

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, July 24, 2014

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 24, 2014 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Connie Fults** (Ward IV), **Councilmember Nancy Greenwood** (Ward I), and **Councilmember Elliot Grissom** (Ward II).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Jonathan Raiche, Senior Planner; and Kathy Juergens, Recording Secretary.

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

I. INTERVIEW - NOMINEE FOR BOARD OF ADJUSTMENT

Chair Hurt introduced Jeannie Rader, thanked her for offering her time to the community, and asked her to tell the Committee a little bit about herself.

Ms. Rader stated she wanted to volunteer her time because she wanted to get involved in Chesterfield and felt it would be very interesting for her. She is from the St. Louis area and has lived in Chesterfield since 1999.

Councilmember Greenwood asked if she is aware of what is expected of her and exactly what the Board does. Ms. Rader stated she is somewhat aware of what the Board does but she did not know what the exact parameters are. Councilmember Greenwood suggested she read over some of the previous minutes in order to familiarize herself.

Councilmember Fults stated that as with all City committees, she should prepare for the meetings beforehand by reviewing the packet information and if needed, ask for clarification. She also stated that many times the meetings are cancelled, which is good because that means the dispute has been settled. However, when the Board does meet, that means the applicant has been told "no" by the City and this is one last

opportunity for them to plead their case to the Board. Staff provides the criteria on what the Board bases its decisions upon. Previous Board members have enjoyed serving on the Board and some have moved on to the Planning Commission and Council. She also expressed her gratitude to Ms. Rader on her willingness to serve the City.

Councilmember Fults made a motion to forward to City Council the nomination of Jeannie Rader as a new member of the Board of Adjustment. The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4-0.**

Chair Hurt invited Ms. Rader to the August 4 City Council meeting as her appointment would be announced at that meeting.

II. APPROVAL OF MEETING SUMMARY

A. Approval of the June 12, 2014 Committee Meeting Summary

Councilmember Grissom made a motion to approve the Meeting Summary of June 12, 2014. The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4-0.**

III. OLD BUSINESS

A. Unified Development Code Update

Aimee Nassif, Planning and Development Services Director, stated that of the 532 pages of the Unified Development Code, there were 3 typos. The typos do not alter any practices but will require a Public Hearing as an Ordinance Amendment in order to correct the errors. No action from the Committee is required at this time

II. NEW BUSINESS

- A. P.Z. 01-2014 Chesterfield Valley NE Interchange (CVPBA III):** A request for an amendment to Ordinance 2715 to modify development conditions for a 6.172 acre tract of land zoned "PC" Planned Commercial District located north of US Highway 40/Interstate 64 and immediately east of its intersection with Boones Crossing (17U620172 & 17U620183).

STAFF REPORT

Jonathan Raiche, Senior Planner, stated this is a request to amend the current ordinance to modify various development conditions on the property. The site is located north of I-64 and immediately east of the intersection of Boone's Crossing. There is an existing building on Lot 2 that was constructed in 2007 and Lot 1 is currently vacant.

The request consists of the following amendments:

- To change the development criteria to accommodate three total lots rather than the two currently allowed.
- To allow a second access point on North Outer 40 Road, which will be a right-in only.
- To reduce structure setbacks on three sides of Lot 1 on the west, north, and east sides of Lot 1.

SUMMARY OF ISSUES

There were several issues raised at the public hearing held on February 24 and these issues were subsequently discussed and addressed at the Planning Commission vote meeting held on July 14. The main issues included the extent of the requested setback reductions and concerns regarding the additional curb cut on North Outer 40 Road.

- **Setback Reduction** – Staff explained that the existing setbacks were reflections of the 2006 preliminary plan process and not a requirement of City Code or Staff. Such a reduction is common in developments of this type that attempt to cater to specific tenants.
- **Access Management** – The proposed additional access point on North Outer 40 Road has been revised since the original proposal to meet the City's Driveway Access Location & Design Standards and also limits access to right-in only traffic with a deceleration lane provided. The road has been improved from a two lane to a four lane road since the last amendment and is currently under the jurisdiction of St Louis County who has approved this configuration.

The Planning Commission approved this petition by a vote of 7-1. Staff has reviewed the request for an ordinance amendment and has found that all requests are compliant with City code.

