

MEMORANDUM



TO: Michael G. Herring, City Administrator

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

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, September 22, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 22, 2011 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Matt Segal** (Ward I); **Councilmember Derek Grier** (Ward II); and **Councilmember Randy Logan** (Ward III). (*Councilmember Logan arrived during discussion of Item III.A.*)

Also in attendance were: Mayor Bruce Geiger; Councilmember Mike Casey (Ward III); Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Shawn Seymour, Senior Planner; Kristian Corbin, Project Planner; and Kristine Kelley, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 8, 2011 Committee Meeting Summary.

Councilmember Grier made a motion to approve the Meeting Summary of September 8, 2011. The motion was seconded by Councilmember Segal and **passed** by a voice vote 3 – 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. **T.S.P. 29-2011 AT&T (18031 Wild Horse Creek Road)**: A request to obtain approval to amend a Telecommunication Siting Permit for the purpose of upgrading existing facilities to accommodate and provide 4G LTE data service on an existing telecommunications tower on a 1.47 acre tract of land zoned “NU” Non-Urban District located at 18301 Wild Horse Creek Road (19W510095).

STAFF REPORT

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

The Petitioner is requesting an amendment to a telecommunications siting permit to add three (3) additional antennas on an existing monopole tower to upgrade to 4G LTE technology.

Councilmember Logan arrived to the meeting at this point.

Councilmember Segal made a motion to forward T.S.P. 29-2011 AT&T (18031 Wild Horse Creek Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of 4 - 0.

Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 3, 2011 City Council Meeting.

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P. 29-2011 AT&T (18031 Wild Horse Creek Road)].

- B. T.S.P 32-2011 AT&T (18614 Olive Street Road):** A request to obtain approval to amend a Telecommunication Siting Permit for the purpose of upgrading existing facilities to accommodate and provide 4G LTE data service on an existing telecommunications tower on a .05 acre lease area zoned "PI" Planned Industrial District located at 18614 Olive Street Road (17W510093).

STAFF REPORT

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

The Petitioner is requesting an amendment to a telecommunications siting permit to add three (3) additional antennas on an existing monopole tower to upgrade to 4G LTE technology. Mr. Corbin added that the existing tower is 100 feet in height and the addition of the three (3) antennas will not increase the current height of the tower.

Councilmember Segal made a motion to forward T.S.P 32-2011 AT&T (18614 Olive Street Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan and **passed** by a voice vote of 4 - 0.

Note: This is a Telecommunications Siting Permit which requires a voice vote at the October 3, 2011 City Council Meeting.

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on T.S.P 32-2011 AT&T (18614 Olive Street Road)].

- C. P.Z. 03-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.):** A request for a zoning map amendment from a “NU” Non-Urban District to a “E-1 AC” Estate District (one acre) of 23.422 acres in size and located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Wild Horse Parkway Drive (18V330046).

And

- D. P.Z. 04-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.):** A request for a zoning map amendment from a “E1-AC” Estate District (one acre) to a “PUD” Planned Unit Development of 23.422 acres in size and located on the south side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Wild Horse Parkway Drive (18V330046).

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. Seymour stated the following:

He mentioned that both petitions will be presented together, but separate votes will be required for each petition.

P.Z. 03-2011

A Public Hearing was held on July 25, 2011 and at that time, the Planning Commission and City Staff did not have any outstanding issues.

The purpose of this zoning map amendment is to establish a developable residential density for this site prior to obtaining PUD. This petition is the first in a two (2) petition proposed development in an attempt to obtain PUD zoning entitlements for a residential subdivision of twenty-two single family homes.

At the September 12, 2011 meeting of the Planning Commission this petition for a zoning map amendment was further reviewed. With no issues being raised at the public hearing and no outstanding issues being found at the September 11, 2011 meeting, the Planning Commission voted to recommend approval by a count of 7 – 0 for the change of zoning request.

P.Z. 04-2011

A Public Hearing was held on July 25, 2011 and at that time, the Planning Commission and City Staff did not have any outstanding issues.

The purpose of this zoning map amendment is to obtain PUD zoning for the site to ultimately develop this property as a twenty-two (22) unit single-family residential subdivision.

On September 12, 2011, the Planning Commission voted to recommend approval by a count of 7 – 0 for the change of zoning request.

The minimum lot size will be 24,000 sf. which is smaller than the existing E-1 AC zoning would permit. It permits the 22 single-family lots by maintaining a significant portion of openspace and tree preservation. Mr. Seymour noted that the setbacks will be 20 feet in the front, 10 feet on the side and up to 50 feet in the rear of the property. The common ground will be 7.5 acres in size or thirty-two (32) percent of the site and the tree preservation will be forty (40) percent of the existing tree canopy. In addition, the Petitioners are proposing three (3) walking paths.

