

Memorandum Department of Public Services



TO: Planning and Public Works Committee

FROM: Aimee E. Nassif, Planning and Development Services Director

DATE: July 20, 2015

RE: Review of City Policy pertaining to Ordinance Amendment Process for Planned District Ordinances

Cc: Mike Geisel, Director of Public Services

During a recent, routine policy review, the Planning and Development Services Staff identified a policy which had been formally adopted by City Council, but had not been recorded in the City's Policy Manual, nor had it been incorporated into our formal development review process. Accordingly, this memorandum is intended to fully describe the policy and its impacts, such that City Council can provide current direction relative to this policy and whether or not it should be fully implemented. Specifically, this policy provides a slightly expedited process for managing routine text amendments to existing site specific zoning ordinances, which have been reviewed by the Planning Commission and where they have received a 3/4th majority vote.

Attached is an excerpt from the meeting minutes of the June 16, 1995 City Council meeting. At this meeting the Council approved a recommendation from the Planning and Zoning Committee (now the Planning and Public Works Committee) for a new policy that would allow ordinance amendments which receive a unanimous vote (whether to approve or deny a request) to move directly from the Planning Commission to City Council, without review by the PZ Committee. However, in any individual case, a Councilmember could request the petition be referred to the PZ Committee (now known as the Planning and Public Works Committee) prior to City Council action. Please note that this originally was something that any Councilmember could call for, not simply a Councilperson in the ward in which the project was located.

City Council determined, for the purpose of this policy, that the vote needed to bypass PZ Committee would be a ¾ vote of those Planning Commissioners present at

the meeting, with a minimum of 5 majority votes (whether for approval or denial) taken. Council also retained the ability for a Councilmember to refer the petition to PZ Committee prior to the Council meeting.

By a vote of 6-1, the Council approved the policy, which allows an ordinance amendment petition which receives a 3/4ths majority vote from the Planning Commission to proceed directly to City Council without further review by the Planning and Zoning Committee (subsequently renamed to the Planning and Public Works Committee).

While the City Council adopted this policy to create an expedited procedure, no formal policy document was incorporated into the City's policy manual and has not, to Staff's knowledge, ever been implemented. Inasmuch as this is a substantial deviation from current practices, it would be prudent to request that City Council review and affirm their intent relative to this prior adopted policy. ***I am recommending that the PPW Committee reaffirm this policy directive and a formal City Policy be executed.*** The impact of this would be a more efficient process for property owners seeking text amendments to existing planned district ordinances, while retaining City Council's ability to review petitions of concern in Council Committee. If affirmed by City Council, the formal policy document would be executed and inserted into the City's Policy Manual. The Planning and Development Services Staff would immediately implement the procedures to incorporate this expediting process of routine text amendments. To be clear, this policy does not pertain to zoning map amendments (rezonings or changes of zoning districts), only amendments to an existing ordinance.

The majority of the City's zoning districts are planned districts which consist of a Site Specific Ordinance with negotiated terms and conditions for land use and development requirements. Any change to an item within the development agreement requires a new public hearing and vote by the Planning Commission, then review by the PPW Committee and then it is forwarded to the City Council for two separate readings. Due to meeting schedules and State Statute requirements regulating the public hearing processes, an ordinance amendment typically takes 3-5 months to complete. **The process for both a change of zoning and ordinance amendment are currently the same even though ordinance amendments can be minor.**

Currently, there are over **170** non-residential subdivisions located throughout the City; the majority of which (**approximately 150**) are zoned to a planned commercial or planned industrial district. As shopping trends and industry standards change, the needs of property owners and landlords change frequently, thereby requiring ordinance amendments to their planned district ordinances to accommodate new tenants, trends, expansions, etc. Additionally, office and commercial developments looking to expand or grow their businesses oftentimes find themselves needing an ordinance amendment to adjust a lot line or amend a setback.

