

# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, May 21, 2015



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 21, 2015 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Nancy Greenwood** (Ward I), **Councilmember Bridget Nations** (Ward II) and **Councilmember Dan Hurt** (Ward III). (*Councilmember Hurt arrived at 6:00 p.m.*)

Also in attendance were: Councilmember Mike Casey (Ward III); Councilmember Bruce DeGroot (Ward IV); Harry O'Rourke, Interim City Attorney; Wendy Geckeler, Planning Commission Member; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Jessica Henry, Project Planner; Jeff Paskiewicz, Senior Civil Engineer; Mindy Mohrman, City Arborist/Urban Forester and Kathy Juergens, Recording Secretary.

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

Several residents were in attendance so Chair Fults announced that the agenda order would be rearranged in order to open up more seating before addressing the River Valley Drive and Hog Hollow Road Impact Study.

## III. NEW BUSINESS

- A. **P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.):** A request for a zoning map amendment from the "C-2" Shopping District and "PC" Planned Commercial District to create a new "PC" Planned Commercial District and to add an additional use and amend the development criteria within the existing "PC" Planned Commercial District for an 8.29 acre tract of land located on the south side of Olive Boulevard west of its intersection with Woods Mill Road (16Q220719, 16Q210763, and 16Q220690).

## **STAFF REPORT**

Jessica Henry, Project Planner, presented the request for a zoning map amendment from the "C-2" Shopping District and "PC" Planned Commercial District to create a new "PC" Planned Commercial District and to add an additional use and amend the development criteria within the existing "PC" district. At the Public Hearing held on April 28, 2014 several issues were raised including the appropriateness of a drive-thru use in close proximity to the residents of Four Seasons residential subdivision. Other issues discussed were the hours of operation and the

amendment of existing development criteria, such as landscaping and setbacks within the existing Ordinance.

The Petitioner is requesting the additional use of *restaurants, fast food with drive-thru window*. This is not a zoning use that has existed as a zoning entitlement on this site.

A Planning Commission Vote Meeting was held for this petition on April 27, 2015, and the Planning Commission recommended approval by a vote of 7-1 with the following amendment:

*Hours of operation for the Fast-Casual type of Fast-Food restaurant permitted under Section A. 2, page 2, shall be 6 a.m. to 10 p.m.*

Initially letters of opposition were received by the surrounding residents, however, the Petitioner worked very closely with the Trustees of Four Seasons Plaza residential subdivision to add additional landscaping and soundproofing between the drive-thru use and their subdivision. Ultimately letters of support in favor of this petition were submitted.

### **Discussion**

Councilmember Greenwood commented that the preliminary plan does not show the stacking order of the drive-thru; however, it is extremely critical to know what the stacking order is going to be. Typically, wherever there is a drive-thru, cars are going around a building but that is not possible at this location. Stacking is a key component when considering a drive-thru. She cited an incidence at a restaurant in Chesterfield Valley where she could not back out of a parking space because there were cars stacked up behind her for the drive-thru.

Ms. Henry stated that according to a preliminary drawing provided by the Petitioner, traffic would enter from Highland Park Drive, enter the drive-thru and circle up in a horseshoe fashion. The exact circulation pattern will be established during Site Plan review. Ms. Aimee Nassif, Planning and Development Services Director, stated the City has requirements for internal circulation and the Petitioner must meet all City Code and Zoning Code requirements. A drive-thru use can be approved for this site, but all City requirements must be met for stacking, circulation, lane widths, etc. Councilmember Greenwood again stated there are existing drive-thru's located in Chesterfield that obviously met the City's design criteria but they are not working properly.

Mike Doster, Attorney on the Development Team for the Petitioner, gave a brief synopsis of the following issues they addressed during the Planning Commission review process:

- Addressed concerns of the property owner immediately south of the subject site by agreeing to extend the fence, provide additional landscaping in this area, and provide additional soundproofing.
- Met with Trustees of Four Seasons subdivision and worked out an agreement whereby on approval of the zoning, an easement for Highland Park Drive would be released from escrow and be recorded as it has never been platted and there is no recorded easement.
- To accommodate Panera Bread's current business model which includes a drive-thru, they want to relocate their existing in-line restaurant to accommodate a drive-thru. The amendment to add the drive-thru is limited to this location only.

