



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Wednesday, January 3, 2018
5:30 PM**

I. Planning and Public Works Committee – Chairperson Guy Tilman-Ward II

- A. **Bill No. 3168** – P.Z. 08-2017 Brite Worx Carwash (Wallis Companies)
(Green Sheet Amendments provided) **(First Reading)**
- B. **Bill No. 3170** – Power of Review **(Second Reading)**
- C. **Bill No. 3171** – P.Z. 20-2017 City of Chesterfield (Unified Development
Code Articles 1 and 6) **(First Reading)**
- D. **Chesterfield Historic and Landmark Preservation Committee (CHLPC):
Status of proposal for museum space at Chesterfield Mall**
- E. **Next Meeting – January 4, 2018 (5:45pm)**

II. Finance and Administration Committee – Chairperson Tom DeCampi-Ward IV

- A. **Next Meeting – January 29, 2018 (5:30pm)**

III. Parks, Recreation and Arts Committee – Chairperson Randy Logan-Ward
III

IV. Public Health and Safety Committee – Chairperson Barry Flachsbart-Ward
I

V. Report from the City Administrator – Mike Geisel

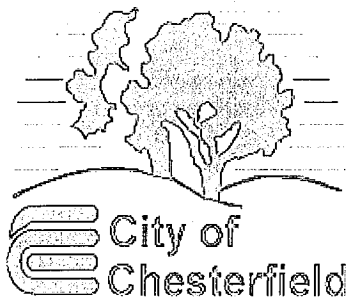
VI. Unfinished Business – Mayor Bob Nation

VII. New Business – Mayor Bob Nation

VIII. Adjourn –

NOTE: *City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.*

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.



AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Wednesday, January 3, 2018
7:00PM

- I. CALL TO ORDER** – Mayor Bob Nation
- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation
- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation
- IV. ROLL CALL** – City Clerk Vickie Hass
- V. APPROVAL OF MINUTES** – Mayor Bob Nation
 - A. F&A Committee Meeting Minutes** – November 29, 2017
 - B. Executive Session Meeting Minutes** – November 29, 2017
 - C. Public Hearing of the City Council Minutes** – December 4, 2017
 - D. City Council Meeting Minutes** – December 4, 2017
 - E. Executive Session Meeting Minutes** – December 4, 2017
- VI. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
- VII. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. Thursday, January 4, 2018** – Planning and Public Works (5:45pm)

- B. **Monday, January 8, 2018** – Planning Commission (7pm)
- C. **Monday, January 15, 2018** – City Hall Closed – Martin Luther King Day
- D. **Tuesday, January 16, 2018** – Candidate Filing Closes (5pm)
- E. **Wednesday, January 17, 2018** – Next City Council Meeting (7pm)
- F. **Monday, January 29, 2018** – Next F&A Committee Meeting (5:30pm)

VIII. APPOINTMENTS – Mayor Bob Nation

IX. COUNCIL COMMITTEE REPORTS

- A. **Planning and Public Works Committee** – Chairperson Guy Tilman, Ward II
 - 1. **Bill No. 3168** – P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) **(Green Sheet Amendments provided) (First Reading)**
 - 2. **Bill No. 3170** – Power of Review **(Second Reading)**
 - 3. **Bill No. 3171** – P.Z. 20-2017 City of Chesterfield (Unified Development Code Articles 1 and 6) **(First Reading)**
 - 4. **Chesterfield Historic and Landmark Preservation Committee (CHLPC): Status of proposal for museum space at Chesterfield Mall**
 - 5. **Next Meeting – January 4, 2018 (5:45pm)**
- B. **Finance and Administration Committee** – Chairperson Tom DeCampi, Ward IV
 - 1. **Next Meeting – January 29, 2018 (5:30pm)**
- C. **Parks, Recreation and Arts Committee** – Chairperson Randy Logan, Ward III
- D. **Public Health and Safety Committee** – Chairperson Barry Flachsbart, Ward I

X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

XI. UNFINISHED BUSINESS – Mayor Bob Nation

XII. NEW BUSINESS – Mayor Bob Nation

XIII. LEGISLATION

XIV. LEGISLATION – PLANNING COMMISSION

- A. BILL NO. 3168** - AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “PC” PLANNED COMMERCIAL DISTRICT TO A NEW “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.8 ACRE PARCEL OF LAND LOCATED ON THE WESTERN CORNER OF THE INTERSECTION OF BAXTER ROAD AND CLAYTON ROAD. (P.Z. 08-2017 BRITE WORX [WALLIS COMPANIES] - 21R410960). **Green Sheet Amendments provided. (FIRST READING) PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**
- B. BILL NO. 3170** - AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD SECTION 31-02-20 CITY COUNCIL POWER OF REVIEW PERTAINING TO THE TIME PERIOD TO EXERCISE POWER OF REVIEW AND MODIFYING WHO MAY CALL FOR CITY COUNCIL POWER OF REVIEW. **(SECOND READING) FORWARDED FROM PLANNING & PUBLIC WORKS COMMITTEE WITH NO RECOMMENDATION**
- C. BILL NO. 3171** - AN ORDINANCE AMENDING ARTICLE 1 SECTION 01-11 ADMINISTRATIVE AND DECISION MAKING AUTHORITIES AND ARTICLE 6 TELECOMMUNICATIONS FACILITIES SITING OF THE UNIFIED DEVELOPMENT CODE {P.Z. 20-2017 CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE ARTICLES 1 AND 6}. **(FIRST READING) PLANNING COMMISSION RECOMMENDS APPROVAL**

XV. ADJOURNMENT

NOTE: City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City’s representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.



Finance and Administration Committee Record of Proceeding November 29, 2017

The Finance and Administration Committee met on Wednesday, November 29, 2017. Those in attendance included: Chairperson Tom DeCampi, Ward IV; Council Committee Member Barbara McGuinness, Ward I; Council Committee Member Ben Keathley, Ward II; Council Committee Member Randy Logan, Ward III; and City Administrator Mike Geisel. Those also in attendance included: Mayor Bob Nation; Councilmember Guy Tilman, Ward II; Councilmember Dan Hurt, Ward III; Councilmember Michelle Ohley, Ward IV and City Attorney Chris Graville;

Chairperson Tom DeCampi called the meeting to order at 7:00 p.m.

Councilmember McGuinness motioned to suspend the rules for the purpose of re-ordering the agenda, to address agenda item #2 related to the proposed language for Salary Plan Policy and funding of annual merit increases for non-FOP employees first. Councilmember Logan seconded the motion, which passed unanimously, 4 – 0 by voice vote.

Mayor Nation presented the proposed language, (original text provided below for reference and convenience).

Salary plan policy and funding of annual merit increase for non-FOP employees.

An adjustment will be made annually to the salary ranges based upon the June Midwest Consumer Price Index. This adjustment to the salary ranges will be applied the following July 1st after merit increases (if awarded) have been applied. Individual salary increases will not occur as a result of this range adjustment process, unless the salary of an employee is beneath the minimum salary for his/her position after any merit increase has been awarded. In any year where the CPI is zero or less, there will be no adjustment to salary ranges the following year.

Should the city council choose to fund an annual merit increase, the amount allocated to the annual budget will be based on the following, and any other factors the council chooses to consider.

1. *A percentage stipulated and approved by city council based upon CPI, economic factors, and revenues available to the city.*
2. *Actual salaries of all current and eligible employees who were on the payroll as of September 1 of current year. This will exclude the salaries of employees who are at the maximum of the range for their job position, but may include a dollar sum adjustment to account for employees who may be near the maximum salary for their respective range and otherwise eligible for less than the approved percentage that has been allocated to the annual budget.*
3. *It is anticipated that any merit increase dollars not used for employees who may have left the payroll prior to September 1 of the following year will be sufficient to allow and award partial year increases for those employees who may join the payroll after September 1 of the current year.*
4. *There will be no allocation made for vacant positions, or positions that are forecast to be vacant or eliminated.*
5. *A dollar figure will be calculated based upon the above criteria, and this amount will be reflected in the proposed budget.*
6. *The intent of the merit increase plan is to award eligible employees on average the percentage designated by council. If and when there are additional dollars in the merit pool remaining after achieving the average percentage stipulated, left over revenues will not be distributed as additional merit increases.*

Councilmember Logan motioned to strike paragraph #6 from the proposed text. The motion died for lack of a second.

Councilmember Logan motioned to approve the proposed text and recommend to the full council that the text be added to the Salary Administration Manual with the following changes:

- 1) In paragraph #3, add the June Midwest CPI reference to be consistent with the practice and policy in place for the annual adjustment of the pay plan.
- 2) In paragraph 4, add the September 1st date reference to be consistent with paragraph #2, as follows: *There will be no allocation made for vacant positions as of September 1st of each year, or positions that are forecast to be vacant or eliminated.*
- 3) Delete paragraph #6 in its entirety.

The motion was seconded by Councilmember Keathley and passed unanimously by roll call vote, 4 – 0. Chairperson DeCampi declared the motion passed. This item will be forwarded to Council for consideration at the January City Council meeting.

City Administrator Geisel indicated that Councilmember McGuinness had inquired as to whether or not the Tuition Reimbursement policy stated that reimbursement would only be provided for programs or courses that were related to City work or occupations. Mr. Geisel indicated that while that was not explicitly stated, the policy does require Department Head approval and it is implicitly understood to be the case. Although, he explained that the City benefit might not always be in the employee's current work capacity. There have been several examples where employees have migrated to different positions in the City due to advanced education. Mr. Geisel indicated that he would recommend that such a qualifier be added to the program parameters such that there would be no confusion or future issues.

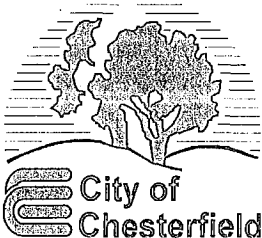
Councilmember Logan motioned to amend the program parameters to require that reimbursement only be authorized when the degree program, or the specific coursework, was related to a City of Chesterfield work activity. The motion was seconded by Councilmember Keathley and passed unanimously 4 – 0 by voice vote. Chairperson DeCampi declared the motion approved.

Adjournment

The meeting was adjourned at 7:38 p.m.

Respectfully submitted:

Mike Geisel
City Administrator



RECORD OF PROCEEDING

PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD 690 CHESTERFIELD PARKWAY WEST

DECEMBER 4, 2017

Mayor Bob Nation called the Public Hearing to order at 6:45 p.m. Councilmembers Flachsbart, McGuinness, Tilman, Hurt, Logan, DeCampi and Ohley were in attendance, along with approximately eight visitors/members of the Press. Councilmember Keathley was absent.

Section 3 of Ordinance No. 10 requires the City Administrator to prepare and submit a budget for City Council to consider/adopt, prior to January 1 of each year. Section 4 of Ordinance No. 10 requires that a Public Hearing be held, prior to the adoption of the budget. This budget presentation satisfies all requirements of Ordinance No. 10.

Mayor Nation recognized Finance Director Chris DesPlanques who noted that the budget has been created around the City's Mission Statement. Mr. DesPlanques continued by summarizing the budget process. The initial budget was submitted to Council and five budget workshops followed on September 25, October 9, October 30, November 6 and November 27. Mr. DesPlanques stated that the proposed FY2018 budget provides for \$1,404,172 net revenues over expenditures. It also includes a transfer of \$1,500,000 from the General Fund to the debt service funds.

Capital Improvement Sales Tax Fund

The Capital Improvement Sales Tax Fund is self-sufficient since it is funded from the ½ cent sales tax, approved in 1996, as Propositions "R" and "S." Mr. DesPlanques stated that the City only receives 85% of the total money it gets from the ½ cent sales tax, due to a statutory requirement that the City "share" 15% of the total with the St. Louis County sales tax pool. In conjunction with a \$30 million bond issue approved by the voters in 1996 for improvements to public rights-of-way, voters also approved a ½ cent sales tax for capital improvements. Mr. DesPlanques reported that revenues in the Capital

Improvement Sales Tax Fund are budgeted with no growth over FY2017 projected estimates. Total budgeted revenues and expenditures are down from FY2017 due to the decrease in grant funded projects and reimbursement of compressed natural gas (CNG) forward funding to the General Fund. It should be noted that revenues for the months of October, November and December have not yet been received and could impact the ending fund balance. Transfers out for debt payments on Propositions “R” and “S” are projected to total approximately \$3,489,515.

Regarding the proposed FY2018 Budget, Mr. DesPlanques reported that revenues in the Capital Improvement Sales Tax Fund are projected to total approximately \$6,633,725, which includes \$5,670,856 in sales tax and \$962,869 in other revenues. Proposed expenditures for FY2018 are \$2,941,295 for capital projects and improvements. Capital Improvement Sales Tax Fund – Fund Reserves are expected to end the year at \$45,717 during FY2018.

Parks Sales Tax Fund

Mr. DesPlanques stated that the passage of Proposition” P”, in November 2004, resulted in the creation of a Parks Sales Tax Fund, which funds all parks and recreation activities. The Parks Fund is supported by a ½ cent sales tax and, unlike the General Fund Sales Tax and the Capital Improvement Sales Tax, the City receives 100% of the revenue from this tax. The Parks Sales Tax Fund pays for things such as the Athletic Complex, Central Park, Family Aquatic Center and Eberwein Dog Park. It also pays for a number of other things such as right-of-way landscaping maintenance as well as maintenance of various pocket parks and repair or replacement of City limit signs as needed.

Mr. DesPlanques reported that revenues in the Parks Sales Tax Fund are budgeted with no growth over FY2017 projected estimates. The FY2018 proposed budgeted sales tax revenues for the Parks Fund are \$6,671,396 (7.7% below FY2016 actual value). Total proposed expenditures for FY2018 are \$754,160 (11.6% below the FY2017 original budget).

Total revenue (including sales tax revenue) in the Parks Sales Tax Fund is projected to generate approximately \$8,721,533 during FY2018. Expenditures and transfers out are projected to total \$5,710,828 and \$3,018,121, respectively. The Parks Sales Tax Fund includes no new positions. Mr. DesPlanques stated that the City is anticipating the Parks Sales Tax Fund – Fund Reserves are expected to end the year at \$1,911,859 during FY2018.

General Fund

Mr. DesPlanques reported that General Fund revenues are projected to total \$23,869,736 in FY2018. This is an increase of \$1,649,600 (7.4%) over the original FY2017 budget, primarily due to the effects of SB 867, Proposition P and the City’s contract with Clarkson Valley to provide Police services. The FY2018 proposed sales tax revenues of \$6,860,296 are 1.3% below FY2016 actual sales tax revenues.

The two major sources of General Fund revenues are sales taxes and utility taxes, which represent \$9,056,634 and \$6,727,573 respectively. Intergovernmental revenues, including motor fuel taxes, motor vehicle sales taxes, cigarette taxes, road and bridge taxes, and other grant sources represent 4,713,208. The remaining revenues consist of licenses and permits (\$1,587,921), charges for services (\$517,404), court receipts (\$794,556) and other miscellaneous sources (\$472,440).

Mr. DesPlanques reported that General Fund expenditures and transfers are projected to total \$21,111,228 and \$1,549,835, respectively for FY2018. The General Fund includes the addition of one Assistant Finance Director scheduled for a mid-year hire.

Mr. DesPlanques stated that the City maintains General Fund – Fund Reserves of over 40% of the City’s operating budget. The General Fund – Fund Reserves balance is projected to total \$8,093,032 at the end of FY2018 and, when factoring in the amount required to be set-aside, due to the City’s “40%” policy, leaves \$1,033,008 available over and above the 40% fund reserve policy to fund additional projects, as reviewed/approved by City Council, during FY2018 and beyond.

ADJOURNMENT

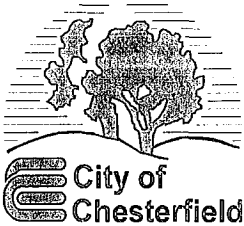
Mr. DesPlanques expressed his appreciation, on behalf of Mr. Geisel, to City Council and Staff for their cooperation and communication during the budget process.

There being no public discussion or comment, Mayor Nation adjourned the meeting at 7:02 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

DECEMBER 4, 2017

The meeting was called to order at 7:10 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Guy Tilman
Councilmember Dan Hurt
Councilmember Randy Logan
Councilmember Tom DeCampi
Councilmember Michelle Ohley

ABSENT

Councilmember Ben Keathley

APPROVAL OF MINUTES

The minutes of the November 20, 2017 Executive Session were submitted for approval. Councilmember Ohley made a motion, seconded by Councilmember Tilman, to approve the Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 20, 2017 City Council meeting were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember Ohley, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 27, 2017 Finance and Administration Committee of the Whole were submitted for approval. Councilmember Logan made a motion, seconded by Councilmember Ohley, to approve the Finance and Administration Committee of the Whole minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Ms. Mary Brown, 62 Chesterfield Lakes Road, spoke about the proposed FY2018 Budget, asking Council to reconsider the reductions in advertising.

Mr. Michael Kane, 1292 Stillhouse Creek, spoke on behalf of Ms. Jane Durrell and the Chesterfield Historic and Landmark Preservation Committee (CHLPC), expressing thanks for Council's past support of this committee and asking for their continued support.

INTRODUCTORY REMARKS

Mayor Nation recognized a Boy Scout in attendance and invited him to stay after the meeting to ask any questions he may have.

Mayor Nation announced that City Hall will be closed at noon on Friday, December 22 and all day on Monday, December 25 in observance of Christmas.

Mayor Nation announced that City Hall will be closed on Monday, January 1, 2018 in observance of New Year's Day.

Mayor Nation announced that the next meeting of City Council has been scheduled for Wednesday, January 3, 2018 at 7 p.m.

APPOINTMENTS

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Guy Tilman, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3169 (P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC [Ordinance Amendment]) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Tilman reported that Bill No. 3170 (Power of Review) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Tilman announced that the next meeting of this Committee has been scheduled for Thursday, December 7, at 5:45 p.m.

Finance and Administration Committee

Councilmember Tom DeCampi, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Logan, to approve a proposed resolution to adopt the FY2018 Budget. A roll call vote was taken with the following results: Ayes – DeCampi, Flachsbart, McGuinness, Ohley, Tilman, Logan and Hurt. Nays – None. Whereupon the motion was declared passed. The successful resolution became Chesterfield Resolution No. 442.

Councilmember DeCampi expressed his appreciation to Council and Staff for their hard work on the budget. He also complimented City Administrator Mike Geisel for his extraordinary efforts during the budget process.