At the September 12, 2011 meeting of the Planning Commission this petition for a zoning map amendment was further reviewed. One (1) issue was raised during the meeting; that being the City's ability to ensure preservation of the existing tree canopy located on private property that is shown on the Preliminary Plan. It was noted by Staff, that the Preliminary Plan and all subsequent required plans and plats will note these areas are "*Greenspace Preservation Area*". Per City Ordinance, this term is defined as, ***an area designated within a proposed development within which all existing healthy trees, vegetation, stream corridors, soil grade and any existing or additional landscape plantings are to be permanently protected and preserved. No structures or paving are permitted in a greenspace preservation area.***

There was still concern at the Planning Commission meeting that the City did not have concrete grounds to maintain the trees. After conversing with the Petitioner, it was agreed to remove the tree preservation area from the subject lots. This would still allow 40% tree preservation – 10% above the minimum requirement. The Petitioner has informed Staff that those trees and the existing grading will remain. Further, it was noted that this area of the site, specifically lots 16, 17, & 18 are located on such challenging topography, that it would be extremely difficult to construct anything in this area.

DISCUSSION

Councilmember Logan questioned who would be responsible to replace a tree if destroyed or removed during the construction phase. Mr. Seymour stated that a request would be required by the developer because it is considered a modification. Ms. Nassif added that there are tree sureties in place that requires the developer to put up protective fencing and fines are in place if a tree gets damaged or removed.

Mr. Geisel noted that there is a process in the City's Tree Manual to allow replacement or fines.

Chair Fults stated that she previously had concerns related to removal of trees on private property but felt that Staff's recommendation to remove the tree preservation area from the subject lots would resolve the issue of trying to enforce the tree preservation. She added that there are also subdivision indentures in place to prevent removal of any trees.

Landscaping

The PUD ordinance requires 25 foot buffers surrounding the property and the Petitioner is proposing buffers ranging from 25 – 50 feet. The Petitioner has assured Staff that landscaping will be provided along the property facing Wildhorse subdivision.

Fencing

Chair Fults questioned as to whether fencing will be allowed. The Petitioner responded that subdivision indentures will allow fencing but not within the 50 foot buffer area adjacent to Wildhorse subdivision.

Mr. Geisel noted that this proposal is the first "PUD" which allows more flexibility in exchange for creativity and value-added. Mr. Seymour pointed out that the value-added includes preserving an extensive amount of tree canopy and topography, along with pedestrian walkways. It was added that McBride & Sons will be constructing only top end range of homes.

Ms. Nassif commended Mr. Seymour for the collaborative work with McBride and Sons in the zoning process. Chair Fults also thanked the Petitioner for their diligent work with the neighbors on the project.

Councilmember Logan made a motion to forward P.Z. 03-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and **passed** by a voice vote of 4 – 0.

And

Councilmember Logan made a motion to forward P.Z. 04-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.) to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal. The motion then **passed** by a voice vote of 4 – 0.

Note: Two Bills, as recommended by the Planning Commission, will be needed for the October 3, 2011 City Council Meeting.

See Bill # _____ and Bill # _____

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 03-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.) and P.Z. 04-2011 Arbors at Wild Horse Creek (17560 Wild Horse Creek, LLC.)].

E. Amendment to Ordinance 35, adopting a new Schedule V - Through Highways, Roads, or Streets

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that the Public Works Department periodically reviews Traffic Schedules associated with the City Ordinance 35 to adhere to current conditions. As a result of that review process, Staff proposed an amendment to Ordinance 35 to repeal Schedule V - Through Highways, Roads or Streets and to adopt a new Schedule V, Through Highways, Roads, or Streets.

The Schedule has been cleaned up to remove streets that are not through streets and to add streets that need to be included. It was noted that the list includes all through streets within the City of Chesterfield whether maintained by the City, St. Louis County or the Missouri Department of Transportation (MoDOT).

Councilmember Grier made a motion to approve Amendment to Ordinance 35, adopting a new Schedule V - Through Highways, Roads, or Streets and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan and **passed** by a voice vote of 4 – 0.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the October 3, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Amendment to Ordinance 35, adopting a new Schedule V - Through Highways, Roads, or Streets].

F. Eberwein Park Construction issues

STAFF REPORT

Mike Geisel, Director of Planning, Public Works and Parks stated that this year the City of Chesterfield began construction on Eberwein Park, which included the infrastructure for the larger park and the opening of the Dog Park. He added that over 700 dog tags have been issued.

