

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, February 4, 2010

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 4, 2010 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Mike Casey** (Ward III); and **Councilmember Lee Erickson** (Ward II). (*Councilmember Erickson arrived late as noted under III.B.*)

Also in attendance were: Mayor John Nations; Councilmember Bruce Geiger (Ward II); Maurice L. Hirsch, Jr. Planning Commission Chair; Michael Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Mindy Mohrman, City Arborist; Kristian Corbin, Project Planner; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM

The Committee agreed to change the agenda order.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the January 21, 2010 Committee Meeting Summary.

Councilmember Casey made a motion to approve the Meeting Summary of January 21, 2010. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 3 to 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

- B. **P.Z. 15-2009 Chesterfield Airport Commerce Park (Insituform Technologies Inc.):** A request for a change of zoning from “PC” Planned Commercial District, “PI” Planned Industrial District and “M3” Planned Industrial District to a new “PI” Planned Industrial District for three tracts of land located at 17970 Chesterfield Airport Road, 609 Cepi Drive and 17975 Edison Avenue (17v240153, 17v240331 and 17v330311).

STAFF REPORT

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

The intent of this petition is to merge all three parcels under the same governing ordinance. Mr. Corbin described to the Committee specific site locations.

Two Public Hearings were held on December 14, 2009 and January 25, 2010. The first was to introduce the project and the second was to amend the legal description to include 17975 Edison Avenue.

The Planning Commission had some concerns about restricting certain uses from Chesterfield Airport Road. Working with the Petitioner, Staff developed an exhibit which is now included as part of the Attachment A. The Planning Commission recommended approval by a vote of 8 – 0.

DISCUSSION

Councilmember Flachsbart feels that there are too many uses in the Attachment A and had a concern that the hours of operation are not restricted. He mentioned that he will be voting in opposition to the proposed ordinance amendment.

Ms. Nassif explained that as directed by City Council, Staff had worked with the Planning Commission to expand the comprehensive list of uses in order that the individual uses could be more specific. This results in an expanded list of approved uses, but does not reflect more approved uses than would have been approved under the prior general list of Planned Commercial uses. The generic uses were removed and replaced. As a result, the list of uses is larger but more specific.

Councilmember Erickson arrived at this point.

PLANNING COMMISSION REPORT

Planning Commission Chair Hirsch stated that the Planning Commission looks at the surrounding areas when making a determination of which uses should be allowed and are appropriate for the site.

He feels that one of the main issues when a site is getting rezoned is that the developer is looking at both current and future development and what uses are allowed.

Councilmember Casey stated that he feels the requested uses are fair.

Councilmember Casey made a motion to forward P.Z. 15-2009 Chesterfield Airport Commerce Park (Insituform Technologies Inc.) to City Council with a recommendation to approve. The motion was seconded by Chair Fults

Chair Fults then amended the motion to enact Automatic Power of Review. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 4 – 0.**

The vote on the motion to approve, as amended, passed by a voice vote of 3 to 1 with Councilmember Flachsbart voting “no”.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the February 17, 2010 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on P.Z. 15-2009 Chesterfield Airport Commerce Park (Insituform Technologies Inc.)]

- A. P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions):** An ordinance repealing sections 1003.105, 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, and 1003.125 of the City of Chesterfield Zoning Ordinance and creating new sections to address the development standards of the Residential Zoning Districts and repealing section 1003.187 of the City of Chesterfield Zoning Ordinance to create a new section to address Planned Unit Developments and repealing section 1003.126B of the City of Chesterfield Zoning Ordinance to create a new section 1003.126 to address Residential Tear Downs and Additions.

STAFF REPORT

Shawn Seymour, Project Planner, explained that in 2007, the Planning and Zoning Committee directed Staff to work with the Ordinance Review Committee to review the Residential Zoning districts, residential Tear Downs and Additions Ordinance, and the Planned Environmental Unit procedure within the City of Chesterfield Zoning Ordinance. The Ordinance Review Committee studied the above referenced ordinances and created draft ordinances of which were the subject of further reviews by the Committee.

