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MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning, Public Works and Parks

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 24, 2012

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 24, 2012 in Conference Room 101

In attendance were: **Chair Randy Logan** (Ward III); **Councilmember Matt Segal** (Ward I); **Councilmember G. Elliott Grissom** (Ward II); and **Councilmember Connie Fults** (Ward III).

Also in attendance were: Mayor Bruce Geiger; Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; Kristian Corbin, Project Planner; and Kristine Kelley, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the May 10, 2012 Committee Meeting Summary.

Councilmember Grissom made a motion to approve the Meeting Summary of May 10, 2012. The motion was seconded by Councilmember Segal and **passed** by a voice vote of 4 – 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. **P.Z. 04-2012 318 N. Eatherton Road:** A request for a zoning map amendment from “NU” Non-Urban District to “PI” Planned Industrial District for a 1.049 acre tract of land located ¼ mile southeast of the intersection of Wings Corporate Drive and North Eatherton Road (18W410026).

STAFF REPORT

Kristian Corbin, Project Planner gave a PowerPoint presentation showing the site and the surrounding area. Mr. Corbin stated the following:

The purpose of this request is to allow for the use of the land to store materials and equipment for a landscaping business. The applicant requested two (2) uses which are:

- Cultivation and sale of plant crops, commercial vegetable and flower gardening as well as plant nurseries and greenhouses.
- Yard for storage of contractors' equipment, materials and supplies.

The subject site is surrounded by compatible zoning districts. The site is surrounded by "NU" Non-Urban District to the north and east. Spirit of St. Louis Airpark reaches the site to the south and is zoned "M3" Planned Industrial District. The City of Wildwood is to the west. The City of Chesterfield Comprehensive Plan designates this area as Industrial Low Intensity. The proposed uses are compatible with the Comprehensive Plan and the developments along Eatherton Road.

Mr. Corbin went on to say that there will be only one (1) access point to the site on the northern corner. A proposed structure and the proposed parking area are allocated to the southern portion of the site. All the development requirements are listed in the Attachment A.

A Public Hearing was held on April 23, 2012. At the May 14, 2012 Planning Commission meeting, a recommendation for approval of the above-referenced matter was approved by a vote of 8-0.

Although Planning Chair Nolan was unable to attend, it was indicated to Chair Logan that there were no issues brought forth to the Planning Commission relative to the request.

DISCUSSION

Screening

Councilmember Fults expressed her concerns that the outdoor storage facility will be visible from Eatherton Road and the City may want it screened at some future time. She added that language was included in a nearby "PI" Planned Industrial District that screening was to be required at the Planning Commission's discretion. The Petitioner did not have any issues with providing screening but added that at the present time only trees are being stored.

Mr. Corbin then recommended the following language be included in the Attachment A:

All areas used for outdoor storage will be screened as approved by the Planning Commission.

Councilmember Fults made a motion to forward P.Z. 04-2012 318 N. Eatherton Road to City Council with a recommendation to approve with a Green Sheet Amendment to include the following language:

All areas used for outdoor storage will be screened as approved by the Planning Commission

The motion was seconded by Councilmember Grissom and **passed** by a voice vote of **4 – 0**.

Note: One Bill, as recommended by the Planning & Public Works Committee with a Green Sheet Amendment, will be needed for the June 4, 2012 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. 04-2012 318 N. Eatherton Road].

B. Wetland Mitigation Permits

STAFF REPORT

Mike Geisel, Director of Planning, Public Works and Parks provided the following information regarding Wetland Mitigation Permits:

In the early 1990's then President George H. W. Bush had issued a "no net loss" policy for America's wetlands. As a result, prior to the great flood of 1993, environmental permitting associated with development in Chesterfield Valley had come to a standstill.

The City then experienced the flood of 1993 followed by a need to improve the levee. Because the Levee District was going to need a lot of dirt for these improvements, the City coordinated with the Monarch Chesterfield Levee District to permit impacts to the identified wetlands within Chesterfield Valley through the Corps of Engineers and concurrently create a wetland mitigation bank in conjunction with the borrow of earthen materials used for levee improvements.

Consequently 43 acres of wetlands were built behind the Athletic Complex; and another 120 acres behind Taubman were turned into wetlands and include a 30-acre lake.

Ordinance #1386 was passed in April, 1998, which officially established the City's wetland mitigation bank, and directed proceeds to be deposited into the Wetlands Fund to offset the costs of development and administration of establishing the area wide wetland permit. Developers were now able to deposit the sum of \$25,000 directly to the City of Chesterfield for each acre of wetland mitigation required from impacts of their development activities. It should be recognized that such practice continues, and development ordinances routinely include requirements that petitioners reimburse the City for wetland mitigation on their site. As a current example, the ordinance governing the Blue Valley development requires that they reimburse the City in excess of \$77,000 for wetland impacts. To date, the City of Chesterfield has received in excess of

\$730,000 in wetland mitigation funds from land owners impacting wetlands. In addition, the TIF Special Project accounts have a current balance in excess of \$930,000.

