

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
July 24, 2008

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 24, 2008 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III); **Councilmember Gene Schenberg** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Bob Nation** (Ward IV).

Also in attendance were; Councilmember Mike Casey (Ward III); David Banks, Planning Commission Liaison; Michael G. Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Harold O'Rourke, representing City Attorney Rob Heggie; Aimee Nassif, Planning & Development Services Director; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Secretary.

The meeting was called to order at 5:35 p.m.

It was agreed upon by Committee to change the agenda order.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the July 10, 2008 Committee Meeting Summary

Councilmember Nation made a motion to approve the Meeting Summary of July 10, 2008. The motion was seconded by **Councilmember Schenberg** and **passed** by a voice vote of 3 to 0 with 1 abstention.

II. NOMINATION BY THE LANDMARKS PRESERVATION COMMISSION

A. Betty Brandt (Ravens - Queathem House): Nomination for the Landmarks Preservation Commission Historic Structure Improvement Grant.

Staff Report:

Planning & Development Services Director Aimee Nassif began by stating at the July 10, 2008 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to approve the first application for the Landmarks Preservation Improvement Grant. This grant would help residents whose properties are under the Historic Register by granting them up to \$5,000 over a ten (10) year period. Betty Brandt, owner of the Ravens-Queathem House, has asked for some assistance repairing and replacing her shutters and would appreciate the full amount of \$5,000. Ms. Nassif then introduced the Chair of the Landmarks Preservation Commission, Alice Fugate.

Alice Fugate, Chair of the Landmarks Preservation Commission, began by stating that the shutters had to be taken down due to disrepair, so the \$5,000 would help restore the house to its original condition. The total cost will be over \$10,000 because the shutters have to be custom made.

Councilmember Geiger made a motion to approve Betty Brandt (Ravens-Queathem House): Nomination for the Landmarks Preservation Commission Historic Structure Improvement Grant. The motion was seconded by Chair Hurt.

Councilmember Nation asked the total number of shutters to be repaired and replaced. Ms. Fugate replied there are a total of 22 shutters but the cost will include hardware, installation and painting and that bids had be obtained regarding work to be completed. Ms. Nassif discussed how costs are a little higher when dealing with historic structures. Councilmember Schenberg clarified that the requested shutters are specially constructed. He continued to state that there should be multiple bids; categorized as “good, better and best”. He requested that the rules be reviewed and revised.

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

Councilmember Schenberg then made a motion directing Staff to review the Grant Application process to require three (3) bids for future applications. The motion was seconded by Councilmember Geiger and passed by a voice vote of 4 to 0.

IV. NEW BUSINESS

- A. **T.S.P. 02-2008 Cricket Communications (St. Louis County Water Company):** A request to obtain approval for a Telecommunication Facility Siting Permit for the co-location of additional antennas on an existing telecommunication tower in a “NU” Non Urban District on a 4.68 acre tract of land located north of an Ameren UE transmission line easement, northeast of Baxter Road (19S220028).

Staff Report

Project Planner Shawn Seymour stated that the request is to obtain approval for a Telecommunication Facility Siting Permit for the co-location of additional antennas on an existing telecommunications tower located at 1850 Baxter Road and zoned "NU" on a 4.68 acre tract of land. The property is adjacent to an Ameren UE transmission easement, south of Baxter Lake Subdivision and north of Claymont Lake Estates. A public hearing was held at the July 14, 2008 City of Chesterfield Planning Commission meeting. The Petitioners propose to also locate a support structure at the bottom of the tower and replace an existing chain link fence with a six (6) foot sight-proof fence. Mr. Seymour directed the committee to the Power Point presentation regarding the propagation study with the location of the tower. He advised that dark green indicates areas with service and the white areas indicate absence of service.

Chair Hurt asked for clarification of location. Mr. Geisel replied that it is adjacent to the storage facility just north of the power line on the south side of Baxter Lakes Subdivision. Mr. Seymour clarified to the committee that the height will not exceed the existing tower.

Councilmember Schenberg asked whether questions were raised during the public hearing held on July 14, 2008 at the Planning Commission meeting. Mr. Seymour replied that there was conversation regarding the fence around the entire property, but stated that subject petition only pertains to the property that is being leased by Cricket Communications. Mr. Seymour clarified that this particular petition for the cell tower is only to the leased area by Cricket Communications from St. Louis County Water Company. The fence that the citizens were questioning is the fence surrounding the entire property, which would not be part of this petition.

Mr. Geisel suggested that the motion to approve be limited to constructing the sight-proof fence around the enclosure as required by the Telecommunication Ordinance. However, Staff could be encouraged to work with Missouri American Water Company to clean up their site.

Councilmember Nation clarified that the residents' concerns are the fence located specifically around the water tower and that the petition presented has nothing to do with it. Mr. Geisel clarified that the water company would not be supportive of replacing the chain-link fence with a sight-proof fence because if people come by, there could be security concerns. However, the current Telecommunications Ordinance requires that the enclosure for telecommunications equipment be a sight-proof fence.

