

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, January 21, 2010

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, January 21, 2010 in Conference Room 101.

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

Also in attendance were: Councilmember Matt Segal (Ward I); Maurice L. Hirsch, Jr. Planning Commission Chair; Mike Geisel, Director of Planning & Public Works; City Attorney Rob Heggie; Aimee Nassif, Planning & Development Services Director; Annissa McCaskill-Clay, Senior Planner; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM

I. APPROVAL OF MEETING SUMMARY

A. Approval of the December 10, 2009 Committee Meeting Summary.

Councilmember Casey made a motion to approve the Meeting Summary of December 10, 2009 with the following revision:

There was additional discussion pertaining to construction of other sidewalks throughout the City. **Councilmember Erickson suggested that Staff bring a proposal to the Committee containing its recommendations for completing sidewalks where gaps are found.** Mr. Herring **instead** recommended that any additional requests be brought before the Committee for review and consideration.

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

II. OLD BUSINESS - None

III. NEW BUSINESS

A. Illegal Signage within Green Trails South Right-of-Way

STAFF REPORT

Mr. Mike Geisel, Department of Planning & Public Works, stated that back in December of 2009 the trustees of Green Trails West appeared before City Council expressing their objections to the City's violation notice for placing a sign within the Right of Way of Green Trails South. Council directed that this issue be placed on the next Planning & Public Works Committee agenda such that the issue could be fully discussed.

In June of 2009, Staff became aware of illegal sign installations on Green Trails South in the Green Trails West Subdivision, signs were located within the City's right-of-way. Subsequently, the compliance Staff initiated an inspection and evaluation.

During that same inspection, a second illegal installation located in Green Field Village was noted, which is being pursued as a violation as well. Staff found that the subdivision trustees had obtained a permit to install the signs on private property but they were installed on public right of way. Although Staff has continued an amicable dialogue with the subdivision trustees to abate this violation, there are multiple code citations that make this situation problematic and ultimately signs cannot be approved in the City's right-of-way.

The City has been advised by legal counsel that it cannot consider content-based exceptions, and cannot, therefore, grant exceptions for subdivisions.

Mr. Geisel indicated that absent alternate formal direction from the Council, Staff would continue to seek abatement through the standard processes.

DISCUSSION

Councilmember Casey questioned whether the Green Trails West sign shown in the photo provided, was compliant. Mr. Geisel advised that the photo depicted the sign which was replaced, but it appeared as if it would have been fully compliant. There was continued discussion pertaining to sign design and placement.

Trustee representatives mentioned that they believed the signs are actually located on easements, which were granted to the subdivision for signage. Permits were acquired and the signs were not intentionally placed in the wrong location. They had additional concerns that the sign was there for over a year and no one mentioned a violation. They suggested that an ordinance be adopted allowing subdivision signs within the City right-of-way.

It was noted by Chair Fults that the City does not have enough man power to patrol the streets 24/7 but when a code violation is identified, the City takes the necessary steps to resolve the problem.

Chair Fults asked whether exceptions can be made to the proposed ordinance. City Attorney Heggie responded that under the First Amendment, all signs are considered equal, whether it pertains to political activity, subdivision signage or restaurant advertising. The policy is clear that NO signs are allowed within the right of way. The only activity allowed within the right of way is traffic control devices, union picketing and any other commercial activities where someone is actually holding the sign.

It was noted that because the property is publically owned, it becomes more problematic, because the adjacent owner does not control what signs could be placed. Although the sign has been allowed by the resident's whose home it is in front of, the City cannot permit it without setting a precedent for similar situations.

There was considerable discussion determining what is considered a sign and where they are and/are not allowed. City Attorney Heggie discussed the legal implications of sign placement within the public's right-of-way, noting that once a precedent is set, the City leaves itself open to lawsuits.

Staff will re-initiate discussions with the subdivision trustees to try to resolve the issue and abate the violation.

Councilmember Flachsbart feels there is no obvious solution but recommends the advice provided by Staff and legal counsel be followed.

No motion is required. The Committee agreed to "Receive and File".

- B. P.Z. 16-2009 17526, 17550, & 17536 Chesterfield Airport Road (St. Louis Family Church):** A request for a change of zoning from a "C8" Planned Commercial District to a "PI" Planned Industrial District for a 8.318 acre tract of land located on the south side of Chesterfield Airport Road, east of the Chesterfield Airport Road and Long Road intersection (17U140131, 17U140102, & 17U140405).

STAFF REPORT

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

The site is largely undeveloped with the exception of the old Vermeer property.

The property is adjacent to the BP Station, McDonald's and the new Plaza Tire. The tract of land was zoned "C8" by St. Louis County back in 1989.

A Public Hearing was held on December 14, 2009 and at that time, the Planning Commission and Staff did not have any outstanding issues. However, Planning Commission had concerns relating to the Fairgrounds and Vehicle Repair & Service land uses. Modifications were made to the uses as they read in the Attachment A to ensure that these land uses could only be utilized by and for Church related activities.

The Planning Commission then voted in favor of the change of zoning by a voice vote of 8 – 0.

PLANNING COMMISSION REPORT

Planning Commission Hirsch, explained that the Fairgrounds use was discussed by the Commission. It was determined that some of the outdoor activities conducted by the Church would not be allowed by a church. As a result, limiting language was proposed for the Fairgrounds use and the Vehicle Repair use – limiting these uses to the not-for-profit entity that owns the Church and its affiliates. If the property would change hands, the use goes away and would have to go back before the Planning Commission and ultimately to City Council for final review.