DISCUSSION

PLANNING COMMISSION REPORT

Mike Watson, Planning Commission Chair, stated their only concerns were the 0-foot setbacks and the right-in curb cut. The right-in curb cut had been denied on two previous occasions but according to Staff, the road has been improved and they do not anticipate congestion at that location.

Aimee Nassif, Planning and Development Services Director, clarified that when the original petition was presented for a change of zoning several years ago, it included a request for a second full access point. At that time, North Outer 40 was not improved the way it is now and it was also under the jurisdiction of MoDOT. MoDOT denied the additional curb cut. The petitioner subsequently asked again when an ordinance amendment request was submitted several years ago, but withdrew that request during the public hearing. North Outer 40 is now under St. Louis County's jurisdiction and they

have approved the request for right-in only under the condition that a deceleration right-turn lane be added. The request, as submitted, does meet the City's access management standards.

Mike Geisel, Director of Public Services, stated that while North Outer 40 is a County roadway, the City of Chesterfield creates the zoning entitlements. Just because St. Louis County authorizes a curb cut, it does not necessarily mean that it will be allowed to connect to an internal driveway. Originally this site was developed with one curb cut. It was then subdivided into two lots and at that time, the City was adamant that there be only one curb cut with a shared access. Since that time, the concept has changed. Staff was very reluctant to allow this specific access point; however, we have since modified our position and do not actively oppose the access if strictly limited to the right-in movement only. A right-out and/or left turn out would obviously cause friction and create some problems. While the Taubman outlet was being built, one of the main concerns was the backup of the queue onto the highway from North Outer 40. North Outer 40 now has four lanes which eventually transitions to three lanes at the entrance to Taubman. Ultimately, with a dedicated right hand turn lane and a free flowing right, Staff felt comfortable with the right-in only in order to reduce the potential queue. Because there is no left turn out and no right turn out, it should not create any friction.

It was noted during the Planning Commission Meeting that no matter where the traffic enters the site, all the traffic would be exiting at the same location. Commissioner Geckeler had asked whether the number of buildings or the square footage for each building would be reduced if the right-in was not approved. Mr. Stock had indicated they would still have the same square foot area. Consequently, Commissioner Geckeler voted no. Chair Hurt stated he agrees with Commissioner Geckeler.

In response to Mayor Nation's question, it was confirmed that the deceleration lane was in addition to the two eastbound lanes. Mayor Nation also commented that while out walking, he noticed there is no shoulder on the south side near that intersection and felt it was a safety concern. He asked if a shoulder would be included in addition to the deceleration lane. Mr. Stock confirmed there is not a shoulder in that area but a level area behind the curb could be created. Mayor Nation asked if it was a normal thing to require a shoulder for safety and convenience for pedestrians. Chair Hurt did not think it was a necessity.

Councilmember Greenwood asked if Lot 1 was not subdivided, would it eliminate the need for the change in setbacks. Ms. Nassif replied that the petitioner may still want the change depending on the positioning of the lots.

Councilmember Greenwood also asked if the amount of parking and greenspace would change whether there were one or two buildings. Miss Nassif stated the requirements would still remain the same – the petitioner has to meet all minimum requirements for parking and the openspace/greenspace requirements have not changed.

If the site is divided into two lots, Councilmember Greenwood questioned whether each lot is considered separately. Mr. Raiche confirmed that the site will have two separate lots – Lot 1A and Lot 1B so each lot will be required to maintain 40% openspace and have its own parking.

In response to Councilmember Fults' question, Ms. Nassif stated the square footage of the two buildings will be less than what was previously proposed for the one building. Councilmember Fults pointed out the change in setbacks is being requested because of the way setbacks were established in the past. If these two buildings were presented as fresh, new projects, this would be a non-issue. Ms. Nassif explained that in the past setbacks were established based on the plan submitted at the time.

Chair Hurt pointed out that the intersection of Boone's Crossing and North Outer 40 is one of the most important intersections in the Valley. This particular right-turn in is approximately 270 feet from that intersection. He expressed his concern about this because in years past, we were trying to keep a turning lane at least 500 feet from any major intersection. There are, of course, some exceptions, but as a general rule, we try to maintain a 500 foot distance from a major intersection. North Outer 40 has been improved, but if it is not a necessity, he feels a turn lane should be kept away from major intersections.

