

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning and Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, September 8, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 8, 2011 in Conference Room 101.

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

Also in attendance were: Mayor Bruce Geiger; Councilmember G. Elliott Grissom (Ward II), Councilmember Mike Casey (Ward III), Michael Herring, City Administrator; Mike Geisel, Director of Planning and Public Works; 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 August 4, 2011 Committee Meeting Summary.

Councilmember Logan made a motion to approve the Meeting Summary of August 4, 2011. The motion was seconded by Councilmember Grier and passed by a voice vote of 3 – 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

- A. P.Z. 01A & 01B-2011 McDonald's Corporation Delaware (13559 Olive Blvd): A request for a change of zoning from "C8" Planned Commercial District to "PC" Planned Commercial District for a 220 square foot section of land and a 225 square foot section of land located within 13559 Olive Boulevard. (16Q241471).

STAFF REPORT

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

The request is to zone two sections of land to permit a telecommunication tower or facility use and ultimately, upgrade the current facility to accommodate new 4G LTE technologies. He added that separate votes will be required for the petition.

Surrounding Land Use and Zoning

North: Forum West is the subdivision to the north of the subject site. It is currently zoned "R7" Residence District.

South: Four Seasons Plaza is the subdivision to the south of the subject site. It is currently zoned "C2" Shopping District.

East: Forum Center is the subdivision to the east of the subject site. This subdivision is currently zoned "C2" Shopping District.

West: Forum West is the subdivision to the west of the subject site. It is currently zoned "R7" Residence District.

It was clarified that P.Z. 01A-2011 is the cell tower located near Olive Boulevard and P.Z. 01B-2011 is the equipment compound located towards the northwest section of the parcel.

A public hearing was held on August 22, 2011 and at that time, the Planning Commission and Staff did not have any outstanding issues. The Planning Commission voted to recommend approval by a vote of 9 – 0 with removal of the following sections of the Attachment A's for both P.Z. 01A-2011 and P.Z. 01B-2011;

- I.D. – Parking and Loading Requirements;
- I.F. - Sign Requirements;
- I.G. - Light Requirements; and
- I.H. - Architectural

Ms. Nassif added that a Telecommunications Siting Permit is required to add additional equipment on the cell towers. The equipment cannot be added until the property is rezoned to allow this permitted use. The Petitioners do not want to rezone the entire property so the request is to rezone only those portions of the property where the equipment is located. She then commended Mr. Corbin for his assistance to the petitioner in the rezoning process.

Ms. Nassif went on to say that if the zoning is approved for the use, then the Petitioner will need to submit a cell tower application for a Public Hearing to be held at the Planning Commission and ultimately to the Committee for review. Mr. Geisel added that the request is for existing facilities.

Staff confirmed that there were no concerns raised by the Ward I Councilmembers or residents. Mr. Herring added that although Councilmember Segal was unable to attend the meeting, he had no concerns with the petitions.

Councilmember Logan who was in attendance at the Planning Commission, stated there were no outstanding issues brought forth and the petition passed unanimously.

Councilmember Grier made a motion to approve P.Z. 01A McDonald's Corporation Delaware (13559 Olive Blvd) 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 3 – 0.

And

Councilmember Logan made a motion to approve P.Z. 01B-2011 McDonald's Corporation Delaware (13559 Olive Blvd) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of 3 – 0.

**Note: Two Bills, as recommended by the Planning Commission, will be needed for the September 19, 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. 01A & 01B-2011 McDonald's Corporation Delaware (13559 Olive Blvd)].

- B. P.Z. 06-2011 Pets & Company (667 & 671 Trade Center Boulevard):** A request for a change of zoning from “M3” Planned Industrial District to “LI” Light Industrial District for a 1.072 acre tract of land and .946 acre tract of land totaling 2.018 acres located a half mile southwest of the intersection of Chesterfield Airport Road and Trade Center Boulevard. (17V340275 & 17V340242).

STAFF REPORT

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

The request is a change of zoning to permit development of the land for an animal boarding facility.

On August 15, 2011, these two tracts of land were merged into one by a Boundary Adjustment Plat procedure. The reason for this procedure was to create a larger parcel that would meet the minimum lot size requirements of the “LI” Light Industrial District, which is a straight zoning district and does not require a Preliminary Plan or Attachment A.