Councilmember DeCampi announced that the next meeting of this Committee has been scheduled for Monday, January 29, at 5:30 p.m.

Parks, Recreation & Arts Committee

Councilmember Randy Logan, Chairperson of the Parks, Recreation & Arts Committee, announced that the next meeting of this Committee is tentatively scheduled for Tuesday, December 12, at 5:30 p.m.

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, indicated that he had no report this evening.

REPORT FROM THE CITY ADMINISTRATOR

Chief Ray Johnson, in the absence of City Administrator Mike Geisel, reported that Staff recommends entering into a professional services contract to update the City’s Parks Master Plan. Based upon review of information provided by Director of Parks, Recreation and Arts Tom McCarthy, Chief Johnson joined with Mr. Geisel and Mr. McCarthy in recommending acceptance of the proposal as submitted by Pros Consulting in an amount not to exceed \$60,000. This project is fully funded by the Parks Fund and was included in the 2017 approved budget. Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to approve this recommendation. Discussion ensued and Councilmember DeCampi made a motion, seconded by Councilmember McGuinness, to postpone this issue until the January 3 City Council meeting. A voice

vote was taken with an affirmative result (Councilmembers Flachsbart, Logan and Hurt voted “No”) and the motion to postpone was declared passed.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 3170 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD SECTION 31-02-20 CITY COUNCIL POWER OF REVIEW PERTAINING TO THE TIME PERIOD TO EXERCISE POWER OF REVIEW AND MODIFYING WHO MAY CALL FOR CITY COUNCIL POWER OF REVIEW
(FIRST READING) FORWARDED FROM PLANNING & PUBLIC WORKS COMMITTEE WITH NO RECOMMENDATION

Councilmember Tilman made a motion, seconded by Councilmember Ohley, for the first reading of Bill No. 3170. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3170 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3169 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2841 TO MODIFY DEVELOPMENT CONDITIONS FOR A 2.93 ACRE TRACT OF LAND, MORE OR LESS, ZONED C8, PLANNED COMMERCIAL DISTRICT LOCATED SOUTHEAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD (P.Z. 11-2017 STEVE W WALLACE AUTOMOTIVE & TRAILER II, LLC {ORDINANCE AMENDMENT} 17U140441, 17U140450, 17U140461 & 17U140472) **(SECOND READING) PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**

Councilmember Tilman made a motion, seconded by Councilmember DeCampi, for the second reading of Bill No. 3169. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3169 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3169 with the

following results: Ayes – Ohley, McGuinness, Hurt, Logan, Tilman and DeCampi. Nays – Flachsbart. Whereupon Mayor Nation declared Bill No. 3169 approved, passed it and it became **ORDINANCE NO. 2975**.

ADJOURNMENT

Mayor Nation entertained a motion to reconvene into Executive Session. Councilmember Ohley made a motion, seconded by Councilmember Tilman, to go into closed session, pursuant to RSMo 610.021(1) for the purpose of discussing legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys. A roll call vote was taken with the following results: Ayes – Hurt, Logan, DeCampi, Tilman, Flachsbart, McGuinness and Ohley. Nays – None. Mayor Nation declared the motion passed.

There being no further business to discuss, Mayor Nation adjourned the City Council meeting at 7:53 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

- A. Thursday, January 4, 2018** – Planning and Public Works (5:45 pm)
- B. Monday, January 8, 2018** – Planning Commission (7 pm)
- C. Monday, January 15, 2018** – City Hall Closed – Martin Luther King Day
- D. Tuesday, January 16, 2018** – Candidate Filing Closes (5 pm)
- E. Wednesday, January 17, 2018** – Next City Council Meeting (7 pm)
- F. Monday, January 29, 2018** – Next Finance and Administration Committee Meeting (5:30 pm)

APPOINTMENTS

There are no appointments proposed for this meeting.

If you have any questions, please contact me prior to Monday's meeting.

PLANNING AND PUBLIC WORKS COMMITTEE

The Planning and Public Works Committee met on December 7, 2017 and December 21, 2017 which resulted in several action items for the January 3, 2018 City Council meeting.

Bill No. 3168 - P.Z. 08-2017 Brite Worx Carwash (Wallis Companies)

(First Reading) PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED

An Ordinance amending the unified development code of the City of Chesterfield by changing the boundaries of an existing "PC" PLANNED COMMERCIAL DISTRICT to a new "PC" PLANNED COMMERCIAL DISTRICT for a 1.8 acre parcel of land located on the western corner of the intersection of Baxter road and Clayton road. (P.Z. 08-2017 BRITE WORX [WALLIS COMPANIES] - 21R410960). **Green Sheet Amendments are provided as recommended by the Planning and Public Works Committee.**

Bill No. 3171 - P.Z. 20-2017 City of Chesterfield (Unified Development Code - Articles 1 and 6)

(First Reading) PLANNING COMMISSION RECOMMENDS APPROVAL

An Ordinance amending article 1 section 01-11 administrative and decision making authorities and Article 6 Telecommunications Facilities Siting of the Unified Development Code {P.Z. 20-2017 CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE ARTICLES 1 AND 6}}.

Chesterfield Historic and Landmark Preservation Committee (CHLPC): Proposal for museum space at Chesterfield Mall Status update.

As directed by the Planning and Development Services Committee, Staff and our legal counsel is in the process of completing review of the proposed lease documents and insurance requirements. This review and any subsequent recommendations is not yet complete. Mr. Wyse, Director of Planning and Development Services will be available to answer any questions related thereto.

The following bill is on for Second Reading:

Bill No. 3170 - Power of Review

(Second Reading) FORWARDED FROM PLANNING & PUBLIC WORKS COMMITTEE WITH NO RECOMMENDATION

An Ordinance amending the unified development code of the City of Chesterfield SECTION 31-02-20 CITY COUNCIL POWER OF REVIEW pertaining to the time period to exercise power of review and modifying who may call for city council power of review

Next Meeting

The next meeting of the Planning and Public Works Committee is scheduled for Thursday, January 4, 2018 at 5:45 pm.

If you have any questions, please contact me prior to Monday's meeting.

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, November 9, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, November 9, 2017 in Conference Room 101.

In attendance were: Chair Guy Tilman (Ward II), Councilmember Dan Hurt (Ward III), and Councilmember Tom DeCampi (Ward IV) as proxy for Councilmember Ohley.

Also in attendance were: Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning & Development Services; Cecilia Dvorak, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the October 4, 2017 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of October 4, 2017. The motion was seconded by Councilmember Tilman and passed by a voice vote of 3-0.

II. UNFINISHED BUSINESS – None

III. NEW BUSINESS

A. P.Z. 11-2017 Steve W Wallace Automotive & Trailer II, LLC (Ordinance Amendment): A request to amend Ordinance 2841 to amend the development conditions in a "C-8" Planned Commercial District, for a 2.93 acre tract of land located southeast of the intersection of Chesterfield Airport Road and Long Road (17U140441, 17U140450, 17U140461 & 17U140472) (Ward 4)

STAFF REPORT

Cecilia Dvorak, Project Planner, presented the request for an ordinance amendment to an existing "C-8" Planned Commercial District. The request is for a 2.93 acre parcel located on the southeast corner of Chesterfield Airport Road and Long Road. The public hearing for this petition was held on August 28, 2017 at which time two issues were raised regarding the need to further reduce

determined by the CHLPC that rent and utilities would not exceed \$4,000 per year. The lease would be a one year lease with a clause to allow either party to vacate the lease within 30 days. The CHLPC has offered to cover the first year of costs, however, it would require that the City sign the lease as the Committee does not have the authority to do so. If the PPW Committee is supportive of the proposed course of action, Staff will continue to work with CHLPC and the management from Chesterfield Mall to present a lease to the City Council.

DISCUSSION

Chair Tilman stated that he is the Council liaison for the CHLPC and he supports this plan. The current storage situation is not sustainable for the future as storage space is limited as well as display space. Artifacts that are stored in the rafters provide no value until they are displayed. This is a low cost/low risk solution to the problem.

Councilmember Flachsbart concurred and stated that he would even be supportive of the City supporting it financially. He personally will make a donation and encouraged all Councilmembers to do so as well. His only concern is regarding security at the Mall as some of the artifacts are extremely valuable.

Councilmember Flachsbart made a motion to direct Staff to begin negotiations with Chesterfield Mall to enter into an annual lease for the purpose of storing and displaying historical artifacts. The motion was seconded by Councilmember Hurt.

Discussion after the Motion

Councilman Hurt reiterated that even though the City would sign the lease, there would be no financial obligation to the City the first year and either party may vacate the lease within 30 days at any time.

Merrell Hansen, Planning Commission Chair, stated that there are many places in the Mall for advertising and perhaps advertising space could be negotiated into the lease so the public is made aware of the CHLCP's presence.

Mr. Wyse also pointed out that since the City does not have the Staff to assist the CHLPC in this endeavor, the Committee is formulating its own staffing plan.

In response to Councilmember Logan's question regarding insuring the artifacts, Mr. Wyse stated that if the request is approved, Staff will work out those details before it is presented to City Council.

The above motion passed by a voice vote of 4 to 0.

II. UNFINISHED BUSINESS

- A. P.Z. 08-2017 Brite Worx Carwash (Wallis Companies):** A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 1.8 acres located on the western corner of the intersection of Baxter Road and Clayton Road. (21R410960). (Ward 3)

Chair Tilman explained the process for public comments stating that Staff will present their report and then the Petitioner will be allowed to summarize their proposal. The Committee will then hear comments from those in favor of the petition, those in opposition and those holding a

neutral position. Councilmember Hurt then requested that he be allowed to speak after the Staff presentation and before the Petitioner's summary. He would like to present a brief outline of the resident's concerns so that the Petitioner can address those specific concerns.

STAFF REPORT

Project Planner Cassie Harashe presented the project request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for a tunnel carwash at the corner of Baxter and Clayton Roads.

Ms. Harashe stated a Public Hearing was held on May 8, 2017 and the Planning Commission then recommended approval at their September 25, 2017 meeting, which passed by a vote of 5 to 3, with no changes to the originally submitted preliminary plan or Attachment A. On October 4, 2017, the request came before the PPW Committee where it received a recommendation of denial citing concerns of increasing encroachment toward the residential properties to the north. At the November 6, 2017 City Council meeting, the applicant requested to return to the PPW Committee due to changes made to the plan. City Council also requested that the applicant meet with nearby property owners to discuss those changes. The resident meetings have taken place and the resulting plan is the result of those meetings. The most notable change to the plan is that the car wash has been shifted more towards the southeast corner of the site further away from the residents to the north.

Ms. Harashe also stated that an attorney representing the nearby property owners has submitted a zoning protest which is currently under review by Staff and legal counsel. Staff will report to City Council the status of this protest before the item returns to City Council for a vote.

Councilmember Hurt provided the following outline of resident concerns:

- Number of car washes on Clayton Road
- Storm water versus sanitary water
- Lighting
- Building setback
- Hours of operation
- Landscaping
- Traffic
- Sound

Justin Wyse, Director of Planning & Development Services then explained the City's current lighting standards. All new lighting is to be fully shielded, flat lens light fixtures with a maximum height of 20 feet. The originally approved redevelopment plan for the Mobil on the Run site contained even more restrictive height limitations on lighting for the site and those restrictions have been incorporated into the proposed Ordinance. When comparing existing lighting to proposed lighting, there will be less illumination.

PETITIONER'S PRESENTATION

Kevin Kamp, Civil Environmental Consultants, 4848 Park 370 Blvd, Hazelwood, MO

Mr. Kamp pointed out that this corner has been a gas station for many years abutting residential. They believe that the proposed project is a great alternative for the redevelopment of this corner.

Based on feedback received from City Staff and the residents, Mr. Kamp presented a revised preliminary plan which shows that: (1) the wall on the north has been replaced with landscaping; (2) the building has been shifted and rotated slightly so the noise sources are closer to the intersection; (3) the exit of the car wash is closer to the intersection; and (4) the car wash has been shortened by 10 feet.

Storm Water – Mr. Kamp stated that greenspace in the revised plan will actually create less runoff because the grass will absorb the water. The existing site today has no storm water control. The storm water runoff from this corner was intentionally designed to be routed through a series of storm sewers with MSD. The storm water problems the residents of Woodfield are experiencing are localized geotechnical issues – the problems are not generated from the water from this corner as it does not enter their storm water basin. It was also noted that the wastewater from the car wash itself goes into the sanitary sewer system and does not impact the storm water.

Lighting – Mr. Kamp stated that if the previously approved Mobil on the Run were built, the current Ordinance allows for a 24-hour a day operation, a lighted canopy and 16 foot high light standards. By contrast, Brite Worx is a 7 a.m. to 8 p.m. operation; does not have a lighted canopy; and has after-hour lighting sufficient only to secure the site.

Architectural Elevations - Mr. Kamp presented a few conceptual architectural elevations and stressed that none of them have been approved. They are preliminary concepts based upon resident feedback. As a comparison, he showed a photo of an existing Brite Worx car wash.

Traffic – Mr. Kamp acknowledged that the Woodfield residents currently experience a tremendous amount of U-turns and while this will not change, he pointed out that a car wash demands less traffic than a convenience store. The current gas station/convenience store/car wash generates 400-450 cars a day. It is estimated that Brite Worx will generate 300 cars a day. Even though traffic estimates are less, U-turns will continue to exist no matter what type of commercial use is operating on that corner. To help alleviate the U-turn problem, the Petitioner has agreed to purchase and install No U-turn signs at the entrance to Woodfield.

Noise – Mr. Kamp stated that the loudest noise source of the car wash is at the exit end of the wash, which is now approximately 30 feet further from the residents. The loudest source of noise at the intersection of Baxter and Clayton is traffic. The Petitioner has provided a substantial barrier at the highest point and as close to the noise source as possible. The sound wall fence around the exterior is the best solution to mitigate noise. Road noise cannot be controlled. The noise generated from Brite Worx is less than ambient noise from the roadway and meets the sound requirements of St. Louis County.

Lynn Wallis, 106 E. Washington, Cuba MO

Ms. Wallis stated that she is the property owner. She explained that the Brite Worx in Columbia averaged 369 cars in November, which is fairly typical. A convenience store that is similar to the one that was originally approved for this site, averages 1500 cars a day. She pointed out that there is a significant difference between the use and the traffic. Ms. Wallis further stated that they want to be good neighbors and have demonstrated their willingness to meet with the residents and listen to their concerns. They have tried to address the residents' concerns and have made many accommodations in redesigning their typical car wash model. She asked the Committee for a recommendation to move forward with the project. Wallis Companies is a local 50 year-old, successful family-owned business. If they were not responsible, they would have not grown into the company that they are today.

DISCUSSION

U-Turn Signage – Councilmember Hurt stated that he discussed the enforcement of No U-turn signage with the City's Police Chief. Chief Johnson stated a sign could be installed, however, it may not be enforceable because it would be located on private property. Such a sign would have to be approved by the subdivision trustees and the City. The Chief also indicated that statistically, 80% of the people will obey the sign whether it is enforceable or not. People will still turn around anyway, but a sign would cut down the number of U-turns. In the event of cars queuing on Baxter Road, the Police would probably not issue tickets if one lane was open for through traffic; however, it was pointed out that it is illegal to block access on Baxter Road and that tickets would be issued if a total blockage occurred.

Noise Ordinance – Councilmember Hurt stated that St. Louis County already has a noise ordinance. If Brite Worx does not adhere to the requirements of the ordinance, then they could be shut down. The County ordinance specifies that if sound exceeds 70 DBA at any time during the day, it is illegal. Even though the County ordinance can control the sound, he has concerns that the City does not have jurisdiction over the County. If it is legal, Councilmember Hurt would like to include sound restrictions in the governing Ordinance similar to the County's so that the City would have control over the situation. Councilmember Hurt will confer with the City Attorney regarding this matter. Councilmember Flachsbart stated that he thinks it would be difficult to determine where the sound is coming from and asked how one would enforce the Ordinance given the high level of background noise. Councilmember Hurt acknowledged this concern agreeing that they would have to find a way of measuring the noise appropriately.

Jim Holtrop, AcousticControl, 2464 Taylor Road, Wildwood, MO, cited the County ordinance and stated that you cannot exceed 71 DBA. The County also requires that a city be of a certain size before they can write their own noise ordinance. Essentially, there are no cities in the County that have their own noise ordinances other than for emergency generators. He stated that Councilmember Flachsbart was correct in that the source would have to be identified in order to determine the violation, which could be difficult to do on an instantaneous basis without very sophisticated equipment.

PUBLIC COMMENTS

Nancy Berg, Woodfield Subdivision, 2417 Baxton Way, Chesterfield, MO, stated she is pleased to hear the Petitioner's positive compromises regarding aesthetics of the building and possible solutions for the noise and help with the U-turn traffic. She asked what the approval process is and what assurances the residents have that the suggestions heard tonight will be incorporated in the final project.

Councilmember Hurt stated that some of the items suggested tonight can be written in the ordinance, such as the U-turn signs. It may be possible to include sound restrictions in the ordinance, however, that will need to be determined. As far as the architectural rendering, they are on record saying they are willing to work with the City on the concept, however, the Architectural Review Board and Planning Commission would have to approve the final plan as it cannot be written in the ordinance. He also stated that City Council has the ability to call power of review on the site development plan if it does not meet the residents' expectation.

Debbie Berger, Woodfield Subdivision, 2457 Baxton Way, Chesterfield, MO, stated she too is very pleased to see how the Petitioner is bending toward being good neighbors and hopes that it will continue.

Ms. Berger also noted that when two Councilmembers ran for re-election they stated in their profiles that the biggest issues facing Chesterfield are protecting families and the character of neighborhoods, as well as creating financial stability. Councilmember Logan had stated that a large issue facing the City's growth is traffic mitigation. She feels that Brite Worx is a prime example of why we need responsible Councilmembers because traffic is an issue and expressed concern about the difficulties encountered when trying to exit the site. She also has concerns that: (1) the property values in the Woodfield subdivision will decrease; (2) more cars will be turning into their subdivision doing damage to their roads, signs and lawns; and (3) there will be 13 outdoor vacuum systems which all produce sound.

Shari Diffley, Woodfield Subdivision, 2465 Baxton Way, Chesterfield, MO, stated she is opposed to the development. She also differs with the Police Chief's opinion regarding people following posted signs and gave an example of what happens at her church where people do not pay attention to turn lanes.