Mr. Seymour outlined the major changes to the ordinances as follows:

Residential Zoning Districts

1. Created common format to increase readability and to prepare it for inclusion in the Unified Development Code (UDC).
2. Modified “E” Estate Zoning Districts to be straight zoning districts, which makes them identical to other residential zoning districts.

Residential Tear Downs & Additions Ordinance

1. Merged Residential Tear Downs with Residential Additions Ordinance to eliminate duplicate language for inclusion into UDC.
2. Revised the Purpose Statement to eliminate subjective language and to put emphasis on requirement to meet development standards of zoning district.
3. Modified trigger for Planning Commission review from the existing 500 sf. to 1,000 sf. and a 30% increase in floor area.

Planned Unit Development Ordinance

1. PUD will be the granted zoning district name – it is not an overlay zoning district. This will eliminate confusion with compatible zoning districts and will better identify PUD on the City Zoning Map.
2. Development standards are negotiated. Setbacks, minimum lots, etc. are not tied to any specific zoning district.
3. Desired Design Features have been included in the ordinance. PUD zoning is predicated on developers’ inclusion of Design Features as described in PUD Ordinance

The following chart demonstrates the differences between the current Planned Environmental Unit (PEU) Ordinance and the proposed Planned Unit Development (PUD) Ordinance:

PLANNED RESIDENTIAL DISTRICT COMPARISON		
DEVELOPMENT STANDARDS	Planned Environmental Unit (PEU) Ordinance	Proposed Planned Unit Development (PUD) Ordinance
DENSITY	Established by underlying zoning district density standards – if property is currently zoned “R1”, the maximum permitted density of that Zoning District is used to determine the maximum density of the PEU.	Established by previous zoning district density standards – if property was previously zoned “R1” the maximum permitted density of that Zoning District is used to determine the maximum density of the PUD.
MINIMUM LOT SIZE	Allows for minimum lot sizes to be reduced to a maximum of one up-zone zoning district. Example: a PEU in a “R2” zoning district could use the minimum lot size from the “R3” zoning district.	Established at time of PUD zoning – developer may use numbers that best suit their development.

DEVELOPMENT STANDARDS	Planned Environmental Unit (PEU) Ordinance	Proposed Planned Unit Development (PUD) Ordinance
SETBACKS	Allows for setbacks to be reduced to a maximum of one zoning district up-zone. Example: a PEU in a "R2" zoning district could use setbacks from the "R3" zoning district.	Established at time of PUD zoning – developer may use numbers that best suit their development.
OPEN SPACE	None required.	Minimum 30% of total PUD area. Must be dispersed throughout subdivision and may not be solely area that is considered undevelopable.

Chair Fults thanked the Ordinance Review Committee and the Department for all the work that was put into this project. Planning Commission Chair Hirsch added his praise for both Ms. Nassif's and Mr. Seymour's work on this project.

PLANNING COMMISSION REPORT

Planning Commission Chair Hirsch stated that the Planning Commission passed the petition by a vote of 6 to 2 with Commissioners Banks and Geckeler voting "no" because of their concerns with the Tear Downs and Additions portion of the Ordinance.

It was stated that Commissioners Banks and Geckeler objected to the fact that language had been eliminated from the Tear Downs and Additions Ordinance, which required an addition to be *harmonious and compatible with the surrounding houses*. Discussion was held at the Planning Commission meeting with respect to new homes being built in older subdivisions. At that time, the Mayor felt that if a structure could have been built at the time of original construction, it should be allowed to be built in the future. Commissioners Banks and Geckeler felt that by removing the above-noted language, the City was losing control over the construction of additions.

DISCUSSION

Residential Tear Downs and Additions

It was noted that all performance standards, including building setbacks and building heights of the underlying zoning district must still be met for residential tear downs and additions.