The subject site will be developed directly from the requirements of the “LI” Light Industrial District section of the City of Chesterfield Zoning Ordinance with no modifications or exceptions.

Surrounding Land use and Zoning

The site is surrounded by “M3” Planned Industrial Districts except one parcel which is zoned “PI” Planned Industrial District. The subject site is currently undeveloped with office and warehouse surrounding the site.

It was added that the “LI” Light Industrial District already encompasses kennel use.

Councilmember Logan again stated there were no outstanding issues brought forth to the Planning Commission and the petition passed unanimously.

Councilmember Logan made a motion to approve P.Z. 06-2011 Pets & Company (667 & 671 Trade Center Boulevard) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the September 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 06-2011 Pets & Company (667 & 671 Trade Center Boulevard)].

- C. T.S.P. 28-2011 AT&T (471 North Woodsmill Road):** A request to obtain approval to amend a Telecommunications Siting Permit for the purpose of upgrading existing facilities to accommodate and provide 4G LTE data service on an existing telecommunications tower on a 10,000 square foot lease area “NU” Non-Urban District-zoned tract of land located on N. Woods Mill Road (17Q230085).

STAFF REPORT

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

The request is to allow the location of upgraded antennas to facilitate 4G LTE data service on an existing tower located on the west side of the Parkway Central School Campus. City of Chesterfield Ordinance 2391, which governs telecommunications and facilities siting, permits applications for equipment upgrades to be submitted for sites that currently hold a telecommunications siting permit without the need for a public hearing.

Staff has reviewed the request by AT&T and has determined that the proposed addition of the 4G LTE antennas are indeed an upgrade to an existing and permitted site and

may amend said existing permit without the need for a public hearing. Mr. Seymour added that there are multiple users on the existing cell tower. The Petitioner is requesting to add three additional antennas onto the cell tower. The Petitioner noted that the 2G data service will be eliminated within the next few years.

Councilmember Grier made a motion to approve T.S.P. 28-2011 AT&T (471 North Woodsmill Road) 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 3 – 0.**

Note: This is a Telecommunications Siting Permit which requires a voice vote at the September 19, 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. 28-2011 AT&T (471 North Woodsmill Road)].

- D. T.S.P. 33-2011 (14847 Olive Boulevard):** A request to obtain approval to amend a Telecommunications Siting Permit for the purpose of upgrading existing facilities to accommodate and provide 4G LTE data service on an existing telecommunications tower on a .427 acre lease area zoned “R3” Residence District located at 14847 Olive Boulevard (17R430053).

STAFF REPORT

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

The request is to allow the location of upgraded antennas to facilitate 4G LTE data service on an existing tower located north of the intersection of Ladue Bluffs Crossing Drive and Olive Boulevard.

Staff has reviewed the request by AT&T and has determined that the proposed addition of the 4G LTE antennas are indeed an upgrade to an existing and permitted site and may amend said existing permit without the need for a public hearing. The request is to add three additional antennas to the existing tower. The tower is approximately 168 feet in height and the proposed antennas will be mounted on the lowest rung at 77 feet. Staff added that there were no issues raised by the residents located within the area of the cell tower.

Councilmember Logan made a motion to approve T.S.P. 33-2011 (14847 Olive Boulevard) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

Note: This is a Telecommunications Siting Permit which requires a voice vote at the September 19, 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. 33-2011 (14847 Olive Boulevard)].

E. Monarch Chesterfield Levee Trail Update

Chair Fults recognized two boy scouts in attendance.

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer gave a PowerPoint presentation showing an aerial of the site and surrounding area. Mr. McGownd stated the following:

The Monarch Chesterfield Levee Trail consists of the construction of a 16 mile asphalt trail around the perimeter of Chesterfield Valley, a majority of which will be located atop the levee. The project is being funded by the Great Rivers Greenway District (GRGD) and the Chesterfield Valley Transportation Development District (TDD). GRGD has committed \$4 million, and the Chesterfield Valley TDD has committed \$2 million to the project.

To date, over eight (8) miles of the levee trail has been constructed. Approximately six miles of the trail is located between the ice rink north of I-64/40, and the Howell Island Access at the west end of the Valley. Another two miles of the trail is located adjacent to Edison Avenue from Long Road to just west of Baxter Road. The trail currently has three trailheads, one at the Ice Rink, one at the CVAC, and one at Long/Edison Roads. An additional 1.6 miles of trail is currently under construction at the west end of the Valley, from the Howell Island Access to Centaur Road. This section will have a trailhead at the Howell Island Access. When this section is completed later this fall, the total length of the trail will be 9.8 miles.