Jim Cockrell, Waverly Place Subdivision, 335 Waverly Place Court, Chesterfield, MO stated he is very disappointed that Mr. Kamp did not invite them to the resident meetings. They were only notified by the residents of Woodfield. This project also directly affects Waverly Place and they would like to be included in all meetings.

Dean Berger, Woodfield Subdivision, 2457 Baxton Way, Chesterfield, MO stated he has been following this project for the last year and a half. He is concerned about the size of the building and its placement on the lot, noise, water runoff, traffic and general architectural. He is thankful that the Petitioners have addressed almost all their concerns. However, they are still concerned about traffic and noise. He noted his agreement with Councilmember Hurt's suggestion that some type of noise control should be written into the ordinance to protect the residents from the noise of this operation.

Rob Garrison, Woodfield Subdivision, 2449 Baxton Way, Chesterfield, MO thanked the Petitioner for making adjustments and modifications to the plan and stated they have addressed most of his concerns. He agrees with his fellow homeowners that the noise is definitely a concern noting that if they wash 300 cars a day at a minute for each that is 5 hours of the machine running. He would not like his parents living at the south end of Woodfield where they would continually hear noise from the blower.

Skip Diffley, Woodfield Subdivision, 2465 Baxton Way, Chesterfield, MO stated he is opposed to the project for the same reasons that have already been stated.

At 7:20 p.m., **Chair Tilman** called for a 10 minutes recess.

The meeting reconvened at 7:30 p.m.

Councilmember Hurt stated that the Petitioner is making some progress in addressing concerns, but the residents still have some concerns regarding sound, which he agrees is a major issue. The Petitioner has offered to install No U-turn signs at Woodfield and Waverly Place. The Waverly Place trustee would still like to meet with the Petitioners. He stated that since the Petitioners are progressing in the direction that everyone wants to go, he proposes holding the project until the next PPW meeting so he can try and resolve the sound issue. If his motion to hold goes through, he asked that Mr. Kamp meet with the Waverly Place trustee and that Mrs. Wallis meet with Debbie Berger tonight.

Councilmember Hurt made a motion to hold P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) until the January 4, 2018 Planning & Public Works Committee meeting in order for Staff to propose possible language to be included in the Ordinance design parameters to limit noise for this project. The motion was seconded by Councilmember DeCampi.

Discussion after the Motion

Councilmember Flachsbart stated that before voting on the motion, he would like to have the Petitioner's sound expert discuss some of the sound issues. He believes there are some misconceptions about the sound and he has questions regarding what sounds will actually be heard. He understands the real sound issue is the traffic at the intersection and residents will not even be able to hear the car wash. He does not feel sound is a big issue. He would also like to have additional information about the County's sound ordinance and how Chesterfield would enforce a sound ordinance if it were included in the governing ordinance.

In response to Councilmember Flachsbart's questions related to sound levels of the traffic and the blower fans, Mr. Holtrop addressed what the baseline noise is today and explained in detail how the study was conducted and its results. He explained the technology behind Aerodry dryers and their reputation of being the quietest blowers in the industry. An internal vacuum system will be utilized which has different nozzles and noise levels compared to a conventional outdoor vacuum system. With the worst case scenario of having the blowers and vacuums running continuously, the proposed Brite Worx facility is significantly below the County's noise requirements. Depending on traffic volume, you may never even hear the blowers.

In response to questions regarding the sound wall's effect on the adjacent neighbors, Mr. Holtrop stated the wall only drops the sound 0-2 decibels. The noise coming from the car wash is well below the traffic noise and residents will probably not even hear the car wash. In off hours when the car wash is not operational, the sound wall will benefit the adjacent neighbors because a sound wall does not exist today. Mr. Holtrop displayed slides that depicted sound levels for the car wash only with the sound wall and one that depicted the traffic only with the sound wall. The result being that the traffic noise is much louder than the car wash.

Chair Tilman had additional questions related to the redesign of the tunnel length and how it would affect the sound. Mr. Kamp stated that some of the mechanics of the wash cycle will be changed which will shorten the wash time slightly and the conveyor belt will be slowed down slightly.

Councilman Flachsbart summarized by saying the traffic noise is significant and it is much higher than the noise from the blowers and vacuums. Therefore, the traffic noise is what the residents are going to hear almost all the time. If for some reason there is no traffic, the decibels from the blowers and vacuums will be much less than what is normally heard from traffic, therefore, noise is not really an issue. The sound wall does help a little but there is not a great difference, only 1 or 2 decibels, because they are not allowed to erect a 14 foot barrier.

With reference to the details of the County's sound ordinance, Mr. Holtrop stated that in order for a city to write its own noise ordinance, the city would have to be a town of 50,000 with an active health department as part of its charter, which Chesterfield has neither. The County also requires a city to have the staff to maintain a noise ordinance.

Councilmember Hurt stated that he is not talking about writing a separate sound ordinance. There are sound restrictions within a few of the governing ordinances for the Valley and he

would like the opportunity to conduct research to see if sound regulations can be included in the Brite Worx ordinance in order to protect the residents.

Chair Tilman recommended holding the project until the next meeting so that Staff can review ordinances in the Valley to see how this is addressed and work with Councilmember Hurt and the City Attorney to see if it is possible to include language in this ordinance that would define noise limitations for the site.

Chair Tilman advised the next scheduled PPW meeting is not until January. If Staff can complete the research and work with Councilmember Hurt and the City Attorney sooner, a special meeting could be called. Mr. Wyse stated that Staff will be able to meet any deadline that the Committee sets.

Mr. Kamp thanked Councilmember Hurt for his help in communicating with the residents. He noted that they have made considerable progress and the resident concern has diminished. They have performed a sound study with extensive background based on industry standards and those results will not change. Whatever the decision is tonight, he intends on meeting with the trustee from Waverly Place and stated that if anyone wants to meet with Mrs. Wallis, she will be happy to do so.

Councilmember Flachsbart stated he is voting no on this motion and stated he is not sure he is in favor of the proposal. He does not want to give the residents hope that there is a solution to the noise when there is not a demonstrated noise problem.

The above motion failed 2 to 2 with Councilmembers Tilman and Flachsbart voting nay.

After some further discussion, Chair Tilman made a motion to forward P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) to the January 3, 2018 City Council meeting and if further additions can be made to this before the Council meeting that they be incorporated in the request. The motion was seconded by Councilmember Flachsbart.

Discussion after the Motion

Councilmember Hurt pointed out that the petitioners have offered to install No U-turn signs at Woodfield and Waverly Place and felt it should be addressed in the motion.

There was further discussion regarding the U-turn signs. Mr. Wyse advised caution in requiring an off-site improvement to mitigate an existing traffic condition.

Mrs. Wallis stated that they have encountered similar situations with other locations and offered assurances that they would install the U-turn signage. She also stated that they do not want a stricter ordinance regarding sound than what the law requires. They want to be held accountable to the same standards as everyone else.

The above motion failed by a vote of 1 to 3 with Chair Tilman, Councilmembers Hurt and DeCampi voting nay.

Chair Tilman made a motion to hold P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) pending a special Planning & Public Works Committee meeting to be held before December 23, 2017, to allow Staff time to address outstanding concerns relative to sound, signs and any other current open issues that are not in the ordinance but have been proposed by the applicant. The motion was seconded by Councilmember Hurt.

After some further discussion and clarification of the motion, the motion passed by a vote of 4 to 0.

III. NEW BUSINESS

B. Unified Development Code Updates to Articles 1 and 6

STAFF REPORT

Jessica Henry, Senior Planner, stated that the PPW Committee directed Staff to pursue several code updates to various articles of the UDC including Articles 1 and 6. A Public Hearing was held on November 27, 2017 at which time the Planning Commission passed a motion recommending approval of the updates by a vote of 9 to 0. Ms. Henry gave a brief summation of the updates as follows:

Article 01-11.B (3) Architectural Review Board-Composition of the ARB

The update removes the Chesterfield Arts membership requirement for ARB membership and adds a second residential architect. The amended language reads as follows: "The desired composition of the Board is two commercial architects, two residential architects, two landscape architects and one affiliate in a related field."

Article 6 Telecommunications Facilities Siting

An entire set of new regulations has been drafted by Staff and the City Attorney in order to comply with current Missouri state law.

DISCUSSION

In response to Councilmember Hurt's questions, Ms. Henry stated the ARB composition was drafted by this Committee and the TSP article was drafted by the City Attorney, Justin Wyse and herself. Ms. Henry also confirmed that preference is given to ARB members who are residents of Chesterfield or whose business is located in Chesterfield.

In response to Chair Tillman's question, Ms. Henry confirmed that the City is controlled by State and Federal Statutes and this update gives Chesterfield as much control as possible in regulating TSPs without violating the State statutes.

Councilmember Hurt made a motion to forward Unified Development Code Updates to Articles 1 and 6 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 January 3, 2018 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on Unified Development Code Updates to Articles 1 and 6.]

C. Waste Container Complaints

Justin Wyse, Director of Planning & Development Services, stated that over the last several months the City has seen a sharp increase in the number of trash can storage complaints throughout the City. It has been suggested that the City could limit the number of complaints

that could be generated from one individual. Staff is seeking direction on how to move forward with this suggestion.

DISCUSSION

Councilmember Flachsbart stated that he is in favor of establishing a cap on the number of complaints an individual can make due to the amount of time and energy expended by the Code Enforcement Officers. He suggested perhaps less than 10 complaints.

Chair Tilman stated he is opposed to a cap. He acknowledged that the situation has generated a lot of extra work, but feels that if a cap is placed on the number of complaints a resident can generate, it sends a message to residents that Council is willing to listen and willing to hear their complaints up to a point. While today it is waste containers, tomorrow it could be another issue. Councilmember Flachsbart still felt that there should be a certain limit set per month or per quarter noting that if it really is a problem, then other residents would be complaining.

Councilmember DeCampi stated it is not a good idea to put a limitation on the number of complaints. He is well aware of the situation and stated there are deeper issues involved that need to be addressed so the matter can be resolved. Councilmember Hurt concurred.

There was further discussion regarding prioritizing the workload and Mr. Wyse stated it has reached a point where prioritization is difficult due to sheer mass.

The Committee agreed that no action would be taken at this time.

III. OTHER

IV. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee
Special Meeting Summary Thursday, December 21, 2017



A Special Meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 21, 2017 in the Council Chambers.

In attendance were: Chair Guy Tilman (Ward II), Councilmember Barry Flachsbart (Ward I), Councilmember Dan Hurt (Ward III), and Councilmember Michelle Ohley (Ward IV).

Also in attendance were: Mayor Bob Nation; Councilmember Randy Logan (Ward III); Planning Commission Chair Merrell Hansen; Justin Wyse, Director of Planning & Development Services; Jim Eckrich, Director of Public Works/City Engineer; Jessica Henry, Senior Planner; and Mary Ann Madden, Recording Secretary.

The meeting was called to order at 5:45 p.m.

A. APPROVAL OF MEETING SUMMARY

Approval of the December 7, 2017 Committee Meeting Summary

Councilmember Ohley made a motion to approve the Meeting Summary of December 7, 2017. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4 - 0.

B UNFINISHED BUSINESS

P.Z. 08-2017 Brite Worx Carwash (Wallis Companies): A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 1.8 acres located on the western corner of the intersection of Baxter Road and Clayton Road. (21R410960). (Ward 3)

STAFF REPORT

Senior Planner Jessica Henry stated that this petition was reviewed at the December 7, 2017 Planning & Public Works Committee meeting. At that time, the Committee voted to hold the project and directed Staff to work with the applicant in addressing the three outstanding concerns relative to traffic, site lighting, and noise. Ms. Henry then provided the following information regarding each issue:

Traffic

In order to address U-turn movements at the two adjacent residential subdivisions, the applicant has agreed to install *No U-Turn* signage within those developments. Since these signs will be located on private streets, a private agreement between the applicant and the Homeowners Associations will be necessary, which does not require any changes to the Attachment A. This practice is consistent with other City projects where collaboration between private individuals was needed for off-site improvements.

Lighting

Staff proposes that language be incorporated into the Attachment A specifying that non-security lighting will not be on for more than 30 minutes prior to opening or past closing. The Attachment A also includes the stricter lighting requirements from the original ordinance.

Noise

The Unified Development Code has Performance Standards that include the adoption of St. Louis County's noise ordinance. Staff proposes language be added to the Attachment A specifying that in instances where the County ordinance is enforced, the Residential Noise Standard Table will be utilized in evaluating any concern about noise. It was noted that the Residential Noise Standard Table is stricter than the standard noise level used for commercial properties.

To further address the issue of noise, the applicant will be required to install a second six-foot masonry wall along the north property line of the site. The ordinance allows the petitioner the flexibility to work with the adjacent residents in order to place this wall on a berm in the common ground of the subdivision where it would be optimal for the residents and have the most impact. Proposed language regarding this wall and its location has been provided in the Staff Report.

If the additional restrictions proposed by Staff are desired, Green Sheet Amendments will be prepared as the project moves forward to Council.

DISCUSSION

During discussion, the following items were reviewed and clarified, as necessary:

Walls/Fences

Ms. Henry explained that two walls are required for the site. A six-foot-tall masonry fence will travel along the western property line, curve around the drive aisle, and extend across most of the northern property line. This wall is outlined on the Preliminary Development Plan, and will replace the existing wooden fence along the western property line.

The Attachment A also requires a second wall on or near the north property line, which is not shown on the Preliminary Development Plan but will be shown on a subsequent Site Development Plan. The specific location for this fence has not yet been determined – it could be located along the northern property line where the existing wooden fence is situated; or it could be placed on the existing berm in collaboration with the HOA. Councilmember Hurt pointed out that this second wall is important to the residents from both a sound standpoint and a visual standpoint.

It was also noted that the Preliminary Development Plan shows a temporary tree protection fence, which will only be up during the construction period in an effort to protect trees from damage.

Berm/Stormwater

Councilmember Hurt advised the residents that a berm will surround the site. This berm will collect the stormwater runoff and send it into a basin, providing a 25% reduction before going downstream.

Hours of Operation

The hours of operation for the site are from 7:00 a.m. to 8:00 p.m.

Vacuum Stations

The Preliminary Development Plan proposes 12 vacuum stations.

PETITIONERS

Mr. Kevin Kamp, Civil Environmental Consultants, 484 Park 370 Blvd., Hazelwood, MO.

Mr. Jim Holtrop, AcoustiControl, 2464 Taylor Road, Wildwood, MO.

Walls

Mr. Kamp clarified that the existing wooden fence along the western property line will be removed when the masonry wall is installed. He also stated that the strip between the wall and adjacent residences will be re-vegetated and landscaped appropriately.

Power of Review

Councilmember Hurt advised that both he and Councilmember Logan want Power of Review to be included in the Attachment A; which will allow Council to review the subsequent Site Development Plan.

Trees/Landscaping

Councilmember Hurt pointed out that there are mature evergreen trees along the western property line outside of the existing wooden wall and the residents want those trees to remain. Mr. Kamp stated that they are trying to preserve those trees, along with as much of the existing buffer as possible.

Councilmember Hurt stated that at the site development stage there may be some discussion as to where the residents want trees to be located – they may want some outside of the wall to provide screening of the wall. Mr. Kamp replied that the landscape package includes landscaping along the exterior of the wall to break up the linear mass of this feature.

Elevation

Councilmember Hurt referred to the elevation presented at the December 7th Committee meeting which showed the utilization of grey stone. He noted that Power of Review will allow Council the opportunity to ensure that this type of look is used for the site.

Noise Concerns

Councilmember Logan stated that Waverly Place residents have expressed concern about the effect of the sound from the exit tunnel coming out onto the intersection and into their neighborhood. He asked if adding tall grasses at the south and east ends of the site would buffer any of the noise projecting across Clayton Road.

Mr. Holtrop replied that such landscaping would be totally ineffective as a noise buffer. He explained that an adequate barrier for vegetation requires a depth of 100 feet of dense trees. He also pointed out that the noise is coming from the traffic – not the exit from the tunnel.

Councilmember Logan asked how much the second wall will contribute to lessening the noise for the Woodfield subdivision. Mr. Holtrop indicated that it will be barely measurable because the major noise source will still be coming from the traffic.

Councilmember Flachsbart asked if the sound wall would impact the sound from the blowers at the tunnel exit in a hypothetical situation where there was no traffic in the area. Mr. Holtrop replied that if the only sound was coming from the Brite Worx operation, there would only be a marginal improvement (0-3 decibels) because the area already has "standard suburban noise" of 40-45 decibels. About half of the population would notice an improvement of 3 decibels; 5 decibels is considered a significant change.

Councilmember Hurt advised the Wallis Company that the City will be using both the County ordinance and the Residential Noise Standard Table to enforce the noise levels of the site. If a complaint is received, Staff will monitor the situation within 1-2 business days and if it is determined there are issues, it will be brought before the City's court.

Mr. Holtrop pointed out that the site has been designed to meet the resident noise codes vs. commercial noise codes because the residential codes require a lower level of noise.

No blockage Signage

Councilmember Hurt stated that the residents of Woodfield are worried about traffic back-up on snow days and requested signs stating *Do Not Block Intersection*. Mr. Kamp noted their willingness to install such signage, but explained that County permission is needed because the signage will have to be installed in public right-of-way. He pointed out that the signage cannot be installed on private property because of an existing fence running along Baxter Road.

RESIDENT REPRESENTATIVE

Mr. Dean Berger, Trustee of Woodfield Subdivision, 2457 Baxton Way, Chesterfield, MO.

Mr. Berger stated that their primary concern is the noise issue and noted that the Chesterfield website has information regarding noise disturbances, which refers to "reasonableness". He noted that what may be acceptable on a Wednesday afternoon may not be acceptable on a weekend afternoon when residents may be outside relaxing or entertaining. He indicated that the concerns of traffic, lighting, drainage, and appearance seem to have been addressed. They are just trying to protect the tranquility of the neighborhood.

Councilmember Hurt advised the Petitioners that they will have to come to an agreement with the subdivision trustees of Woodfield and Waverly Place regarding the *No U-turn* signage prior to the final vote at Council.

Councilmember Hurt made a motion to forward P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) to City Council with a recommendation to approve with: (1) the three amendments outlined in the Staff Report on the condition that the private agreements regarding signage are completed; and (2) Power of Review for the Site Development Plan is included in the Attachment A. The motion was seconded by Councilmember Ohley 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 January 3, 2018 City Council Meeting. See Bill #3168

[Please see the attached report prepared by Justin Wyse, Director of Planning & Development Services, for additional information on P.Z. 08-2017 Brite Worx Carwash (Wallis Companies).]