Councilmember Fults made a motion to forward P.Z. 01-2014 Chesterfield Valley NE Interchange (CVPBA III), as presented, to City Council with a recommendation to approve. The motion was seconded by Councilmember Grissom and **resulted in a tie vote** of 2-2 with **Councilmembers Hurt and Greenwood voting no.** The petition moves forward to Council with no recommendation.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the August 4, 2014 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. 01-2014 Chesterfield Valley NE Interchange (CVPBA III).]

B. Snow Removal Modification – Windrows

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated that after each winter season Staff assesses our snow removal operations and performance. Our most frequent and frustrating complaints involve the creation of windrows at driveways after the plows have passed. When snow falls off the plow blade, it creates what is known as a windrow that accumulates at the driveway. This is especially problematic in cul-de-sacs. Unfortunately, there really is no way to eliminate windrows. Those most aggravated are the ones who have already shoveled their driveways. Shoveled

driveways make the situation worse because when the plow comes through, there is no snow resistance and the excess snow lands in the driveway.

In order to help alleviate the problem, Mr. Geisel suggested implementing a windrow removal program. Staff is proposing to implement this program and offer it to only those residents who have a medical condition or who are 65 years of age or older. However, there has been some discussion on possibly raising the age limit to 70. It is always easier to expand the program eligibility than it is to decrease it, so staff supports the age increase if the committee deems it desirable. If the program is successful, the age limit can always be lowered at a later time.

Program Specifications

After snow plow operations are completed, maintenance personnel would go to qualified locations and remove the snow from those previously identified driveway aprons.

Mr. Geisel pointed out the policy states that everyone within the household must have a physical difficulty or meet the age requirement. Just because one person in the household has a physical limitation, it doesn't mean they can qualify as there may be other household members who are capable of shoveling snow or who are younger than 65. As we approach the end of a storm, there will be predetermined locations that we can go back to in order to open the driveway. We will just have to back drag the snow. We will not be clearing driveways but simply knocking down the mound of ice that is difficult to manage. Staff feels this is manageable. We want to make sure we do not have an unrealistic age limit. We feel it is a service that sets Chesterfield apart from other cities. It is something we can do in the interest of public health and safety. It is very difficult to get into a driveway for someone that has to access emergency services.

DISCUSSION

Chair Hurt stated his concern as to how we would be able to determine who is living within the household. There may be someone who is fully capable of shoveling snow while another is not. Mr. Geisel replied they would be required to sign a certification.

Councilmember Greenwood felt that if we are going to implement this program, it should be only as a one year test, and we should make it very clear to the residents since we have absolutely no idea how many households would participate or how much this is going to cost. If we find out that we are overwhelmed by this, we have at least performed the one-year study. She also concurred with Chair Hurt in that it would be very difficult to determine who in the household is disabled. She suggested only doing it for those who have a handicapped placard or license plate for their cars. If we just test the program with those individuals only, we can better determine what the cost is going to be. Just based on an age requirement, every third house in her neighborhood would qualify for the program, therefore, she suggests limiting the test to disabled individuals only.

Councilmember Fults recalled conversations in the past involving cul-de-sacs and why the blade could not be turned away from the driveways so the snow would pile up in the middle of the cul-de-sac. Mr. Geisel stated there are multiple reasons why this cannot be done. First, you do not want to create a pile of ice in the middle of the cul-de-sac that is going to melt and refreeze, which just creates another problem. Staff has even discussed the possibility of going around cul-de-sacs in a counterclockwise fashion. A plow will only turn so far one way or the other. It's just like going around a racetrack, as you go around the circle in whatever direction, the centrifugal force on the plow will push to the outside of the circle. There is no way around this.

Councilmember Grissom agreed with Councilmember Greenwood's comments regarding eliminating the age qualification and only including individuals with handicapped plates and placards, and suggested including persons with a documented medical condition.

