

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, November 9, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, November 9, 2017 in Conference Room 101.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Dan Hurt** (Ward III), and **Councilmember Tom DeCampi** (Ward IV) as proxy for Councilmember Ohley.

Also in attendance were: Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Cecilia Dvorak, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the October 4, 2017 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of **October 4, 2017**. The motion was seconded by **Councilmember Tilman** and **passed** by a voice vote of 3-0.

II. UNFINISHED BUSINESS – None

III. NEW BUSINESS

A. P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC (Ordinance Amendment): A request to amend Ordinance 2841 to amend the development conditions in a "C-8" Planned Commercial District, for a 2.93 acre tract of land located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461 & 17U140472) (Ward 4)

STAFF REPORT

Cecilia Dvorak, Project Planner, presented the request for an ordinance amendment to an existing "C-8" Planned Commercial District. The request is for a 2.93 acre parcel located on the southeast corner of Chesterfield Airport Road and Long Road. The public hearing for this petition was held on August 28, 2017 at which time two issues were raised regarding the need to further reduce

the open space and agency comments from the Fire District. These issues were resolved and the Planning Commission recommended approval of the request on October 23, 2017 by a vote of 9-0.

DISCUSSION

Circulation

There was discussion regarding circulation within the site. Ms. Dvorak confirmed that the circulation will remain the same as it is currently. Cars will enter the site from Long Road and will drive to the back through the cross access easement to enter the bays. Cars will then exit through a one-way drive onto Long Road.

Access Easement

Ms. Dvorak stated that due to a complaint from an adjoining business owner with regard to the drive access easement being blocked in the past, it was agreed that by striping and adding signage along the cross access easement, users of the site will be more inclined to keep that area clear. Staff has included such language in the Attachment A. Councilmember Hurt inquired as to what type of remediation there would be if the access is blocked in the future. Justin Wyse, Director of Planning & Development Services, stated that the Police could be contacted; however, since this is private property, he would need to consult with the City Attorney in order to determine whether the Police could enforce the Ordinance.

PLANNING COMMISSION REPORT

Merrell Hansen, Planning Commission Chair, stated the Planning Commission thoroughly reviewed the plan and had discussed similar concerns but ultimately approved the request 9-0.

Mr. Wyse stated the Planning Commission also discussed the use itself; what the impact would be for six bays versus three bays; and whether the additional bays would compound the problem of blocking the access.

Petitioner's Comments

Mr. George Stock, Stock & Associates, stated that when Northwest Automotive moved to the subject site, they recognized the fact that the existing three bays at the site did not accommodate full automotive service. The request for an additional three bays is not to increase the intensity of the business, but to better cater to the current customer base. The subject building was built for a high-volume oil lube facility with a quick 15-minute oil change turnover, whereas the current business of servicing a vehicle takes approximately one hour. By having additional bays, the cars that are now sitting in the parking lot can be in the bays being serviced. Mr. Stock then addressed the issue of the drive access easement being blocked stating that the Petitioner believes that striping the area, providing signage, and having the additional bays will all help in preventing the driveway from being blocked.

After some discussion regarding the appropriate language to ensure that future blockage of the access would be in violation of the Ordinance, **Councilmember Hurt made a motion to amend Attachment A, F. 2. to read as follows: The cross access to adjacent property to the south shall be striped and signage shall be placed to ensure it remains clear at all time. Any blockage of this easement at any time shall constitute a violation of this Ordinance.** The motion was seconded by Councilmember Tilman and **passed** by a voice vote of 3-0.

Councilmember Hurt made a motion to forward P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC (Ordinance Amendment), as amended, to City Council with a

recommendation to approve. The motion was seconded by Councilmember Tilman and **passed** by a voice vote of 3-0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the November 20, 2017 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services Director, for additional information on P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC (Ordinance Amendment).]