Councilmember Flachsbar stated that he is in favor of "having more review rather than less review" because he feels "it is important to be sensitive about changes that completely re-characterize a neighborhood". He would be in favor of keeping the language that has been removed from the ordinance. He is concerned that there is very little control in this area.

Ms. Aimee Nassif, Planning & Development Services Director, stated that the original Purpose Statement stated that *all tear downs and additions shall be harmonious to the existing subdivision*. The problem with such language is that it precludes the first one or two homeowners from rebuilding and re-investing in the neighborhood because it is quite possible that any new addition will be different from the rest of the neighborhood.

Mayor Nations stated that he wholeheartedly endorses repealing the restrictions on the tear downs and additions. He feels it is a “tremendous blessing” to have residents re-invest in the City’s neighborhoods. He does not want to make it difficult for residents to improve their homes – he wants the residents to be encouraged in renewing their neighborhoods. He feels a tear down is a real commitment to a neighborhood.

Mayor Nations asked if there has been any feedback from the Homebuilders Association (HBA) on the proposed changes. Mr. Seymour stated that Staff had met with HBA on multiple occasions. HBA was notified of each of the Ordinance Review Committee meetings and had access to the meeting packets so they were aware of the changes being proposed to the draft documents. In addition, HBA had representatives at several of the Committee meetings. Ms. Nassif added that HBA endorses the proposed changes because more review can be done by Staff. As a result, the homeowner is not required to go before Planning Commission, which would require more time and expense on the part of the homeowner. The proposed ordinance does not have any additional restrictions above and beyond what the underlying zoning district requires.

Councilmember Nation stated he agrees with the Mayor’s position in that he does not want the City “to scare people away from making improvements in our community”.

Residential Zoning Districts

It was confirmed that “Large Lot Residential” is retained as a zoning district.

Chair Fults then stated that she has concerns with the number of uses allowed under “LLR” Large Lot Residential and “E-2” Estate Two Acre District – she has a specific concern about “*Mortuaries and Cemeteries*” being allowed in residential areas. Planning Commission Chair Hirsch stated that the Ordinance Review Committee reviewed each of the uses, and language was changed to better define some of the uses. Mr. Mike Geisel, Director of Planning & Public Works, pointed out that uses cannot be completely excluded from the City. Since many of these uses are not desirable in the smaller lot residential areas or in commercial areas, the “LLR” and “E-2” Districts are the only areas where they would be appropriate without completely excluding them from the City.

Planned Unit Development Ordinance

Considerable discussion was held on concerns based on past experiences where a Developer requests half-acre zoning on an acre lot.

Planning Commission Chair Hirsch gave an example of how the process would work under the new Planned Unit Development Ordinance (PUD). An “NU” property could be rezoned to E-1 (one acre density) and then the Developer would apply separately for a PUD. The density would remain one-acre, but there would be negotiation between the City and the Developer on the Development Standards – such as setbacks, etc.

It was noted that the residential zoning district establishes density. Mr. Seymour pointed out that there is a provision in the PUD Ordinance that grants one unit per acre for “NU” property thus eliminating the rezoning step. If a Developer requests half of that, it would be treated the same way as any other straight zoning district. The City would review the appropriateness of the zoning, the surrounding zoning, and its impact on infrastructure – this is a completely separate process from the PUD. Half-acre zoning would have to stand on its own. Mr. Geisel pointed out that the City is not obligated to grant a PUD if it is not advantageous to the City.

Discussion was then held with respect to property still zoned “NU” throughout the City. Question was raised as to whether it would be advantageous to have those sites rezoned to “E1” or “E2” when a Petitioner applies for a PUD rather than leaving the underlying zoning at “NU”.

Councilmember Flachsbart suggested that when a Developer comes in with a PUD on property that has an underlying “NU” zoning, he must first rezone the property to some type of straight zoning. Mr. Geisel felt that if the rezoning and PUD zoning are being done simultaneously, the Petitioner should not be able to identify the additional benefits that they will give to justify the underlying zoning district. These have to be kept as two separate processes.

