

I.A.

MEMORANDUM

TO: Michael G. Herring, City Administrator
FROM: Mike Geisel, Director of Public Services
SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, October 8, 2015



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, October 8, 2015 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Bridget Nations** (Ward II) and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Elliot Grissom (Ward II); Councilmember Mike Casey (Ward III); Councilmember Bruce DeGroot (Ward IV); Harry O'Rourke, Interim City Attorney; Planning Commission Chair Stanley Proctor; Planning Commissioner Laura Lueking; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; John Boyer, Senior Planner; Jonathan Raiche, Senior Planner; and Kathy Juergens, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 10, 2015 Committee Meeting Summary.

Councilmember Hurt made a motion to approve the Meeting Summary of September 10, 2015. The motion was seconded by Councilmember Nation and passed by a voice vote of 4-0.

II. OLD BUSINESS

None.

III. NEW BUSINESS

- A. **T.S.P. 52-2015 Sprint (18614 Olive Street Rd):** A request to amend an existing Telecommunications Siting Permit to accommodate six (6) new antennas and additional related equipment for an existing telecommunication site within the "PI" Planned Industrial District located south of the intersection of Olive Street Road and Premium Way.

STAFF REPORT

John Boyer, Senior Planner, presented the project request for six additional antennas and associated equipment on an existing 101 foot tall tower on the Chesterfield Fence and Deck property located at 18614 Olive Street Road. Sprint proposes to add a new array approximately 66 feet above ground level which will be lower than the existing antenna array on site. Per the Unified Development Code, because this material modification will not be adding 5 feet in height to the tower itself, a public hearing is not required.

Councilmember Flachsbart made a motion to forward T.S.P. 52-2015 Sprint (18614 Olive Street Rd.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P. 52-2015 Sprint (18614 Olive Street Rd.)]

Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 19, 2015 City Council Meeting.

Due to the number of residents in attendance for the Highland on Conway project, it was agreed to discuss Agenda Item C. Greentrails Drive South Water Main Relocation next.

C. Greentrails Drive South Water Main Relocation

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated the City is in the process of designing road improvements for Greentrails Drive South. Part of the design involves lowering the intersection of Dinsmoor Drive and Greentrails Drive South approximately 4 feet which affects the water line located there. The lowering of this intersection will necessitate the relocation of several utilities in the area. While most of the utilities are in public right of way, the water mains owned and maintained by Missouri American Water Company (MAWC) are partially located in a private easement. Utilities located in public right of way must relocate at their cost while utilities in private easements have the right to require the public agency to fund the relocation costs. Because approximately 62.87% of the water mains to be relocated are within a private easement, MAWC will not relocate these mains without a commitment from the City to fund 62.87% of the estimated cost of \$147,774.80. The water main relocation costs are eligible for reimbursement through the Surface Transportation Program grant the City received for this project. The net cost to the City is estimated to be no greater than \$30,600 after grant reimbursement.

Staff is recommending the following:

1. Approval of an Ordinance authorizing the City Administrator to execute a contract with Missouri American Water for Water Facility Relocation and License to Utilize Easement.
2. Approval of payment of actual costs for the relocation of the portions of water mains in private easement in an amount not to exceed \$102,000. The net cost after grant reimbursement will not exceed \$30,600. These costs will be paid from the Capital Improvements Sales Tax Fund.

Councilmember Flachsbart agreed that the intersection needs to be lowered and that the City is responsible for the cost because of the easement.

Councilmember Flachsbart made a motion to forward to City Council, with a recommendation to approve, an Ordinance authorizing the City Administrator to execute a contract with Missouri American Water for Water Facility Relocation and License to Utilize Easement and to recommend payment of actual costs for the relocation of the portions of water mains in private easement in an amount not to exceed \$102,000. The motion was seconded by Councilmember Nation.

In response to Councilmember Hurt's question, Mr. Eckrich stated the net cost of \$30,600 will be paid from the Capital Projects fund.

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

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Greentrails Drive South Water Main Relocation.]

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the October 19, 2015 City Council Meeting. See Bill #

B. POWER OF REVIEW: Highland on Conway (Delmar Gardens III) SDP: A Site Development Plan, Tree Stand Delineation, Tree Preservation Plan, Landscape Plan, Lighting Plan, and Architectural Elevations for a 5.292 acre tract of land zoned "PC" Planned Commercial District located on the north side of North Outer 40 Road, east of Chesterfield Parkway East.