Mr. Geisel suggested that the motion to approve be stated with the following;

- o Motion to approve with the sight-proof fence around the enclosure and asking that Cricket Communications and Missouri American

Water work to improve the appearance of the landscaping and existing chain-link fence around the entire site and clean up.

FINAL DISCUSSION

Councilmember Schenberg made a motion to approve with the sight-proof fence around the enclosure and asking that Cricket Communications and Missouri American Water Company work to improve the appearance of the landscaping and existing chain-link fence around the entire site including clean up of area and then to forward T.S.P. 02-2008 Cricket Communications (St. Louis County Water Company) to City Council with a recommendation to approve. The motion was seconded by Chair Hurt and passed by a voice vote of 4 to 0.

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on T.S.P. 02-2008 Cricket Communications (St. Louis County Water Company)].

B. Request for Sidewalk – Clayton Road

Staff Report

Planning & Public Works Director Mike Geisel apologized to the Committee regarding the limited information that has been provided. City Council previously approved money to try to close gaps in sidewalks. Staff has identified an opportunity to complete sidewalks along Clayton Road from its east border to the west border, by constructing new sidewalks between Village Green Parkway and Rue De Gascony. The City is also already under contract with Gershenson Construction Company to complete the sidewalk along Clayton Road between Baxter Road and Parkway West. Mr. Geisel is requesting that this Committee recommend to the full City Council, to authorize a change order with Gershenson Construction in an amount not to exceed \$60,000, using funds already provided for sidewalks in the 2008 budget. Mr. Geisel added that MODOT has agreed to maintain this section of sidewalk if constructed by the City.

Chair Hurt made a motion recommending that City Council authorize the change order to Gershenson Construction Company in the amount of \$60,000. The motion was seconded by Councilmember Schenberg.

Councilmember Geiger expressed his concerns that the City should not be funding sidewalk improvements on State maintained roads, and would therefore, be voting in opposition.

Councilmember Casey urged the committee to authorize the proposal that Mr. Geisel has presented. Since MODOT funding isn't available and the City has an opportunity to do the project at a reasonable cost, Councilmember Casey asked the Committee to endorse the current motion.

Mr. Geisel replied that Staff has explored and pursued all available avenues and understands everyone's concerns. Staff had asked residents whether they would

like to participate or construct the sidewalk and they politely declined. He added that MODOT will maintain the site if the City constructs the sidewalk.

Councilmember Nation commented that justification for the requested work is a safety issue. Mr. Geisel agreed and stated that going east leads to a pedestrian crossing signal, but going west is equally important because it leads to a bus stop.

The motion passed by a voice vote of 3 to 1 with Councilmember Geiger voting No.

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Request for Sidewalk – Clayton Road].

III. OLD BUSINESS

A. Residential Street Tree Program

Staff Report

Planning & Public Works Director, Mike Geisel stated that the Planning & Public Works Committee had reviewed the first draft of the Residential Street Tree Program at its last meeting. Certain changes were recommended by the Committee to Staff.

- o Recommendations by the Planning & Public Works Committee are shown in “bold”.
- o Recommendations by legal council are in “italics”.

It would be appropriate at this time to make a recommendation on the program and if approved, it would be a part of the discussion of the fiscal 2009 budget.

Mr. Geisel stated that there were funds put into this year’s budget to remove trees, due to the age of the trees. As of the first of July, the City of Chesterfield has removed at least 135 trees because of their age and impact from previous weather conditions. Residents have expressed a desire for the City to assist in the replacement of these trees and this Committee had directed Staff to prepare a proposed plan to facilitate a cost sharing program for tree replacement for those trees removed from the City rights-of-way.

As proposed, this is a cooperative program. If a resident is willing to pay a portion of the cost, the City will contract twice a year to put in trees that are acceptable to the City using a contractor that is bonded and insured through the City of Chesterfield’s normal contracting and procurement Program.

Councilmember Geiger referred to the last meeting of Planning & Public Works Committee on July 10, 2008 and commended Staff for addressing the issues presented to them. The language, as presented, is appropriate. He commended the program and the outstanding job Staff has done with the overall explanation of those issues.

Councilmember Geiger made a motion to approve The Residential Street Tree Program. Councilmember Schenberg seconded the motion.

Mr. Geisel commended the work associated with this program and how it demonstrates the cooperation which exists between the Parks Department and the Planning & Public Works Department. In addition, Mr. Geisel commended Council's prior decision to fund the position of City Arborist. Having a trained, certified arborist on staff has been a tremendous resource to the Public Works Maintenance Staff. Arborist, Melinda Mohrman, will administer the proposed tree replacement program.

Councilmember Schenberg referred to *Page two (2) of Tree Choices*, paragraph two (2) that there may be some issues with residents regarding tree selection. It was noted that the ordinance states that the final decision rest with Staff.

Councilmember Schenberg asked whether a neighborhood may submit an application for possibly 40 trees to complete planting all at one time. Mr. Geisel responded in the affirmative.