When the zoning is already in place and the site already built out; having a more streamlined process for simple text amendments is beneficial to both the City and property owners. The time that would be saved by the ability to bypass PPW Committee could mean the difference between a new tenant choosing to relocate their business in Chesterfield or not. While existing infrastructure, housing, demographics and identified market needs are all recognized drivers for economic development; the time it takes to obtain zoning or necessary ordinance amendments for potential development sites is just as critical to their decision to invest in a community. **The possibility of bypassing PPW Committee for certain qualified ordinance amendments would save a property owner anywhere from 2-4 weeks.**

There are several examples of ordinance amendment projects which would have qualified for this streamlined process. Most recently was PZ 17-2014 Steve Wallace Development. This project was a request for an ordinance amendment to amend the permitted uses and received a 7-0 recommendation to approve from the Planning Commission on 3/9/15. This project was then forwarded to a special meeting of the PPW Committee on 3/16/15 so that first reading could occur that same evening at City Council. Second reading was then held on 4/22/15.

Another example was PZ 02-2014 Herman Stemme Office Park. This ordinance amendment request was to amend existing structure setbacks to accommodate a new office building. This was recommended for approval at the Planning Commission on 3/24/15 by a vote of 9-0. It was then forwarded to the PPW Committee on 4/24/15 and subsequently to City Council on 5/5/14 (5/19 for second reading). If this project had been able to bypass PPW, it could have had second reading on 5/5/15.

I am recommending that the previously approved Council Policy providing for an expedited process for text amendments, ***which do not result in substantial and/or significant changes to the existing site specific ordinance***, be reviewed and affirmed by the Planning and Public Works Committee and subsequently forwarded to City Council for re-affirmation and implementation. The determination of whether or not the changes meet these criteria for expedited process would be made by the Planning and Development Services Director. However, the ability for power of review by the Council in that particular ward is available.

To reiterate, this policy pertains only to ordinance amendments; not zoning map amendments or changes in zoning. While the 1995 meeting minutes stated that any Councilperson could call for review of the project, Staff has drafted the attached policy for your consideration utilizing the same power of review procedure currently found in City Code. This allows the City Council in the ward in which the project is located the ability to refer the matter to PPW Committee prior to City Council review if desired. Attached to this report is a draft City policy which I have prepared for the Committee's consideration.

Attachments

1. City Council meeting minutes from June 16, 1995
2. Email from prior Planning Director Jerry Duepner to Staff
3. Draft City Council Policy

**CITY OF CHESTERFIELD
POLICY STATEMENT**

CITY COUNCIL		NO.	XX
SUBJECT	Development Process for Ordinance Amendments in Planned Districts	INDEX	CC
DATE ISSUED		DATE REVISED	

POLICY

Amendments to existing planned district ordinances which receive a 3/4ths majority vote of the Planning Commission, with the majority vote consisting of not less than five votes, whether for approval or denial of the petition, will be forwarded directly to City Council for review and action.

Either Councilperson in the ward in which the subject property is located may refer the petition back to the Planning and Public Works Committee by notifying the Planning and Development Services Director within 24 hours after action by the Planning Commission.

This expedited process is only available and provided to text amendments which do not result in significant and/or substantial changes to the existing site specific ordinance as determined by the Planning and Development Services Director; and shall not be used for any requests for change in zoning classification or zoning map amendments.

RECOMMENDED BY:

_____	_____
Department Head/Council Committee (if applicable)	Date

APPROVED BY:

_____	_____
City Administrator	Date

_____	_____
City Council (if applicable)	Date

Table of Contents

Planning Policies

1. **Bill No. 27/Ord No. 27** – Ordinance establishing the Planning & Zoning Commission for the City of Chesterfield; including the number, qualifications and appointment of its members; and its powers and duties. Dated June 1, 1988
2. **Agenda – Projects must be in compliance** – No item should be placed on the agenda unless the project is in compliance. Dated March 25, 1991
3. **Architectural Review Criteria** – Require that rear elevations of residential homes be submitted for approval, in addition to the front elevations, when the architectural elevations are submitted for review. Dated March 25, 1992
- 3A. **Procedure for the Placement of Site Plans and Plats on Planning Commission Agenda** – Must be submitted to Department no later than 17 calendar days prior to a Planning Commission Meeting. Dated December 18, 1992
4. **Public Hearing Notification Requirements** – Notices to be sent to subdivision Trustees within 1 mile radius of the petition site. Dated June 14, 1994
5. **Resolution approving amendments to the Comprehensive Plan regarding 'Residential Development and Support Services'**. Dated October 10, 1994
6. **Items going directly from Planning Commission to City Council** – Ordinance amendments, rezoning, and special procedures recommended by a vote of $\frac{3}{4}$ of those present, with a minimum of 5 votes, by the Planning Commission to go directly to City Council, bypassing the P&Z Committee. Also enables any Councilmember to request that items be referred to the P&Z Committee. Dated June 21, 1995
7. **Bill No. 1426/Ord No. 1298** – Ordinance amending provisions of code section No. 27, as previously amended by Ordinance No. 1188, which pertain to the composition of the City Planning Commission (10 voting members – 9 citizen members and the city engineer) Dated August 18, 1997

8. **Architectural Advisory Board** – Recommends that the Mayor appoint a Board by the name of “The Architectural Advisory Board” to the Planning Commission. Dated February 9, 1998
9. **Bill No. 1593/Ord No. 1441** – Ordinance amending Ordinance No. 1298 of the City of Chesterfield relative to the number of members and the qualifications thereof for the Planning Commission (removes City Engineer as voting member) Dated August 17, 1998
10. **Preferential Treatment/Conflicts of Interest** - Letter from Mayor Nancy Greenwood to Planning Commission Dated December 15, 1998
11. **Delivery of Planning Commission Packets** – Packets are not to be delivered by courier. Dated March 9, 1999
12. **Reading of Re-zoning Ordinances** – There shall be only one reading at each City Council meeting when considering re-zoning ordinances. Dated June 14, 2000
13. **Amendment to By-Laws to change the order of the agenda** – ‘Site Plans, Building Elevations, and Signs’ will follow ‘Public Comment’. Dated July 24, 2000
14. **Planning & Zoning Committee Amendments and/or Changes to Legislation** – Amendments to be listed on a piece of different colored paper, attached to the Planning Commission version of the legislation and then forwarded to the City Administrator. Dated March 11, 2002
15. **Submission of information to be reviewed after packet pick-up** – It is up to the Commission’s discretion to determine if new information will be considered the night of the meeting. Dated April 28, 2003
16. **Meetings on Developments** – The Director of Planning or his/her designee shall attend these meetings with the Planning Commission member. Dated March 8, 2004
17. **Submittal Information to Planning Commission** – Relates to information challenging the content of any item on the agenda. Dated April 2, 2004
18. **Elevations** – Shall be colored and reflect all sides of the structure. Dated May 26, 2004
19. **Cross Sections** – Both horizontal and vertical views must be on the same scale. Dated May 26, 2004

20. **Committee Reports** – Chairs of each Committee are responsible for presenting reports to the meeting of the whole. Dated May 26, 2004
21. **Departmental Requests** – Commissioners should raise substantial issues at a meeting of the whole for the public record. Other issues or corrections are to be sent to the Director who will forward them to Staff. Dated May 26, 2004
22. **Discussion during Project Presentation** – Formal and informal discussions will be held by Commissioners amongst themselves after a project has been presented by Staff at a Planning Commission meeting. Dated May 26, 2004
23. **Ordinance Amendments that do not require Public Hearings** – If no issues are raised, a vote may occur the same night as presented. Dated May 26, 2004
24. **City Council Amendments** – Outlines the colored sheets to be used for amendments Dated July 1, 2004
25. **Development Comments from Howard Bend Levee District** – Levee District may review and provide comments on all development petitions that may drain into the Levee District. Dated August 19, 2004
26. **Adjusting Planning Commission Terms** – Procedure to correct Planning Commissioners from the same ward having their appointments expire in the same year. Dated June 2008
27. **All Ordinance Amendments shall require a Public Hearing** - Resolution Dated February 12, 2007

Councilmember Hilbert announced that the next meeting of this Committee has been scheduled for June 29, 1995, at 6:30 P.M.