Remaining Construction

There are only two sections of trail remaining to be constructed, the two-mile section from Baxter Road to the Ice Rink, and the four-mile section from Long Road to the end of the levee at Centaur Road. This four-mile section was proposed to be constructed in the Ameren railroad corridor. It is anticipated that part of the work on the trail between Baxter Road and the Ice Rink will begin next year. However, it will likely not be completed until 2013 because of the pump station/reservoir that the Corps is constructing on the Graeler property.

It was noted by Councilmember Logan that Mr. Graeler has reservations with trail construction on his property. Mr. McGownd added that the ultimate goal is to go around the Graeler property to avoid any issues and have the trail remain on top of the levee.

Mr. McGownd and City Attorney Rob Heggie have been working with Ameren for almost two years on the agreement that would allow the City to place the trail within their railroad corridor from Long Road to Centaur Road. Ameren is agreeable to the trail concept, but they want the City to commit to an agreement that has certain

requirements that are just unacceptable to the City. The most significant of which is one which would compromise the City's sovereign immunity. Mr. Heggie has looked at this issue very carefully and does not see any way that the City could or should waive its sovereign immunity.

The section of trail within the railroad corridor would also be very expensive to construct due to bridging more than 20 drainage ways that come off the bluff, providing protection for the trail users in the area of the golf course, erecting a fence along the entire four mile stretch to separate the trail from the tracks, and installing two traffic signals, one on Long Road and one on Eatherton Road to allow the trail to cross these roadways. This section of trail could easily cost double the amount per mile than the sections of trail that have already been constructed on top of the levee. Also, with all the fences, and the drainage culverts/bridges, this section of trail will also have a higher maintenance cost than the other sections of the trail.

Once the current phase that is under construction is completed, the total cost of the trail in place will be approximately \$4.6 million. Of this amount, GRGD funded \$4 million, and the TDD has funded \$2 million of which approximately \$600,000 has been spent leaving \$1.4 million for the remaining sections of the trail.

The final section of trail is estimated to cost \$1.4 million. The section of trail along the railroad corridor is expected to cost \$2.5 million. Currently, there is not enough funding available to complete both of these sections of trail. A shortfall of \$2 million is anticipated.

Staff believes that this omission will not be a detriment to the trail as a whole, and that trail users will still have a trail that they will continue to use and enjoy. Mr. McGownd also reminded the Committee that a large portion of the trail is located within the City of Wildwood and it is their intent to run the trail further south and west to tie in with Babler State Park.

Although the loop connection is not available, Mr. McGownd explained that a bike route could be designated to allow access from Long Road to the trail.

DISCUSSION

Trailheads

It was noted that a trailhead will be at Howell Island. City Council previously approved an agreement with the Missouri Conservation Department to upgrade the parking lot. Additional trailheads are at the Athletic Complex, the Ice Rink and at Long Road.

Chair Fults noted that there are alternative routes to allow access to the trail. Mr. Geisel added that 1) with the Long Road improvements that are being bid this fall, there will be pedestrian and bike facilities, and 2) with the completion of the new Daniel Boone Bridge MoDOT has committed to having a pedestrian bike path to allow access to the Katy Trail.

It is Staff's recommendation to abandon the idea of constructing the trail in the Ameren railroad corridor due to the lack of available funding, the lack of an acceptable agreement, and the cost associated with the construction and maintenance of this section of trail. If the connection isn't made, it will be a 12 mile trail instead of 16 mile trail, and the previously planned loop will be not be completed.

Mr. McGownd added that there could be an opportunity in the future to revisit this plan if Ameren would abandon the corridor, which only extends to Labadie and if additional funding were made available.

Mr. Herring expressed his full support of Staff's recommendation noting that the trail currently has multiple access points and that the entire stretch of trail is a wonderful asset to the community.

It was mentioned by Mayor Geiger that Don Wiegand is considering working with the City for a possible trailhead on his property near Baxter Road. Mr. McGownd pointed out that the trailhead near the ice rink could possibly be eliminated in the future if the property owners choose to do something different with their property; but there are other opportunities for a trailhead near the wetlands area.