Mr. Kamp then thanked the residents for their constructive feedback and Councilmember Hurt acknowledged Wallis Companies' efforts in responding to the residents' input.

C. ADJOURNMENT

The meeting adjourned at 6:22 p.m.

Memorandum

Department of Planning & Development Services



To: Michael O. Geisel, City Administrator
From: Justin Wyse, Director of Planning and Development Services
Date: December 22, 2017
CC Date: January 3, 2018 *See Bill#3168*

RE: **P.Z. 08-2017 Brite Worx Carwash (Wallis Companies):** A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 1.8 acres located on the western corner of the intersection of Baxter Road and Clayton Road. (21R410960).

Summary

Wallis Companies, on behalf of Brite Worx Carwash, has submitted a request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District. The request is for a 1.8 acre parcel located on the western corner of the intersection of Baxter Road and Clayton Road.

The public hearing was held on May 8, 2017, at which time several issues were raised regarding noise, traffic, waste and storm water, the proposed masonry wall, lighting, and architectural standards.

Planning Commission recommended approval of the request, as presented, on September 25, 2017 by a vote of 5 to 3.

At the October 4, 2017 Planning and Public Works Committee Meeting, a motion was passed by a vote of 4-0 to deny the request citing concerns about continued growth toward residential properties.

At the October 16, 2017 City Council meeting the applicant requested to hold their first reading in order to address the concerns of the Planning and Public Works Committee. The applicant made changes to the plan and at the November 6, 2017 City Council meeting this project was sent back to Planning and Public Works Committee.

On December 7, 2017 the Planning and Public Work Committee met and discussed the project. They motioned to hold a special meeting before December 23, 2017 to further address noise, traffic, and lighting.

The special meeting was held on December 21, 2017, at which time the Planning and Public Works Committee made a motion to recommend approval with four greensheet amendments by a vote of 4-0.

Attached to this report, please find a copy of the greensheet amendments, legislation, Attachment "A", Preliminary Development Plan and Acoustical Sound Study, labeled Attachment "B".



Figure 1. Aerial Photograph

City Council Memorandum

Department of Public Services



To: Michael O. Geisel, City Administrator

From: Justin Wyse, Director of Planning and Development Services

Date: December 22, 2017

CC Date: January 3, 2018

RE: **P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 1 and 6)**

See Bill # 3171

Staff has been directed by the Planning and Public Works Committee to pursue several updates to various articles of the Unified Development Code (UDC), including Articles 01 and 06. In accordance with this direction, a Public Hearing presenting the draft UDC revisions was held before the Planning Commission on November 27, 2017. At that time, the Planning Commission passed a motion recommending approval of the Article 01 and Article 06 updates by a vote of 9-0.

This project was reviewed at the December 7, 2017 Planning and Public Works Committee meeting where a motion to forward the amendments to City Council was passed by a vote of 4-0.

Information regarding the proposed amendments follows.

Article 01-11.B (3) Architectural Review Board—Composition of the ARB

The first set of necessary amendments is located within Article 01-11.B (3) "Composition of the ARB" of the UDC. This item was presented to the Planning and Public Works Committee at the June 8, 2017 meeting where a motion to direct Staff to amend Article 01-11 of the UDC to remove the Chesterfield Arts membership requirement for ARB membership and to amend the language to read: "The desired composition of the Board is two commercial architects, two residential architects, two landscape architects and one affiliate in a related field" was passed by a vote of 4-0.

Article 6 Telecommunications Facilities Siting

Over the last several years, the Missouri Legislature has approved legislation that dramatically limits the ability of Missouri municipalities to regulate wireless communication facilities. As a result, Article 6 of the UDC is no longer compliant with State Law. In order to become compliant, an entire new set of regulations has been drafted by Staff and the City Attorney.

Attachment

1. Article 1 and 6 Code Updates

City Council Memorandum

Department of Planning & Development Services



To: Michael O. Geisel, City Administrator

From: Justin Wyse, Director of Planning and Development Services 

Date: December 21, 2017

CC Date: January 3, 2018

RE: Chesterfield Historic and Landmark Preservation Committee (CHLPC): Proposal for museum space at Chesterfield Mall – Status Update

Summary

The Planning and Public Works Committee, after receiving a recommendation from the Chesterfield Historic and Landmark Preservation Committee (CHLPC), discussed an opportunity to enter into a space at the Chesterfield Mall for the CHLPC to operate a museum. P&PW approved a motion to direct Staff to begin negotiations with Chesterfield Mall to enter into an annual lease for the purpose of storing and displaying historical artifacts by a vote of 3-0.

Proposal Overview

The City of Chesterfield has received numerous donations of historic items over the years and the CHLPC has generally been the committee to recommend action on these donations (it should be noted that prior setup of the two groups that merged into the current CHLPC did not require Council authorization to accept donations). Since the formal creation of the current makeup of the CHLPC, committee members have been working to catalog, scan, and provide descriptions for each of the items in their possession – a process that is still in progress. This task has been complicated as the items are stored in various City facilities and are located within various areas of those facilities, as space allows.

This topic was last discussed by the Planning and Public Works Committee in 2011. The Staff Report from that time laid out numerous concerns with the facilities and current staff capacity to handle historic items. For example, it was noted that the City simply does not have museum quality, temperature controlled locations available for storing these items. As a result, it has been very difficult for CHLPC members to catalog current items.

Discussions on finding a museum space to appropriately store and make items available for public viewing have been unsuccessfully circulated for years;

however, the need for additional space has remained a problem for appropriate storage. In response, the committee has again begun exploring options for the items. An opportunity arose through a mutual connection where it was found that the Chesterfield Mall would lease the City of Chesterfield an approximately 5,500 square foot space for \$100 per month. The City would also be responsible for utilities. After working with the management of the mall, it was determined by CHLPC that rent and utilities would not exceed \$4,000 per year. The lease is a one year lease with a clause to allow either party to vacate the lease within 30 days.

The \$4,000 expense is not a budgeted expense. As such, the CHLPC has offered to cover the first year of costs. Future requests through the City's budgeting process would be presented to City Council if the request for City funding is desired in the future. While the future of the mall is certainly in question, the CHLPC thought that a temporary location would be beneficial for several reasons.

- The additional space (portion for display and portion for storage) would allow for easier inventorying of the items.
- The plan would allow a temporary, low-cost solution to determine future needs if the effort is successful.
- The space would allow for public displaying of items.

Additional expenses would be covered through volunteers and donations. For example, display units are available at vacant spaces in the mall that would be available for use within the location and the space would be staffed by volunteers, including members from the CHLPC. Staff has indicated we simply do not have the capacity to currently assist in the effort in any meaningful fashion and the committee has developed this recommendation without the need for staff members from the City to make the effort successful.

If the effort is unsuccessful for any reason, the items would be returned to their current storage areas at City facilities.

Status

The City has received a draft license agreement for the mall space. The City Attorney is currently reviewing the document. Additionally, Staff is working to determine, based on the insurance requirements in the license agreement, the cost of insuring the space. A resolution authorizing execution of the license agreement will be prepared once these items are completed.

FINANCE AND ADMINISTRATION COMMITTEE

The next meeting of the Finance and Administration Committee is scheduled for Monday, January 29th, 2018 at 5:30 pm.

If you have any questions or require additional information please contact me prior to Monday night's meeting.

PARKS RECREATION AND ARTS COMMITTEE

The next meeting of the Parks Recreation and Arts Committee has not yet been scheduled.

As always, if you have any questions or require additional information, please contact Tom McCarthy or me prior to Monday's meeting.

PUBLIC HEALTH AND SAFETY COMMITTEE

The next meeting of the Public Health and Safety Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior to Monday's meeting.

CITY ADMINISTRATOR'S REPORT

I have no items which require action on Monday evening.

If you have any questions prior to Monday's meeting, please contact me.

UNFINISHED BUSINESS

There are no unfinished items on the agenda for Monday evening.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

NEW BUSINESS

I am unaware of any New Business items for Monday's agenda.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

LEGISLATION

LEGISLATION – PLANNING COMMISSION

- A. BILL NO. 3168** - AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “PC” PLANNED COMMERCIAL DISTRICT TO A NEW “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.8 ACRE PARCEL OF LAND LOCATED ON THE WESTERN CORNER OF THE INTERSECTION OF BAXTER ROAD AND CLAYTON ROAD. (P.Z. 08-2017 BRITE WORX [WALLIS COMPANIES] - 21R410960). **GREEN SHEET AMENDMENTS PROVIDED. (FIRST READING) PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**
- B. BILL NO. 3170** - AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD SECTION 31-02-20 CITY COUNCIL POWER OF REVIEW PERTAINING TO THE TIME PERIOD TO EXERCISE POWER OF REVIEW AND MODIFYING WHO MAY CALL FOR CITY COUNCIL POWER OF REVIEW. **(SECOND READING) FORWARDED FROM PLANNING & PUBLIC WORKS COMMITTEE WITH NO RECOMMENDATION**
- C. BILL NO. 3171** - AN ORDINANCE AMENDING ARTICLE 1 SECTION 01-11 ADMINISTRATIVE AND DECISION MAKING AUTHORITIES AND ARTICLE 6 TELECOMMUNICATIONS FACILITIES SITING OF THE UNIFIED DEVELOPMENT CODE {P.Z. 20-2017 CITY OF CHESTERFIELD UNIFIED DEVELOPMENT CODE ARTICLES 1 AND 6)}. **(FIRST READING) PLANNING COMMISSION RECOMMENDS APPROVAL**

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “PC” PLANNED COMMERCIAL DISTRICT TO A NEW “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.8 ACRE PARCEL OF LAND LOCATED ON THE WESTERN CORNER OF THE INTERSECTION OF BAXTER ROAD AND CLAYTON ROAD. (P.Z. 08-2017 BRITE WORX [WALLIS COMPANIES] - 21R410960).

WHEREAS, the petitioner, Wallis Companies, has requested a change in zoning from a “PC” Planned Commercial District to a new “PC” Planned Commercial District for a 1.8 acre parcel of land at 14905 Clayton Road; and,

WHEREAS, a Public Hearing was held before the Planning Commission on May 8, 2017; and,

WHEREAS, the Planning Commission having considered said request, recommended approval of the change of zoning by a vote of 5-3; and

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended denial of the change of zoning citing concerns about continued growth toward residential properties; and,

WHEREAS, the City Council, seeing significant changes had been made, voted to return the change of zoning request to the Planning and Public Works Committee; and,

WHEREAS, the Planning and Public Works Committee, having considered said request on December 7, 2017 and at a special meeting held December 21, 2017, recommended approval of the change of zoning with amendments; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning request with amendments.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. City of Chesterfield Unified Development Code and the Official Zoning District Map, which are part thereof, are hereby amended by establishing a “PC” Planned Commercial District designation for 1.8 acres located at the western corner of the intersection of Baxter Road and Clayton Road and as described as follows:

A TRACT OF LAND BEING SITUATED IN FRACTIONAL SECTION 26, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERN RIGHT OF WAY LINE OF BAXTER ROAD, AS WIDENED BY DEED RECORDED IN BOOK 8202, PAGE 1238 OF THE ST. LOUIS COUNTY RECORDS WITH THE NORTHERN LINE OF A TRACT OF LAND CONVEYED TO SOCONY MOBIL OIL COMPANY, BY DEED RECORDED IN BOOK 4921, PAGE 476 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG SAID WESTERN RIGHT OF WAY LINE, SOUTH 21 DEGREES 13 MINUTES 29 SECONDS EAST, 79.74 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 24 DEGREES 50 MINUTES 00 SECONDS EAST, 150.00 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET AN ARC DISTANCE OF 73.59 FEET (CHORD OF SOUTH 22 DEGREES 02 MINUTES 01 SECONDS WEST, 65.66 FEET) TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF CLAYTON ROAD, AS WIDENED BY DEED RECORDED IN BOOK 8202, PAGE 1238 AS AFOREMENTIONED; THENCE ALONG SAID NORTHERN LINE, SOUTH 67 DEGREES 14 MINUTES 36 SECONDS WEST, 108.47 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 75 DEGREES 01 MINUTES 00 SECONDS WEST, 115.00 FEET TO THE WESTERN LINE OF SAID SOCONY MOBIL OIL COMPANY TRACT; THENCE ALONG SAID WESTERN LINE, NORTH 24 DEGREES 59 MINUTES 04 SECONDS WEST, 279.69 FEET TO THE NORTHWEST CORNER THEREOF, THENCE ALONG THE NORTHERN LINE OF SAID SOCONY MOBIL OIL COMPANY TRACT, NORTH 71 DEGREES 08 MINUTES 29 SECONDS EAST, 276.88 FEET TO THE POINT OF BEGINNING, CONTAINING 76,050 SQUARE FEET.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Unified Development Code is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendation to the City Council, which are set out in the “Attachment A” and the preliminary plan indicated as “Attachment B” which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by Wallis Companies in P.Z. 08-2017, requesting the rezoning embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 8th day of May 2017, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 8 of the City of Chesterfield Unified Development Code.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2018.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 1/3/2018

GREENSHEET AMENDMENTS

The Planning and Public Works Committee recommended by a vote of 4-0 that the following changes be made to the Attachment A:

AMENDMENT 1:

Section I. Specific Criteria, E. Landscape and Tree Requirements, page 2. Revise the following language:

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. A masonry screening wall with landscaping on both sides shall be required as depicted on the Preliminary Plan attached hereto as Attachment B.
3. A 6' masonry screening wall will be required along the north property line. Locating the wall on berm to the north with consent from adjacent property owners shall satisfy this requirement.

AMENDMENT 2:

Section I. Specific Criteria, G. Light Requirements, page 3. Add the following language:

1. Provide a lighting plan and light fixture cut sheets.
2. No on-site light standard shall exceed sixteen (16) feet in height, nor be so situated that light is cast directly on adjoining properties or public roadways. Light standards north and west of the building shall not exceed eight (8) feet in height, shall be directed toward the building, and shall be a shoe box design. The light standard at the entrance on Clayton Road shall not exceed sixteen (16) feet in height and shall be a box design.
3. Non-security lighting shall not be on 30 minutes prior to opening or past closing.

AMENDMENT 3:

Section I. Specific Criteria, H. Zoning Performance Standards, page 3.
Add the following language:

H. Zoning Performance Standards

1. Zoning Performance Standards shall comply with the Zoning Performance Standards in Article 4.13 of the Unified Development Code. When evaluating compliance with Chapter 625 of St. Louis County Regulating Ordinance, Table 1, Residential Land Use Category, shall be utilized as was done by the acoustical sound study by AcousiControl completed on August 29, 2017.

AMENDMENT 4:

Section I. Specific Criteria, L. Power of Review, page 4. Remove and replace the following language:

L. POWER OF REVIEW

~~Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.~~

L. POWER OF REVIEW

The City Council shall review and provide final approval of the Site Development Plan, Landscape Plan, Lighting Plan, Tree Preservation Plan, and Architectural Elevations for the proposed development subsequent to Planning Commission review.

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this Planned Commercial District shall be:
 - a. Car wash
2. Hours of Operation.
 - a. Hours of operation for this "PC" District shall be restricted to 7:00 am to 8:00 pm all days of the week.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed 25 feet.
2. Building Requirements
 - a. A minimum of 35% openspace is required for each lot within this development.
 - b. This development shall have a maximum F.A.R. of 0.55.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located other than as depicted on the Preliminary Plan attached hereto as Attachment B.
2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located other than as depicted on the Preliminary Plan attached hereto as Attachment B.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Parking lots shall not be used as streets.
3. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.

E. LANDSCAPE AND TREE REQUIREMENTS

1. The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.
2. A masonry screening wall with landscaping on both sides shall be required as depicted on the Preliminary Plan attached hereto as Attachment B.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Transportation (or MoDOT), for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

1. Provide a lighting plan and light fixture cut sheets.
2. No on-site light standard shall exceed sixteen (16) feet in height, nor be so situated that light is cast directly on adjoining properties or public roadways. Light standards north and west of the building shall not exceed eight (8) feet in height, shall be directed toward the building, and shall be a shoe box design. The light standard at the entrance on Clayton Road shall not exceed sixteen (16) feet in height and shall be a box design.

H. ARCHITECTURAL

1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to the development shall be from one right-in/right-out on Clayton Road and one right-in/right-out on Baxter Road and adequate sight distance shall be provided, as directed by the City of Chesterfield and St. Louis County Department of Transportation, as applicable.
2. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right of way.
2. If a gate is installed on a street in a development, the streets within the development or that portion of the development that is gated shall be private and remain private forever.
3. Provide street connections to the adjoining properties as directed by the City of Chesterfield. Stub street signage, in conformance with Article 04-09 of the Unified Development Code of the City of Chesterfield, shall be posted within 30 days of the street pavement being placed.
4. Provide a 5 foot wide sidewalk, conforming to ADA standards, along Clayton Road and Baxter Road. The sidewalk shall provide for future connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a 6 foot wide sidewalk, maintenance and utility

easement dedicated to the City of Chesterfield.

5. Required accessibility improvements associated with this commercial development shall include new and existing sidewalk along the project frontage, replacing non-compliant curb ramps, and any upgrades to the connected signalized intersection corner to ensure that current accessibility standards are met. If the intersection requires upgrades for ADA compliance, the signalized intersection shall be brought up to current Saint Louis County design standards, as directed by the St. Louis County Department of Transportation.
6. Obtain approvals from the City of Chesterfield and the St. Louis County Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
7. Additional right-of-way and road improvements shall be provided, as required by the Missouri Department of Transportation and the City of Chesterfield.

K. TRAFFIC STUDY

1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto Clayton and Baxter. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

L. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this

section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan(s). Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
3. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.
4. The lowest opening of all structures shall be set at least two (2) feet higher than the one hundred (100) year high water elevation in detention/retention facilities. All structures shall be set at least 30 feet horizontally from the limits of the one hundred (100) year high water.
5. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.

N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

O. GEOTECHNICAL REPORT

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and

sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

P. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City Code shall be required where applicable.
3. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Transportation. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
4. Prior to record plat approval, the developer shall cause, at his expense and prior to the recording of any plat, the reestablishment, restoration or appropriate witnessing of all Corners of the United States Public Land Survey located within, or which define or lie upon, the out boundaries of the subject tract in accordance with the Missouri Minimum Standards relating to the preservation and maintenance of the United States Public Land Survey Corners, as necessary.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT PLANS

- A. The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B. In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C. Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D. Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.