With regard to Councilmember Greenwood's concern with stacking, Mr. Doster showed a layout of the site and pointed out the traffic pattern and stated eight cars are allowed to stack. He also pointed out that during Site Plan Review, they have to comply with the City's requirements and

the stacking issue will be addressed at that time. Councilmember Greenwood asked about the stacking at the Chesterfield Valley location. Mr. Mike Turnquist, representative for Panera Bread, said that location has a seven car stack and agreed that sometimes during lunch, more cars do stack up. The Chesterfield Valley location is expected to do 44% more business than the Four Seasons Shopping Center location with a drive-thru. Councilmember Greenwood stated there are several Panera's that do not have a drive-thru and asked why this particular location has to have a drive-thru. Mr. Turnquist stated 85% of their brand new restaurants have a drive-thru. They have converted over 100 restaurants to drive-thru's as this is their new model. Thirty percent of Panera's business goes through a drive-thru. The percentage for fast food restaurants is between 60% to 90% and that is the difference between *fast-casual* and Panera.

In response to Chair Fults' question, Ms. Nassif stated Staff recommended the classification of *Fast-Casual type of Fast-Food restaurant* with specific requirements to meet that category in order to restrict future restaurant uses that are of that type.

Ms. Nassif stated that it has come to Staff's attention that the use "*Restaurant, fast food with drive-thru window, not located in free standing buildings*" as currently written in the Attachment "A", would exclude fast food users without a drive-thru to locate within the existing buildings. This use is currently permitted by the Ordinance and Staff requests the following language shown in red be added to this use on page 1 of the Attachment "A" via a Green Sheet Amendment:

*Restaurant, fast food with **or without** drive-thru window, not located in free standing buildings.*

In response to Councilmember DeGroot's question, Mr. Turnquist stated that if a drive-thru was added, they anticipate a 15% increase in sales at this location.

**Councilmember Greenwood made a motion to remove Use r. (Rental and leasing of new and used vehicles, including automobiles, as well as associated repairs and necessary outdoor storage of said vehicles) from the Permitted Uses. The motion was seconded by Councilmember Nations and passed by a voice vote of 3-0.**

**Councilmember Nations made a motion to forward P.Z. 06-2014 Four Seasons Plaza, Adjusted Lot 2 and Part of Adjusted Lot 1 (Caplaco Seven Inc. & Dierbergs Four Seasons Inc.) with Green Sheet Amendment to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and passed by a voice vote of 2-1 with Councilmember Greenwood voting no due to lack of information regarding details of the stacking issue.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the June 1, 2015 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 06-2014 Four Seasons Plaza.]**

- B. **P.Z. 18-2014 City of Chesterfield (16659 Old Chesterfield Rd)**: A request for a zoning map amendment from “C-7” General Extensive Commercial District to “PS” Park and Scenic District for approximately 1.4 acres located northeast of the intersection of Baxter Road and Old Chesterfield Road (17T220498).

#### **STAFF REPORT**

Jessica Henry, Project Planner, stated the City initiated this project for a change in zoning from “C-7” General Extensive Commercial District to “PS” Park and Scenic District. There are currently no development plans or proposals for this parcel. A Public Hearing was held on January 12, 2015 and subsequently a Planning Commission Vote Meeting was held on May 11, 2015 at which time a motion recommending approval of this project was passed by a vote of 8-0.

**Councilmember Greenwood made a motion to forward P.Z. 18-2014 City of Chesterfield (16659 Old Chesterfield Rd) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Nations 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 June 1, 2015 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 18-2014 City of Chesterfield (16659 Old Chesterfield Rd).]**

- C. **POWER OF REVIEW: Chesterfield Commons Six, Lot 7B (Courtyard by Marriott)**: An Amended Site Development Section Plan, Amended Landscape Plan, Amended Lighting Plan, Amended Architectural Elevations and an Architect's Statement of Design for a 2.807 acre lot of land zoned “C-8” Planned Commercial District located south of Interstate 40 and west of the intersection of Boone's Crossing and Chesterfield Airport Road.

#### **STAFF REPORT**

Jessica Henry, Project Planner, presented the project request for a hotel located in the Chesterfield Commons Six development. Power of Review was called for this project after the Planning Commission meeting on May 11, 2015. The applicant has not yet submitted revised drawings for this project and are requesting that the project be presented at a future Committee meeting.

