technically advertise as Plat 1 or Plat 2, which would allow further time for advertising.

The motion to amend the Ordinance passed by a voice vote of 4 to 0.

Discussion was held on whether to reduce the number of direction signs. It was agreed that Staff should review the conflicts in the Ordinance, along with the motions passed this evening, to determine if these measures alone would reduce the number of signs.

E. Selection of Officers and Committee Assignments

- Planning Commission Liaison
- Vice Chair of Planning & Public Works Committee
- Landmarks Preservation Commission
- Board of Adjustment

The Committee agreed on the following Officers and Committee assignments:

- Vice Chair of Planning & Public Works Committee – Councilmember Geiger
- Landmarks Preservation Commission – Councilmember Durrell
- Board of Adjustment – Councilmember Nation

Chair Hurt suggested that the Planning Commission Liaison be shared among the four Committee members on a rotating basis. After further discussion, it was agreed that Chair Hurt would serve in this capacity.

Councilmember Durrell questioned whether the **Historical Commission** had been moved from the Finance & Administration Committee to the Planning & Public Works Committee. Mr. Geisel stated he would check into this. In the event a Councilmember needs to be assigned, it was agreed that Councilmember Durrell would serve in this capacity.

F. Introduction of Staff

Mr. Geisel introduced **Kristine Kelley, Administrative Secretary for the Department of Planning & Public Works**, who will be assisting at future Planning & Public Works Committee meetings.

IV. ADJOURNMENT

The meeting adjourned at 7:30 p.m.