- E. Where due cause is shown by the developer, the City Council may extend the period to submit a Site Development Concept Plan or Site Development Plan for eighteen (18) months.

III. COMMENCEMENT OF CONSTRUCTION

- A. Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B. Where due cause is shown by the developer, the City Council may extend the period to commence construction for two (2) additional years.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.

12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

A. ROADS

As this development is not subject to traffic generation assessment, the roadway improvements required herein represent the developer's road improvement obligation. These improvements will not exceed an amount established by multiplying the ordinance-required parking spaces by the following applicable rates:

<u>Type of Development</u>	<u>Required Contribution</u>
Car Wash	\$75,988.71/acre

(Parking spaces as required by the City of Chesterfield Code.)

If types of development differ from those listed, St. Louis County Department of Transportation will provide rates.

If a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as part of this development is mandatory.

Allowable credits for required roadway improvements will be awarded as directed by the St. Louis County Department of Transportation and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

Prior to Special Use Permit issuance by the St. Louis County Department of Transportation, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the St. Louis County Department of Transportation to guarantee completion of the required roadway improvements.

If this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

The applicable rates limiting required road improvements shall be adjusted on January 1, 2018 and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the St. Louis County Department of Transportation.

Trust Fund contributions shall be deposited with St. Louis County in the form of a cash escrow prior to the issuance of building permits.

VI. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

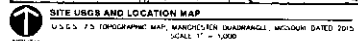
VII. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

BRITE WORX CARWASH



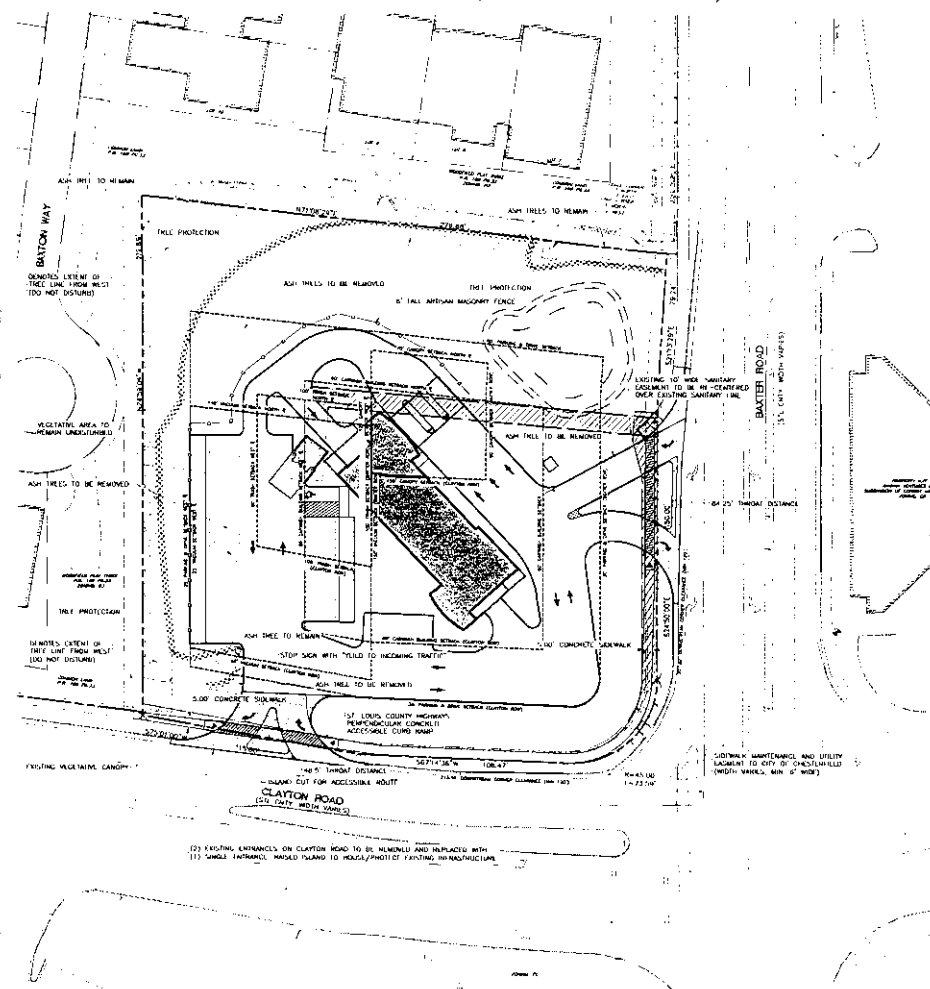
**BRITE
WORX™**
Carl Mackery



* THE STEPHEN J. ST. LOUIS COUNTY, MISSOURI, BENEVOLENT PARTICULAR BENEVOLENCE SOCIETY

[illegible]

**PLANNED DISTRICT ORDINANCE
ATTACHMENT B**



5. TOPOGRAPHIC SURVEY CONDUCTED BY
THAZER LAND SURVEYING SERVICES, INC.
705 BALLANTINE DRIVE
MONTZELLE, MD 21850
PHONE (410) 332-0810
FAX (410) 332-0710
DATE: 08/07/11 DRAWING NAME: 11-1045, HARTER CLAYTON CREEK

PROJECT BENCHMARK: "1" ON THE SOUTHWEST CORNER OF THE SOUTH HEADBALL OF A RICE CULVERT, 100' EAST OF THE CENTERLINE OF BARTON ROAD AND 10' SOUTH OF MAJOR ROAD DRIVE. UTM 50494 (N25S [datum]) AS PUBLISHED IN THE METROPOLITAN ST. LOUIS SURVEY DISTRICT ST. LOUIS COUNTY BENCHMARK BOOK (REVISED 6/87) DATA 17-89

NEW BENCHMARK: "1" ON THE WEST CORNER AT NORTH END OF 10' CONCRET WALL AT THE NORTHEAST CORNER OF BARTON AND CLAYTON ROADS, 45' EAST OF THE CENTERLINE OF BARTON ROAD AND 125' NORTH OF THE CENTERLINE OF CLAYTON ROAD. UTM 50494

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JULY 29, 2013
CHAD TICKLER #31302101

WALLS COMPANIES
708 E. WASHINGTON
CUBA, MD 20423
PHONE/FAX (800) 549-1602
CELL
CONTACT MR. GUILY
EMAIL: EGC@wells.com

SCALE 1" = 30'
SCALE IN FEET

CIVIL ENGINEER
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
4545 FAULK 3RD BLVD. SUITE F
HAZELWOOD, MO 63042
PH (314) 656-4566
FX (314) 656-4545

[illegible]

SHEET NO.	DRAWING NO.	TITLE
01	C000	COVER AND I-20
02	C100	EXISTING CONNECTIONS
03	C101	APPROVED PLAN AND (I-20)
104	C200	SECTIONAL COMPARISON
05	C300	WATER UTILITY PLAN
06	C301	SECTIONAL VIEWS

1 OF 1

PROPERTY BOUNDARY AND TOPOGRAPHY

KEVIN T KAMP

2

ZIP

P-Z-08-2017 MSD MAP# 21-R



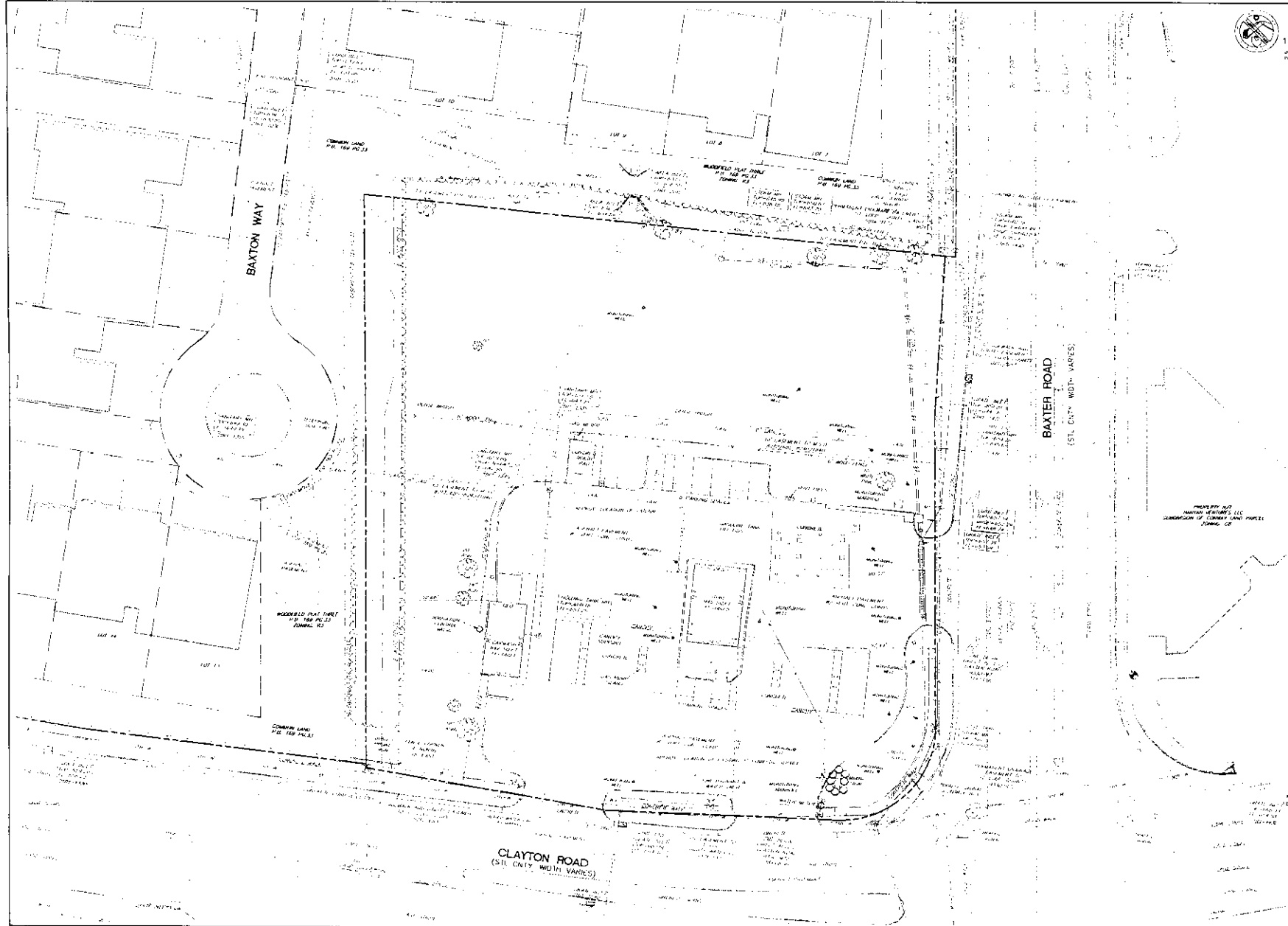
Hill & Environmental Consultants, Inc.
 CERTIFICATION LICENSE NO. 2007013942

WALLIS COMPANIES
106 EAST WASHINGTON
CUBA MO 65453

PRELIMINARY DEVELOPMENT PLAN

**BRITE WORK
COVER AND TREE PRESERVATION**

COO



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JULY 2011
POLICE: 904-507-1100

ZIP: 63017

P-Z-08-2017 MSD MAP #21-R

REVISION RECORD	
NO.	DESCRIPTION
1	ISSUED

CEL
Civil & Environmental Consultants, Inc.
CERTIFICATION LICENSE: 2003013402
4400 PARK 2070 ST. LOUIS, MISSOURI 63104
314-566-8450 FAX: 314-566-8075
www.celinc.com

WALLIS COMPANIES
106 EAST WASHINGTON
CUBA, MO 65453
(636) 549-1600

PRELIMINARY DEVELOPMENT PLAN	
BRIEF WORK	
DATE	NOV 2011
BY	KEVIN T. KAMP
SCALE	1" = 20' (GENERAL)
PROJECT NO.	15327
PROJECT NAME	EXISTING CONDITIONS

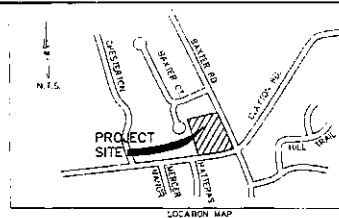


C100

1036

INDEX

1. SITE DEVELOPMENT PLAN
2. SETBACK LINES
3. SECTIONS & DETAILS
4. AERIAL PHOTO
5. LANDSCAPE PLAN



INDEX
DEVELOPMENT PLAN
BACK LINES
NOTATIONS & DETAILS
TOTAL TOPO
LANDSCAPE PLAN

3.) TOTAL AREA OF THIS SITE IS 1.75 ACRES 76,000 S.F.

BUILDING AREA	3,925 S.F.	5%
(RESTAURANT PORTION SHALL NOT EXCEED)	1,920 S.F.	
CAR WASH		2%
PAVEMENT AREA	32,662 S.F.	44%
GREEN AREA	37,493 S.F.	49%

11. EXISTING ZONING IS C-8, PROPOSED ZONING IS PC PLANNED COMMERCIAL.
12. THE SITE IS SERVED BY THE FOLLOWING UTILITIES:
A. LAKEVIEW GAS COMPANY
B. METROPOLITAN ST. LOUIS SENIOR DISTRICT (MSD)
C. ST. LOUIS COUNTY WATER COMPANY
D. SOUTHWESTERN ELECTRIC COMPANY
E. LINCOLN ELECTRIC COMPANY
13. EXISTING SITE LOCATION NUMBER IS 3184-0950.
14. SLOPES SHALL NOT EXCEED 3% HORIZONTAL TO 1 VERTICAL.
15. DRAINAGE NOTES:
A. SITE GRADING AND DRAINAGE PLAN TO BE ON CHESTERFIELD STANDARDS.
B. DISPERSEMENT SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT. SHAK HOLES ARE NOT ADEQUATE DISCHARGE POINTS.
C. SITE DRAINAGE SHALL CONFORM TO THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION'S DESIGN CRITERIA FOR ST. LOUIS SENIOR DISTRICT AND CITY OF CHESTERFIELD STANDARDS.
16. NO STEPS AT MANIPULATED ACCESSIBLE DOORS.
17. ALL SIDEWALKS AND DRIVEWAYS TO BE IN CONFORMANCE WITH THE CITY OF CHESTERFIELD AND ADA STANDARDS.
18. ALL CURBS AND WALKWAYS TO BE IN CONFORMANCE WITH THE CITY OF CHESTERFIELD AND MSD STANDARDS.
19. TO SURVEYORS KNOWLEDGE EXISTING PROPOSED EASEMENTS AND EASEMENTS ON THIS PLAN.
20. NO DRIVE LIGHT STANDARD SHALL EXCEED SIXTEEN (16) FEET IN HEIGHT AND SHALL BE IN CONFORMANCE WITH THE CITY OF CHESTERFIELD IN ADJACING PROPERTIES OR PUBLIC ROADWAY. LIGHT STANDARDS NORTH OF THE NORTH SIDE OF THE DRIVEWAY SHALL BE A SIX FOOT DRIVE LIGHT (8) FEET IN HEIGHT AND SHALL BE A SIX FOOT DESIGN. THE LIGHT STANDARDS AT THE WEST ENTRANCE ON CLAYTON ROAD SHALL NOT EXCEED SIXTEEN (16) FEET IN HEIGHT AND SHALL BE A BOX DESIGN.

PAVING CALCULATIONS
C=STONE
5- 1/3 per 1,000 S.F.
4,132 S.F. =

THIS PLAN IS A CORRECT REPRESENTATION OF ALL
EXISTING AND PROPOSED

John A. H. H.