STAFF REPORT

Chair Fults stated that prior to the meeting, negotiations took place between the petitioner and Staff. She asked Aimee Nassif, Planning and Development Services Director, to provide an update on the project since the September 30th Planning Commission meeting.

Ms. Nassif, stated representatives of Delmar Gardens have taken into account the concerns of the residents, the Planning Commissioners and City Council. The main concern was the distance between the property line of the August Hill on Conway Subdivision and the proposed parking garage. During the Planning Commission meeting, there was a request to move the parking garage south another 10 feet, thereby creating a 40 foot separation instead of a 30 foot separation between the development and the residential properties. As a result of Staff's discussions with the Applicant today, the Applicant stated they will be able to accommodate that request. Since a revised plan is not available at this time, Staff does not know the actual number of additional trees that will be preserved, if any. The Applicant would like the project to be considered by City Council at its October 19th meeting. The revised plans will be included in Council's meeting packet.

DISCUSSION

During discussion at the Planning Commission meeting, it was thought that an additional 10 feet could provide the opportunity of preserving approximately 18 monarch trees; however, because of grading and shoring work, the exact number of trees to be preserved cannot be confirmed at this time. Ms. Nassif stated there are a number of trees that still need to be mitigated and a mitigation plan will be required at the time landscape plans are approved.

In response to Councilmember Hurt's question, Ms. Nassif stated the number of parking spaces will be reduced to accommodate the 10 feet. Even with the reduction in parking, they will still meet Code requirements for parking.

Councilmember Flachsbart and Councilmember Nations expressed their gratitude to Delmar Gardens for working with the City and the residents in accommodating their request for an additional 10 feet. Councilmember Grissom concurred and thanked Staff for their efforts.

PLANNING COMMISSION REPORT

Planning Commission Chair Stan Proctor commented that he believes the proposed changes will be met favorably by the Planning Commission as this was the primary reason the Planning Commission voted against the plan. There were other concerns related to lighting and actual hours of operation, but the petitioners were able to address these concerns. The fact that the proposed change will likely save more trees will partially address the issues raised regarding tree loss. Although he supported the project, Mr. Proctor stated the vote out of Planning Commission was 5-4 against the development.

COMMENTS FROM RESIDENTS

Roger Berent, 7 Upper Conway Lane, thanked Delmar Gardens for working with the residents in moving the parking garage ten feet further from the property line. He feels this effort will save the value of their homes.

Greg Wittenbrink, 31 Upper Conway Lane, expressed his appreciation about the additional 10 feet being provided and then noted the following:

- The preservation area contains a lot of honeysuckle which he would like removed and replanted with additional evergreen trees.
- He expressed concern that the Planning and Development Services Director had the "sole authority" to approve a variance reducing the tree preservation from 30% to 2.9%.
- He does not feel the homeowners had an advocate during this entire process. While the developers were able to communicate with staff on a regular basis, residents were only allowed three minutes during public meetings to express their concerns.

Chair Fults responded by noting that the Ward II Councilmembers were the advocates for the residents. She noted that both Councilmembers, along with the Planning Commission, worked very hard on this project on behalf of the residents. Ms. Nassif stated that Staff responded to emails and questions from the residents and noted that Staff does not promote the developments but rather reviews proposals against City Code and reports on that. She added that Staff is happy to meet with residents regarding their concerns or answer any questions they may have.

Ms. Nassif then explained that her administrative approval of the special conditions was subsequent to the preliminary plan approved with the zoning in 2002 which permitted significant tree loss. She does not have the authority to approve or deny any conditions that go against an approved plan by the Council. She noted that, in this instance, the Site Plan has been submitted quite a few years after the zoning was approved, which may have caused some of the confusion and led to some of the concerns raised. She then thanked the residents for their participation and letting their concerns be known during the recent Planning Commission meetings.

As a former Planning Commissioner, Councilmember DeGroot stated he did have the opportunity to work with developers and witness Ms. Nassif's interaction with them. He further stated that Ms. Nassif is really a safeguard as she makes sure developers comply with City Code.

Then, an unidentified resident stated Ms. Nassif had no right to design the site for the developer. Upon inquiring about this statement, the resident stated this was done at the last Planning Commission meeting. To clarify, Ms. Nassif stated that in the process of understanding what the ramifications would have been had she not approved the tree removal, she placed tracing paper over an aerial of the site and sketched out a building and parking garage in the same area as shown on the site plan and preliminary plan from 2002. When 30% tree canopy coverage is retained, this would have resulted approximately in an 80,000 square foot building and half the size of the proposed parking structure from what was approved on the preliminary plan and planned district ordinance.