Councilmember Greenwood made a motion to implement a one-year test program of windrow removal for those who have handicapped license plates or placards and for those with a certified medical waiver and to forward this to City Council with a recommendation to approve. The motion was seconded by Councilmember Grissom and **passed** by a voice vote of 4-0.

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on the windrow removal program.]

C. Wild Horse Creek Road Overlay District

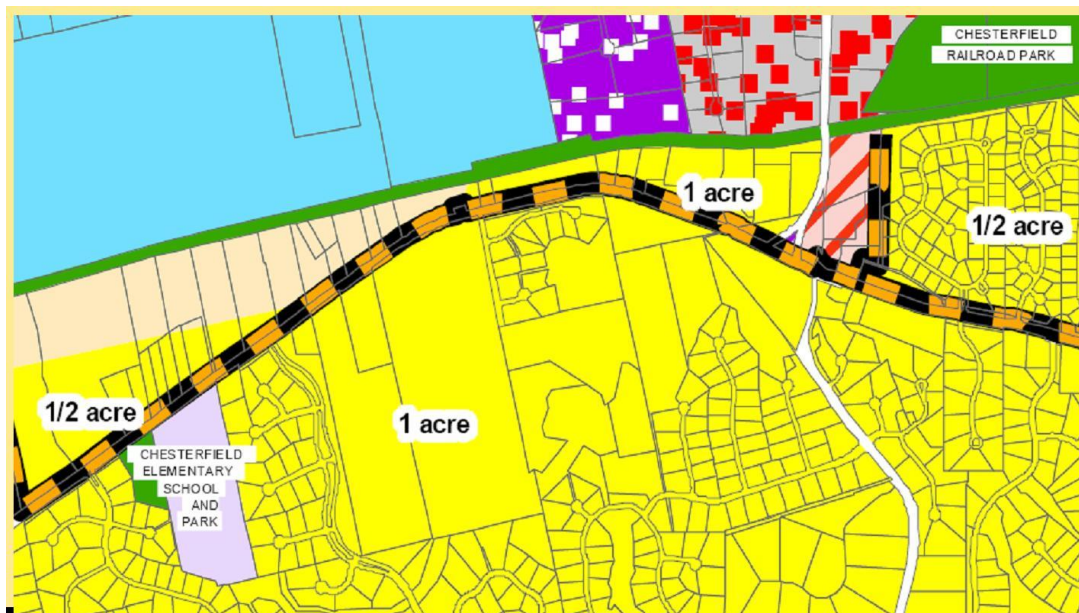
STAFF REPORT

Aimee Nassif, Planning and Development Services Director, stated that the City was involved in recent litigation regarding development of properties within the "bowtie" area along Wild Horse Creek Road, which illustrated the need for clarification and revisions. However, it was inadvisable to initiate changes to the study area conditions during litigation.

Since 1990, the City's Comprehensive Plan has designated the bowtie area along Wild Horse Creek Road as part "Residential" and part "Office Campus". A study was conducted in 2005 in conjunction with Spirit of St. Louis Airport and a citizens committee, which reviewed the best planning practices for residential development and uses near and around airports.

At that time, the City was utilizing the 2009 Part 150 Airport Noise Study, which included information about day/night noise level (DNL) zones. The FAA recommends that residential development not be located within a 65 DNL zone or greater. At the time of the 2005 study, it was determined that the closest home to the airport was in Tara Estates, which was 1,920 feet back from the airport and in the 55 DNL zone. Since

there were no requests being made at that time for residential development closer than 1,920 feet from the airport, it was agreed that residential development would not be permitted to be any closer to the airport than 1,920 feet. This decision was not based upon any recommendations from the Airport or FAA.



As noted in the above diagram, the current Comprehensive Plan specifies the following zoning designations for the bowtie area:

- The area to the east is designated as One-Acre Residential.
- The area to the west is designated as One-Half Acre Residential (yellow area) and Neighborhood Office (tan area).