1-2188

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

5	05/10/07	MWS	LISTING PLACED TO REWASH
4	04/10/07	SAJ	ADDED MEDIAN
3	03/07/07	JAK	ADDED NOTE ABOUT MEDIAN
2	5/29/06	DND	REVIEWING PER CITY OF CHESTERFIELD COMMUNITY
1	3/14/05	MWW	REVISED CAR WASH ENTRANCE

DETAILS:

SITE DEVELOPMENT PLAN

MOBIL "ON THE RUN"

ARCH ENERGY
106 East Washington
Cuba, MO. 65453
(573) 885-2277

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13 Jun 07

the
clayton
engineering
company, inc.
ENGINEERS • SURVEYORS • PLANNERS
11020 WESTLINE INDUSTRIAL DRIVE
ST. LOUIS, MISSOURI 63146
(314) 592-2100 • FAX (314) 592-2101

Designed SWQ
 Drawn HRB M/RW
 Checked SWQ
 Date 03/10/02
 Project Number 97318
 Sheet Number 1 of 5

C101

748

4.17 02 Exp 00



NORTH

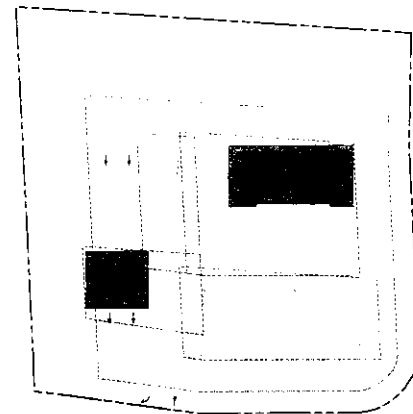
BAXTON WAY

BAXTER ROAD
(STL ONLY WIDTH VARIES)

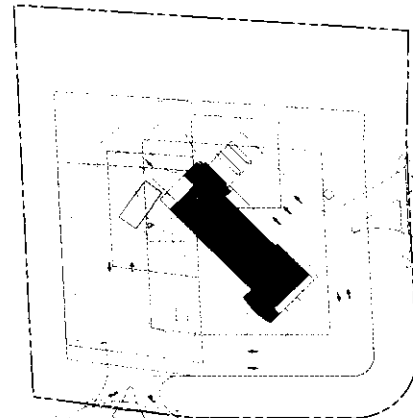
CLAYTON ROAD
(STL ONLY WIDTH VARIES)

SCALE IN FEET
0 20 40

KEY MAPS

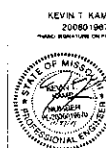


APPROVED PLAN PER
ORDINANCE #1803



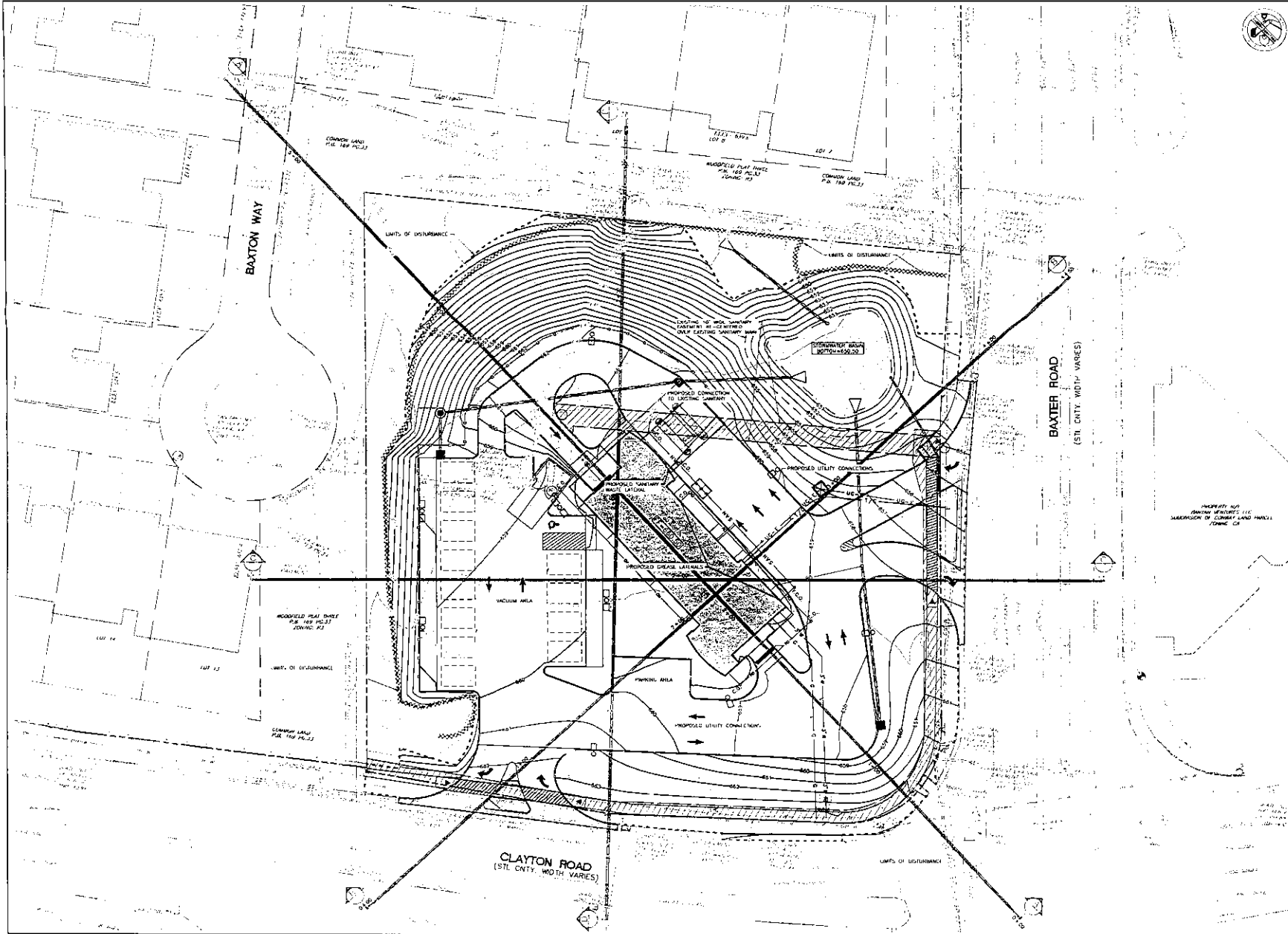
PROPOSED PLAN
PER P.Z. 08-2017

SCALE IN FEET
0 20 40



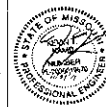
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3	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
4	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
5	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
6	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
7	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
8	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
9	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
10	REVISED	08-20-17	KEVIN T. KARP	REVISED PER P.Z. 08-2017
Civil & Environmental Consultants, Inc.		CERIFICATION LICENSE NO. 20080-19670		
4449 PAPA 370 Blvd. Suite F - Maryland, MD 20642		314-556-4556 800-753-2678		
WALLIS COMPANIES		106 EAST WASHINGTON		
CUBA, MO 65453		(636) 549-1600		
PRELIMINARY DEVELOPMENT PLAN		BRITE WORK		
SETBACK COMPARISON		DATE: NOV 2017 DRAWN BY: [Signature]		
C200		PROJECT NO. [Blank]		

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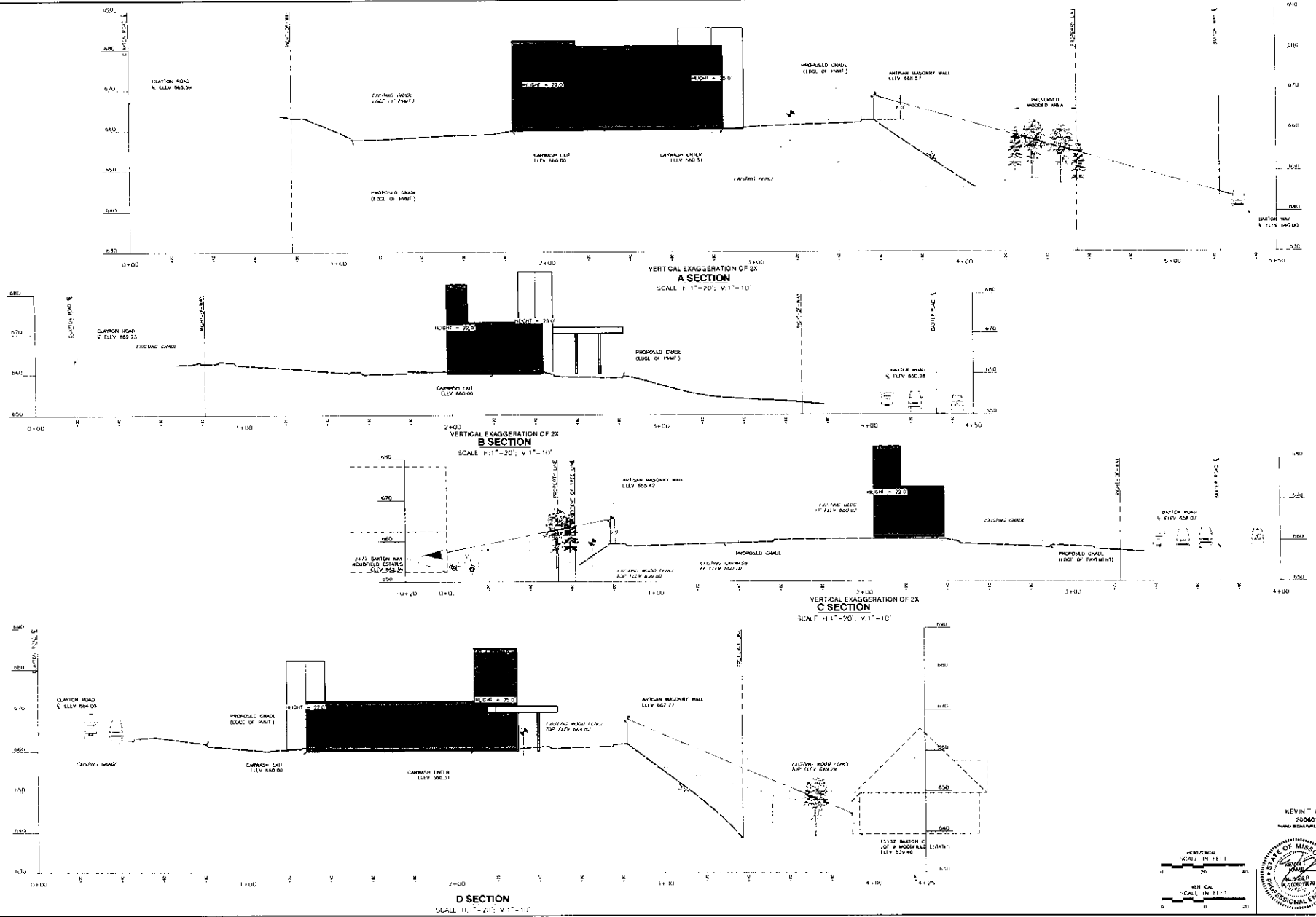
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GRADE TICKET # 1100000000000000

SCALE: 1" = 100'
KEY: T. RAMP
2000/1987/1
FROM: BUREAU OF HIGHWAYS



P-Z-08-2017 MSD MAP # 21-R		ZIP-63017	
PRELIMINARY DEVELOPMENT PLAN BRITE WORK		WALLIS COMPANIES 106 EAST WASHINGTON CUBA, MO 65453 (636) 549-1600	
SITE DEVELOPMENT PLAN		Civil & Environmental Consultants, Inc. CERTIFICATION LICENSE NO. 200013942 4848 Park 370 Blvd. Suite F - Falmouth, MO 63042 314-656-3670 www.civilandenvironmental.com	
DATE: NOV 2016	SCALE: 1" = 200'	PROJECT NO: 21-R	REVISION RECORD
DRAWING NO: C300		REV. NO. 1	

NOTES: 1. THIS PLAN AND SECTION ARE PRELIMINARY. 2. THE ELEVATIONS SHOWN ARE BASED ON THE DATUM OF 1985. 3. THE HORIZONTAL SCALE IS 1"=20'. 4. THE VERTICAL SCALE IS 1"=10'. 5. THE SECTION IS A REPRESENTATIVE SECTION. 6. THE SECTION IS NOT TO BE USED FOR CONSTRUCTION. 7. THE SECTION IS NOT TO BE USED FOR DESIGN. 8. THE SECTION IS NOT TO BE USED FOR BIDDING. 9. THE SECTION IS NOT TO BE USED FOR CONTRACTING. 10. THE SECTION IS NOT TO BE USED FOR ANY OTHER PURPOSE.



ZIP-63017

P-Z-08-2017 MSD MAP # 21-R

REVISION RECORD	
NO.	DESCRIPTION
1	ISSUED FOR REVIEW
2	ISSUED FOR REVIEW
3	ISSUED FOR REVIEW
4	ISSUED FOR REVIEW
5	ISSUED FOR REVIEW
6	ISSUED FOR REVIEW
7	ISSUED FOR REVIEW
8	ISSUED FOR REVIEW
9	ISSUED FOR REVIEW
10	ISSUED FOR REVIEW

Civil & Environmental Consultants, Inc.
CERTIFICATION LICENSE NO. 20001382
4848 PARK 310 Bldg. Suite 1000 Kansas City, MO 64111
816-841-1000 FAX 816-841-1001

WALLIS COMPANIES
106 EAST WASHINGTON
CUBA, MO 65453
(836) 549-1800

PRELIMINARY DEVELOPMENT PLAN	
BRITE WORK	
SECTION VIEWS	
DATE	DATE
DESIGNED BY	CHECKED BY
DRAWN BY	APPROVED BY
SCALE	SCALE
PROJECT NO.	PROJECT NO.
UNION ID	UNION ID





AcoustiControl is a Certified 100% Woman Owned Business

AcoustiControl Report H1293 Revised

Environmental Noise Study / Mobil Car Wash

14905 Clayton Road / Chesterfield, Missouri 63017

Client: Civil and Environmental Consultants, Inc. (CEC)

Report Date: August 29, 2017

Definition of Terms

Decibel: (also referred to as dB, dBA, dBC)

A decibel is a measurement of sound. The higher the decibel number, the louder the sound.

Outdoor Background Noise Level (sometimes referred to as Ambient Noise)

The amount of sound generated by lawnmowers, road traffic, construction, industrial noise, human and animals sources, outdoor mechanical equipment, train whistles, airplane noise etc.

Sound Pressure Level (LAeq)

A-Weighted equivalent sound pressure level in dB (decibels measured over a period of time).

Sound Level A - Weighted (dBA)

The A - Weighted is the most common single number measure of loudness. This standard scale in decibels is a measure of the human response to noise which correlate to judgments of loudness from a broad band noise that are characteristic in the environment. A-weighting takes into account the frequency of the sound so that correlates with how people notice noise. The A-weighting was used in the noise assessment for its prevalent use for environmental noise assessments and large body of correlations of A-weighted sound levels and people's sensitivity to noise. In Table 1 is a list of some common noises and their levels recorded in dBA .

Nearest Residential Property Line

The adjacent residential property line that separates 14905 Clayton Road and the Woodfield Condominiums.

Examples of Human Responses to Changes in Noise Levels

There is variation in individual perception of the power of a sound; studies have shown that the changes in noise levels of less than 3 dBA are barely perceptible to most people.

However; a 10 dBA change are reported by people as either a doubling (halving) of noise by a normal human ear. This means that a 10 dBA reduction of noise is actually perceived by the listener as a reduction of $\frac{1}{2}$ the noise. The average ability of a listener to detect changes in noise levels are outlined in Table 2. (All tables and figures may be found in the Appendix.)

Environmental Noise Study and Acoustical Model and Analysis

This parcel of land will fall within the noise ordinance of St Louis County, Chapter 625-Noise Control Code.

Appendix: All tables and figures may be found in the Appendix.

A: Environmental Noise Study performed at 14905 Clayton Road Chesterfield, Missouri 63017.

Conditions: This is a Mobil single bay car wash.

AcoustiControl conducted continuous 24 hour environmental noise monitoring from 10AM on Wednesday July 26th 2017 through 11PM on Saturday July 29th 2017.

The purpose of this noise study was to determine what the existing average ambient background noise levels are at the site. This noise study captured all existing nearby environmental noise which includes the noise generated by traffic from Clayton Road and Baxter Road.

Environmental noise was monitored at 3 different locations on the property. (Please see Figure 1 for locations of noise monitoring equipment.)

Results of the Environmental Noise Study:

The average measured sound pressure levels (LAeq) at the residential property lines of Woodfield Condominiums, which are adjacent to 14905 Clayton Road, varied from 56 dBA to 65 dBA. (Please see Table 3 for the daily average measurements).

Based on traffic counts provided by St. Louis County, and the results of the Environmental Noise Study, it is clear that the background noise levels at 14905 Clayton Road is controlled by vehicles noise from Clayton Road and Baxter Road.

B: Acoustical Spot Measurements

Acoustical Spot Measurements were taken at the existing Mobil Brite Worx facilities located of 123 Admiral Troste Drive in Columbia, Illinois and 4132 North Highway 67 in Florissant Missouri (see Table 4).

The purpose of the acoustical spot measurements was to capture all existing noises generated by the operation of the car washes. This data was used in the building of the SoundPlan Computer Model.

Conditions at:

123 Admiral Troste Drive : This is a tunnel car wash with 14 Tommy's Carwash Systems canister vacuums located alongside the tunnel building in the vacuum area. The car drying system located within the tunnel is an AVW Equipment Company 9 Blower Car Wash Drying System.

4132 North Highway 67 : This is a tunnel car wash with 12 Tommy's Carwash Systems canister vacuums located alongside the tunnel building at the vacuum area. The car drying system located the tunnel is an AVW Equipment Company 9 Blower Car Wash Drying System.

Bruel & Kjaer (B&K) Equipment and Methodology

The measurement procedures conformed to the requirements of ANSI Standard S1.13-1971 (R2010).

All measurements were made on the A-scale (dBA).

A windscreen was used during all measurements.

Two Softdb Piccolo Type II Sound Level Meters.

The two Piccolo Sound Level Meters were mounted on a tripod at the standard testing height of 5 feet above the ground surface (this is considered ear level) and at least 10 feet away from any sound-reflecting surface, such as the fence at the property line.

One B&K Model 2250 Sound Level Meter

While standard testing methodology would be to locate the microphone 5 feet from the ground surface (which is considered ear at level) for purposes of these measurements, the sound level

meter was mounted on the tripod at a height of 10 feet above the ground surface and located at least 10 feet away from the fence at the property line. To gather accurate acoustical data, this microphone positioning was selected so that it would be above any sound-reflecting surface, such as the fence at the property line.

A B&K Type 4231 sound-level calibrator was use to calibrate all three instruments prior to and after noise measurements were taken.

C: SoundPlan Acoustic Model One Results / Versions A B & C

Based on data collected during the environmental noise study, the acoustical spot measurements, acoustical data provided by Aerodry Drying Systems and Vacutech Vacuum Systems, (see Table 4) and drawings provided by CEC, Inc, a series of predictive SoundPlan scenarios were performed. Because we understand that this car wash will only operate between the hours of 7AM and 8PM and because this time frame falls under the St. Louis County Daytime Noise Ordinance, nighttime noise measurements are not considered relevant and are not included in this report.

Version A = Figure 2

This model shows the current building and car wash located at 14905 Clayton Road and the acoustical data shows traffic noise only. This model does not include any environmental noise other than traffic noise.

The scenario illustrated in the Version A would allow the reader to understand what acoustic impact noise generated from traffic on Clayton and Baxter Roads would be realized at the nearest residential property line.

Version B = Figure 3

This model shows the proposed building and barrier wall to be located at 14905 Clayton Road. The acoustical data shows traffic noise only. This model does not include any environmental noise other than traffic noise.

The scenario illustrated in Version B would allow the reader to understand what acoustic impact the proposed building and barrier wall would have on the traffic noise realized at the nearest residential property line.

Version C = Figure 4

This model shows the proposed car wash to be located at 14905 Clayton Road. The acoustical data in this model shows only noise generated by the Aerodry Drying Systems and the Vacutech Vacuum Systems central vacuum when they are in operation. This model does not include traffic noise or any other environmental noise.

The results of the acoustical scenarios A, B and C are as follows:

1. Version A:

The predicted environmental background noise levels due to vehicle traffic only, varies between 56 dBA to 65 dBA. The noise levels predicted in the SoundPlan Acoustic Model match the actual sound pressure levels that were measured during the Environmental Noise Study conducted in July 2017. (Please see Figure 2, Table 3).

2. Version B:

Figure 3 predicts that the acoustical effect of adding the currently designed 8 foot high concrete barrier only reduces the noise level generated from road traffic by 0 to 2 dBA at the west property line of 14905 Clayton Road. It would not reduce the noise level generated by road traffic at the north property line of 14905 Clayton Road.

3. Version C:

Figure 4 predicts the acoustical impact of the operation of the proposed car wash that would be realized at the nearest residential property line. This acoustical prediction includes an 8 foot high concrete barrier wall and addresses only noise generated by the operation of the car wash and does not include any environmental noise or noise generated by road traffic.

