

# IA

## MEMORANDUM



TO: Michael G. Herring, City Administrator

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

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, October 6, 2011

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, October 6, 2011 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Matt Segal** (Ward I); **Councilmember Derek Grier** (Ward II); and **Councilmember Randy Logan** (Ward III).

Also in attendance were: Planning Commission Chair Amy Nolan; Michael Herring, City Administrator; Mike Geisel, Director of Planning, Public Works & Parks; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Mara Perry, Senior Planner; Shawn Seymour, Senior Planner; Kristian Corbin, Project Planner; Jeff Paskiewicz, Civil Engineer; 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 September 22, 2011 Committee Meeting Summary.

Councilmember Segal made a motion to approve the Meeting Summary of September 22, 2011. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0**.

### II. OLD BUSINESS - None

### III. NEW BUSINESS

#### A. P.Z. 08-2011 Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC): A request for a change of zoning from "PI" Planned Industrial District to a new "PI" Planned Industrial District for a 16.7 acre tract of land located north of the intersection of Spirit Drive North and Chesterfield Airport Road and south of Interstate 64/U.S. Highway 40-61. (17V620083, 17V620094 and 17V610040).

## **STAFF REPORT**

Mara Perry, Senior Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Ms. Perry stated the following:

The Petitioner is requesting a change of zoning from the “PI” Planned Industrial District to a new “PI” Planned Industrial District. The project is being rezoned because the original ordinance was written very tight with an exact number of how many buildings could be constructed based on a very detailed preliminary plan.

The Petitioner would like the option to build two (2) office buildings instead of an addition to one of the lots. The site is currently the location of Cambridge Engineering. Ms. Perry noted that approval has already been granted to build an office building on the lot south of Long Road Crossing Drive.

The Public Hearing was held on September 12, 2011. At the September 26, 2011 meeting of the Planning Commission, a recommendation to approve passed by a vote of 5 – 0.

The Petitioner has requested a modification to the open space requirements for this development. The request can be made according to the requirements in the Planned Industrial District which allows for the Planning Commission to modify the standards of the district by a two-thirds vote or the City Council to modify the standards with a majority vote. A separate vote on this item was held at the Planning Commission and although it did pass by a majority, it was short of the two-thirds vote requirement. As stated in the City Code, the City Council can modify the standards for the “PI” District with a simple majority vote.

### Open Space

The old Planned Industrial District and Attachment A had a thirty (30) percent required open space. The new “PI” District regulations require thirty-five (35) percent open space. The Petitioner is asking that thirty (30) percent open space as previously approved be required for the development. The following chart shows that the current open space requirements of the surrounding developments are all at 30%.

<b>Development</b>	<b>Zoning</b>	<b>Open Space Requirement</b>
Sentrus Place	PI	30%
Chesterfield Exchange	PI	30% Greenspace
Waller Hoch Corporate Center	PI	30% Greenspace
Kramer Commerce Center	PI	30% PROPOSED
Terra Corporate Park	PI	30%
Long Road Lipton Parcel	PI	30%
Long Road Crossing	PC	30% Greenspace

## **PLANNING COMMISSION REPORT**

Planning Commission Chair Nolan stated that there were no issues brought forth to the Planning Commission relative to the site. It was noted that the Planning Commission only had five Commissioners in attendance, which is not enough for the required 2/3 vote on the open space modification. It was then clarified that a simple majority vote is required at City Council for the open space request. Further, two separate motions are required; one for the change of zoning; and one for the open space modification.

**Councilmember Segal made a motion to forward P.Z. 08-2011 Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

And

**Councilmember Segal then made a motion to accept the 30% open space requirement and to forward to City Council with a recommendation to approve.** The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the October 17, 2011 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on P.Z. 08-2011 Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC)].**

- B. T.S.P. 30-2011 AT&T (16641 Old Chesterfield Road):** A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing monopole in a “C7” General Extensive Commercial District–zoned property located on the north side of Old Chesterfield Road east of Baxter Road (17T310247).

## **STAFF REPORT**

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

The Petitioner is requesting an amendment to a telecommunications siting permit to allow for the location of three (3) upgraded antennas to facilitate 4G LTE data service on an existing monopole tower located on the north side of Old Chesterfield Road east of Baxter Road.

The site is currently zoned “C7” General Extensive Commercial District with a total tract size of .02 acres. It was added that the total height of the tower is 100 feet and the proposed antennas will be placed at the top of the existing tower. There are no proposed changes to the site and no changes to the ground equipment.

A Public Hearing was held on September 26, 2011 and at that time there were no outstanding issues.

**Councilmember Logan made a motion to forward T.S.P. 30-2011 AT&T (16641 Old Chesterfield Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of **4 - 0**.**

**Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 17, 2011 City Council Meeting.**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P. 30-2011 AT&T (16641 Old Chesterfield Road)].**

- C. T.S.P 31-2011 AT&T (1 McBride and Son Center Drive):** A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing high structure in a “C8” Planned Commercial District–zoned property located at 1 McBride and Son Center Drive on the northwest corner of the intersection of Chesterfield Airport Road and McBride and Son Center Drive (17U330167).

#### **STAFF REPORT**

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

The Petitioner is requesting an amendment to a telecommunications siting permit to allow for the location of three (3) upgraded antennas to facilitate 4G LTE data service on a high structure located on the northwest corner of the intersection of Chesterfield Airport Road and McBride & Son Center Drive. It was added that the tract size is 2.31 acres. The antennas will be located on an existing office building and painted to match the compound.