Recently, the elected officials in Ward 2 have been contacted by residents of the Baxter Oaks Subdivision requesting assistance to remove sediment from the existing lake.

He then provided background history of the site which extends back to the early 1990's and added that the residents have expressed concerns that during the construction of the park that the City may have contributed to the siltation of the lake.

It is Staff's belief that the City has been a good steward of the land and has exercised a great deal of care in preventing sedimentation damage to the Baxter Oaks Lake.

Councilmembers Grissom and Grier have had multiple communications with Staff with regard to the Eberwein site and the sediment concern. At their request, Staff has verified that the City possesses the post construction survey of Baxter Oaks Lake, completed by the developers of the Villages at Olde Baxter Square in 2008. It has been suggested that the City conduct a new survey of the lake and compare it to the 2008 survey.

Staff has solicited a proposal to conduct a new survey of the lake from the same company who performed the previous survey. The proposed cost of that survey is \$1,825. This price includes calculations to determine the deviation in the lake bottom as compared to the 2008 survey. It does not, however, include any analysis of the natural rate of sediment, nor does it provide for any analysis of the source of sediment entry if found.

At the request of the Ward 2 Councilmembers, Staff is requesting further direction on this matter.

DISCUSSION

Councilmember Grier clarified that the survey will not provide an analysis of the source but provide an analysis of what is considered a "natural" or normal amount of siltation. Mr. Geisel added that this is a quantitative survey which would only determine the volume of the lake. This would then be compared to the volume of the lake in 2008 as represented by the prior survey and then the City would have to explain, rationalize or justify the differences.

To illustrate, Mr. Geisel provided photographs of two storm sewer inlets upstream of the Eberwein Park site on Old Baxter Road, taken on 9/14/2011, which show extensive silt, soil, and debris accumulated in the inlet sumps. He also provided photographs taken from 2004 prior to any construction activities, which depict turbid, discolored water flowing across Old Baxter Road and into the lake. He agreed that there is sediment in the lake as a result of the natural ongoing process. However, the real question is whether or not the City's construction processes have unnaturally or excessively contributed to siltation over and above the natural rate of siltation.

He further explained that the City was contacted in the late 1990's while the Eberwein Park was being farmed that agricultural material was going into the lake. From 2006 to 2008, the City reconstructed Old Baxter Road. Flower Homes then began construction of Villages at Olde Baxter Square and performed a pre/post construction survey, and those results indicated that they did not contribute to additional siltation of the lake. The

City is aware of instances during the Park construction when select sedimentation controls were inexplicably moved by residents during rain events.

Mr. Geisel added that there are funds available to conduct the survey, but questioned whether it will ultimately solve the problem.

Chair Fults had concerns that this could set a precedent with other subdivisions requesting lake surveys at the City's cost and then asking for remediation if siltation is shown.

Councilmember Grier discussed the matter with Councilmember Grissom and both felt that the study would put the issue to rest; however, the normal siltation for this lake would need to be determined.

Councilmember Casey urged the Committee not to embark on such a study because the area described as a lake is actually a detention basin which is designed to collect siltation. He then noted there are several detention basins in Ward III and felt this would open up a great deal of problems.

It was added by Councilmember Logan that after the completion of the Olde Baxter Square Subdivision the City did not own the Eberwein property; and it cannot be determined whether there was any impact on the lake from the Eberwein property prior to the City owning it. Mayor Geiger agrees that a survey will not necessarily provide answers, but has the potential to open up more problems. Mr. Geisel then pointed out that an analysis by a soil scientist to determine the natural rate of sedimentation is not a definitive process – it would likely provide a spectrum of answers of what is natural and unnatural. Dredging may cost as much as the analysis.

Councilmember Segal mentioned that there is no base line established prior to the City's construction of the park. He agreed with the Committee that conducting a survey won't guarantee a solution and recommended no action on the matter.

Question was raised by Councilmember Grier as to whether the City has been involved in any lawsuits related to siltation issues. Mr. Geisel responded that the City has been sued over actions but not directly analogous to this matter. Councilmember Grier recommended tabling the discussion until he has an opportunity to discuss the matter with Councilmember Grissom. Mr. Geisel added that by tabling the discussion, the issue will remain open until removed.

Councilmember Grier made a motion to authorize Glasper Professional Services to conduct a siltation survey of the Baxter Oaks Lake in an amount of \$1,825.00.

The motion died due to the lack of a second.

IV. ADJOURNMENT

The meeting adjourned at 6:11 p.m.