Based on the SoundPlan Acoustic Model, the predicted sound pressure level at the nearest residential property line is 50 dBA. 50 dBA is 5 dBA below the St. Louis County Daytime Noise Ordinance of 55 dBA or less. This is also 13 to 15 dBA below the measured daytime sound pressure level. This sound pressure level is generated by vehicle traffic noise on Clayton and Baxter Roads. (See Table 3 Location A).

As the predicted noise levels that would be generated from the operation of the car wash is at least 10 dBA below the existing daytime sound pressure level, there would be no additional acoustical impact predicted at the nearest residential property line.

Conclusion

Based on the SoundPlan Acoustic Model, the predicted sound pressure levels that would be generated by the operation of the proposed car wash at 14905 Clayton Road would be 50 dBA at the nearest residential property line. It is clear that the noise at 14905 Clayton Road is controlled by traffic noise generated on Clayton Road and Baxter Road.



Because traffic noise is the loudest noise source at 14905 Clayton Road, any noise generated from the operation of the proposed car wash will not increase the levels of noise already being experienced at the nearest residential property line.

Based on the predictions of the SoundPlan Acoustic Model, the operation of the proposed Mobil Car Wash will be compliant with the St. Louis County Daytime Noise Ordinance of 55 dBA or less.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jim Holtrop".

Jim Holtrop, INCE ASA ASHRAE
AcoustiControl LLC

Appendix Figures and Tables

Table 1: Common Noise Levels

Sound Source	(dBA)
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concert (Rear Seats) On	110
Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night Typical	40-50
Rural Area at Night	30-40
Note: A change in 3 dB(A) is just noticeable change in SPL. A change in 10 dB(A) is perceived as a doubling or halving in SPL. Source: Cowan, James P. Handbook of Environmental, Acoustics. Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.	

Table 2: Average Ability of a Person to Perceive Changes in Noise Levels

Change (dBA)	Human Perception of Sound
2-3	Barely perceptible
5	Readily noticeable
10	A doubling or halving of the loudness of sound
20	A dramatic change
40	Difference between a faintly audible sound and a very loud sound
Source: Bolt Beranek and Neuman, Inc., Fundamentals and Abatement of Highway Traffic Noise, Report No. PB-222-703. Prepared for Federal Highway Administration, June 1973.	

Table 3: Environmental Noise Measured during Noise Study

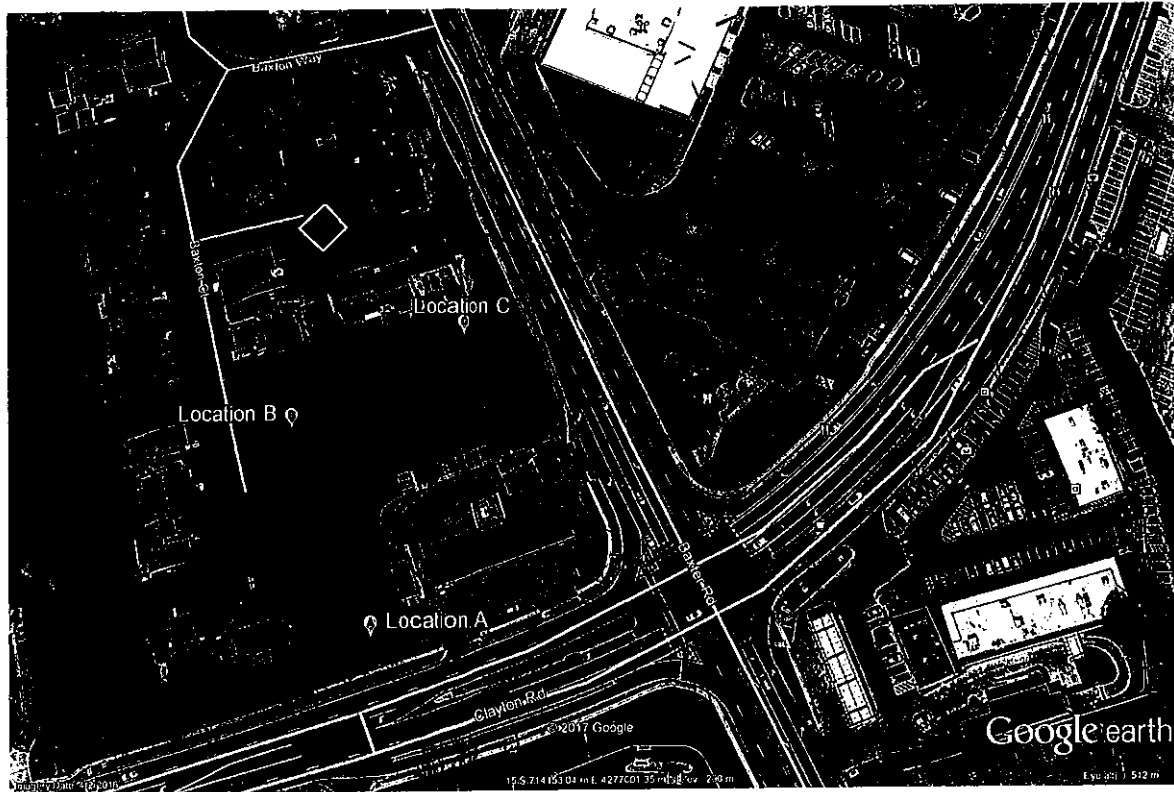
	July 26, 2017 LA _{eq} (dBA)*	July 27, 2017 LA _{eq} (dBA)*	July 28, 2017 LA _{eq} (dBA)*	July 29, 2017 LA _{eq} (dBA)*	Soundplan Predicted LA _{eq} (dBA)
Location A	64	63	65	63	65
Location B	57	56	57	58	57
Location C	60	59	61	61	61

*Average Daytime LA_{eq}

Table 4: Car Wash Sound Pressure Level Measurements

Description of Measurement	LAeq
Columbia Brite Worx 1 meter from Exit	96
Columbia Brite Worx 20 feet from Exit	90
Columbia Brite Worx 50 feet from Exit	82
Columbia Brite Worx 1 meter from Entrance	85
Columbia Brite Worx 20 feet from Entrance	77
Columbia Brite Worx 50 feet from Entrance	70
Brite Work Florissant 1 meter from Entrance	82
Brite Worx Florissant 20 feet from Entrance	78
Brite Worx Florissant 50 feet from Entrance	72
Brite Worx Florissant 1 meter from Exit	97
Brite Worx Florissant 20 feet from Exit	90
Brite Worx Florissant 50 feet from Exit	81
Aerodry Model A120 1 Meter	85
Aerodry Model A120 20 Feet	76
Aerodry Model A120 50 Feet	69
Vacutech Vacuum 1 Meter From Exit of Hose	70

Figure1: Locations of Noise Monitoring Equipment



SoundPlan Graphics

Figure 2:

Version A = Current Building and Carwash @ 14905 Clayton Road / Traffic Noise Levels Only (in dBA)

Thickest solid black lines represent approximate residential property lines.



Figure 3:

Version B = Proposed Car Wash Building & Barrier Wall @14905 Clayton Rd / Traffic Noise Levels Only (in dBA)

Thickest solid black lines represent approximate residential property lines.

Thick green line represents the barrier wall.

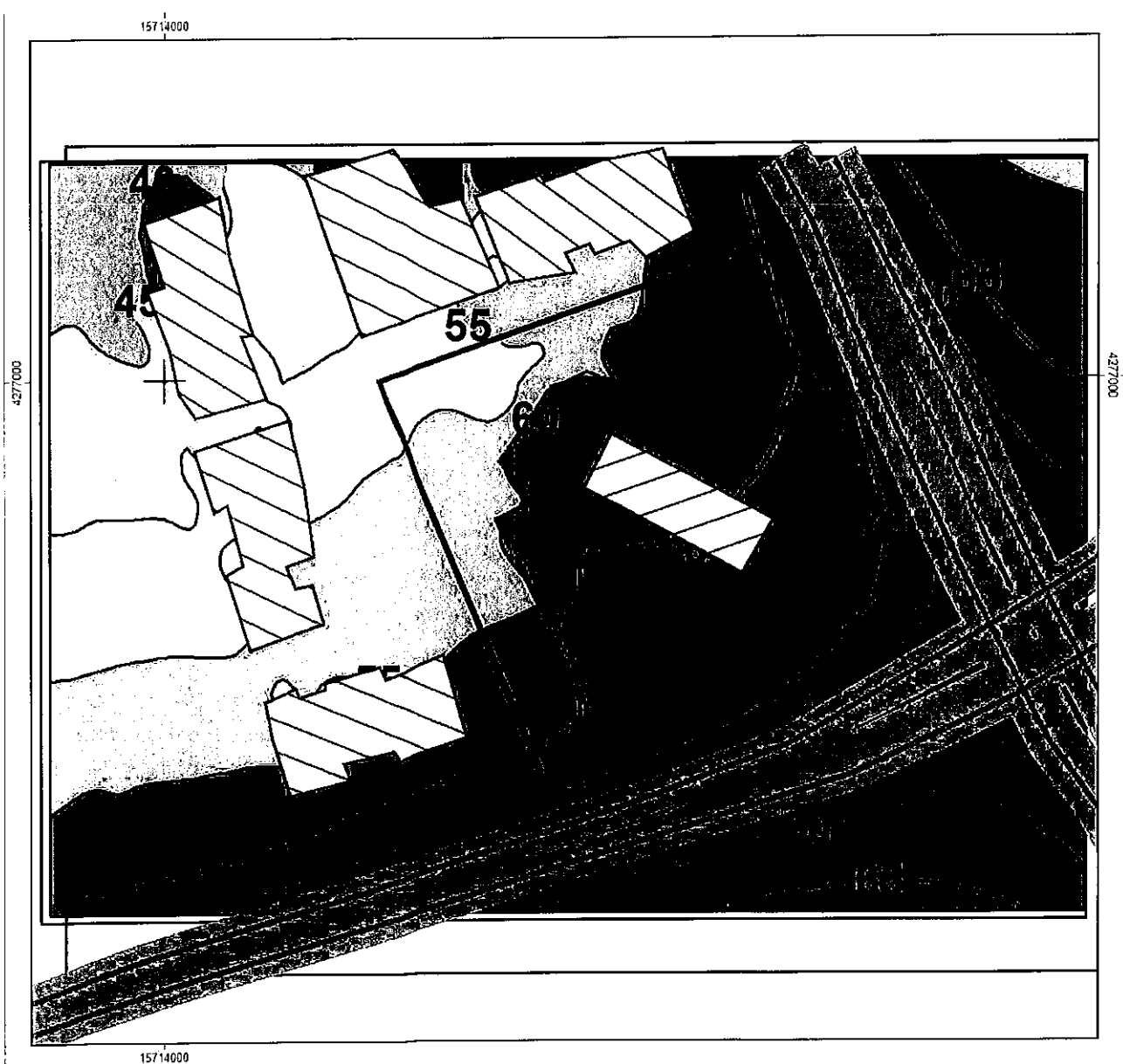
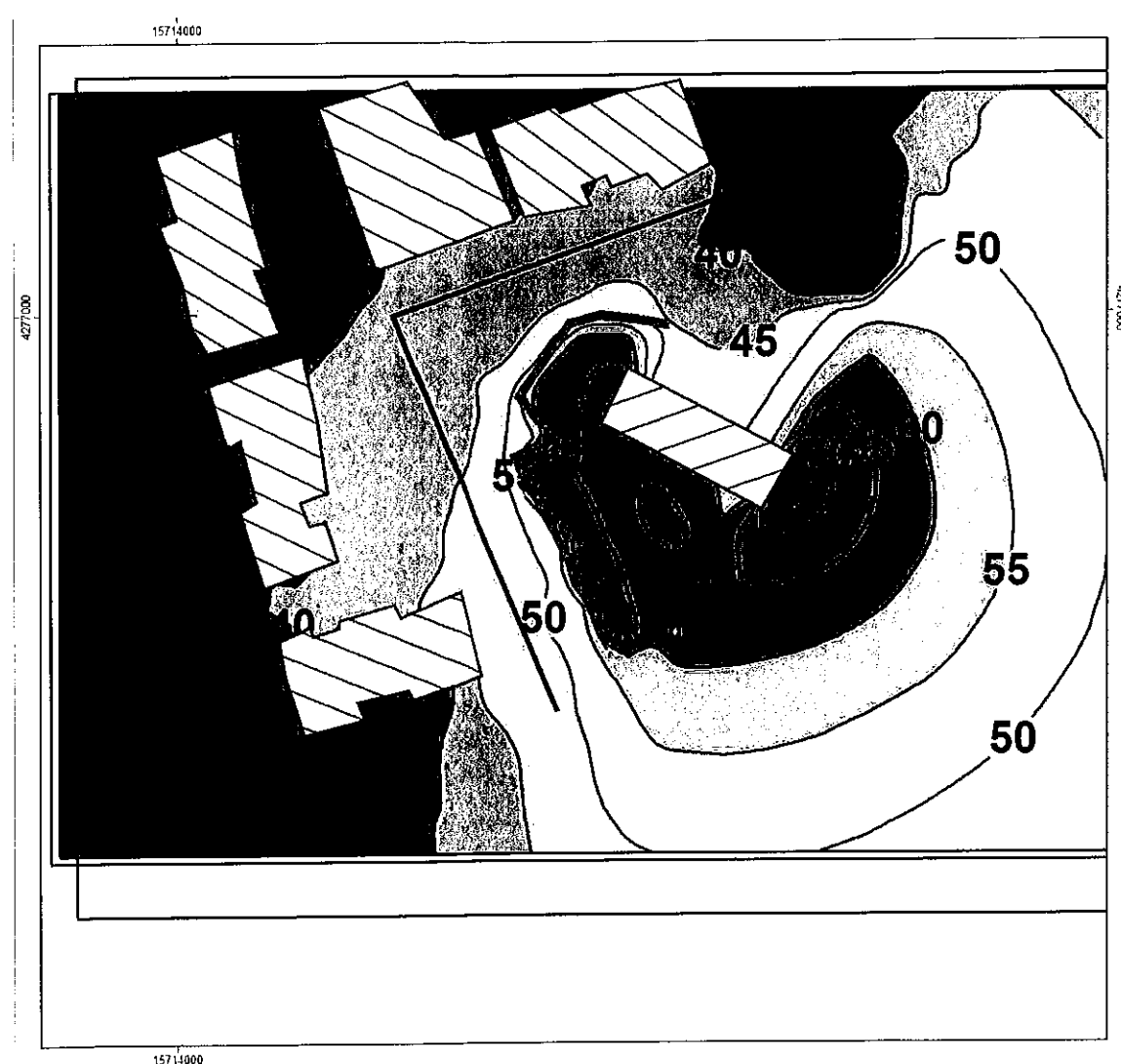


Figure 4:

Version C = Proposed Car Wash with Barrier Wall located @ 14905 Clayton Rd / Car Wash Noise Only (in dBA). This does not include traffic noise.

Thickest solid black lines represent approximate residential property lines.

Thick green line represents the barrier wall.



BILL NO. 3170

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD SECTION 31-02-20 CITY COUNCIL POWER OF REVIEW PERTAINING TO THE TIME PERIOD TO EXERCISE POWER OF REVIEW AND MODIFYING WHO MAY CALL FOR CITY COUNCIL POWER OF REVIEW.

WHEREAS, the City Council desires to allow additional time to call for Power of Review; and,

WHEREAS, the City Council has determined that broadening the scope of eligibility for whom may exercise Power of Review provides a necessary and reasonable oversight function of development plans; and

WHEREAS, the Planning and Public Works Committee, having considered said request, voted 2-1 to move the request to City Council without a recommendation; and,

WHEREAS, the City Council, having considered said request, voted to approve the modifications to Section 31-02-20.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 31-02-20 is hereby repealed and replaced with the following:

A. City Council review of Planning Commission decisions (power of review).

1. Either Councilmember of the Ward where a development is proposed, the Mayor, or any two (2) City Council members from any Ward may request that the conditional use permit or plan for a development be reviewed and approved by the entire City Council.
2. This request must be made no later than seventy-two (72) hours after decision of the Planning Commission. The project will then be placed with Planning and Public Works Committee for review, with a final recommendation then forwarded to the City Council. The City Council will then take appropriate action relative to the proposal.
3. The plan for a development, for purposes of this Section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto or any other plan reviewed by the Planning Commission.

4. Written notice of Power of Review shall be provided to the applicant and all other persons who appeared and spoke in opposition to the application at the public hearing before the Planning Commission or to the protestants in the case of a protest. The applicant and any other person or persons who, in the discretion of the City Council, will be aggrieved by any decision or action may be heard at the hearing before the Planning and Public Works Committee.
5. The City Council may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole City Council shall be required to approve a protested conditional use permit or to overrule the disapproval of the Planning Commission. In all other instances, a majority vote of the whole City Council shall be required to approve, deny or modify the determination of the Planning Commission.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2017.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: 12/04/2017

BILL NO. 3171

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 1 SECTION 01-11 ADMINISTRATIVE AND DECISION-MAKING AUTHORITIES AND ARTICLE 6 TELECOMMUNICATIONS FACILITIES SITING OF THE UNIFIED DEVELOPMENT CODE {P.Z. 20-2017 CITY OF CHESTERFIELD (UNIFIED DEVELOPMENT CODE ARTICLES 1 AND 6)}.

WHEREAS, the City of Chesterfield Unified Development Code contains regulations and requirements pertaining to the development of land within the City; and,

WHEREAS, the Unified Development Code serves to promote the public health, safety, and general welfare of the citizens of the City of Chesterfield; and,

WHEREAS, the City of Chesterfield seeks to update regulations and requirements pertaining to the composition of the Architectural Review Board and telecommunications facilities siting; and,

WHEREAS, a Public Hearing was held before the Planning Commission on November 27, 2017; and,

WHEREAS, the Planning Commission, having considered said request, recommended approval of the change of zoning; and,

WHEREAS, the Planning and Public Works Committee, having considered said amendments, recommended approval; and,

WHEREAS, the City Council, having considered said amendments, voted to approve the updates to Articles 1 and 6 of the Unified Development Code pertaining to the composition of the Architectural Review Board and telecommunications facilities siting.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield hereby repeals portions of Article 1 Section 01-11 Administrative and Decision-making Authorities of the Unified Development Code and replaces portions as set out in Attachment "A" which is attached hereto and made part thereof.