In 2005, the Neighborhood Office designation was a very contentious area of concern as reflected in the final vote of 5 to 4 on the Comprehensive Plan updates. Since then, Staff has relooked at this area and has noted that the 1,920 foot line was not based on anything other than that was the location of the closest home to the airport at the time. Ms. Nassif stated that she has been in discussions with both the engineer and operations manager for the Airport and they informed her that the FAA still recommends no residential development be constructed in the area on the map with a 65 DNL or greater. She was also told that there are no plans to update the 2009 Part 150 Airport Noise Study due to the cost and time necessary to do so. However, according to the Spirit of St. Louis Airport, since 2005 much has changed – when the first noise level study was done, it was based on the number of planes that were coming and going from the airport, which at that time was over 214,000/year; currently there are only 105,000 planes utilizing the airport each year. This number has remained steady for the past seven to eight years and the Airport does not anticipate it increasing. In addition, and most importantly, the loudest airplanes flown at this airport are no longer allowed to access this airport. The Airport has also instituted additional mitigation efforts. Therefore, according to Airport personnel, the location marked on the Noise Contour Map with a 65 DNL is in reality probably much less.

Ms. Nassif then presented the following chart which outlines the current regulations and necessary updates:

CURRENT REGULATION UDC– ARTICLE 03-05c	NECESSARY UPDATE
Allows for Neighborhood Office Development within surrounding residential area and developments	Permits Residential Development only
Only permits E-1 and E-1/2 zoning	Allows for E-1, E-1/2 and E-2 zoning
Wild Horse Study provided minimum lot size and minimum average lot size requirements	This has been brought over from the study into District Regulations
Setback from Wild Horse Creek Road negotiated	Lot setback must be a minimum of 50 ft.
40% open space in residential developments required, but this could include someone's yard	Areas of open space defined – does not include yards; 30% open space required, which is more attainable and consistent with other residential developments
Process not clearly defined. Subject to unintended consequences such as Estate District being approved but WH Overlay not being approved	Clearly defined process. The WH Overlay request is part of the underlying zoning process and consideration.

Ms. Nassif explained that most of the recommended updates relate to “process” and the following development standards and requirements are not being modified or amended:

- Uses permitted in Estates Districts
- Landscape buffer
- Structure setbacks
- Structure height
- Avigation easement required
- Comments from Spirit of St. Louis Airport
- Preservation and protection of natural slopes and features
- Building design/architecture
- Site design/inclusion of pedestrian and community amenities

Mr. Geisel stated that Staff has carried over the criteria as it exists in the WH Overlay Study but pointed out that there are two items that are not included in the proposed legislation as they vary from existing policy:

1. This is a “study area”, and there is concern that a developer might take the WH Overlay and layer a PUD on top of it. Staff does not believe that a PUD is appropriate in a study area. Staff would like to include language that prohibits a PUD in the WH Overlay.
2. Currently, there is a list of performance standards that may be modified; but any modification requires a 2/3 vote by the Planning Commission. However, this list of performance standards does not include *lot size*. Mr. Geisel suggested that the Planning Commission be allowed to grant a variance to lot size by a 2/3 vote.

Mr. Geisel then stated that Staff is prepared to add the above amendments to the proposed legislation if so directed.

DISCUSSION

Neighborhood Office

Councilmember Fults expressed her enthusiasm for having the *Neighborhood Office* designation removed from this area.

PUD

Chair Hurt asked for further explanation as to why a PUD would not be desirable with the WH Overlay. Mr. Geisel explained that there has already been a community planning process involving a study which establishes very specific criteria for this area. If a developer would compound the flexibility allowed by the WH Overlay with the flexibility allowed by a PUD, it could result in a very undesirable outcome. Ms. Nassif added that the PUD is a completely negotiated district – when you have a formal planning study area done, such as the WH Overlay, you set conditions up front which are unique and necessary to the special planning study area.

Councilmember Fults agreed with including the amendment to prohibit a PUD with the WH Overlay.

Lot Size

Councilmember Fults stated she would like the following table regarding *Minimum Lot Size Requirements* included in the legislation and requiring 2/3 vote of the Planning Commission.

TABLE 2: Minimum Lot Size Requirements			
Underlying Zoning District	Minimum Lot Size Required in Underlying Zoning District	Minimum Lot Size Permitted with WH Overlay	Average Lot Size Permitted with WH Overlay
E-2	2 Acres	1 Acre	2 Acres
E-1	1 Acre	22,000 sq. ft.	1 Acre
E-1/2	½ Acre	15,000 sq. ft.	22,000 sq. ft.