B. "AG" Agricultural District Regulations

STAFF REPORT

Justin Wyse, Director of Planning & Development Services, stated that Staff is requesting authorization to review permitted uses and development criteria within the "AG" Agricultural District regulations in an effort to encourage property owners to change to a zoning designation in compliance with the Comprehensive Plan. There are numerous areas that are designated as "Agricultural/Flood Plain/ Conservation" on the Future Land Use Map within the Comprehensive Plan. However, many of these areas are zoned either "M-3" Planned Industrial District or "NU" Non-Urban District. Staff would like to devise a way to provide some incentive to property owners to zone through a designation that is compliant with the City's Comprehensive Plan. After such a review, Staff will then present any potential changes.

DISCUSSION

Chair Tilman suggested that during the review process it would be beneficial to obtain feedback from the affected property owners. He recommended discussing the history of the current zoning and how a change in zoning would affect them. General discussion was held regarding the purpose of this request, with the Committee ultimately understanding that they would have the opportunity to consider any recommendation for improvement at a later date.

Councilmember Hurt made a motion to direct Staff to review uses and development criteria for the "AG" Agricultural District regulations. The motion was seconded by Councilmember Tilman and **passed** by a voice vote of 3-0.

C. Power of Review Process

Requests for Power of Review

Councilmember Hurt stated that the UDC currently allows only the Councilmember of the Ward in which a development resides or the Mayor to request Power of Review. Since there are several areas in the City that impact the whole City, he recommended that any two councilmembers have the ability to request Power of Review in addition to the councilmembers in the affected ward and/or the Mayor.

DISCUSSION

Chair Tilman concurred with Councilmember Hurt and stated there are, indeed, specific areas within the City that do impact everyone such as the Chesterfield Mall, the Valley and the commercial area at 141 and Olive Boulevard. He, too, would be in favor of allowing other councilmembers to have the ability to call Power of Review.

Councilmember DeCampi stated that he did not see the need to even call Power of Review and cited that most other municipalities do not have that ability. The feedback he has received from the business community is that the City's process is very onerous and this just adds one more layer to that process. There are instances where Power of Review may be beneficial, but overall, it creates more difficulty for the business community. Planning Commission Chair Merrell Hansen pointed out that City Council always has the ability to override the Planning Commission. Chair Tilman stated that if there is no Power of Review and a petitioner received a "no" vote at Council for something that has been approved at the Planning Commission level, it could create problems. The petitioner will either walk away or have to start the process all over again.

Councilmember Hurt made a motion to forward to City Council an amendment to Chapter 31, Article 02, Sec. 31-02-20 A. 1. of the UDC to read as follows: Either Councilmember of the Ward where a development is proposed or the Mayor or two or more Councilmembers from any Ward may request that the conditional use permit or plan for a development be reviewed and approved by the entire City Council. The motion was seconded by Councilmember Tilman.

Discussion after the Motion

There was further discussion on the purpose of Power of Review and its advantages and disadvantages. Planning Commission Chair Merrell Hansen stated that she is in favor of Power of Review as it provides an additional means for checks and balances.

The above motion **passed by a voice vote of 2-1 with Councilmember DeCampi voting nay.**

Time Limit for Calling Power of Review

Councilmember Hurt stated that the UDC also dictates that requests for Power of Review must be called within 24 hours after the Planning Commission decision. He does not want to slow down the process, but in some instances, a councilmember may not be present at the Planning Commission meeting and felt that 72 or 96 hours would be more appropriate.

Justin Wyse, Director of Planning & Development Services, stated that Planning Commission meetings are typically held on a Monday evening. If 72 hours is allowed, that would mean that Power of Review could be called on the Thursday after the Planning Commission meeting. Staff would only have one day to contact the applicant and have them prepare a resubmittal by Friday in order for that information to be included in the Planning and Public Works packet on the following Monday morning. Planning Commission results are always sent out within 24 hours. If there is a project that has the potential for Power of Review, Mr. Wyse stated that he informs the councilmembers in that ward to alert them of the project.