Section 2. The City of Chesterfield hereby repeals Article 06 Telecommunications Facilities Siting of the Unified Development Code and

replaces it with a new Section as set out in Attachment "B" which is attached hereto and made part thereof.

Section 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 4. The provisions of the Ordinance may be amended in the future by the City Council of the City of Chesterfield.

Section 5. Where this Ordinance differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State, or Federal government, the more restrictive or protective of the City and the public shall apply.

Section 6. This Ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2018.

PRESIDING OFFICER

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD: <u>01/03/2018</u>

Sec. 01-11. ADMINISTRATIVE & DECISION MAKING AUTHORITIES

- A. Refer to Chapters 2 and 23 of the City of Chesterfield City Code for the following entities; City Council, Planning and Public Works Committee, Planning Commission, Board of Adjustment and Public Works Board of Variance.
- B. Architectural Review Board.
 1. An Architectural Review Board (hereafter referred to as "ARB") is hereby established.
 2. Purpose. The purpose of the ARB is to protect the character of the City of Chesterfield by requiring that all development and redevelopment projects submitted to the City of Chesterfield during the Site Development Plan and the Site Development Section Plan process be reviewed by the ARB in order to achieve the following goals:
 - a.) Ensuring that high standards of architectural design and materials are used for development in the City of Chesterfield.
 - b.) Preserving and improving the value of property within the City of Chesterfield.
 - c.) Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors, and shoppers; thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City.
 - d.) Provide recommendations to the Planning Commission. The Planning Commission shall consider any recommendations or comments provided by the ARB. The Planning Commission may consider, accept, modify, or reject such recommendations in whole or part at their sole discretion.
 - e.) Review projects for consistency with the City of Chesterfield Architectural Review Design Standards while making recommendations to the Planning Commission on potential modifications or enhancements to architectural submissions.
 3. Composition of the ARB. The Chesterfield ARB shall consist of seven (7) members, ~~which shall be made up and the desired composition of the Board is of two (2) commercial architects, one two (12) residential architects, one two (12) landscape architects and one (1) member from the Board of Chesterfield Arts Inc. The remaining members shall be two (2) other professionals affiliate in a related field selected for their expertise in these or related fields.~~ Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor

with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.

4. ARB terms. The terms of office of the members of the ARB shall be for two (2) years. Mid-term vacancies shall be filled for the remaining unexpired term only by Mayoral appointment. The ARB shall schedule at least 12 meetings per year and any member of the ARB who fails to attend at least 50% of all meetings, regular and special, in any calendar year, will be replaced on the Board.
5. ARB officers. Officers shall consist of a Chair and a Vice-Chair elected by the ARB membership. Officers shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as Chair for more than two (2) consecutive years. The Planning Commission Liaison shall not be eligible for office. The ARB Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both are absent, those present shall elect a temporary Chair.
6. ARB meetings. A quorum shall exist when four (4) of the appointed members are in attendance at a meeting. All decisions or actions of the ARB shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the ARB at the beginning of each calendar year or at any time upon the call of the Chair, but not less than 12 times each year. No member of the ARB shall vote on any matter that may materially or apparently affect the property, income, or business of that member. All members shall abide by any other City policies as to conflict of interest. All meetings of the ARB shall be open to the public. The Director of Planning and Development Services ~~Director~~ shall provide staff to keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed and retained by the Department and shall be public record.
7. Powers and duties of the ARB. The ARB shall have the following powers and duties:
 - a.) To make recommendations to the Planning Commission regarding architectural elevations and all other architectural matters, including amendments thereto, which are forwarded or assigned to be reviewed by the ARB;
 - b.) Responsibilities and duties to be assigned or amended by City Council.

City of Chesterfield Attachment B

Article 6. Wireless Communications Facilities Siting

ARTICLE 06. WIRELESS COMMUNICATIONS FACILITIES SITING

SEC. 06-01. PURPOSE	06-2
SEC. 06-02. APPLICABILITY	06-2
SEC. 06-03. GENERAL REQUIREMENTS	06-3
SEC. 06-04. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR COLLOCATIONS AND REPLACEMENT OF EXISTING WIRELESS FACILITIES.	06-7
SEC. 06-05. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR INSTALLATION OF NEW WIRELESS SUPPORT STRUCTURES AND SUBSTANTIAL MODIFICATIONS.	06-8
SEC. 06-06. EXTENT AND PARAMETERS OF WIRELESS COMMUNICATIONS FACILITY SITING PERMIT (FSP)	06-11
SEC. 06-07. APPEAL.....	06-11

Sec. 06-01. PURPOSE

The purpose of this Article is to provide a process and a set of standards for the placement, construction, maintenance and modification of wireless radio-based communications facilities in order to:

- A. Implement a municipal policy concerning the provision of wireless radio-based communications services, and the siting of their facilities;
- B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless radio-based communications facilities in compliance with applicable federal and state law;
- C. Insure that the City of Chesterfield can continue to fairly and responsibly protect the public health, safety and welfare; and
- D. Enable the City of Chesterfield to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

Sec. 06-02. APPLICABILITY

- A. **Public Property:** The terms of this Article shall apply to all wireless radio-based communications facilities proposed to be located within the City of Chesterfield whether on property owned by the City of Chesterfield or on privately owned property, or on property owned by another governmental entity that acts in a proprietary capacity to lease such property to a carrier. This includes any areas of right-of-way.
- B. **Amateur Radio, Receive-Only Antennas:** This Article shall not govern any tower, or the installation of any antenna that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
- C. **Essential Services and Public Utilities:** Wireless radio-based communications facilities will not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in the City of Chesterfield's ordinances and regulations. Siting of wireless radio-based communications facilities is the use of land subject to the City's zoning ordinances and all other applicable ordinances and regulations, consistent with the provisions of this Article.
- D. **Facility Siting Permits (FSP) for Wireless Radio-Based Communications Facilities** may be issued for Wireless Communications Facilities in all zoning districts, consistent with the provisions of this Article.
- E. **New construction, renovations and expansions, including routine maintenance on existing Wireless Facilities,** shall comply with the requirements of this Article.

- F. No Person shall be permitted to site, place, build, construct or modify, or prepare any site for the placement or use of, Wireless Facilities as of the effective date of this Article without having first obtained a Facilities Siting Permit for Wireless Communications Facilities. Notwithstanding anything to the contrary in this section, no Facility Siting Permit shall be required for those exceptions noted in the definition of Wireless Facilities, such as those used exclusively for fire, police and other dispatch Wireless Communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Wireless Communications.
- G. All Wireless Facilities legally existing on or before the effective date of this Article shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Facilities must comply with this Article.
- H. As used hereunder, Municipal Zoning Approval (MZA) does not constitute zoning approval and refers to approval of the City of Chesterfield Department of Planning and Development Services and is not a zoning review as defined by RSMO 67.5090-67.5104.
- I. New Wireless Communications Facilities, Substantial Modifications of existing facilities, and/or Collocations shall only be permitted within right-of-way areas, regardless of whether said right-of-way areas belong to the City or are currently under the jurisdiction of another entity, pursuant to an agreement approved by the City Council.

Sec. 06-03. GENERAL REQUIREMENTS

- A. The requirements set forth in this Article shall be applicable to all wireless radio-based communication facilities installed, built, or modified after the effective date of this Article to the full extent permitted by law whether on public property, private property, or within any rights-of-way.
- B. Applications and Permits
 - 1. All applicants for a FSP for Wireless Communications Facilities or any modification of any such facility shall comply with the requirements set forth in this Article. The Council is the officially designated agency or body of the community to whom applications for an FSP for Wireless Communications Facilities shall be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting, recertifying or not recertifying, or revoking Facilities Siting Permits for Wireless Communications Facilities. The Council may at its discretion delegate or designate other official departments or agents of the City to approve, accept, review, analyze, evaluate and/or make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking FSPs for Wireless Communications Facilities.

2. An Application for a FSP for Wireless Communications Facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. Said application shall also be signed by the property owner to which the facility is located or is to be located. Each application shall include a copy of the lease, letter of authorization or other legal documentation from the property owner showing authority of the applicant to pursue the application. At the discretion of the Council, any false or misleading statement in the Application may subject the applicant to denial or revocation of approval of the Application without further consideration or opportunity for correction.
3. Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the City in writing, and listing the application deficiencies, within thirty (30) calendar days of submission of the application. The applicant may take thirty (30) days from receiving the insufficiency letter to correct the specific deficiencies otherwise the documents submitted to the City will be returned.
4. Security. Facilities shall be protected from unauthorized access by appropriate security measures. A description of proposed security measures shall be provided as part of any application to install, build, or modify wireless facilities.
5. Lighting.
 - a.) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the wireless structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower, or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner.
 - b.) The City encourages installations that do not require lighting under Federal Aviation Administration Regulation Part 77.
 - c.) Security lighting associated with equipment cabinets and shelters shall not exceed one-half (0.5) foot-candles at the property line.
6. Signage.
 - a.) Wireless Facilities may be permitted one (1) sign no larger than one (1) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. Said sign shall contain the name(s) of the

owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s).

- b.) The sign shall be located so as to be visible from the access point of the site.
- c.) Lighting associated with said sign must meet all requirements of the City Code and be approved by the City Council or its designee.
- d.) No other signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless otherwise required by law.

7. Design.

- a.) Subject to the requirement of the FAA or any other applicable State or Federal agency, towers shall be painted a neutral color consistent with the natural or built environment of the site.
- b.) Equipment shelters or cabinets shall have exterior finish compatible with the natural or built environment of the site and shall also comply with any design guidelines (exterior material requirements) as may be applicable to the particular zoning district in which the facility is located. All equipment shall be placed underground, contained in a single shelter or cabinet, or wholly concealed within a building.
- c.) All towers shall be surrounded by a minimum six (6) foot high fence and a landscape buffer strip of not less than ten (10) feet in width and planted with materials, which will provide a visual barrier to a minimum height of six (6) feet. The landscape buffer strip shall be exterior to any security fence. In lieu of the required security fence and landscape strip, an alternative means of screening upon demonstration by the applicant that an equivalent degree of visual screening will be achieved, is available or may be requested and approved by the City. This requirement does not apply to facilities located with the right-of-way.
- d.) Antennas attached to an existing building or structure shall be of a color identical to or closely compatible with the surface to which they are mounted. Antennas attached to a disguised support structure or tower shall be contained within the disguised support structure or within or mounted flush on the surface of the tower to which they are mounted or disguised themselves. All antennas attached to a disguised support structure shall be designed to be disguised and maximally concealed on or within the support structure.

- e.) Facilities located within the right-of-way shall be of a single pole design that shall not have antenna arrays that protrude more than twelve (12) horizontal inches from the pole.

8. Yard (Setback) Requirements.

- a.) Wireless facilities shall be located within a minimum structure setback from any property line of a distance equal to 110% height of the wireless facility structure or the existing minimum structure setback requirement in that zoning district, whichever is greater. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- b.) If the applicant demonstrates that the support structure is designed with a failure point that necessitates a yard setback less than that of height of the tower, the City shall consider said request. However, at no time shall the minimum yard setback be less than the minimum structure setback of the zoning district on which the structure is placed. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- c.) Accessory equipment shall be located so as to comply with the minimum structure setback requirements for the zoning district of the property to which it is located. This requirement shall not apply to accessory equipment for wireless facilities located within the right-of-way.
- d.) No new wireless facility shall be constructed within a distance greater than or equal to 110% of the height of the wireless facility structure in relation to the nearest structure designed for occupancy. This requirement applies to wireless facilities located on private land and within the right-of-way.

9. Overview of submittal process

Type of Application	Permit Required	Decision-making Authority	Notes
Collocation/ replacement	MZA	Staff	
Substantial Modification	MZA	Staff	
New wireless facility	FSP	City Council	FSP reviewed by PPW prior to CC; MZA required upon approval.
New wireless facility or substantial modification located in ROW	FSP Permitting Agreement MZA	City Council City Council Planning Staff	FSP and Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval.
Collocation located in ROW	Permitting Agreement MZA	City Council Planning Staff	Permitting Agreement reviewed by PPW prior to CC; MZA required upon approval.

Sec. 06-04. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR COLLOCATIONS AND REPLACEMENT OF EXISTING WIRELESS FACILITIES.

A. Collocation and Replacement of Wireless Facilities Requirements on Non-Historic Structures

1. An application for Municipal Zoning Approval (MZA) shall be required for all collocation and replacement of existing facilities requests provided that:
 - a.) Additional equipment is located within the existing shelter, or for collocations within the right-of-way, additional equipment shall be:
 - (1) Installed underground; or
 - (2) Located on the support structure itself and positioned no closer to ten (10) feet to the ground;

- b.) The collocation or replacement of existing wireless facilities does not result in the expansion of the compound area or increase the overall height of the structure by greater than 10%; and
 - c.) All requirements of this Article are met.
- 2. A collocation is as defined and described in Article 10-08 of this UDC.
- 3. Timing. All MZA applications for collocation or replacement of wireless communication facilities shall be reviewed, and a final decision made in writing no later than forty-five (45) calendar days after the City has received a completed MZA application. Each MZA application shall be signed by the property owner and include a copy of the lease agreement or other letter of authorization from the property owner evidencing the applicant's right to pursue the application.
 - a.) An application is deemed to be complete unless the City notifies the applicant within fifteen (15) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has fifteen (15) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty-five (45) calendar days from the initial date the application was received.
 - b.) If the applicant requires a time period beyond fifteen (15) calendar days to cure deficiencies, the forty-five (45) calendar deadline shall be extended by the same period of time.
- 4. Fees. There is no review fee associated with collocations or replacement of existing facilities with submittal of an MZA.

Sec. 06-05. SPECIFIC REQUIREMENTS AND REVIEW PROCESS FOR INSTALLATION OF NEW WIRELESS SUPPORT STRUCTURES AND SUBSTANTIAL MODIFICATIONS.

A. Applications and Review Process for New Wireless Support Structures.

- 1. Requests for construction of a new wireless support structure such as a tower or building which does not constitute a substantial modification shall require a Facilities Siting Permit (FSP) prior to obtaining an MZA by the City. (See Article 10-08 of the UDC for definitions of substantial modification and wireless telecommunications facility)
- 2. Applications for the construction of new Wireless Support Structures which do not constitute a substantial modification shall submit the following items with the FSP application;

- a.) The name, address and phone number of the person preparing the report;
- b.) Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application;
- c.) The postal address and tax map parcel number of the property;
- d.) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
- e.) The location and distance of the nearest residential structure as measured from the base of the proposed tower;
- f.) An outboundary survey, prepared by a licensed professional Surveyor, licensed to perform surveying within the State of Missouri, with an original seal and signature affixed thereto;
- g.) The location, size and height of all existing and proposed structures on the subject property;
- h.) The type, locations and dimensions of all proposed and existing landscaping and fencing/screening requirements;
- i.) The size and centerline height location of all proposed and existing antenna on the wireless supporting structure including the number, type and model of the antenna(s) proposed with a copy of the specification sheet;
- j.) The make, model, type and manufacturer of the wireless support structure tower and design plan stating the wireless support structure's tower's capacity to accommodate multiple users;
- k.) A site plan signed and sealed by a registered engineer describing the proposed wireless support structure and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting compliant with this Article as applicable.

3. Review Process

- a.) Timing. The City Council shall review the application in light of its conformity with applicable zoning regulations within 120 calendar days of receipt of the application and shall make its final decision to approve or disapprove the application, in writing, within the 120 calendar days' review period.
- b.) An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission of the

application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, the applicant may take thirty (30) calendar days from receiving such notice to correct the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the applicant shall be reviewed and processed within 120 calendar days from the initial date the application was received.

- c.) If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the 120 calendar deadline shall be extended by the same period of time.
 - d.) Fees. A review fee of \$150 shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.
- 4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.
- 5. Height.
 - a.) New wireless support structures shall not exceed 100 feet in height unless it may be shown that the requested height is necessary to provide reasonable service and reasonable collocation.
 - b.) New wireless support structures within the right-of-way shall not exceed thirty-five (35) feet in height.
- 6. Location.
 - a.) New facilities within a right-of-way shall not be located within 500 feet of another wireless facility that is located on the same side of the roadway.

B. Applications and Review Process for Substantial Modifications.

- 1. Requests for substantial modifications of wireless support structures shall require Facilities Siting Permit (FSP) approval by the City of Chesterfield prior to obtaining an MZA by the City.
- 2. A substantial or material modification is as defined and described in Article 10-08 of this UDC.
- 3. Applications for Substantial Modifications. The applicant shall submit along with the FSP application, all documents listed in Section 06-05.A of this Article.
 - a.) Timing. Within 120 calendar days of receiving an application for a substantial modification of wireless support structures, the City shall

review the application in light of its conformity with applicable local zoning regulations; make its final decision to approve or disapprove the application; and advise the applicant in writing of the City's final decision.

- b.) An application is deemed to be complete unless the City notifies the applicant within thirty (30) calendar days of submission. Within the notice of incompleteness, the City shall specify deficiencies in the application, which if cured, would make the application complete. The applicant has thirty (30) calendar days to respond from receiving such notices of incompleteness to cure all required deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within 120 calendar days from the initial date the application was received.
 - c.) If the applicant requires a time period beyond thirty (30) calendar days to cure deficiencies, the 120 calendar deadline shall be extended by the same period of time.
 - d.) Fees. A review fee of \$150 shall be required in addition to the public hearing fee. The public hearing fee is as required for all special procedures and as established in Article 09-02 of the UDC.
4. Design Features shall comply with the requirements set forth in Section 06-03 of this Article unless otherwise stated herein.

Sec. 06-06. EXTENT AND PARAMETERS OF WIRELESS COMMUNICATIONS FACILITY SITING PERMIT (FSP)

- A. A FSP shall be non-exclusive.
- B. The FSP shall not be assigned, transferred or conveyed without written notification to the City. Such notification will occur within 180 calendar days of such assignment, transfer or conveyance.
- C. An FSP may, following a hearing upon due prior notice to the applicant, be revoked, canceled, or terminated for a violation of the conditions and provisions of the Facility Siting Permit, or for a material violation of this Article after prior written notice to the applicant and the holder of the facility siting permit.

Sec. 06-07. APPEAL

- A. Appeal may be taken from the regulations contained within this Article 6 to the Board of Adjustment, as provided for in this Code which Board shall hear and pass on such appeals.