Ken Birenbaum, 27 Upper Conway Lane, thanked Delmar Gardens for the extra 10 feet. Since the plans are not yet firm, he questioned how the residents would know that everything being promised is carried out. Chair Fults stated that every Councilmember is aware of the project and the promises that are being made. This project will have to go before Council for approval and they will make sure that everything is incorporated in the final plan. It is out of the ordinary that the Committee is sending this project forward without a plan. However, the Petitioner is requesting that the project move forward to the October 19th Council meeting and, in response, the developer guarantees that they will submit a complete set of plans prior to that meeting. The Council can hold the project if everything promised has not been included. Ms. Nassif stated Council packets will be available October 15 and will be on the City's website. She will also be available to meet with anyone and discuss the plans at that time. Chair Fults suggested that a meeting be set up after the plans are made available and Ms. Nassif agreed.

In defense of Ms. Nassif, Planning Commissioner Proctor stated he was not on the Planning Commission in 2002 but his understanding is that there was a letter from the Petitioner at that time indicating there would be a 97% tree removal which was approved by both the Planning Commission and the City Council. Ms. Nassif acted in accordance with that plan.

Councilmember Hurt asked if Planning Commissioner Laura Lueking had any comments on the concession. Ms. Lueking stated she was very happy with the additional 10 feet; however, she does not agree with everything stated regarding the 2002 Ordinance. Ms. Lueking stated that that ordinance was reopened in 2011 and all the meeting minutes show that 30% of the existing tree canopy was going to remain. She then thanked the developers for listening to the residents' concerns.

Mr. Wittenbrink publicly acknowledged the hard work the subdivision trustees performed regarding this issue and the cooperative spirit within with Delmar Gardens listened to the residents' request.

Chair Fults clarified that instead of 30 feet, there will now be 40 feet between the property line and the parking structure. Also, any monarch trees within the additional 10 feet will be saved if possible. Ms. Nassif stated the tree preservation plan will also change and will be included in the packet. Ms. Nassif confirmed that as much tree mitigation as possible will be located between the residents' property and the structure with this additional space added.

Mr. Howard Oppenheimer, Delmar Gardens, stated they want to preserve as many trees as possible but they also have to accommodate MoDOT and Monarch Fire District requirements.

Mr. George Shuert, 19 Upper Conway Lane, asked if there will be ongoing site reviews after the plans have been submitted so that changes can be made depending on what trees can be saved and which ones have to be removed. Ms. Nassif stated if the site development plan and

landscape plan are approved on October 19 by Council, then the City requires a landscape surety to guarantee installation of those trees. The City also requires a tree protection bond to guarantee protection of trees. The landscape surety allows the developer two years to plant the required landscaping. After everything has been planted, the surety is held for an additional two-year maintenance period before any escrow is returned. Mr. Shuert stated he is concerned about the topography in the preservation area and the challenges it will present in landscaping. He wants to make sure there will be onsite reviews as the landscaping progresses. Ms. Nassif stated on site reviews will continue.

Councilmember Nation made a motion to forward Highland on Conway (Delmar Gardens III) SDP, as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Highland on Conway (Delmar Gardens III) SDP.]

Note: This is a Site Development Plan which requires a voice vote at the October 19, 2015 City Council Meeting.

IV. PROJECT UPDATES

Ms. Aimee Nassif, Planning and Development Services Director, presented updates on the following projects:

WARD I: PROJECT UPDATE

- Zoning map amendment for 3 parcels recently acquired by Friendship Village
- Zoning map amendment for Monsanto to the “UC” District

WARD II: PROJECT UPDATE

- Kraus Farm Center amended SDCP and ASDSP – 4-story office building
- The Grove – 96-bed assisted living development

WARD IV: PROJECT UPDATE

- Holiday Inn Express

OTHER PROJECTS UNDER REVIEW

- Barat Academy site plan
- Long Road Crossing (Ameren Substation)
- Bur Oaks improvement plans
- Courtyard by Marriot improvement plans
- Edison Express improvement plans
- St. Luke’s improvement plans
- Burlington
- Telecommunications siting permits
- Gas Mart
- Highland on Conway
- Harmony Seven
- Brattle Hill

- Chesterfield Valley Nursery
- Bonhomme Presbyterian Church
- Chesterfield Airport Service-17909 Chesterfield Airport Road
- Regions Bank amended lighting plan
- Autozone change of zoning

V. OTHER

VI. ADJOURNMENT

The meeting adjourned at 6:15 p.m.