Chair Tilman stated that allowing more than 72 hours, would present a problem for Staff and suggested that 48 hours be allowed. Councilmember Hurt stated that he would prefer 72 hours and then suggested that it could always be modified. Chair Tilman pointed out that in the past it was longer than 24 hours but could not recall the actual time allowed. The change to allow 24 hours was initiated in an attempt to reduce the time.

Councilmember Hurt made a motion to forward to City Council an amendment to Chapter 31, Article 02, Sec. 31-02-20 A. 2. to read that Request for Power of Review must be made no later than seventy two (72) hours after decision of the Planning Commission. The motion was seconded by Councilmember Tilman and **passed by a voice vote of 2-1 with Councilmember DeCampi voting nay.**

D. Sign Discussion (Councilmember Tilman)

Justin Wyse, Director of Planning & Development Services, stated that Staff has been reviewing several ordinances including the Sign Ordinance and provided the following areas of concern that Staff will be considering:

1. Content neutrality – make sure the City is fully compliant in not violating First Amendment rights.
2. Differentiation between:
 - What is a sign
 - Usage of lighting
 - Architecture elements as a whole
3. Sign package process
4. New technologies

DISCUSSION

As part of the review process, Chair Tilman recommended scheduling work sessions that would include members of Council, the Architectural Review Board, the Planning Commission and the public in order to incorporate diverse viewpoints.

Until the review process is completed, Councilmember Hurt asked that Mr. Wyse inform the Council of any sign requests that are noncompliant with the City's current Code.

E. Driveway Apron Snow Removal Program

STAFF REPORT

Jim Eckrich, Director of Public Works/City Engineer, reported that the program was implemented on a trial basis in 2014 in order to assist residents who are not physically capable of removing snow that is plowed from the street and pushed onto the portion of the driveway located in the public right of way. The program is still in the trial phase and is to be assessed annually so that Council can determine whether the program should continue on a permanent basis.

Since 2014, this program has only been utilized four times. Due to relatively light snowfalls last year, Staff does not have enough information to recommend whether this program should be continued on a permanent basis. Therefore, Staff is recommending that the program be continued for one additional year on a trial basis. After the 2017/2018 winter season, this program will again be reviewed and a recommendation will be made as to whether the program should be continued.

Councilmember Hurt made a motion to extend the Driveway Apron Snow Removal Program for one additional year on a trial basis. The motion was seconded by Councilmember Tilman.

DISCUSSION

In response to questions, Mr. Eckrich stated that program will be evaluated from an economic perspective, but will also focus on safety, practicality, and any other problems incurred during application of the program. This matter does not require additional action from City Council, and will be continued another year on a trial basis if approved by the PPW Committee..

The above motion **passed by a voice vote of 3-0.**

F. 2018 Snow Removal Recoupment for Private Streets

STAFF REPORT

Jim Eckrich, Director of Public Works/City Engineer, stated this item needs to be funded annually as it is not included in the budget. The potential payout under the current policy is \$163,021, therefore, Staff is requesting that this expenditure be allocated for in the 2018 budget.

Councilmember Hurt made a motion to forward to City Council a recommendation of a 2018 transfer from the General Fund/Fund Reserves, over the 40% policy, in the amount of \$163,021 to fund the Snow Removal Recoupment Program for private streets. The motion was seconded by Chair Tilman.

DISCUSSION

Chair Tilman stated he still has the same concern relative to gated, private streets being excluded from the program even though the gates remain open during the day. He understands that in order for them to be included in the program, the definition of a private, gated community would have to be changed within state statutes.

The above motion **passed** by a voice vote of 3-0.

[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on 2018 Snow Removal Recoupment for Private Street.]

IV. **OTHER** - None.

V. **ADJOURNMENT**

The meeting adjourned at 7:02 p.m.