Councilmember Casey made a motion to forward P.Z. 16-2009 17526, 17550, & 17536 Chesterfield Airport Road (St. Louis Family Church) as described in the Attachment A to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the February 1, 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. 16-2009 17526, 17550, & 17536 Chesterfield Airport Road (St. Louis Family Church)].

- C. **T.S.P. 17-2009 AT&T (Drew Station, 1662 Clarkson Rd):** A request to obtain approval for a Telecommunication Siting Permit for the purpose of removing existing antennas, replacing them with a different antenna type and the addition of more equipment on the building at 1662 Clarkson Road in the C8-zoned Drew Station Shopping center (19S420394)

STAFF REPORT

Ms. Annissa McCaskill-Clay, Senior Planner, gave a PowerPoint presentation showing the site and surrounding area. Ms. McCaskill-Clay stated the following:

AT&T has requested a telecommunications facilities siting permit to make the following improvements:

- A new cabinet which is to be located within an existing structure at the rear of the building.
- Removal of their existing three antennas and replacement with six antennas. However, those antennas are going to be placed in little cylinders that will match the existing brick color and pattern.
- Mounting of six Tower Mounted Amplifiers (TMAs) inside the parapet of the existing building that will work in conjunction with the new antenna cylinders to boost their capabilities. The TMAs will not be visible from the outside of the building.

The enhancement is considered material modification, but will actually look like an architectural feature to the building.

Councilmember Flachsbart made a motion to forward T.S.P. 17-2009 AT&T (Drew Station, 1662 Clarkson Rd) to City Council with a recommendation to approve. The motion was seconded by Councilmember Casey and **passed by a voice vote of 4 to 0.**

Note: This is a Telecommunications Siting Permit which requires approval by City Council. A voice vote will be needed at the February 1, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 17-2009 AT&T (Drew Station, 1662 Clarkson Rd)].

D. Microfilming/Archiving Project – impact on resident information portal, ERS expansion, Active Project Database.

STAFF REPORT

Mr. Shawn Seymour, Project Planner, pointed out that the Planning & Public Works Staff responds to queries from the public on a daily basis – especially in the capacity as Planner of the Day. Because of the tremendous amount of plans and paperwork that need to be researched to reply to these queries, a Filing Task Force was formed in 2008 to come up with a workable and consistent filing system. In addition, the Task Force created the following goals:

1. Reduce Paper Consumption
2. Reduce Copier Usage
3. Reduce Number of Paper Files Added to Archives
4. Make Information Readily Available and Easily Accessible for both the Department and the public

The Planning & Public Works Department then initiated the following improvements:

1. Created Electronic File Naming Convention
2. Created Electronic Files for All City of Chesterfield Boards & Commission Content – All agendas and meeting packets are now posted on the City's website for easy accessibility by the public.
3. Created Electronic Files of all Microfilmed Documents – It was noted that documents that are considered "permanent" must be microfilmed to meet State document retention requirements. Files are now being both microfilmed and scanned so that an electronic version is available for easier access.
4. Modified GIS from ArcView format to a Web Based format – GIS is now available to the public through the City's website.
5. Updated Engineering Record Systems, Chesterfield Information Database, and Planning Project Database – These databases provide easy access for Staff to find Municipal Zoning Approvals, Site Plans, and various permits.
6. Provided all above for Resident Information Portal on City of Chesterfield Website – By entering an address into the Resident Information Portal, residents can find information on their snow map, trash pick-up schedule, parcel information, school district, fire district, water shed, subdivision information, subdivision code, one call information, trustee list, zoning maps, ward maps, and all plans and plats related to the subdivision. In addition, ownership information from St. Louis County records is now directly linked to the City's website.

Mr. Seymour gave a presentation on how all the above information is accessed from the City's website and internal databases.

Mr. Erickson questioned whether any of this information could be misused by someone.

Mr. Geisel responded that information that could possibly be misused – such as floor and building plans – are not made publicly accessible.

Mr. Geisel noted that continued efforts are being explored with the Information Systems Department to further expand this program.

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

E. Control of Rights-of-Way – Recommended Ordinance

STAFF REPORT

Mr. Mike Geisel, Department of Planning & Public Works, stated there are numerous ordinances that allow and provide control of the City's rights-of-way. However, Staff found a "blip" that created some confusion and could leave a lay person questioning the City's legislative intent. Early in the year 2000, Ordinance #1607 was passed that re-stated the City's absolute control of their rights-of-way and specifically stated that signage, other than traffic control devices, is not allowed.

For reasons currently unknown, a bill came out of the Planning & Zoning Committee later that year which repealed the ordinance for installations within the rights of way. The stated intention described in the meeting materials was to exercise greater control of the right of way. Unfortunately, it only created more confusion.

After discussions with prior City Attorney Doug Beach, those reasons were still unclear. Since then, Staff has consulted with City Attorney Rob Heggie and he agreed that the ordinance needed to be presented once again for adoption. Staff has drafted proposed legislation, which clearly defines the City's ability to restrict signs within the right of way and asks that the Committee recommend approval and adoption to City Council.

Councilmember Flachsbart made a motion to recommend approval of the proposed ordinance to establish Control of Rights-of-Way as presented by Staff and to forward said ordinance to City Council. The motion was seconded by Councilmember Casey and passed by a voice vote of 4 to 0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the February 1, 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 Control of Rights-of-Way].

IV. ADJOURNMENT

The meeting adjourned at 6:30 p.m.