It was noted that the wetland area behind Taubman's has not performed up to expectations. During the past five years, the Public Works Staff has been working towards satisfying the Corps' requirements. During this time, the Corps has extended the City's permit four times, the last of which includes specific deadlines. As a result, Staff has been negotiating with MITICO, a local company which finds land that can be converted to wetland mitigation areas. MITICO has negotiated a contingent contract with a private land owner which will ultimately meet the City's 60 acre wetland mitigation permit deficit at a cost of \$18,000 per acre, or a total cost of \$1,080,000.

Staff recommends and requests that the City contract with MITICO in an amount not to exceed \$1,080,000, for the purpose of meeting the remaining wetland mitigation permit requirements, funded through the Special Projects Fund, including a temporary transfer of \$250,000 from the General Fund – Fund Reserve which will be reimbursed as funds are received from the existing reimbursement agreements and wetland mitigation deposits.

Concurrently, in conjunction with the City's efforts to resolve the remaining wetland permit obligations, the City has formally requested that the Monarch-Chesterfield Levee District transfer title to the land which has been heretofore described as Wetland Mitigation Area Two, for inclusion and incorporation into the City's parks system. This would result in more than 100 acres of protected habitat as well as to provide a fishing lake for our residents. This is the area between the Monarch-Chesterfield Levee and the Agricultural levee, north of the current Taubman Premium Outlet Mall Proposal. It was noted that this land will be provided to the City at no cost. But the City will have to survey the property and the Levee District will reserve easements in order to access the levee.

DISCUSSION

Councilmember Grissom asked what the City receives from MITICO for the cost of \$18,000/acre. Mr. Geisel replied that MITICO has a contingent contract with a private land owner in Labadie who will allow a conservation easement to be placed upon the property that restricts the use – the City will not own the property but will receive credit for it as a wetlands area. The property will be dammed off and the drainage changed so it impounds water frequently. The \$18,000/acre includes the purchase of the easement from the land owner, grading of the property, wetland plantings, monitoring the site over the next five years with reports to the Corps of Engineers, and a financial assurance that it will work. It was noted that the land owner will retain title to the land but the City owns the credits for creating the wetlands. In order to get credits, the converted wetlands must be in the Missouri water shed – not necessarily within the City limits.

Mr. Geisel then explained that the City's original permit covered almost the entire Valley. Once the Corps of Engineers signs off on the permit, the City will have met all its wetland mitigation requirements. As it is developed, everything in the Valley will have access to these credits. If wetlands are disturbed through development, the developer

will be obligated to buy credits from the City. According to the City's permit, and as far as the Corps is concerned, the wetlands in the Valley no longer exist.

Councilmember Fults made a motion to contract with MITICO in an amount not to exceed \$1,080,000, for the purpose of meeting the remaining wetland mitigation permit requirements, funded through the Special Projects Fund, including a temporary transfer of \$250,000 from the General Fund – Fund Reserve which will be reimbursed as funds are received from the existing reimbursement agreements and wetland mitigation deposits and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grissom.

Discussion on the Motion

Chair Logan asked how much of the City's assets shown on the City's balance sheet are receivables that are forward-funding of projects, or items that have reimbursement agreements on them vs. cash on hand. Mr. Geisel indicated that this is the only such project. He added that the City does accept Special Cash Escrows for new subdivisions but this cash is viewed as a liability because it is owed once the improvements are constructed.

The motion then passed by a voice vote of 4 - 0.

Note: This requires a voice vote at the June 4, 2012 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning, Public Works and Parks for additional information on Wetland Mitigation Permits].

IV. PROJECT UPDATES

Mike Geisel, Director of Planning, Public Works and Parks, presenting on behalf of Ms. Aimee Nassif, explained that as part of a new project notification process, Staff has compiled a brief PowerPoint presentation on the following:

Ward 1 – New Projects:

- Friendship Village of West County
 - 30-unit new independent living addition
 - New parking area
 - Three (3) new villas along Olive Boulevard
- Chesterfield Village NW Quadrant
 - Ordinance amendment request

Ward 2 – New Projects:

- Church of the Resurrection
 - Site improvements including new parking area
 - 300 foot addition to the rear of the existing structure
- Mercy Medical
 - Proposed Medical campus

Ward 2 – Pre-application Meetings:

- Congregation Kol-Am
 - Potential new user – Stages St. Louis
- Justus Pointe
 - One (1) new 4-unit Condominium and four (4) attached Villas
 - Site Plan review only

Ward 4 – Pre-application Meetings:

- Chesterfield Senior Living
- Chesterfield Valley Professional Office Building
 - Ordinance amendment for new medical user.

Ward 4 – New Projects:

- Scott Properties recently purchased Lynch Hummer building.
 - Amending the site plan for outdoor storage.
- Windsor Crossing Community Church
 - Amended site plan for a new 25,000 addition to the existing building.
- Long Road Dental
 - Applying for additional use to lease 1,500 additional space to allow clock repair
- Wendy's
 - New fast food restaurant located on Chesterfield Airport Road near Valvoline and Villa Farotto
- Spirit Valley Business Park
 - 10,000 square foot office warehouse building

There was considerable discussion relative to each project.

Long Road Construction

Mr. Geisel then provided a progress update of the Long Road Construction project. He added that road closure signs will be adequately posted.

V. OTHER

VI. ADJOURNMENT

The meeting adjourned at 6:45 p.m.