Councilmember Logan expressed his disappointment with incompleteness of the loop as previously planned, but understands legally that the City cannot give up their sovereign rights. He questioned as to whether there were alternative locations near the golf course, parallel with the runway near the Spirit of St. Louis Airport up to Eatherton Road.

Mr. McGownd stated that Staff will gladly explore alternative ways to complete the loop along Eatherton Road. Mr. Geisel added that the airport continues to purchase property at the west end of the Valley in conjunction with their long range master plan and that they have expressed security issues with regard to accessing airport property.

Chair Fults has reservations of the trail located near the railroad, but concurs with Councilmember Logan that other avenues need to be explored to complete the project.

Councilmember Grier is not opposed to Staff's recommendation, but would like City Attorney Heggie to provide a brief summary as to his specific concerns. Mr. Herring mentioned that the Insurance Trust Board has voted to deny the insurance requested by Ameren, which would completely indemnify Ameren from anything that may happen along the trail. Ameren is also asking the City to abandon its sovereign immunity, which Staff would never recommend.

Mr. Geisel further added that due to financing, the City is prioritizing the completion of the loop on the east end. Councilmember Casey concurs that the 4-mile section of the trail needs to be abandoned, but would like Staff to continue to explore and secure other avenues to complete the loop.

Councilmember Logan made a motion to direct Staff to end negotiations with Ameren for Phase IV of the loop trail along the railroad corridor, to pursue alternative opportunities to complete Phase IV and go forward with Phase V as time, conditions, and funding allow, and to provide an explanatory statement by City Attorney Heggie to City Council as to why the City should not meet Ameren's requirements and to forward their support of Staff's recommendation to abandon pursuit of the trail along the railroad right of way to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Monarch Chesterfield Levee Trail Update].

Mr. Herring commended Mr. McGownd for all his efforts with this project.

F. Americans with Disabilities Act

STAFF REPORT

Mike Geisel, Director of Planning and Public Works stated that due to recent Federal mandates, the City's Ordinance relating to the Americans with Disabilities Act Title II regulations has been updated to provide for a grievance process at the department level. Previously the grievance process required a hearing by the Human Rights Commission.

In addition, in response to these Federal requirements, it was required that the City incorporate the role of an official ADA Coordinator within the Planning, Public Works and Parks Department. Those responsibilities have been assigned to Ms. Susan Mueller, Principal Engineer for the City. It was noted that the proposed ordinance repeals and replaces Ordinance #614.

Councilmember Logan made a motion to approve the proposed Ordinance regarding the Americans with Disabilities Act and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee will be needed for the September 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on Americans with Disabilities Act].

G. Chesterfield Historic and Landmark Preservation Committee – Assignment and Procedure.

STAFF REPORT

Mike Geisel, Director of Planning and Public Works stated that Staff has been discussing storage needs and disposition of materials possessed by the Historical Commission for an extended period of time. The purpose is to suggest a process and framework to gather the fragmented collection of materials identified by the Chesterfield Historic and Landmark Preservation Committee (CHLPC) and its predecessors, as well as to develop recommendations as to the final disposition of these materials. He added that there is not any sizable climate controlled storage space available at City Hall.

Staff recommends the following be considered;

- 1. The CHLPC and its predecessors gather and transfer all the materials identified for storage and preservation on behalf of the City.**
- 2. The Staff Liaison, Shawn Seymour shall work with the CHLPC to develop a current and complete inventory of accumulated materials.**
- 3. The CHLPC be tasked with identifying, cataloging, and providing a narrative description for each item.**
- 4. The Staff Liaison should evaluate and develop recommendations to the Planning & Public Works Committee relative to the disposition of all inventoried and cataloged items. The recommendations may be developed in prioritized stages in lieu of one global recommendation.**
- 5. The CHLPC, with the assistance of Staff, be tasked with scanning, cataloging and making permanent records of such items as; photos, documents, meeting minutes, calendars, newsletters, reports, cassettes and other similar materials which could readily be digitized and available on the website.**

Mr. Geisel explained that this is a long-term project which will require a great deal of time and effort by the CHLPC and Staff. He added that this task will be delegated to the CHLPC and Staff.

It was added that the City does not possess museum quality storage space. Further, we have no ability or competency to curate museum quality artifacts.

