

# I.A.

## MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary  
May 21, 2009

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 21, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Lee Erickson** (Ward II); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: Councilmember Bruce Geiger (Ward II); Maurice L. Hirsch, Jr. Planning Commission Chair; Mike Geisel, Director of Planning & Public Works; City Attorney Rob Heggie; Brian McGownd, Public Works Director/City Engineer; Mindy Mohrman, City Arborist/Urban Forester; Justin Wyse, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 7:00 PM

### I. APPROVAL OF MEETING SUMMARY

A. Approval of the May 7, 2009 Committee Meeting Summary.

**Councilmember Casey made a motion to approve the Meeting Summary of May 7, 2009. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.**

### II. OLD BUSINESS

A. **P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr) – Update:** A request for a change of zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 5.45 acre tract of land located south of Wilson Avenue and east of Clarkson Road (20T240171). The request includes changes to the hours of operation as well as the sign requirements for Clarkson Wilson Centre.

## **STAFF REPORT**

**Justin Wyse, Project Planner**, stated that during the May 7, 2009 Committee meeting Hutkin Development was granted approval to hold the above stated request so they could to try to work out any unresolved issues with the trustees and residents of Clarkson Woods subdivision pertaining to the hours of operation of Kennelwood and Pizza Hut.

In addition Staff was asked to provide language that would restrict outdoor events with amplified or live music in the development. The following language was added:

Section I. Specific Criteria a. Permitted Uses located on Page 2 of Attachment A:

- 2.c. No amplified or live music is permitted outside of enclosed structures.
- 2.d. All other outdoor special activities or events are permitted between the hours of 11:00 AM and 9:00 PM.
- 2.e. All outdoor special activities or events shall be in accordance with all regulations of the City Code.

## **Parking**

Staff reviewed parking on the site and has determined that the development currently meets all parking requirements.

## **DISCUSSION**

### **Petitioner:**

1. **Mr. Steve Kling, Attorney for the Petitioner**, began by thanking the Committee for allowing them a two-week extension. During that time a meeting was held May 14, 2009 to allow the trustees and residents of Clarkson Woods and Clarkson Woods South to negotiate the terms pertaining to Clarkson Wilson Centre. A letter provided to the Committee outlines the items that were discussed during that meeting. The letter outlined the following;
  - Pizza Hut hours of operation – The hours of operation will not be extended beyond 11:00 PM seven days a week which will be effective immediately.
  - Kennelwood hours of operation – The residents have agreed to allow the early morning drop-off program at 6:15 AM one day a week.
  - Additional trees to be installed along the property line between the Centre and Clarkson Woods subdivision.
  - Hutkin Development has agreed to cut the grass based upon approval by the property owner.
  - Complete approval by the trustees of both Clarkson Woods and Clarkson Woods South. Ms. Nancy Minster, Clarkson Woods resident, did not oppose allowing a “once-a-year” special event, but feels it needs to be strictly regulated by the City.

## **Special Events**

**Councilmember Flachsbart** asked whether there is a precedent in place to allow tenants to hold special events such as charities and barbecues. City Attorney Heggie stated that tenants can apply for a "Special Activities Permit" which outlines the conditions pertaining to that event. Staff will review the application to make sure it conforms to the regulations and if it does not, the application will be denied.

Mr. Geisel made a recommendation that the development be limited to the number of special activities to be permitted per year.

## **Resident Comments:**

1. Mr. Rich Kastel, Clarkson Woods North Trustee commented on how the band noise came into fruition noting that for years it was basically done during Cinco-de-Mayo. However, it has now become a continual problem of every weekend. He feels that Salina's has taken advantage of the situation and it needs to be under control.

After considerable discussion, the trustees and residents agreed to allow one special activity within the development per year upon approval by Staff. The Code Enforcement Inspectors and the Police Department can and will impose violations if the development is not in concurrence with the new restrictions.

## **Motion #1**

**Councilmember Flachsbart** made a motion to forward **P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr)** to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey.

## **Motion #2**

**Councilmember Flachsbart** amended the motion to permit the existing veterinary hospital/clinic/kennel located at 4 Clarkson Wilson Centre to commence operation of business at 6:15 a.m. one day each week. This exception to the above-referenced hours of operation is specific to the current tenant at the approval of this ordinance and is not transferable to future tenants. The motion was seconded by Councilmember Casey and **passed** by a voice vote of 4 to 0.

## **Motion #3**

**Councilmember Flachsbart** then made a motion to prohibit amplified or live music or audio outside of enclosed structures except as permitted by the Director of Planning and Public Works once a year pursuant to a special activities permit granted by the City after notice to residents and trustees with the applicant being the land owner. The motion was seconded by Councilmember Casey.