Councilmember Casey made a motion to forward P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions) to City Council with a recommendation to approve. The motion was seconded by Councilmember Erickson.

Discussion on the Motion

Councilmember Casey noted that Ward III has some property zoned “FPNU” Flood Plain Non-Urban. There is the potential that developers will come in and request “PC” Planned Commercial. He expressed concern that Councilmember Flachsbart’s suggestion would affect the rezoning of this property. Councilmember Flachsbart said that his proposal would only relate to “NU” being rezoned to residential.

Councilmember Flachsbart made a motion to amend the motion so that if PUD zoning is requested in an area that is presently zoned “NU”, the Petitioner must first rezone the “NU” property to a residential district. The motion was seconded by Chair Fults and **passed by a voice vote of 4 to 0.**

The vote on the motion to approve, as amended, passed by a voice vote of 3 to 1 with Councilmember Flachsbart voting “no”.

Note: One Bill, as recommended by the Planning Commission, will be needed for the February 17, 2010 City Council Meeting.
See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on P.Z. 13-2007 City of Chesterfield (Residential Districts, Planned Unit Development Ordinance, and Residential Tear Downs and Additions)].

C. Dampier Excavation Site

STAFF REPORT

Mike Geisel, Director of Planning & Public Works, stated that this update is on the agenda at the request of the Landmarks Preservation Commission.

At the west end of Chesterfield Valley, the City purchased more than 30 acres of ground, initiated a boundary swap with Scott Properties, and sold a portion of that property back to the Spirit of St. Louis Airport. The property was purchased with TIF funds with the intent to provide a 30-acre reservoir to include a Stormwater pump station.

The intent is to sell this land to the Corps or the Levee District at a later date in conjunction with the 500-year levee improvements. The Levee District had agreed to initiate excavation of the reservoir at no cost to the City and simultaneously to add breadth and height to improve the levee at the west end of Chesterfield Valley.

In 2008, a resident retrieved items from the site which appeared to have historic merit. In fact, the artifacts turned out to be a very significant archeological find. Since January of 2009, there have been ongoing studies and investigations on the site. Mr. Joe Harl, Vice President of the Archaeological Research Center of St. Louis was hired by the Corps of Engineers as principal investigator of the site. The artifacts are removed and then identified, catalogued, and transported for permanent archival.

Ms. Alice Fugate, of the Landmarks Preservation Committee (LPC), requested that Mr. Harl be allowed to address the City Council on March 1, 2010 to provide a brief presentation and to answer any questions or concerns. It has been determined that the Dampier site was an important marketing site, shopping center, temple, and burial site. It is estimated that the site dates back to A.D. 1100 or 1200 which is the height of the so-called Cahokian period. There seems to be a close relationship between the Dampier and Cahokia sites.

DISCUSSION

Chair Fults suggested that Mr. Harl provide the presentation to the Planning & Public Works Committee and the entire City Council would be invited. Ms. Fugate did not feel this would be a problem.

Councilmember Flachsbart feels that this is significant enough to warrant full attention by City Council.

Councilmember Flachsbart made a motion to allow Mr. Joe Harl ample time to address the City Council on March 1, 2010 and to provide a detailed presentation.

The motion was seconded by Councilmember Erickson.

Discussion on the Motion

It is unclear whether the site investigation is still ongoing. Mayor Nations has serious concerns as to why the Corps of Engineers continues to get updates from Mr. Harl on the excavation and not the City – who happens to own the property.

Project Status

Mr. Geisel stated that the majority of the site has been cleared and there is an existing area on the east side of the reservoir, which still needs to be thoroughly investigated. It was noted that the excavation is limited to the public property because Federal funds are being used for the excavation project. Currently, the right-of-entry granted by the City has expired, so before it is restored a full report must be provided to Staff.

The U.S. Army Corps of Engineers provided funding in the amount of \$150,000 to the Archaeological Research Center of St. Louis to conduct the dig. It is unclear whether the contract has expanded. The excavation project is on hold until the archeologist gives site clearance.