#### **Discussion**

Chair Fults stated she called Power of Review on this project due to a “lukewarm feeling” from the Architectural Review Board and objections from the Planning Commission that were beyond their voting criteria. This project is surrounded by the Hampton Inn, Amini's and Treasure Rooms which are all brick. The proposed project is a four-story, flat building made of EFIFS that does not fit in with the surrounding area.

**Councilmember Fults made a motion to hold Chesterfield Commons Six, Lot 7B (Courtyard by Marriott) to give the Petitioner the opportunity to submit revised elevations which better fit the architecture and materials of the surrounding area.** The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 3-0.**

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the May 7, 2015 Committee Meeting Summary.

Councilmember Nations made a motion to approve the Meeting Summary of May 7, 2015. The motion was seconded by Councilmember Fults and **passed by a voice vote of 2-0** with Councilmember Greenwood abstaining.

## II. OLD BUSINESS

### A. River Valley Drive and Hog Hollow Road Impact Study.

#### **STAFF REPORT**

Mr. Jim Eckrich, Public Works Director/City Engineer, reported that the River Valley Drive and Hog Hollow Road Impact Study was initiated due to the potential development of the Maryland Heights Levee Protected Area. This area includes 8,600 acres – 2,000 of which are developable, which could result in up to 28 to 33 million square feet of development. Maryland Heights has recommended an update to its comprehensive plan and is currently considering a 210-acre mixed-use development.

Maryland Heights' consultant has estimated that 10% of the traffic generated from the proposed development would utilize River Valley Drive. As a result, the residents of the River Bend Subdivision have expressed concern and have asked the City to consider closing River Valley Drive.

The City Attorney has provided a summary opinion that roads can be closed if done in accordance with City Standards. After further review by Staff and the Planning & Public Works Committee, Staff was directed to study the impact of the potential closure of River Valley Drive at the city limits along with the impact to Hog Hollow Road. Staff was also asked to provide costs and to investigate other options.

#### **River Valley Drive**

##### Traffic Generation

- From 2002 to 2005, River Valley Drive had an average daily traffic (ADT) of approximately 1,400 vehicles per day.
- The ADT was reduced in 2015 to 473 vehicles per day due to the implementation of traffic calming measures via a roundabout and improvements to Missouri Route 141.
- Based on Maryland Heights' estimates, the proposed development would generate 1,295 vehicles per day along River Valley Drive, resulting in 1,768 vehicles per day on this roadway – 25% greater than the traffic flow during 2002-2005.

##### Potential Road Modifications analyzed by Staff in order to close River Valley Drive

1. Installation of a cul-de-sac at the railroad tracks.
2. Installation of a cul-de-sac near the River Bend Bath and Tennis Club.
3. Installation of a cul-de-sac / turn-around at Ridgecrest Drive.

Staff also reviewed converting the portion of River Valley Drive from the Bath and Tennis Club to the city limits to a private road; and the possible buy-out of homes on River Valley Drive north of this area in order to eliminate that section of road in its entirety.

After a full analysis, Staff determined that Options 2 and 3 are not feasible, and that a cul-de-sac at the railroad tracks is the best option. This option is estimated to cost \$90,000 but does not include costs for any water quality features that may be required by MSD. In addition, the \$90,000 estimate assumes all the necessary right-of-way would be donated.

#### Survey of Area Residents and Utility Companies

A survey was sent to area residents regarding the possible closure of River Valley Drive. The City also requested comments from all the utility companies/agencies that would be affected by the road closure.

- Seventy-three percent (73%) of the residents indicated they are in favor of the road closure.
- Most of the agencies are opposed to the road closure – especially the Fire District and Water Company.
- The Railroad favors the road closure which would allow them to remove the at-grade crossings at Hog Hollow Road and River Valley Drive.

### **Hog Hollow Road**

#### Traffic Generation

- In 2009, Hog Hollow Road had an average daily traffic (ADT) of approximately 4,237 vehicles per day.
- The ADT was reduced in 2015 to 1,758 vehicles per day due to improvements to Missouri Route 141.
- It is estimated that 15% of the traffic from the proposed Maryland Heights development would use Hog Hollow Road – generating an additional 1,940 vehicles per day along this road.
- If River Valley Drive is closed, an additional 1,300 vehicles per day could be added to Hog Hollow Road resulting in a total potential ADT of 4,998 vehicles per day – 18% more traffic than in 2009.