Planning and Zoning

Councilmember Ed Levinson, Chairperson of the Planning and Zoning Committee, reported that Bill #'s 1084 - 1088 will be considered for adoption under the Legislation portion of the agenda. Discussion ensued with regard to Bill #1088, P.Z. 5-95, McDonald's Corporation. A motion was made by Councilmember Cullen, seconded by Councilmember Hilbert, to amend Bill #1088 to change the closing time from Sunday through Thursday to 10:30 P.M. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

- * Councilmember Levinson next reported that the Committee voted to recommend approval of a policy such that amendments to existing ordinances and petitions considered by the Planning Commission and either approved or denied by a unanimous vote should be forwarded directly to City Council, but that any Councilmember may, prior to City Council action, request the matter be referred back to the Planning and Zoning Committee. The Department is to advise the Councilmembers within the Ward where the project is located as to items being forwarded to the Council from the Planning Commission by a unanimous vote. It was noted that if the process does not work, changes could be made. In the Work Session, Council further clarified the policy by stating that a the vote of the Planning Commission required for this process to occur is 3/4 votes of those members present, with a minimum of five (5) votes before an amendment to an existing ordinance or petition could be forwarded to City Council directly, by-passing the Planning and Zoning Committee. On a motion by Councilmember Cullen, seconded by Councilmember Hilbert, this proposed policy was approved by a vote of 6 - 1, with Councilmember Flachsbart voting "No".

Councilmember Levinson next reported that Resolution #186 provides for the destruction of microfilmed files within the Planning Department. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to adopt Resolution #186. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for July 6, 1995, at 5:00 P.M.

Public Works/Parks

Councilmember Alan Politte, Chairperson of the Public Works/Parks Committee, reported that Bill #'s 1074, 1078 - 1083 will be considered for adoption under the Legislation portion of the agenda. Councilmember Politte stated that passage of Bill #1078 would approve a contract with Booker Associates for the next phase of the Chesterfield Valley Special Area Management Plan. This phase of the project will cost \$307,000. Upon adoption of Bill #1078, action will need to be taken to transfer \$307,000 from the \$1,000,000 escrow account set aside for Chesterfield Valley improvements. In addition, Councilmember Politte moved to amend Bill #1083 to state that the nine-member Commission could not include elected officials nor paid City Staff. The motion was seconded by Councilmember Levinson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was then made by Councilmember Cullen, seconded by Councilmember Politte, to delete the word

Sandy
Gov PC Inty
Bop

From: Jerry Duepner
To: PLANNING
Date: 6/21/95 8:14am
Subject: Council Policy

At the May 31st P&Z meeting, the Committee propped a policy to have those ordinance amendments, rezoning and special procedures recommended unanimously by the Planning Commission to go directly to the City Council, bypassing the P&Z Committee. The policy would also enable any Councilmember to request, from the time of Commission action to the time of Council action, that the item be referred to the P&Z Committee.

This recommended policy was presented to the Council on Monday night, and was approved with some modification. Those items with a vote of 3/4 of those present (either affirmative or negative), with a minimum of 5 votes, will go directly to Council. The provision for request by any Councilmember for the item to be referred to P&Z was also approved.>>>

With the Council in its summer schedule and the Commission soon going into their summer schedule, this new policy will not have an impact until August. At that point we will have to carefully monitor votes and have only 2 days to prepare a bill for Council if an item meeting the vote criteria is recommended for approval. I realize that this will be an additional load and some adjustments will need to be made. I want us to monitor the effect of this policy as Council indicated in approving it that they would see how it works. As always, I know that all will do their part in the effort. Any questions or comments? TY!

CC: mikeh

PLANNING AND ZONING COMMITTEE

POLICY

COMMITTEE COUNCIL
APPROVAL APPROVAL
DATE DATE

Amendments to existing ordinances and petitions recommended by the Planning Commission with a unanimous vote should be forwarded directly to City Council, but that any Councilmember may, prior to City Council action, request the matter be referred back to the Planning and Zoning Committee, and that the Department advise the Councilmembers within the Ward as to items being forwarded to the council from the Planning Commission by a unanimous vote. To clarify, a unanimous vote of the Planning Commission requires 3/4 votes of those members present, with a minimum of five votes.

5/31/95