

I.A. MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
August 20, 2009

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, August 20, 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: Mayor John Nations; Councilmember Bruce Geiger (Ward II); Councilmember Randy Logan (Ward III); Maurice L. Hirsch, Jr. Planning Commission Chair; Mike Geisel, Director of Planning & Public Works; Aimee Nassif, Planning & Development Services Director; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the July 23, 2009 Committee Meeting Summary.

Councilmember Flachsbart made a motion to approve the Meeting Summary of July 23, 2009. The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 4 to 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

A. **Chesterfield Commons**: Parking Reduction for a 159.69 acre tract of land zoned "C-8" Planned Commercial District located on the south side of Chesterfield Airport Road, north of Edison Avenue and between RHL Drive and Chesterfield Commons Drive.

STAFF REPORT

Aimee Nassif, Planning & Development Services Director, gave a PowerPoint presentation showing a site plan of the surrounding area. Ms. Nassif stated the following:

The Petitioner is requesting a ten percent reduction in parking for the Main Lot of Chesterfield Commons and all associated Outparcels. It was noted that it is not a ten percent reduction to a flat number, but is a ten percent reduction off the parking requirements. It was noted that parking requirements are tied to the uses in a development.

Chesterfield Commons Zoning History

Chesterfield Commons currently has approximately 850,000 square footage of development and is parked per use. Even though there are shared access ways and shared parking is encouraged, each tenant in the development is required to be parked independently.

Parking Counts

According to ITE, ULI and the APA, the best time to perform a parking count to get the maximum cars parked at a site is Tuesday, Wednesday or Thursday between the hours of 12:00 PM and 1:00 PM. Staff performed parking counts on a Tuesday afternoon and found that only approximately 40% of the parking was being used within the overall development.

An additional parking count was performed during the 2008 holiday season and even during the peak time, less than 50% of the parking was being utilized.

Proposed changes to Existing Development

THF Chesterfield Development is currently working on improvements to the existing parking area along the south side of THF Boulevard to include "canoe islands". These canoe islands will enhance circulation within the parking aisles and will result in a loss of 215 existing parking stalls, which comprises approximately four (4) percent of their request for a ten percent reduction.

Mr. Geisel stated that the canoe islands are being modified due to the requirements of the City's settlement agreement with THF and as a direct result, the development will lose approximately 215 parking spaces.

PLANNING COMMISSION REPORT

Commissioner Hirsch stated that the Planning Commission voted in favor to the reduction by a vote of 7-0.

DISCUSSION

Chair Fults felt the problem lies with all of the points of ingress/egress that are in front of the stores and how it will affect pedestrian traffic. There have been numerous complaints for many years about the trees that block the view and wondered whether this reconfiguration will help the situation. Ms. Nassif replied that the trees proposed on the canoe islands are currently being reviewed. In addition, the distance and line-of-sight are being taken into consideration.

Trees/Power Lines

Councilmember Erickson had concerns about the locust trees that are growing into the power lines in the area and feels this issue needs to be addressed.

Mr. Geisel noted that most of the ordinances that govern this and sites to the west actually include a requirement to underground utilities and which has been an ongoing issue.

Parking Reduction

Councilmember Flachsbart felt that there is not adequate parking for the restaurant area the way it is now and stated that he would be voting in opposition to the reduction.

Ms. Nassif stated that the ordinance requires the parking to be counted globally. Right now there will be a 200+ parking loss with the TDD improvements. Currently, the site has approximately 94% occupancy. If a reduction is not granted, the developer may not be able to lease the remaining area. Although it seems that there is a lot of spare parking, the requirements won't be met - there would still be a shortage of about 200 spaces.

There was continued discussion why the developer is asking for a ten percent reduction. Councilmember Flachsbart can support the TDD reduction, but he is very reluctant to support an overall reduction.

Bill Remus of Doster Guin Ullom Benson & Mundorf, on behalf of THF Chesterfield Development, explained that there will be a lot of upcoming improvements to traffic flow and aesthetics along THF Boulevard. The remaining reduction is necessary in order to keep the center operating as close to occupancy as possible. As noted by the aerial photo, the site had numerous parking vacancies on the busiest shopping day of the year. The requested parking reduction will not result in any parking shortfalls but will give the developer the ability to keep the site functional.

Ms. Nassif pointed out that each use requires different parking spaces; such as, a beauty parlor vs. restaurant. If the parking requirements are not met, occupancy will not be granted.

Councilmember Logan felt that the restaurants are adequately parked for full capacity and by putting up the “canoe islands” along THF Boulevard, the traffic flow will be improved for the entire site.