Councilmember Nation questioned the distance that a tree may be placed near the curb. Mr. Geisel responded that there must be five (5) feet of space, but the trees won't be planted any closer than three (3) feet to the curb. If the parkway area is less than five (5) feet, a tree would not be planted.

Planning Commissioner Banks recommended that the motion be amended that once a homeowner has rejected the initial offering, the City would make a recommendation regarding the correct species for that area.

Tree Selection

Planning & Public Works Director, Mike Geisel clarified that there are three (3) choices and if none of those choices are acceptable, then the petition is not valid. The City can not accept the \$100 fee from a resident for a tree that has not been approved.

- o Mr. Geisel recommended adding to the Program Application Page two (2) of Tree Choices, the following;

If the tree species selected by the City of Chesterfield is not acceptable to the applicant then the \$100 application fee will be returned.

Councilmember Nation made a motion to add the following language to Tree Choices, Page two (2) Paragraph two (2): In the event the homeowner and the City of Chesterfield are unable to agree upon which tree species is acceptable, the \$100 application fee will be returned. The motion was seconded by Councilmember Schenberg and passed by voice vote of 4 – 0.

Mr. Geisel stated that since this is a new program, the Committee will make a recommendation that will be approved by City Council.

Councilmember Geiger questioned whether this program needs to be submitted to the Finance & Administration Committee.

Sprinkler Systems

Councilmember Nation directed the Committee to Page three (3), under Section III-Tree Installation, Item D regarding the homeowner's responsibility to mark these systems and relocate them at their sole expense. He expressed concerns that this could create further problems. Mr. Geisel responded that when any private installation exists within the right-of-way, it exists only with the approval of the City through a permit. This permit necessitates a "hold-harmless agreement".

Council policy states that the City does not fix or repair any underground systems within the right-of-way unless the resident has executed a "hold-harmless agreement" which acknowledges existence of any underground system. The City will make a repair one time, if they execute the "hold-harmless" agreement. If they refuse, then the sprinkler system will be cut and capped.

FINAL DISCUSSION

Councilmember Geiger amended his previous motion. He moved to approve The Residential Street Program and to forward it to the Finance and Administration Committee then back to Planning & Public Works Committee for review before forwarding to City Council for approval. Councilmember Schenberg agreed to the amended motion. The amended motion **passed** by a voice vote of 4 – 0.

Meeting Schedule

Planning & Public Works Director, Mike Geisel stated that the Planning & Public Works Committee Meeting scheduled for October 8, 2008 conflicts with a religious holiday, Yom Kippur. It is recommended that the meeting scheduled for that day be canceled. Canceling the meeting will not delay or interfere with any business.

It was agreed that the meeting scheduled for October 8, 2008 be canceled.

Discussion of Clarkson-Wilson Shopping Center

Councilmember Nation asked for information on the Clarkson-Wilson Shopping Center. Ms. Nassif replied that Clarkson-Wilson Center is coming in for a petition to rezone only to clean up their old ordinance. The ordinance was written by St. Louis County and limited the number of restaurants and retail that they could have inside the shopping center. Currently the ordinance only allows three (3) restaurants and they are requesting four (4). No exterior modifications or changes will be made. Petitioner is only updating their ordinance to meet City of Chesterfield standards. Mr. Geisel added that when a petitioner comes in for a change, the zoning must be brought up to current standards. Ms. Nassif stated that parking standards are reviewed prior to making these decisions. This petition is scheduled for a public hearing on August 11, 2008. To staff's knowledge, the petitioner is not trying expand any of the other existing uses.

**Discussion of Parkway Central Meeting held Wednesday, July 23, 2008/141
Expansion presented by MODOT**

Councilmember Schenberg attended the meeting and presented information concerning this subject and that MODOT will supply information to the Planning & Public Works Committee. One (1) of four (4) proposals presented at this meeting indicated the following.

- o Residents were 50/50 on either preserving the wet lands or take away homes.
- o Project to start in 1212.

Councilmember Geiger asked who would be funding the project. Mr. Geisel clarified that there were three municipalities that contributed; City of Chesterfield, Maryland Heights and St. Louis County. This is a County initiated project; the State of Missouri has not been involved. The City of Chesterfield is on the "project team" and has been involved with the project from the beginning. This is an extension of Maryland Heights Expressway which will connect with Highway 141. This project is the most environmentally impacting project that it will go over an existing creek, but will have an elevated section. It is the only alignment that will carry the projected traffic once it opens. The other alignment will run along the existing Creve Coeur Mill Road which will impact and require relocation of all aging homes and farm estates, as well as, the higher priced homes that are currently being built.

Mr. Geisel state that this is part of a Federally Mandated Environmental Impact Statement, so they must solicit opinion from the public, but will not necessarily change the outcome. This is a \$60,000,000 project and there is no funding for Highway 141 at this point south of Creve Coeur Mill Road.

V. ADJOURNMENT

The meeting adjourned at 6:33 p.m.