She then outlined an example whereby in a One-Acre District, a 20-acre site, with 30% required open space removes 6 acres from development, leaving only 14 acres for development. In order to have an average lot size of one acre, for every lot that is allowed to be smaller, the remaining lots have to be larger. Of the 14 example lots, only 3 lots could come down in size requiring the other 11 lots to be larger. She finds this in conflict with what was originally desired for this area, which is to have the subdivisions off the road and out of view from Wild Horse Creek Road. By requiring an average lot size, you are taking away the flexibility of the Planning Commission to cluster those homes towards the bluff. Mr. Geisel also pointed out that the 30% openspace does not include the rights of way, which will also reduce the number of lots for development.

Councilmember Fults stated that she does not want to make it harder to put residential development in this area. The point of removing *Neighborhood Office* from the area is to encourage residential development. She would like to see those homes off the road, out of view, and with as much green and clustering as possible.

Discussion then followed related to the fourth column in the above chart entitled “Average Lot Size Permitted with WH Overlay”. Questions were raised as to whether this information should be removed or whether the average lot sizes should be reduced. Councilmember Fults pointed out that quality developments like Arbors, Wild Horse, and Greystone across the street from this area, could not be built in the bowtie area because of the restrictive criteria, which raises concern that residential developers will not want to build in the bowtie area.

Mr. Geisel pointed out that the WH Overlay Study was not solely driven by the airport and noise. There are topographical conditions in the area, such as the bluff line, that the Council wants to preserve. Chair Hurt noted that two items that are desired for the area are in conflict with one another – 1) keeping the homes back from Wild Horse Creek Road; and 2) preserving the bluff line. If the bluff line is preserved, homes will have to be built closer to the road.

Air Traffic/Noise

Chair Hurt had concerns that the private aircraft industry will continue to increase resulting in increased DNL levels. Ms. Nassif pointed out that there will still be an aviation easement required; in addition the 105,000 flights/year has remained steady for the past 7-8 years and the Airport does not anticipate it increasing. Planning Chair Watson was also of the opinion that as the economy improves, there will be an increase in air traffic noting that two new hangars have been added to the Airport in recent months.

Councilmember Fults stated that when the first office development was submitted to the City, hundreds of residents in the area were opposed to it so the concern about airport noise no longer appeared relevant to the area residents. She also noted that when the Tara II development was approved, Council added increased building construction requirements with respect to windows, insulation, etc. She felt these building requirements could be added to the WH Overlay.

Mayor Nation stated that the noise levels have decreased dramatically since the last noise study was conducted. The study included 13 recommendations, 12 of which have been implemented which has improved the situation.

Chair Hurt then asked what Staff needs from the Committee at this time. Mr. Geisel explained that Staff needs an expression of desire from the Committee that they are in agreement with the proposed amendments, in addition to direction on restriction of the PUD and allowing the Planning Commission to consider, by a super majority, the average lot size.

Councilmember Fults made a motion to accept the new WH Overlay; to prohibit PUDs in the WH Overlay; and to increase the building criteria to include sound reduction methods. The motion was seconded by Councilmember Grissom and **passed by a voice vote of 4-0.**

Councilmember Fults made a motion to allow modification of the average lot size through a 2/3 vote by Planning Commission. The motion was seconded by Councilmember Greenwood and passed by a voice vote of 4-0.

D. All-Hazard Mitigation Resolution

STAFF REPORT

Mike Geisel, Director of Public Services, stated in 2009, the City participated in the development of the regional All-Hazard Mitigation Plan. According to Federal law, this plan must be updated every five years.

Councilmember Greenwood made a motion to forward the All-Hazard Mitigation Resolution to City Council with a recommendation to approve. The motion was seconded by Councilmember Grissom and passed by a voice vote of 4-0.

Note: One Resolution, as recommended by the Planning & Public Works Committee, will be needed for the August 4, 2014 City Council Meeting. See Resolution #

[Please see the attached All-Hazard Mitigation Resolution.]

III. PROJECT UPDATES

Due to time constraints, Aimee Nassif, Planning and Development Services Director, stated she will email the project updates.

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 6:53 p.m.