Councilmember Casey asked if there is a precedent in place to recoup any spaces that would be given away through the parking reduction.

Mr. Geisel stated that the Chesterfield Commons was originally approved for 1 million square feet of retail and they are substantially below that figure. Parking regulations have controlled the density on the site. He noted that Staff and the Planning Commission have been working on shared parking concepts that recognize multiple stores and multiple uses.

The Petitioner noted that the primary reason for the reduction is to offer flexibility to the developer. The canoe islands are being added because it has been demonstrated over time that THF Boulevard does not function very well as there are too many points of exit and entry. By concentrating the entrance and exit points, it will allow the development to operate more efficiently.

Councilmember Casey made a motion to forward Chesterfield Commons Parking Reduction to City Council with a recommendation to approve. The motion was seconded by Chair Fults and passed by a voice vote of 3 to 1 with Councilmember Flachsbart voting no.

Note: This is a Parking Reduction which requires approval by City Council. A voice vote will be needed at the September 9, 2009 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Chesterfield Commons Parking Reduction].

- B. P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.):** A request for an amendment to City of Chesterfield Ordinance 2377, to revise the parking setback from the northern boundary of the development and to revise the parking setback from an internal street for a 7.698 acre tract of land located north of U.S. Highway 40 and east of Boone’s Crossing (17T520073).

STAFF REPORT

Shawn Seymour, Project Planner, gave a PowerPoint presentation showing a general location map and a Preliminary Plan. Mr. Seymour stated the following:

A public hearing for the above stated request was held on January 12, 2009 and on July 13, 2009 the Planning Commission failed to pass a motion recommending approval by a

vote of 4 – 5. At the July 23, 2009 Planning & Public Works Committee meeting, a motion was approved by a vote of 4 – 0 to hold this petition for the purpose of providing the Planning Commission an opportunity to reconsider the petition. Consequently, on August 10, 2009 the Planning Commission voted to recommend approval of the request by a count of 7 – 0.

The Petitioner is requesting the ordinance amendment in order to modify the parking setback from the northern boundary of the zoning district and to revise the parking setback from internal streets. The current ordinance requirement is 170 feet and the requested amendment would reduce the parking setback to 60 feet.

The current ordinance requires a 15-foot parking setback from an internal street; the requested amendment would reduce this standard to a 10-foot setback.

Site History

The Valley Gates development was zoned “PC” Planned Commercial District by the City of Chesterfield in 2005 and had a 65-foot setback from the northern boundary and at that time, there was no internal street setback. In 2007, the City amended the Planned Commercial District to revise the maximum number of permitted buildings, building height requirements, and structure and parking setbacks. During this time, the City created setbacks based on the Preliminary Plan. The table listed below contains the setbacks as requested and approved.

| Valley Gates Subdivision History of Setback Amendments | | | | | | | | | |
|---|-----------------------|---------------------|---------------------|----------------------|--------------------------|---------------------|---------------------|----------------------|---------------------|
| Ordinance | Structure Setbacks | | | | Parking Setbacks | | | | |
| | From N Outer 40 | Eastern Boundary | Western Boundary | Northern Boundary | From N Outer 40 | Eastern Boundary | Western Boundary | Northern Boundary | Internal Streets |
| 2154 (2005) | 140 ft. | 19 ft. | 90 ft. | 210 ft. | 65 ft. | 15 ft. | 15 ft. | 65 ft. | N/A |
| 2377 (2007) | 120 ft. | 19 ft. | 25 ft. | 200 ft. | 30 ft. | 19 ft. | 25 ft. | 170 ft. | 15 ft. |
| Current Request | 120 ft. | 19 ft. | 25 ft. | 200 ft. | 30 ft. | 19 ft. | 25 ft. | 60 ft. | 10 ft. |

It was noted that the request is solely based on the Preliminary Plan.

PLANNING COMMISSION REPORT

Commissioner Hirsch stated that the Planning Commission reconsidered the request and voted in favor of the amendment to both setbacks. He felt that there was a lack of understanding by the Planning Commission with respect to the history of the request.

He noted that ordinances are now written based on the zoning ordinance rather than a Preliminary Plan.

During the Planning Commission meeting, the Petitioner noted that the entrance will be off of the Outer Road and the site will potentially be divided into two (2) lots. There will most likely not be an interior road running northward – but instead, there will be a 20-foot strip of grass. However, setbacks will be required from the property lines once the property has been divided.

DISCUSSION

Councilmember Flachsbart was in agreement to hold the request for reconsideration and clarification. He is in favor of splitting the property into two (2) lots instead of potentially six (6) lots. The original request had Power of Review as requested by Chair Fults.

