

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Teresa J. Price, Director of Planning

DATE: December 13, 2005

SUBJECT: Planning & Zoning Committee Meeting Summary – **December 12, 2005**

A meeting of the Planning and Zoning Committee of the Chesterfield City Council was held on Monday, December 12, 2005 in Conference Room 101.

In attendance were: **Chair Mike Casey** (Ward III); **Councilmember Jane Durrell** (Ward I); **Councilmember Connie Fults** (Ward IV); and **Councilmember Bruce Geiger** (Ward II).

Also in attendance were Stephanie Macaluso, Planning Commission Chair; Mike Herring, City Administrator; Mike Geisel, Director of Public Works/City Engineer; Teresa Price, Director of Planning; Libbey Simpson; Assistant City Administrator of Economic & Community Development; Annissa McCaskill-Clay, Assistant Director of Planning; Aimee Nassif, Project Planner; and Mary Ann Madden, Planning Assistant.

Chair Casey called the meeting to order at 8:30 a.m.

I. APPROVAL OF MEETING SUMMARY

Councilmember Geiger made a motion to approve the Meeting Summary of November 28, 2005. The motion was seconded by Councilmember Durrell.

Discussion was held regarding the motion made by Councilmember Geiger on page 4 of the Meeting Summary directing Staff to bring forward proposed language tying together open space and public art. Councilmember Geiger stated that the motion dealt with having a rationale for going to 40% open space from 50% open space. It was clarified that the motion dealt with having Staff propose language regarding this issue – not that open space and public art would necessarily be tied together.

The motion to approve the Meeting Summary, as clarified, passed by a voice vote of 4 to 0.

II. OLD BUSINESS

- A. **P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.)**: A request for a change of zoning from an “NU” Non-Urban District to a “PC” Planned Commercial District for three parcels of land on Olive Street Road, located 5 miles west of the intersection of Olive Street Road and Chesterfield Airport Road. Total area to be rezoned: 55.8 acres. (Locator Numbers: 17W-52-0025, 17W-53-0123, 16W-21-0022)

Ms. Annissa McCaskill-Clay, Assistant Director of Planning, stated the following with respect to the four issues that were brought up at the last meeting:

1. Staff has proposed the following language dealing with open space and public art:

“This minimum open space shall be granted in lieu of the required fifty percent (50%) in consideration of the placement of public art as required in Section I.U.”

2. A report from the Director of Public Works has been included in the meeting packet regarding the recommended road improvements provided by the petitioner’s Traffic Engineer.
3. Regarding cross access and signalization, it was noted that the Access Management Ordinance would be utilized for this area. St. Louis County is the governing jurisdiction for roads in this area and at this time, there is no overall signalization plan in place for this part of Chesterfield Valley.
4. The TGA/Trust Fund language has been included in the Attachment A.

DISCUSSION POINTS

Development Thresholds & Roadway Improvements

Mr. Mike Geisel, Director of Public Works, referred to his report to the Committee on Blue Valley, dated December 5, 2005. He stated that the problem with linking specific road improvements with levels of development is that some improvements will be constructed by the TDD. In addition, there are improvements related to the West End Master Plan; improvements related to the Storm Water Master Plan; improvements related to utility relocation; condemnations will be necessary; and timing will be critical. He noted that the problem of linking specific development thresholds with specific road improvements is that a continuous, safe driving roadway must be maintained during the duration of the project.

He thought that using the thresholds as a general guideline is appropriate. However, if the improvements are intimately linked to development thresholds, two problems may arise – (1) Either a roadway will be constructed that is not continuous or safe; or (2) the project

will be shut down, which has other negative effects. He suggested that the two be linked as a general guideline, but allow Staff to have the ability to withhold building permits at any time if things are not proceeding in a continuous fashion.

Councilmember Fults felt that the existing roadway is not capable of handling the proposed development. She felt that the project should not be developed until some of the road improvements have been completed.

Mr. Geisel stated that at least \$1 million of the improvements are TDD-related but the TDD Board has not yet met to commit these funds. At this point, he felt it would be a serious mistake to link development thresholds with specific road improvements because it would result in stops and starts. He stated that some flexibility has to be allowed.

Road Improvements

Relocation of the intersection of Chesterfield Airport Road and Olive Street Road further to the west: It was noted that according to the threshold development chart, this improvement is not required to be completed until the complex is 100% complete. Councilmember Geiger expressed concern about this intersection not being completed earlier.