### Discussion on the Motion

**Councilmember Erickson** is in opposition of only allowing a once-a-year special activity for the entire development. He stated he will be voting no.

*The motion passed by a voice vote of 3 to 1 with Councilmember Erickson voting no.*

#### Motion #4

**Councilmember Flachsbart** then made a motion that all other outdoor special activities or events are permitted between the hours of 11 AM and 9 PM with a special activities permit with the applicant being the land owner. The motion was seconded by Councilmember Casey. The motion passed by a voice vote of 4 to 0.

#### Motion #5

**Councilmember Flachsbart** then made a motion that all outdoor special activities or events shall be in accordance with all regulations of the City Code. The motion was seconded by Councilmember Casey. The motion passed by a voice vote of 4 to 0.

*The motion to approve P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr) as amended, passed by a voice vote of 4 to 0.*

Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the June 1, 2009 City Council Meeting.  
See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works on P.Z. 17-2008 Clarkson Wilson Centre (2 Clarkson Wilson Ctr)].

### **III. NEW BUSINESS**

- A. **Street Tree Update** – Residential Street Tree Program, Tree Removals and T.R.I.M. Grant.

#### **STAFF REPORT**

**Brian McGownd, Public Works Director/City Engineer**, stated that the program was approved by City Council in the fall of 2008 and has shown considerable success and the residents are pleased with the results. There are three separate topics all related to street trees, which include the following;

#### **The Residential Street Tree Program**

Per an attached memo prepared by Mindy Mohrman, City Arborist/Urban Forester, the program has successfully resulted in two planting projects so far, one in the fall of 2008

and one in the spring of 2009. We are currently collecting applications for future projects, so the fall 2008 numbers reflect what we have collected so far. The results of these projects are as follows:

Year	Total Number of Applications	Approved	Denied	Total Number of Trees Planted	Project Cost	Total Cost to the City *
2008	14	12	2	14	\$2,290	\$890.00
2009 spr	18	18	0	28	\$4,750	\$1,950
2009 fall	14	14	0	22	XX	XX

Although the number of applications received is lower than anticipated, we fully expect to receive more applications as property owners become aware of the program. We continue to include articles in the newsletter about the program, and our website contains program information. The residents contribute \$100 per tree, and choose from the City's Street Tree List to have a tree planted in an appropriate space.

### **Additional Advertising**

**Ms. Mohrman** stated that when a tree is removed the street crew usually leaves a letter with the homeowner indicating that a tree has been removed and the stump is ground out. She recommends that information be included in that letter pertaining to the Street Tree Program.

### **Tree Removals**

Year	Contracted Removals	In-House Removals	Total Removals	Total Cost of Contracted Removals **	In-House Man Hours Expended
2008	116	260	376	\$99,300.00	1065
2009*	72	75	147	\$51,700.00	571

The number of tree removals has been increasing over the last few years, and we fully anticipate this trend to continue and to accelerate. The primary reason for this increase is simply due to the age of the street trees. As the trees age, they become more susceptible to damage caused by disease, storms and insects. The 2009 budget contains \$100,000 in account no. 001-072-5251 for tree and stump removal.

Since May 12, 2009 there have been an additional 125 and 150 trees along with 50 to 75 stumps that have been identified and need to be removed. There is a tremendous amount of trees that are declining.

## **DISCUSSION**

**Councilmember Erickson** recently spoke with the trustees of Shenandoah subdivision and they were willing to take it upon themselves to notify the residents of the program and identify the trees that need to be replaced. Mr. Geisel recommended that those residents submit a list of locations and a complete inspection will be performed.

**Councilmember Geiger** stated that an inspection was performed in the Bridlecreek subdivision and 92 trees were identified that are dead and need to be removed. He also identified numerous dead trees throughout several other subdivisions and suggests a thorough inventory of dead trees throughout the City. He does not feel the current budget will cover the cost for the additional tree removal.

#### **Motion #1**

**Councilmember Flachsbart** made a motion to amend the 2009 Budget by transferring \$100,000 from General Fund – Fund Reserves to the Miscellaneous Contractual Account No. 001-072-5251, which would be used for tree and stump removal. The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 4 to 0.

#### **Motion #2**

**Councilmember Flachsbart** then made a motion to direct Staff to develop a policy regarding street tree removal to state that dead, dying, and diseased trees, or trees that impose a hazard, will be prioritized and scheduled for removal. The motion was seconded by Chair Fults. The motion **passed** by a voice vote 4 to 0.

#### **T.R.I.M Grant**

Staff recommends that the City apply for a T.R.I.M grant for the development of a street tree inventory. An inventory would assist us in effectively managing our street trees. The inventory would also allow us to budget and plan removals, schedule tree maintenance, and increase species diversity, which will provide for healthier urban forest.

