

# MEMORANDUM



TO: Michael G. Herring, City Administrator

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

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, November 17, 2011

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, November 17, 2011 in Conference Room 101.

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

Also in attendance were: Councilmember Mike Casey (Ward III); Planning Commission Chair Amy Nolan; Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Justin Wyse, Senior Planner; Kristian Corbin, Project Planner; and Kristine Kelley, Recording Secretary.

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

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the October 20, 2011 Committee Meeting Summary.

Councilmember Grier made a motion to approve the Meeting Summary of October 20, 2011. The motion was seconded by Councilmember Logan and **passed by a voice vote of 3 – 0.**

## II. OLD BUSINESS - None

## III. NEW BUSINESS

### A. P.Z. 13-2011 Chesterfield Village Parcel C-300 (Chesterfield Village, LLC.): A request for a Commercial-Industrial Designed Development Procedure on a "C8" Planned Commercial-zoned tract of land of 21.5 acres in size and located on the south side of Swingley Ridge Road west of its intersection with the Chesterfield Parkway (18S430237).

**STAFF REPORT**

Justin Wyse, Senior Planner presenting on behalf of Shawn Seymour gave a PowerPoint presentation showing the site and the surrounding area. Mr. Wyse stated the following:

The Petitioners are requesting a Commercial-Industrial Designed Development (CIDD) in a “C8” Planned Commercial District. The proposal covers a 21.5 acre site. However, the entire district covered under the “C8” is approximately 80 acres. The request only affects a portion of the site.

The site was originally zoned “C8” by St. Louis County in 1979. The “C8” zoning entitlements were amended a number of times, the last of which occurred in 1997 and was approved by the City of Chesterfield. The entire site is generally referred to as the “northwest quadrant” – the subject site under review is referred to as parcel 3, containing building groups A & B.

The ordinance contains very site specific requirements that pertain to building groups and parcels as well as general conditions for the entire development.

As requested by Chair Fults, Mr. Wyse then explained to Councilmembers Logan and Grier the following table which gives a Comparison of the Petitioner’s Request vs. what is currently allowed in the governing ordinance

	<b>Building Group A</b>	<b>Building Group B</b>
Current Permitted Uses	Office, retail, 1 gas station, restaurant, theater, heliport	Hotel, retail commonly associated with a hotel
Requested Use	No change	Additional use of <i>office, general</i>
Existing Uses	Dierberg’s office building	Vacant
Developed Density	94,783 square feet	0 square feet
Existing Allowed Density	460,000 square feet	350-room hotel – no maximum on the square footage
Requested Density	<ul style="list-style-type: none"> <li>• If Building Group B is developed as <b>office, general</b>, a maximum of 500,000 square feet be permitted for both Building Groups A and B.</li> <li>• If Building Group B is developed as a <b>hotel</b>, there would be no change.</li> </ul>	
Existing Allowed Height	6 floors	Maximum height of 15 floors if developed as <b>hotel</b>
Requested Height	No change	Maximum height of 6 floors if developed as <b>office</b>
Overall Development Density Does NOT Change – 1,000,000 square feet maximum		

If the request is approved, it will not preclude a hotel from being developed on the site; rather it will allow flexibility to construct either a hotel or an office building. Mr. Wyse noted that the overall density for the entire development will not change and will remain at 1,000,000 square feet for the northwest quadrant. All other requirements and regulations contained within the governing ordinance still apply to the parcels; the CIDD just modifies the height, use and density allocation.

A public hearing was held on November 14, 2011 before the Planning Commission. At that time no issues were identified. Additionally, on November 14, 2011 the Planning Commission further reviewed this request under "Old Business" and recommended approval by a vote of 7 – 0 for the CIDD special procedure and to permit the *office, general* land use.

### **PLANNING COMMISSION REPORT**

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

### **DISCUSSION**

Chair Fults asked as to whether a CIDD procedure has ever been requested. Ms. Nassif responded that the City has had many people ask to use this CIDD procedure in the past; however, no one has ever been able to meet all the criteria for a CIDD until now.

Chair Fults noted that the chart shown on page 2 emphasizes that the overall density will not change but will allow an office building instead of a 15-floor hotel. Mr. Wyse added that essentially it will allow them to combine Building Groups A and B under what is predominately allowed under Group A. It was noted that if Building Group B is developed as a *hotel*, there would be no change in the density. However, if Building Group B is developed as *office, general*, a maximum of 500,000 square feet would be permitted for both Building Groups A and B. Ms. Nassif replied that the CIDD adds the use of *office* for that building group but does not take away any development rights. It was pointed out that the hotel height would remain at fifteen (15) floors while the office height would be limited to six (6) floors. Mr. Wyse noted that the six (6) floor office height is consistent with other office heights throughout the district.