Ms. Nolfo stated that no one wants to spend the money to improve the intersection at Chesterfield Airport Road by putting in dual left-hand lanes, and then have to come back later to move it.

Discussion was held regarding possible consequences in the event funding is pulled by TDD for road improvements.

Ms. Nolfo stated that the Petitioner has indicated that he will fill any monetary gaps for road improvements.

Mr. Doster stated that Staff has established thresholds beyond which development cannot proceed unless certain road improvements are completed. At that time, the developer will have to decide whether to stop building or whether to go forward. If the decision is made to go forward, the developer will have to put forth the funds for the necessary improvements.

Councilmember Durrell stated that ideally she would like to see all road improvements complete before the development begins. She felt this would result in fewer numbers of cars and fewer accidents. She felt the worst possible scenario is to have the whole project completed without the necessary road improvements.

Mr. Geisel stated that if all the road improvements were site-related, it would be easy to attribute all the improvements to the developer. However, some of the improvements are Valley-wide improvements. The whole concept of the TGA is that the burden of the improvements is spread out over a group of people.

Councilmember Fults expressed concern about a portion of the development being built, funds not being available for road improvements, and the developer not willing to put forth the funds for road improvements. She felt this could lead to an abandoned project.

Mr. Doster stated that the site will be developed lot-by-lot. If there is a point where Staff will not issue a building permit for a particular lot because of meeting a threshold, then the developer cannot sell any more lots. This means that lots will be unsold until the developer makes a decision on how he wants to proceed. There is an incentive on the developer to move forward – it is in the developer’s interest to have the road improvements completed to insure the success of the entire development.

It was agreed that Mr. Doster and City Attorney Heggie would work out the language for the Attachment A regarding road improvements and its funding.

Councilmember Geiger made a motion to include the following language in a Green Sheet:

“Timing for roadway improvements, as specified in Exhibit A, should be as directed by St. Louis County Highways & Traffic and the City of Chesterfield Department of Public Works. The City reserves the right to withhold building or occupancy permits at any time, as necessary to insure timely completion of the required road improvements and to prevent degradation of the traffic conditions as they may be associated with the proposed development.”

The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Councilmember Geiger made a motion directing Staff to meet with City Attorney Heggie and Mr. Doster to craft proposed language with respect to: (1) withholding building permits if necessary; (2) using Exhibit A as a guideline for development thresholds; and (3) funding source clarification – public vs. private. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Open Space/Public Art

Discussion was held with respect to whether a reduction in open space should be tied to providing an area for public art.

Chair Casey stated that at the present time, there is not an ordinance that deals with public art.

Councilmember Fults felt that public art should not be introduced as early in the project as it has been. She does not want public art to be used as a negotiating tool for a reduction in open space.

The Committee agreed with the Planning Commission's recommendation of a minimum 40% open space requirement for this development - without any link to public art.

It was noted that the Planning Commission has included language in the Attachment A which states:

“Reserve an area for display of works of art so long as the art to be displayed is mutually agreed upon by the City of Chesterfield and the Petitioner.”

Councilmember Durrell felt works of art could be offered as an incentive for other specifics related to a project – such as the location of a driveway, cross access, inclusion of a water feature, etc.

Project Planner Aimee Nassif pointed out that the Ordinance Review Committee is meeting on December 19th, at which time proposed language for an ordinance regarding “Public Art” will be discussed.

TGA

Councilmember Geiger made a motion to include the TGA language in the Attachment A. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4 to 0.

Recreational Easement

It was noted that the 25'-wide easement to, and along, the crest is wide enough for trails.

Land beyond the Levy

It was noted that the 30+ acres of land beyond the levy is owned by the developer but is not part of this petition. It is currently zoned FPNU – Flood Plain Non Urban – and is not developable.

“Abandoned” Project

Councilmember Durrell addressed Councilmember Fults' earlier concern regarding the project possibly being abandoned. She did not feel this would happen as any built buildings would be occupied – however, there could be lots that are empty.

Councilmember Fults stated that if only part of the development is built and occupied, those businesses can be hurt by the rest of the project not being complete.

Mr. Doster thought that he and City Attorney Heggie could address these concerns. He noted that the internal improvements will be complete regardless of the road improvements. He stated, however, that having a lot empty for a period of time is not unusual because of market forces.