The grant is in the amount of \$10,000 and a minimum local match of 25% or \$2,500 is required. It is anticipated that a full street tree inventory of the entire city will cost approximately \$67,500. Mr. McGownd stated that Staff has determined that the inventory is very important, and rather than phase the inventory over a period of time, it is recommended to complete the inventory for the entire City at one time. He said this can be accomplished by utilizing the grant funds along with excess funds that will be available in the Residential Street Tree Program account no. 001-072-5242. He said that since this account is in the same division within the approved 2009 budget as the Miscellaneous Contractual account no. 001-072-5252, Staff can authorize the necessary transfer of funds between accounts.

#### **Motion #3**

**Councilmember Flachsbart** made a motion to direct Staff to submit a T.R.I.M. grant application for the development of a street tree inventory, and to concur with Staff transferring the necessary funds from the Residential Street Tree Program account no. 001-072-5242 to the Miscellaneous Contractual account no. 001-072-5251 in order to fund an inventory that will cover the entire City. The motion was seconded by Councilmember Casey and **passed** by a voice vote of 4 to 0.

**[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Budget Amendment – Street Tree Removals and City Council Policy – Street Tree Removals].**

**B. Street Name Change - Longwood View Ct. & Woodland View Lane to Fick Farm Road**

**STAFF REPORT**

**Brian McGownd, Public Works Director/City Engineer**, stated that for reasons unknown, in the early 1990's when Riverscene Estates and Wild Horse Heights was under development, there was some confusion regarding the names of the streets within the two developments. Fick Farm Road which was created as part of the Riverscene Estates subdivision tied into Longwood View Court and Woodland View Lane which were created by the Wild Horse Heights subdivision. What appears to be one street actually has three different names.

Over several years, several parcels platted in Wild Horse Heights had one address located on either Longwood View Court and Woodland View Lane, while the St. Louis County Department of Revenue listed these same parcels with an address on Fick Farm Road.

In order to finally correct the situation, it was necessary to change the name of both Longwood View Court and Woodland View Lane to Fick Farm Road. Letters were sent to the seven property owners affected by this and they have all consented to the name change.

The Committee had no issues with renaming the street to Fick Farm Road.

Mr. McGownd stated that a resolution will be presented to City Council for their consideration. Once the resolution is approved, it will be published for one week in a local newspaper. If after four weeks from the date of publication no protest has been filed with the City Clerk, an ordinance to change the name of the streets will be presented to City Council for their consideration.

**Councilmember Flachsbart made a motion to approve the Street Name Change – Longwood View Court & Woodland View Lane to Fick Farm Road and to forward to City Council with a recommendation to approve.** The motion was seconded by **Chair Fults** and **passed** by a voice vote of 4 to 0.

**Note: One resolution, as recommended by Planning & Public Works Committee, will be needed for the June 1, 2009 City Council Meeting.**

**[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Street Name Change – Longwood View Court & Woodland View Lane to Fick Farm Road].**

**C. Stormwater Pump Station No. 6 Thru-Levee/Gravity Outfall Structure**  
- Design Contract Amendment

**STAFF REPORT**

**Brian McGownd, Public Works Director/City Engineer**, stated that City Council previously approved a contract with Horner & Shifrin for professional services related to the engineering design and construction observation for the above reference project. In addition they also approved a contract for the construction of this project, which will begin next month.

The original professional services contract provide for construction observation during the duration of construction, which was assumed to be four months. The schedule submitted by the contractor indicates construction duration of six months. This will require additional construction observation, time for construction document preparation and review, and additional coordination with the various agencies involved.

Horner & Shifrin expended additional time and effort above and beyond the original scope of the contract on coordination with the Corp of Engineers regarding their Baxter Road Flood Protection Project, which is immediately adjacent to our project. Additional effort was also spent during the bidding phase of the project.

Staff has thoroughly reviewed the contract amendment, negotiated the additional hours required, and is in full agreement with the terms of the amendment.

The Committee had no issues with the contract amendment with Horner & Shifrin.

**Councilmember Casey made a motion to approve a contract amendment with Horner & Shifrin in the amount not to exceed \$67,100 for additional professional services related to the Stormwater Pump Station No. 6 Thru-Levee/Gravity Outfall Structure project which will be funded by the TIF Special Projects Fund.** The motion was seconded by Councilmember Erickson and **passed** by a voice vote of **4 to 0**.

**[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Stormwater Pump Station No. 6 Thru-Levee/Gravity Outfall Structure – Design Contract Amendment].**

**IV. ADJOURNMENT**

The meeting adjourned at 8:19 p.m.