A Public Hearing was held on September 26, 2011 and at that time there were no outstanding issues.

**Councilmember Logan made a motion to forward T.S.P 31-2011 AT&T (1 McBride and Son Center Drive) to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of **4 - 0**.**

**Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 17, 2011 City Council Meeting.**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P 31-2011 AT&T (1 McBride and Son Center Drive)].**

- D. **T.S.P. 34-2011 AT&T (16141 Swingley Ridge Road)**: A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing high structure in a “C2” Shopping District–zoned property located on the northeast corner of the intersection of Swingley Ridge Road and Nardin Drive (18S230181).

### **STAFF REPORT**

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Seymour stated the following:

The Petitioner is requesting a telecommunications siting permit on an existing office building located on Swingley Ridge Road on the northeast corner of its intersection with Nardin Drive.

The existing six (6) antennas at this site were approved administratively under the previous City of Chesterfield telecommunications ordinance. The Petitioner is requesting the addition of three (3) upgraded antennas to facilitate 4G LTE data service. The property is zoned “C2” Shopping District and the office building is operating under a “CUP” Conditional Use Permit. A Public Hearing was held on September 26, 2011 and at that time there were no outstanding issues.

### **PLANNING COMMISSION REPORT**

Planning Commission Chair Nolan again stated that there were no issues brought forth to the Planning Commission relative to the site.

**Councilmember Grier made a motion to forward T.S.P. 34-2011 AT&T (16141 Swingley Ridge Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and **passed** by a voice vote of **4 - 0**.**

**Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 17, 2011 City Council Meeting.**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P. 34-2011 AT&T (16141 Swingley Ridge Road)].**

- E. **Professional Services – Eagle Crest Subdivision Letter of Map Revision**

## **STAFF REPORT**

Brian McGownd, Public Works Director/City Engineer stated that typically a Professional Services Contract would go directly to City Council. However, since it deals with the Eagle Crest Subdivision which is located in Ward IV, Staff felt that the Committee needed to be updated on the matter.

Mr. McGownd then gave a PowerPoint presentation showing an aerial of the site and the surrounding area.

### **History of the site**

Approximately 10 years ago when the developer came in to develop the property, there were several lots located within the 100-year floodplain of Caulks Creek. As part of the development process, the developer had to obtain a "CLOMR" Conditional Letter of Map Revision from the Federal Emergency Management Agency (FEMA) to show what modifications were being proposed to the creek to bring down the flood level in order to remove the properties from the floodplain. Once the "CLOMR" was approved by FEMA and the City, the developer built the bridge and did the improvements to the creek but then defaulted on their obligation. Later, the City determined that the improvements to the creek weren't built according to the plan based on the "CLOMR" requirements and therefore, all the analysis was determined invalid.

Based on an evaluation, Staff recommends engaging the local firm of *Intuition and Logic* for professional services related to the initial analysis for the acquisition of the Eagle Crest LOMR in an amount not to exceed \$27,000. Funding for this shall come from the escrow funds that are already available from the developer and the settlement with Jefferson Bank and Trust Company.

It was noted that the initial analysis by Intuition and Logic will determine what modifications, if any, will need to be made to the creek in order to obtain the LOMR. If the results of Intuition and Logic's analysis require creek modifications then an additional scope and fee schedule will need to be negotiated with them.

In addition, if creek modifications are determined to be required, the formal bidding process will take place to contract with a construction company that would physically construct the creek modifications.

## **DISCUSSION**

### **Funding**

The \$27,000 professional services fee would be funded from the escrows the City secured from the developer and from the settlement with Jefferson Bank for a total of \$185,115.00. Mr. McGownd pointed out that if the City spends the \$75,000 secured from Jefferson Bank, an additional \$75,000 would be made available if needed, which would bring the total available funds to \$260,115.00.

Chair Fults asked as to whether the funding is adequate for the amount of work that may be necessary. Mr. Geisel responded that, at this point, Staff feels that the funds should cover the cost.

Chair Fults inquired as to whether all the other improvements had been constructed. Mr. McGownd advised that there is a small section of sidewalk along Wild Horse Creek Road that was not constructed and a railing on the existing bridge needs to be replaced.

Chair Fults questioned how the existing four (4) homes were allowed to acquire loans for construction. Mr. Geisel stated that these homes should never have been constructed. He then explained that any property in the floodplain with a federally backed mortgage is required to have flood insurance but unfortunately the lender did not require it for these properties.

It was noted that the homeowners have not had any problems with flooding from the creek - physically the lots are approximately 20 feet above the creek. However, according to the FEMA map the lots exist within the floodplain. Mr. Geisel then explained that being in the *floodplain* is not as difficult an issue to resolve as being in the *floodway*. In order to work in the floodway, you must prove "no rise" which is a much more difficult standard.

#### LOMR Timeline

Jeff Paskiewicz, Civil Engineer stated that the LOMR process could take 8 to 9 months. Chair Fults questioned as to whether the residents have been notified. Mr. Paskiewicz responded that if Intuition and Logic is engaged for professional services, an email will be sent to the trustees of Eagle Crest Subdivision and Staff would conduct meetings with the residents if creek modifications are required.

**Councilmember Logan made a motion to approve the Professional Services Contract with Intuition and Logic for Eagle Crest Subdivision, Letter of Map Revision, in an amount not to exceed \$27,000 from existing escrow account and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and passed by a voice vote of 4 - 0.**

**[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Professional Services – Eagle Crest Subdivision Letter of Map Revision].**

#### **IV. ADJOURNMENT**

The meeting adjourned at 5:50 p.m.