Councilmember Fults made a motion to forward P.Z. 28-2004 Blue Valley (Agricola Associates, L.L.C.) to Council, contingent upon receiving language concerning traffic from City Attorney Heggie. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

- B. P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park):** A request for an amendment to City of Chesterfield Ordinance 1708 to permit additional uses and amendments to several area, height, lot and setback requirements in conjunction with a revised preliminary plan for a 24.9-acre “PI” Planned Industrial district located on the north side of Chesterfield Airport Road across from its intersection with Trade Center Boulevard. (Locator Numbers 17V62-0049, 17V62-0050, 17V62-0072)

Chair Casey stated that he has received a letter from Mr. Doster requesting a hold on P.Z. 15-2005.

Councilmember Durrell made a motion to hold P.Z. 15-2005 Chesterfield Airport Road Investments LLC (Terra Corporate Park) until the January 5, 2006 meeting. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

III. NEW BUSINESS

- A. P.Z. 23-2005 City of Chesterfield (Tree Manual):** A request to repeal City of Chesterfield Ordinance 2138 and replace it with a new ordinance that revises the procedures and requirements for reviewing and approving landscape plans, tree stand delineations, and tree preservation plans.

City Council has referred the Tree Manual back to Planning & Zoning Committee to review issues raised by the Public Works Department in its memo of December 1, 2005.

DISCUSSION POINTS

Delineation of Responsibility

Mr. Geisel stated that Public Works has reviewed the Tree Manual. He asked for direction from the Committee on items in the right-of-way because conflicts have been created between the Tree Manual and existing City code.

Mr. Herring pointed out that some confusion has arisen regarding delineation of responsibilities and that there needs to be some clarification of the issue.

Planning Chair Stephanie Macaluso requested that any changes or issues related to the Tree Manual be referred back to the Planning Commission and Landscape Committee for

review. She stated that the Tree Manual needs to move forward so that there is an approved document in place.

Councilmember Geiger made a motion to delineate responsibility to the Department of Public Works for trees within right-of-ways and public spaces. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Ms. Teresa Price, Director of Planning, indicated that the responsibility conflicts would be removed from the Tree Manual.

Monarch Trees

It was noted that during a recent City Council meeting, Councilmember Hurt indicated his feeling that all monarch trees should be saved, regardless of what property they are on. Mayor Nations had pointed out that a smaller residential property may not have the ability to expand its home, or include a deck, if a monarch tree is in the way of construction.

The following language, in red, was proposed by Councilmember Hurt to be added to Section II.B. of the Tree Manual:

*“The Tree Stand Delineation and Tree Preservation provisions of the City of Chesterfield Tree Manual shall apply to all vacant or undeveloped land and all property to be redeveloped including additions and alterations with 5,000 or more square footage of wooded area, **or any on-site tree that meets the definition of a monarch tree.**”*

The Committee members did not feel a monarch tree should prohibit a resident from adding to his home. Councilmember Durrell felt that most property owners would make an effort to save monarch trees as they add value to the property.

Councilmember Geiger made a motion to delete “*or any on-site tree that meets the definition of a monarch tree*” from Section II.B. of the Tree Manual. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4 to 0.**

Section II.C. of the Tree Manual

Councilmember Geiger referred to the following emboldened language of Section II.C. of the Tree Manual which states:

*“Exemptions for Single Residential Lots of less than one (1) acre that will be removing less than 10,000 square footage of tree canopy coverage are exempt from the provision of this Tree Manual **provided that all the requirements set forth in Sections IV and X are met.**”*

He asked what the requirements are in Sections IV and X. that must be met.

Staff was directed to review these Sections before the next City Council meeting to determine why this reference is there or whether this language could be eliminated.

Trees in the Right-of-Way

Councilmember Durrell asked Mr. Geisel if the Public Works Department would prefer that there be no trees in the right-of-way.

Mr. Geisel responded that from an engineering and maintenance standpoint, it would be easier not to have trees in the right-of-way. More than half of the Department's time is spent on trimming trees and tree care. He pointed out that St. Louis County does not allow trees in the right-of-way.

However, from the perspective of a consumer, Mr. Geisel stated that the trees in the right-of-way are a tremendous resource and are beautiful, which is all the more reason to be very careful about what trees are used.

IV. PENDING PROJECTS/DEPARTMENTAL UPDATE - None

V. ADJOURNMENT

The meeting adjourned at 10:06 a.m.