Staff does not recommend adding this much traffic to Hog Hollow Road because of its condition.

#### Possible Options for Hog Hollow Road

1. While closing Hog Hollow Road does not appear to be a viable option, the City could continue to nurse it along in its current condition.
2. Hog Hollow Road could be improved at an estimated cost of \$4.3 million as follows:
  - Lessen the grade to the 12% standard;
  - Re-design the horizontal curve;
  - Address drainage and pavement failures at the edges; and
  - Create a platform at the Olive intersection.
3. The City could vacate the roadway.
  - The road would then become private and be maintained by the adjacent property owners. This would include the vacant property to the east, and the property to the west, which includes one house whose owner is opposed to the vacation of Hog Hollow Road.

### Survey of Utility Companies

The City requested comments from all the utility companies/agencies that would be affected by Hog Hollow Road being vacated resulting in most of them opposing such a vacation.

### Restriction of Tractor Trailers along Hog Hollow Road

At the direction of the Committee, Staff investigated the possibility of restricting tractor trailers along Hog Hollow Road. It was determined that tractor trailers comprise 2% of the traffic on Hog Hollow Road - 39 vehicles per day. There has only been one accident in the last three years involving a local delivery. Based on the accident history and given that the road does not meet City standards for regular vehicles, Staff feels there is no engineering basis to restrict tractor trailers on this roadway.

### **Summary**

Staff has determined that a closure of River Valley Drive can be accomplished with the preferred alternative of a cul-de-sac at the railroad tracks. This closure would be at a cost of approximately \$90,000, which does not include any costs for MSD-required water quality features and assumes all the necessary right-of-way would be donated.

If River Valley Drive is closed, there would be a significant impact to Hog Hollow Road. Consequently, Staff would recommend that Hog Hollow Road be improved. If improvements are not approved for this road, Staff recommends consideration be given to vacating Hog Hollow Road.

### **Discussion**

Staff was asked to explain what a water quality feature entails. Mr. Mike Geisel, Director of Public Services, stated that a water quality feature is a requirement of MSD due to EPA Water Quality restrictions. Water quality features typically remove contaminants prior to water entering creeks or streams.

Councilmember Greenwood stated she was surprised that Parkway School District was opposed to closing River Valley Drive. She pointed out that the northern portion of River Valley Drive is 9'3" wide while school buses are 10-feet wide. In addition, this part of River Valley Drive does not meet City Code, has a steep grade, and "S" curves making for a very dangerous situation. She has concerns that if vehicles are added to this road, there will be encounters between cars and buses making it extremely dangerous.

Councilmember Greenwood also stated that River Bend Subdivision is over 49 years old and noted that it has been the City's practice to protect existing subdivisions when a new development is constructed. While the City does not have any control over the proposed Maryland Heights development, the residents are asking that the City take steps to maintain their quality of life. She pointed out there are 31 driveways that access River Valley Drive, which raises serious concerns that these residents would have difficulty accessing the road with the estimated traffic projections.

Chair Fults asked for more information on why the utility companies are opposed to closing River Valley Drive. Mr. Geisel stated that Monarch Fire District has concerns that it would delay their response time to an emergency in this area. The Water Company has a facility in the area and uses the road to access it; they also want the road open for emergency purposes. If River Valley Drive was closed, the School District would have to use a more circuitous route to reach students attending River Bend Elementary School.

Councilmember DeGroot asked if there have been any preliminary discussions regarding obtaining the necessary easements in order to construct the cul-de-sac. Mr. Eckrich replied there have been no discussions at this point but it is presumed that since the residents are in favor of the street closure, they will donate the easements.

Councilmember DeGroot asked if there would be any potential lawsuits if River Valley Drive is closed. Interim City Attorney Harry O'Rourke stated he would discuss this matter in Executive Session at a later time. Councilmember Greenwood stated she met with a representative of the developer and he indicated they do not object to the City closing River Valley Drive and making an access for emergency vehicles.

Chair Fults questioned if the recommendations for Hog Hollow Road would have to be completed at the same time as recommendations for River Valley Drive. Mr. Geisel replied that what is done to one roadway impacts the other. Hog Hollow Road has a variety of problems and it is expected that it will only get worse over time. If River Valley Drive is closed, Staff will be bringing forward suggestions for improvements to Hog Hollow Road which will be fairly costly. While Staff has attempted to provide the Committee with "the whole picture", it was not intended to link the two roads intimately as to what needs to be accomplished.