**Councilmember Logan made a motion to forward P.Z. 13-2011 Chesterfield Village Parcel C-300 (Chesterfield Village, LLC.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of 3 - 0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the December 5, 2011 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on P.Z. 13-2011 Chesterfield Village Parcel C-300 (Chesterfield Village, LLC.)].**

## **B. Resolution – Public Works Accreditation**

### **STAFF REPORT**

Brian McGownd, Public Works Director/City Engineer stated that the request is a resolution to approve an accreditation agreement between the City and the Accreditation Council of the American Public Works Association. The procedure is similar to what the Police and the Parks Departments have recently completed. Funding for Accreditation expenses in the amount of \$10,000 is budgeted in 2011 but the actual fee will only be \$8,800. The process could take approximately two years to complete and the City must apply for reaccreditation every four years.

### **DISCUSSION**

In the event the Department is not approved after the Association's initial visit, Councilmember Logan questioned as to whether there would be additional costs for additional field visits. Mr. Geisel replied that the City will have to pay all expenses for field visits regardless of how many visits occur – the \$8,800 is for the application fee only. He added that in 2012, the criteria will be changing, so by applying now, the City will be grandfathered in under the current criteria, under which the City has been working for the last year.

Councilmember Logan asked for a comparison between the required criteria versus the way the City currently operates. He fully supports the accreditation process, but does not want the American Public Works Association to tell the City's Public Works Department how to operate. Mr. McGownd replied that the Association does not offer advise on how to operate but rather wants to insure that the City has a policy and procedure for each specific item.

Councilmember Grier asked as to whether Staff was comfortable that the department meets all the guidelines required for the accreditation application. Mr. Geisel responded that Staff is currently working on the requirements necessary for the field audit. Again, it was noted that the process could take one to two years. Mr. McGownd added that there is no deadline on the part of the American Public Works Association.

It was noted that additional expenses for field visits will not require separate approval. Mr. Geisel again stated that the request only relates to approval of the resolution which will then be forwarded on to City Council.

**Councilmember Logan made a motion to forward the proposed Resolution authorizing execution of a Voluntary Accreditation Application and Accreditation Agreement with the American Public Works Association to City Council with a**

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

**Note: One Resolution, as recommended by the Planning & Public Works Committee, will be needed for the December 5, 2011 City Council Meeting. See Resolution #**

**[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Resolution – Public Works Accreditation].**

- C. T.S.P 37-2011 AT&T (14804 Clayton Road):** A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing stealth tower in a “PC” Planned Commercial District – zoned property located at 14804 Clayton Road on the south side of Clayton Road west of Wildwood Parkway (21R420714).

### **STAFF REPORT**

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

The site is currently zoned “PC” Planned Commercial District with a total tract size of .84 acres. The Petitioner is requesting to remove the existing flagpole and replace with a new flagpole along with three (3) upgraded antennas to upgrade to the 4G LTE data service. The flagpole, along with the equipment, will remain within the wooden fenced area. Mr. Corbin then provided current elevations and pointed out that the proposed pole is approximately six inches wider than the existing pole. At the Public Hearing on October 24<sup>th</sup> there were no issues identified with the proposal.

### **DISCUSSION**

Councilmember Logan noted that over the last several months the City has approved numerous Telecommunication Facility Siting Permits and questioned how much of the work has been completed.

The Petitioner responded that most of the work has not been completed. They have been working in areas outside of Chesterfield where permits have already been provided. AT&T is hoping to have the majority of the sites completed by the end of this year or by the first quarter of 2012.

Councilmember Logan mentioned that he has driven by many of the sites and noticed that those projects have not been completed. He has concerns that the permits will expire and AT&T will need an extension or re-approval. The Petitioner responded that she was uncertain as to whether an extension will be necessary but further stated that

funding is available to complete the projects and AT&T is very interested in getting the project launched. It was noted that AT&T does not actually perform the work but it is done by a “turbing contractor”. Councilmember Logan is requesting to hold approval until there are signs that progress is being made.

Ms. Nassif added that the Telecommunications Facilities Siting Permit does not expire, but once it is approved by City Council a building permit will be required, which will expire after six months.