Councilmember Casey made a motion to forward P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.), with Automatic Power of Review as a Green Sheet Amendment, to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of **4 to 0**.**

**Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the September 9, 2009 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. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.)].

C. Landmarks Preservation Commission Improvement Grant Application Request for Eberwien-Howe House

STAFF REPORT

Aimee Nassif, Planning & Development Services Director, stated the following:

The above stated request is for a Landmarks Preservation Structural Improvement Grant. Previously the Landmarks Preservation Commission approved a \$5,000 matching Grant for structures that are on the Chesterfield's Historic Register and this is the second application before the Committee.

The property owners, Allen and Charlene Doty, own the Eberwein-Howe House at 1734 Old Baxter Road. The grant would allow the Doty's the opportunity to perform repairs to the existing driveway and to remove, repair and replace the front door. As the grant requires, the Doty's have submitted three separate bids for consideration.

The total cost for the repairs is \$10,739.00; therefore the Doty's are requesting the maximum amount possible of \$5,000.

Once the grant application is approved and once the improvements are made to the site, the property owner would submit the bill to the City and the grant funds would be released.

This Grant is a matching grant which can provide financial assistance up to \$5,000. It was noted that there is no expiration date applied to the Grant. The Grant is a budget expense which does not require City Council approval.

Councilmember Flachsbart made a motion to approve Landmarks Preservation Commission Improvement Grant Application Request for Eberwien-Howe House. The motion was seconded by Councilmember Erickson

Discussion on the Motion

Mayor Nations thanked Mrs. Doty for attending the Committee meeting and commends the improvements and additions they are proposing to make to the home and encourages the approval by the Committee for the maximum amount.

It was noted that only one property can be awarded up to \$10,000 over a consecutive five (5) year period.

Councilmember Casey noted that work is being requested for the driveway instead of just the historic structure. Ms. Nassif explained that the Grant Application is written to include both the structure and the site, which would allow for the driveway improvements.

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

D. North Outer 40 Trust Fund

STAFF REPORT

Mike Geisel, Director of Planning & Public Works, stated that several years ago the North Outer 40 Trust Fund was created because there was some disagreement regarding which improvements were going to be constructed in the corridor along North Outer 40 between the City's eastern boundary and the Chesterfield Parkway East. Unfortunately, he doesn't feel that the issues are any closer to being resolved and the City cannot construct any improvements on those roadways without the State or County consent. The total amount of cash that would be generated from the Trust Fund is far less than what will be required for any of the improvements.

If the funds are not spent on improvements to the roadway or within the City's trust fund area, the money will get refunded to the developer after ten years. It is Staff's

recommendation that the Committee move to dissolve this Trust Fund, and transfer the \$352,320.34 to the St. Louis County Corridor Trust Fund.

It was noted that St. Louis County does not have a ten year refunding requirement. Mr. Geisel stated that the Trust Fund does include language stating that the money can be deposited into the City's North Outer 40 Trust Fund or into St. Louis County's Route 40 Trust Fund.

Councilmember Flachsbart made a motion to dissolve the North Outer 40 Trust Fund and to transfer the funds to St. Louis County. The motion was seconded by Councilmember Casey.

Discussion on the Motion

Councilmember Casey concurs with Staff and feels that this is the proper way to handle the funds and is in complete support of the transfer.

It was noted that it is City Counsel's recommendation to dissolve the North Outer 40 Trust Fund and transfer the funds to St. Louis County Route 40 Corridor Trust Fund.

Pedestrian Overpass

The funds generated by the Trust Fund could be used to for a variety of improvements, such as to replace the overpass at Chesterfield Parkway East or adding pedestrian walkways over Highway 40. Councilmember Geiger feels that a pedestrian walkway over the overpass should be pursued.

Mayor Nations explained that when the buildings along North Outer 40 were being constructed, a traffic study was prepared by one of the proposed developments, which noted that when more than approximately 350,000 square feet was built out, improvements would be needed at North Outer 40 Road and Chesterfield Parkway. It has since been determined that these improvements are not needed.

There was considerable discussion of how the funds should be utilized. It was clarified by Staff that the Trust Fund monies are designated specifically for transportation improvements.

Councilmember Logan felt that the Committee should direct Staff to explore what options are available for utilizing the money; and to determine whether the term "traffic" includes pedestrian traffic.

Councilmember Erickson made a motion to table the discussion. The motion was seconded by Councilmember Flachsbart and passed by voice vote of 4 – 0.

Staff was then directed to review the possibility of utilizing these funds for the purpose of constructing a pedestrian walkway over the highway.