In response to Councilmember Hurt's inquiry, it was determined there were no residents present who were opposed to closing River Valley Drive.

Councilmember Hurt stated that since Highway 141 is complete, he is in favor of closing River Valley Drive. He also pointed out if River Valley Drive is closed, it will put pressure on MoDOT and County to get the Baxter Road Extension completed. In addition, once the Baxter Road extension is complete, it will provide relief to the traffic along Hog Hollow Road.

Councilmember Hurt asked if it would be possible to provide improvements to Hog Hollow Road in phases – such as first constructing shoulders and drainage improvements along with a platform at Olive in order to address the more serious safety concerns. Mr. Eckrich replied that Staff is investigating such options but it appears that installing shoulders is more feasible at this time than providing a platform at Olive.

### **Comments from the Residents of River Bend Subdivision**

1. Barbara McGuinness, 95 River Bend Drive:  
Ms. McGuinness stated that the residents had prepared a response to Staff's Report which was provided to the Committee.
2. Trevor Hansen, 69 River Valley Drive:  
Mr. Hansen stated they have been told by Maryland Heights' officials that input from Chesterfield residents is "not needed, not welcomed and has no bearing on the process". Consequently, the residents are asking the Committee to take their input and forward the closure proposal to the full Council for consideration.
3. Bob Deffenbaugh, 72 River Valley Drive:  
Mr. Deffenbaugh stated he believes the amount of traffic that will be using River Valley Drive from the proposed development has been greatly under-estimated by Maryland Heights.

4. Mel Kenney, River Bend Subdivision:  
Mr. Kenney stated that a lot of the traffic coming up River Valley Drive and Hog Hollow Road are using these streets as a cut-through to avoid stop lights. He also feels that additional traffic will deteriorate the neighborhood by making it a less desirable place to live.
5. Diane McGuire, Ridgecrest:  
Ms. McGuire noted her agreement with Mr. Deffenbaugh's statement that the traffic is under-estimated for River Valley Drive. In addition, she has safety concerns about children riding their bikes along River Valley Drive to reach the River Bend pool.
6. Angela Jones, 76 River Valley Drive:  
Ms. Jones indicated her support of the road closure.
7. Elaine Zukowski, 88 River Bend Drive:  
Ms. Zukowski stated that as she exits the subdivision from the west side, it is very difficult to make a left-hand turn and has concerns that more traffic will make it "impossible". As an alternative, residents from the west side of the subdivision will have to use River Valley Drive to exit, ultimately adding more traffic to the road from within the subdivision.
8. Michael Meade, 127 Ridgecrest:  
Mr. Meade indicated he feels Chesterfield will not receive any benefit from the Maryland Heights' development – it will only receive additional traffic. He also pointed out that a lot of bicyclists use River Valley Drive, whose needs have not been addressed.

**Councilmember Greenwood made a motion to forward to City Council a recommendation of a cul-de-sac with emergency access on River Valley Drive.** The motion was seconded by Councilmember Hurt and **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 the River Valley Drive and Hog Hollow Road Impact Study.]**

#### **D. Ordinance 2270 Portable Storage Units**

##### **STAFF REPORT**

Ms. Aimee Nassif, Planning and Development Services Director, stated that during the codification process of the Unified Development Code (UDC), a series of Ordinances were listed in the legislation that included Ordinance 2270 – Portable Storage Units. This Ordinance is not in the UDC and should not have been included. Therefore, Staff is requesting the re-adoption of Ordinance 2270 verbatim.

**Councilmember Greenwood made a motion to forward Ordinance 2270 Portable Storage Units to City Council with a recommendation to approve.** The motion was seconded by Councilmember Nations and **passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the June 1, 2015 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Ordinance 2270 Portable Storage Units.]**

## **E. Sweet Gum Trees in the Right-of-Way**

### **STAFF REPORT**

Mr. Mike Geisel, Director of Public Services, gave the following urban forestry update:

- Sweet Gum trees have a life span of more than 150 years. They produce a prickly-type fruit which has caused problems to some residents.
- In the spring of 2014, City Council declared Sweet Gum trees as a “nuisance” tree. Consequently, the City will consider their removal upon request depending on budget constraints, the removal of other trees in the area, and upon the resident participating in the City’s Street Tree Replacement Program. The City generally does not remove trees within the right-of-way unless they are dead, dying or diseased. Nuisance trees are an exception to that policy. Trees are considered a nuisance due to many reasons such as; obstructing sight distance, obstructing signage, and not being an appropriate tree for the public right of way.
- The City removes approximately 475 trees per year, which is around a 2% mortality rate.
- Historically, almost two-thirds of the trees are removed in-house while only a third of them are removed contractually. The City budgets approximately \$200,000 annually for contractual services.
- The City’s Street Program enables residents to purchase a tree from an approved street tree list at the cost of \$100 per tree with the City subsidizing the remaining cost of the tree. The City has replaced 862 trees at a cost of \$183,070. Due to an overwhelming number of requests in 2014, City Council provided an additional \$70,000 for supplemental funding.
- The City rejects almost a third of all tree removal requests based on City Policy and/or funding. Tree removals that are rejected do not go on a waiting list. The resident must initiate a new request each time.
- The majority of rejected tree removal requests are for horned oak gall, which affects Pin Oaks. Horned oak gall causes a progressive deterioration of the tree. The tree will eventually die; however, if it has not deteriorated to the point of being considered a hazard, it will not be removed. Horned oak gall may affect as much as 40% of the City’s Pin Oak street tree population, or 1,200 trees. In 2014, there were 83 requests to remove diseased Pin Oaks but only 37 were removed. The total cost to remove all diseased Pin Oak trees is estimated to be \$1,743,600.
- The Green Ash population continues to be the largest street tree concern for the City. Green Ash trees are still the dominant species - 22% of the City’s street trees. If the City were to experience the emerald ash bore, which currently surrounds Chesterfield, the City could face expenses up to \$4.6 million over a three to five year period.

Mr. Geisel stated that a resident contacted Councilmember Flachsbart with specific suggestions relative to Sweet Gum trees and those suggestions were forwarded to this Committee to address. The resident’s suggestions are as follows:

#### **1. Designating Sweet Gum trees as “Hazardous.”**

- The City’s first priority is to remove dead, dying or otherwise “hazardous” trees. By definition, these are City liabilities that pose a direct threat to residents, motorists, homes, and vehicles. City Staff prioritizes the effort based on safety and severity of the event.

- Trees and conditions within the right of way that are determined to be “hazardous” are immediately prioritized over all other related discretionary activities.
  - Once a tree has been identified a hazard, there is no longer any discretion related to the impact on the adjacent properties or the desires of the abutting residents. A hazardous tree must be removed as soon as possible.
  - “Hazardous” and “Nuisance” are NOT interchangeable terms. Sweet Gum trees have been declared “nuisance” trees by City standards.
  - The total cost to eliminate the existing Sweet Gum street tree population is estimated to be \$2,300,960.
  - Staff does NOT recommend designating Sweet Gum trees to be “hazardous” trees.
2. Require residents who have a Sweet Gum tree in their yard to maintain a walkway free of gumballs in front of their home, either on a sidewalk or on a two-foot wide portion of the street.
- This ignores the City’s responsibility for the right-of-way. It is difficult to assign that responsibility to a private homeowner. If you only require the homeowner to remove gumballs, what about snow removal or other obstructions. While there are municipalities that assign responsibility for sidewalk maintenance, clearing of sidewalks during snow events, and even replacement of sidewalks onto the adjacent resident; that has not been a City of Chesterfield policy to date.
  - If it is illegal to knowingly deposit gumballs within the right-of-way, it seems contradictory to require that gumballs within the right-of-way be removed within one hour of their placement.
  - If the City were to decide that residents are to be responsible for the sidewalks and/or the street in front of their homes, that responsibility would necessarily apply for all reasonably anticipated hazards, not only gumballs.
  - Staff does not recommend any policy or legislative changes that would result in assigning responsibility for public infrastructure to the adjacent resident.
3. Make it a municipal offense to deposit Sweet Gum Balls in the street or on a sidewalk.
- It is already an offense to blow or otherwise intentionally cause Sweet Gum balls to be deposited in the right of way or in any public place. Chapter 26, section 15(c) of the Chesterfield City Code states:  
*It shall be unlawful for any person to litter, scatter, place or in any way deposit or cause to be scattered, placed or deposited any article or thing within the public right of way or upon public property.*
  - This does not address a concern where Sweet Gum balls drop from a tree either on public right-of-way or private property, and end up on a sidewalk or street through natural processes.
  - This is already provided for in the Chesterfield City Code and no further action is required.