During discussion, it was noted that seven building permits have been issued for TSP’s this year, all of which have been for additional antennas on an existing tower. Ms. Nassif added that there are two more TSP’s scheduled for Public Hearing on November 28. The subject TSP is the first request in a while where the support tower will actually be altered.

Mr. Geisel noticed the deteriorated fence and recommended that maintenance be done to the wood fence surrounding the flagpole. Mr. Corbin agreed that maintenance is required and explained that the existing gate will be relocated along the gas station side. Ms. Nassif stated that the TSP ordinance requires that screening must be maintained.

Councilmember Casey questioned the purpose for holding the project since this application is considered a “drop and swap” and the previous applications consisted of additional antennas onto existing structures.

Councilmember Grier asked when the 4G network will be in operation. The Petitioner responded that there will be some lag time, because there are certain phones that still operate under the 3G network and it will be some time before the network is operating under full capacity. Councilmember Grier did not have an issue with holding the proposal because he did not feel it would have an impact to customers in Chesterfield.

**Councilmember Logan made a motion to hold T.S.P 37-2011 AT&T (14804 Clayton Road) until maintenance work is completed on the fence and a schedule is submitted for estimated times of construction. The motion was seconded by Councilmember Grier and passed by a voice vote of 3 – 0.**

- D. **T.S.P 38-2011 AT&T (17259 Wild Horse Creek Road)**: A request to obtain approval for a Telecommunication Facility Siting Permit for a collocation of additional antennas and equipment on an existing stealth tower in a “NU” Non-Urban District –zoned property located at 17259 Wild Horse Creek Road approximately 550 feet east of the intersection of Wild Horse Creek Road and Long Road (18U420104).

**Councilmember Logan made a motion to hold T.S.P 38-2011 AT&T (17259 Wild Horse Creek Road) until a schedule is submitted for estimated times of construction. The motion was seconded by Councilmember Grier and **passed** by a voice vote of 3 – 0.**

It was noted that the screening surrounding the site is in good condition.

- E. P.Z. 10-2011 Friendship Village of West County (15201 Olive Boulevard):** A request for a change of zoning from “NU” Non-Urban District to a “R4” Residence District for a 34.5 acre tract of land at the northwest corner of Olive Boulevard and Arrowhead Estates Lane. (17S320445).

### **STAFF REPORT**

Justin Wyse, Senior Planner presenting on behalf of Mara Perry gave a PowerPoint presentation showing the site and the surrounding area. Mr. Wyse stated the following:

#### **Site Background History**

The Petitioner is requesting a change of zoning from “NU” Non-Urban District to a “R4” Residence District. The Petitioner met with Staff several months ago to discuss potentially making some changes to the existing “CUP” Conditional Use Permit for the site. In order to amend that permit, the development is required to be in an active zoning district which the “NU” is not. The request is to rezone to an active zoning district (R4) and reestablish the existing Conditional Use Permit within that district. The Petitioner intends to submit an amendment in the next few months to the existing Conditional Use Permit.

#### **Surrounding Land Use and Zoning**

The property is located on the north side of Olive Boulevard and immediately west of Faust Park. No other changes or modifications are being proposed at this time, but simply bringing the site into an active district. The “R4” District is a straight zoning district which does not require a preliminary plan. The only requirement is to provide a survey of the property.

A Public Hearing was held on November 14, 2011. At that same meeting of Planning Commission, a recommendation was approved by a vote of 7 – 0. The request for the Conditional Use Permit was also approved by a vote of 7 – 0. As the CUP was filed in conjunction with a required change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change to “R4”. Mr. Wyse explained that the Senior Living Facility is not a permitted use in the “R4” District, but considered a conditional use, so by just changing the zoning the site would be in non-conformance.

### **PLANNING COMMISSION REPORT**

Planning Chair Nolan stated there were no issues brought forth to the Planning Commission relative to the change of zoning to “R4” District.

## **DISCUSSION**

Chair Fults questioned as to whether the “R4” District is reflective of the development as it currently exists. She noted the surrounding zoning which includes “R3” District, the Park and Scenic District and Non-Urban District. Ms. Nassif stated that the difference between the “R3” and “R4” Districts is small – the “R3” is 10,000 square feet and the “R4” is only 2,000 square feet smaller for a single-family detached home. It was noted that there is a small portion of undeveloped land located on the back lot.