E. Road Maintenance Schoettler Road – Woods Mill Road

STAFF REPORT

Mike Geisel, Director of Planning & Public Works, stated that the Missouri Department of Transportation (MoDOT) is proceeding with the planned construction of Route 141. When that project is completed, they will cease to maintain existing Woods Mill Road and that road maintenance responsibility would otherwise fall to the City of Chesterfield. Route 141 will be continuous from Olive Boulevard through Ladue Road, past the St. Luke's Hospital entrance, past Conway Road and to our southern City limits.

Staff has been coordinating with both St. Louis County and MoDOT relative to this transfer of responsibilities. St. Louis County has tentatively agreed to accept the new Woods Mill segment from Conway Road to Olive Boulevard if the City of Chesterfield would accept maintenance responsibility for Schoettler Road. He feels that this is advantageous to the City in all regards.

Woods Mill Road previously maintained by the State, would now be maintained by the County. Schoettler Road previously maintained by the County, would now be maintained by the City. The roadways would be maintained by one level lower government resulting in better services to the residents.

Bridge Replacement

St. Louis County provided staff with estimates of approximately \$1 million for the bridge replacement. It was noted that the bridge is not expected to be replaced for several years and staff would pursue a standard federal grant through East-West Gateway which would provide for reimbursements of up to 70% of this cost.

Councilmember Casey asked whether there are any funds available from St. Louis County for maintenance issues that currently exist on Schoettler Road prior to turning it over to the City. Staff responded that St. Louis County would maintain the road as they currently do but with no additional funds being applied.

Councilmember Casey made a motion to recommend approval to City Council of the proposed Ordinance pertaining to the acceptance of Schoettler Road between South Outer 40 Road and Clayton Road effective April 1, 2010. The motion was seconded by Councilmember Erickson and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the September 9, 2009 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Road Maintenance Schoettler Road – Woods Mill Road].

F. Citizen Committee Discussion

Councilmember Flachsbart stated that there seems to be two concerns among the Architectural Review Board (ARB) which include the following;

1. What gets presented to the ARB sometimes gets built differently than what was presented, and
2. Sometimes ARB concerns don't get presented to the City Council.

Staff feels that the first concern is a result of problems arising with the architectural elevations for Surrey Place. Upon inspection, Staff found the structure to be built differently than what was previously approved. The developer was then cited and instructed to revise their architectural elevations for review by the Planning Commission. The Planning Commission then sent them back to the ARB for their consideration.

In reference to the second concern, it was noted that the ARB is strictly set up as a recommending body to the Planning Commission.

Mr. Geisel stated that Staff has been working with the ARB to be as explicit as possible in their recommendations so that there is no room for misinterpretation. ARB's motions are then put in the Staff Reports to the Planning Commission verbatim. In addition, Staff has recently worked with the Planning Commission to include language in Attachment A's that deal with architectural considerations.

Mr. Geisel pointed out that the Committee had previously directed City Counsel and Staff to work to develop code revisions – an ordinance that would incorporate architectural considerations in the review, approval and potential rejection of zoning petitions. Other than Attachment A's, those provisions currently do not exist. A draft ordinance is being prepared by Counsel and will be presented to the Committee.

Councilmember Casey recommends that the Chair of the ARB attend the Committee meetings.

Councilmember Erickson informed the Committee that the Historical Commission considered combining with the Landmarks Preservation Commission; however, it was unanimously rejected.

G. Site Plan Review

Chair Fults had concerns that when zoning is considered, site specific concerns are only addressed during the Planning Commission's site plan review. She feels that there should be alternatives in place rather than asking for Power of Review for each project. She recommends that the site plan review be submitted to the Planning & Public Works Committee or that it has more of a presence during Planning Commission meetings.

Mr. Geisel reminded the Committee that all new petitions that come into a Planned Commercial District have the preliminary plan attached to it as an exhibit and is part of the approval process. The preliminary plan will also be attached to the ordinance and is therefore, a performance criteria.

Ms. Nassif added that the Planning Staff is now providing department input and zoning analysis during change of zoning petitions so if there are deficiencies with a project or issues by Staff they are being voiced.

Mayor Nations explained that zoning and site plans are two separate processes. Zoning is a legislative act but the site plan is not. If the site plan complies with the zoning ordinance, there is no discretion on part of the City other than to approve it. If it does not comply with the ordinance, the City does not have the authority to approve it. He noted that in the State of Missouri, "site plan" is an administrative function.

There was continued discussion on concerns about the current process and how Staff is working to improve it.

The Committee then expressed their gratitude for the thorough work and professionalism exhibited by the Planning & Development Services Staff.

IV. ADJOURNMENT

The meeting adjourned at 6:57 p.m.