There was additional discussion as to the number of items that need to be analyzed and where the items should be stored. Councilmember Logan questioned the number of man hours involved with this process. He added that he is fully supportive of the recommendation, but emphasized that the initial task is *only* to catalogue and provide information and not to have Staff perform the historical research. That research is generally to be done by the CHLPC.

Mr. Geisel responded that it could easily take more than a year or more to complete. He then noted that the CHLPC is specifically a citizen's advisory committee and are directed by City Council.

Councilmember Grier did not agree that Staff should have to scan any of the documents and that sole responsibility be done by the CHLPC members. Mr. Geisel noted that due to the complexity of the equipment that Staff should assist in the scanning process. Mayor Geiger asked that Councilmember Grier have available Staff's recommendation at the next CHLPC meeting and emphasize the importance that the committee is only **evaluating and developing recommendations to the Planning & Public Works Committee relative to the disposition of all inventoried and cataloged items.**

Councilmember Logan made a motion to approve Staff's recommendation as presented in the Memorandum of August 16, 2011. The motion was seconded by Councilmember Grier.

Councilmember Grier questioned the amount of material that still needs to be gathered. Mr. Geisel responded that there are numerous items (probably about two rooms full) that still need to be collected.

The motion then **passed by a voice vote of 3 – 0.**

H. Dampier Artifacts

STAFF REPORT

Mike Geisel, Director of Planning and Public Works stated that approximately two years ago while work was proceeding at the stormwater reservoir and interim pump station at the west end of Chesterfield Valley, historic artifacts were discovered. These projects were joint projects with the Monarch-Chesterfield Levee District in furtherance of the 500 year levee status. Inasmuch as some federal funding was used in these projects, the Corps of Engineers required and funded the full archaeological assessment and recovery of historical materials from the project site. That work has been completed and the City has been provided with the complete 704 page research report which describes and documents the procedures and items recovered.

Due to the importance of the discovery, the Corps of Engineers have requested that these materials be forwarded to the Illinois State Museum in Springfield, Illinois for permanent storage and curating. Inasmuch as the materials were recovered from property owned by the City of Chesterfield, they have prepared a cooperative agreement which allows Joe Harl and the Archaeological Resource Center of St. Louis to transfer these materials and ownership to the Illinois State Museum.

Mr. Geisel noted the importance of the archeological artifacts that were discovered and added that the City does not have the ability to preserve and store such items. He highly recommends that the Committee recommend to City Council the ordinance that authorizes the City Administrator to execute the cooperation agreement with the Illinois

State Museum to permanently curate the materials. It was added that the Illinois State Museum was designated by the Corps of Engineers as this is the place where the St. Louis District Corps curates all its materials.

The Committee expressed the importance that the City of Chesterfield be officially recognized for the historical find and Mr. Geisel assured the Committee that the City will have complete access to the artifacts at any time.

Councilmember Grier made a motion authorizing the City Administrator to enter into a Cooperative Agreement with the Illinois State Museum regarding curation of artifacts and records from the Dampier Archaeological site 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 3 – 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee will be needed for the September 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on Dampier Artifacts].

I. Municipal Boundary Adjustment

STAFF REPORT

Mike Geisel, Director of Planning and Public Works stated that the City of Creve Coeur has requested that Chesterfield consider an adjustment of the common municipal boundary line for a parcel of land at 13150 Olive Boulevard. As it currently exists, said parcel is divided between both municipalities. This creates problems with regard to zoning, development and administration. This parcel exists entirely on the east side of Creve Coeur Creek and power lines and cannot be accessed from within the City of Chesterfield.

Mr. Herring and the City of Creve Coeur have been working extensively on an agreement to simply adjust the municipal boundaries so the parcel will fully exist within the City of Creve Coeur. It is extremely desirable to create municipal boundaries which are coincidental with physical features, such as creeks or roadways which create natural barriers and readily identifiable boundaries for service delivery. Staff fully recommends the municipal boundary adjustment.

Mr. Herring added that both City Attorney Heggie and the attorney for Creve Coeur have no issues with the boundary adjustment.

Councilmember Logan made a motion to approve the Municipal Boundary Adjustment and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 3 – 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee will be needed for the September 19, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on Municipal Boundary Adjustment].

In conclusion, Mr. Herring then explained the procedures to the boy scouts in attendance.

IV. ADJOURNMENT

The meeting adjourned at 6:35 p.m.