Ms. Nassif met with the representatives several months ago and they indicated that their future plans include upgrading some of the existing buildings, work to the interior of the site and developing the vacant area. She added that the City does not amend a “CUP” in an “NU” District anymore.

Mr. Geisel clarified that the “R4” is not just appropriate, but it’s the minimum zoning category that will allow what currently exists. He added that an “R3” District would not allow the current attached homes. Mr. Wyse explained that the “CUP” is needed for the Senior Living Facility use and the “CUP” was approved contingent upon zoning approval. Chair Fults added that the “CUP” does not go to the Committee for review, but gets approval from the Planning Commission based upon City Council’s approval of the zoning. Ms. Nassif added that within 15 days after the zoning is approved, Council can call Power of Review on the CUP.

Eventually the Petitioner will be coming back to amend the “CUP” and submitting an Amended Site Plan, which will go before the Planning Commission. Although Councilmember Segal (Ward I) was unable to attend the meeting, Councilmember Logan mentioned that Councilmember Segal can invoke a Power of Review at the first reading of City Council.

**Councilmember Grier made a motion to forward P.Z. 10-2011 Friendship Village of West County (15201 Olive Boulevard) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Logan and **passed by a voice vote of 3 - 0.**

The Petitioner noted that there are no physical changes being made to the site.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the December 5, 2011 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on P.Z. 10-2011 Friendship Village of West County (15201 Olive Boulevard)].**

## **F. Proposed 2012 Meeting Schedule**

Ms. Nassif wanted the Committee to be aware of the tight schedule surrounding the holiday season for 2012, and questioned as to whether the Committee would like to have only one meeting in November or look into alternative dates. Chair Fults recommended that the schedule remain unchanged at this time.

**Councilmember Logan made a motion to approve the Proposed 2012 Meeting Schedule. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.****

## **G. Hours of Operation – New Developments**

Chair Fults explained that she would like to amend the existing appropriate ordinances to state that there will not be any *24-hour retail* operations in the City of Chesterfield and to further define that restriction so that businesses are required to be closed completely for at least six (6) hours per day. She felt that by allowing any retail business to be open 24 hours a day could set a precedent for any future development.

Ms. Nassif asked for clarification as to whether the restriction applies only to retail, or whether it would include; office, service industry, etc. Chair Fults replied that it would only apply to *retail*. Councilmember Logan agreed that the restriction should only pertain to retail otherwise he had concerns that such a restriction would significantly limit activities at the ice rink.

Discussion was then held as to whether the restriction should apply to the entire city or be restricted to Chesterfield Valley. Mr. Geisel pointed out that it gets very difficult to enforce such a restriction when it's not site specific. Councilmember Logan added that he did not want the bicycle shop located at Olive Boulevard and Highway 141 to be open 24 hours a day.

Ms. Nassif explained that with every ordinance, including the T-O Ventures development, Staff starts with the blanket language of "*the hours of operation in this development shall not be restricted...*", but if Staff is notified in advance or if there is a specific use, then the hours of operation can be restricted. She stated that if the direction is from Council to change the language, she suggested it be changed to state that *24-hour retail be excluded for this development*. Then the language can be modified on a case-by-case basis as necessary. Mr. Geisel recommended the hours be restricted from midnight to 6:00 am.

### Deliveries

There is already a restriction in place in which businesses are not allowed deliveries before 7:00 a.m.

### Holiday Hours

During the holiday season, businesses are allowed to be open until midnight. It was added that Chesterfield Commons has operating hours from 7:00 am to 11:00 pm and three times throughout the year, they are allowed to be open from 6:00 am to midnight.

Councilmember Logan stated that doing a global restriction throughout the City is the best solution and did not feel that there would be an issue with any of the retail operations. He further explained that the auto dealers within the State of Missouri requested that the hours of operation be restricted to prohibit the sale of cars on Sundays. Ms. Nassif recommended that Staff be allowed to make the determination to the hours of operation because the definition of retail means different things to different people. Mr. Geisel added that Staff will gladly research and work with City Attorney Heggie to prepare language for a global ordinance relating to *retail* hours of operation.

Councilmember Grier stated that if it did not affect any residential developments, he did not have an issue with allowing businesses to operate with extended hours. He then asked if a bowling alley had a retail component to the space would it fall under the *retail* category. Ms. Nassif replied that it would not because it is considered an ancillary use.

## **IV. ADJOURNMENT**

The meeting adjourned at 6:13 p.m.