### **Discussion**

In response to Chair Fults’ question, Mr. Geisel stated the City has \$200,000 to take care of street trees that are dead, dying, diseased or hazardous. If there is a surplus in the fiscal year, Staff reviews the requests for nuisance trees, which would be Sweet Gum trees. If Sweet Gum trees were to be designated as hazardous trees, they would all have to be removed. Sweet

Gums are considered a nuisance right now and as long as the homeowner and the neighborhood do not object to their removal, and we have the funds available, Sweet Gums can be removed. There was a jump in removal requests between 2013 and 2014 due to the change in City policy and the publicity regarding that change. Mindy Mohrman, City Arborist/Urban Forester, stated there were 27 requests for removal in 2013 compared to around 80 in 2014.

Staff does not recommend any changes to the current program as it is functioning as intended.

Natural predators and spraying Sweet Gum trees to halt the production of gum balls were discussed.

Planning Commission Member Wendy Geckeler commented that \$100 is very inexpensive to replace a tree, considering a tree has to be removed, the stump ground out, and a new tree replanted. Mr. Geisel stated the Street Tree Replacement Program is not linked with the tree removal program. The Street Tree Replacement Program is intended to encourage residents to add street trees. Last year, we linked the replacement program to the removal of nuisance trees. The City removes around 450 trees a year and maybe only 30 of those are nuisance trees. Therefore, some 400 trees a year are not conditioned upon participating in the Street Tree Replacement Program.

Chair Fults asked if Staff could provide information on how many requests for removal get rejected per year. This information would be helpful in determining whether more funding needs to be provided. Mr. Geisel suggested that such a report could be provided prior to the City bidding out fall street tree replacements.

Councilman Hurt stated that since the current street tree policy is acceptable, he suggested no further action be taken. Chair Fults agreed.

## **F. City Hall Rental Use and Policy**

### **STAFF REPORT**

Mr. Jim Eckrich, Public Works Director/City Engineer, stated Staff is recommending a revision of Public Works Policy Statement Number 44 to include the following improvements:

- Refining the definition of a *community group*.
- Clarifying that a charge is incurred for use on weekends except for ceremonial meetings of Boy/Girl Scouts and whole subdivision meetings.
- Slightly increasing rental fees and changing to *per hour* pricing maintaining a two-hour minimum.

**Councilmember Hurt made a motion to forward the revised Public Works Policy Statement 44 to City Council with a recommendation to approve.** The motion was seconded by Councilmember Nations.

### Discussion on the Motion

Councilmember Greenwood expressed her concern that by allowing City Hall to be rented by for-profit businesses, it may give the perception that the City is validating such businesses.

Councilmember Hurt questioned whether City Hall is rented to businesses outside of Chesterfield. It was clarified that the Policy includes *Non-Resident Rates* so the Policy does allow renting to businesses outside of Chesterfield. Councilmember Hurt stated he believes that City Hall should be available for rental purposes to community groups, residents, and businesses of Chesterfield only.

Discussion then followed as to whether City Hall should be available for rent to residents and businesses outside of Chesterfield.

Councilmember Hurt suggested that any *non-profit organization* be allowed to rent the facilities regardless of their business address; but only *for-profit businesses* located within Chesterfield be allowed to rent.

Mr. Geisel pointed out that it may prove difficult for the Customer Service Representatives to determine whether a business is *non-profit* or *for-profit*.

**Councilmember Hurt amended his motion to revise Public Works Policy Statement 44 as follows:**

- **To allow residents and businesses located within Chesterfield to rent City Hall facilities.**
- **To allow any *non-profit business* to rent City Hall facilities regardless of whether or not they are located within Chesterfield.**
- **To prohibit *for-profit businesses* not located within Chesterfield from renting City Hall facilities.**

Councilmember Nations accepted the amendment to the motion.

Mr. Eckrich then suggested that the recommended changes be presented to the City Clerk's office for review and comment before a vote is taken.

**Councilmember Hurt made a motion directing Staff to present the proposed changes to the City Clerk's Office and then bring the Policy back to the Committee for review. The motion was seconded by Councilmember Nations and passed by a voice vote of 4 - 0.**

### III. OTHER

### IV. ADJOURNMENT

The meeting adjourned at 7:25 p.m.