Site History

Mr. Geisel explained that the property from the existing railroad tracks north to Highway 40, and beginning at the west extent of the levee to approximately the middle of the Airport, will drain into this reservoir. There needs to be significant distance from the Chesterfield Levee to eliminate under seepage concerns. It also has to be far enough away from the Spirit of St. Louis Airport so that there are no migratory problems with water fowl.

All the stormwater will drain into the reservoir and it will gravity-flow out during times of low water on the river. During a heavy storm, the flap valves will be shut off at the river, and the water will have to be pumped over the levee – approximately 800 feet.

The City cannot move forward with the project until the reservoir is completed. There was continued discussion regarding the completion of the project and what is required to restore the site.

Safety Concerns

Chair Fults has concerns regarding the number of people allowed on the site, such as the news media and the liability to the City. Mr. Geisel noted that the site is an active construction site and even though a “No Trespassing” sign has been posted, he feels there are significant safety concerns.

There are opportunities to schedule and coordinate open houses and on-site visits, but he feels that this should be limited and controlled by the land owner, which is the City.

Mr. Herring feels that Mr. Harl should submit his presentation to the Planning & Public Works Committee to allow a complete discussion and to answer any questions. The Committee could then develop a recommendation for City Council.

Mayor Nations thanked Ms. Fugate adding that he admires all the work from the LPC, but cannot understand why the City has not received updates on the dig and feels that the excavation has been holding up the City’s project for over a year. In addition, he feels that Mr. Harl has expressed negative and inaccurate comments about the City at a public forum. He would make himself available for Mr. Harl to submit any reports or to contact him to discuss any issues or concerns.

The Committee then invited Mr. Harl to submit a PowerPoint presentation at the next Planning & Public Works Committee meeting to be held February 18, 2010 or whenever his schedule allows.

Councilmember Flachsbart’s original motion was then tabled.

Chair Fults excused herself from the meeting and Acting Chair Erickson concluded the meeting.

D. Street Tree Inventory Update

STAFF REPORT

Ms. Mindy Mohrman, City Arborist, explained that the first phase of the street tree inventory has been completed. The entire inventory was previously approved but after further investigation, it has been determined that the City is much more “tree dense” than what’s typically estimated.

The original plan was to collect information on 16,500 sites, but in fact, 18,508 sites have been completed, which includes completion of Wards I and II, and the majority of Ward III.

It is estimated that 3,000 more sites remain to be inventoried. The intention is to apply for another Street Tree Grant this year to complete the rest of the inventory. The Committee is very pleased with Staff’s progress.

As a result of the inventory, the following information has been compiled.

- **Priority 1 removals** – 82 trees have been identified,
 - This means that the trees may pose a hazard and should be removed immediately – dead, dying or diseased.
- **Priority 2 removals** – 494 trees have been identified,
 - Trees that meet the City's requirements for removal, but do not pose an immediate hazard.
- **Priority 3 removals** – 113 trees have been identified,
 - Trees that meet the minimum requirements for removal, and are not considered posing any hazard.

It was noted that Ward IV is new development, so those are young, new trees that do not require removal.

Mr. McGownd mentioned that the contractual removals and stump grindings in 2009 were estimated at \$195,000 for a total of 806 trees.

Councilmember Casey mentioned that after conversations with subdivision trustees, the removal and replacement programs are still unclear. Ms. Mohrman mentioned that there will be an article in the City's upcoming newsletter about the program.

Councilmember Flachsbart asked the City Administrator to notify all the trustees about this program.

This information is for update purposes only. No vote was required.

- E. **Ordinance amending Section 300.530 of the City Code to prohibit parking of large boats, campers, motor homes and commercial vehicles in excess of one hour per calendar day on public streets within the City.**

Councilmember Flachsbart made a motion to forward the Ordinance amending Section 300.530 to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey and **passed by a voice vote of 3 to 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the February 17, 2010 City Council Meeting. See Bill #

IV. ADJOURNMENT

The meeting adjourned at 7:00 p.m.