

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
July 23, 2009

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 23, 2009 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); **Councilmember Lee Erickson** (Ward II); and **Councilmember Mike Casey** (Ward III).

Also in attendance were: Councilmember Matt Segal (Ward I); Councilmember Bruce Geiger (Ward II); Councilmember Randy Logan (Ward III); Councilmember Bob Nation (IV); Maurice L. Hirsch, Jr. Planning Commission Chair; Michael Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; City Attorney Rob Heggie; Aimee Nassif, Planning & Development Services Director; Annissa McCaskill-Clay, Lead Senior Planner; Shawn Seymour, Project Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 PM.

[It was agreed upon by the Committee to move the agenda order.]

I. APPROVAL OF MEETING SUMMARY

A. Approval of the June 18, 2009 Committee Meeting Summary.

Councilmember Flachsbart made a motion to approve the Meeting Summary of June 18, 2009. The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 4 to 0.

II. OLD BUSINESS - None

III. NEW BUSINESS

A. "Funding Request – Historical Commission" – City Administrator Michael Herring

City Administrator Michael Herring stated that the Historical Commission is involved in creating an oral history of the City of Chesterfield. The Commission has conducted multiple interviews of individuals that were involved in the initial establishment of the City of Chesterfield. These interviews are being recorded and stored on a CD (Compact Disc). The Commission would like to have these interviews transcribed for historical reference and redundancy. Mr. Herring indicated that he has authorized approximately \$500 thus far for this purpose, and is seeking direction and affirmation from Council that this is a project that they desire to fund.

Councilmember Flachsbar made a motion authorizing Mr. Herring to expend funds to assist the Historical Commission in memorializing Chesterfield's History, in an amount not to exceed \$7,500 for audio storage and research purposes. The motion was seconded by Councilmember Erickson and **passed** by a voice vote of 4 to 0.

If funding above this level is required, Mr. Herring should return to the Committee for further authorization.

B. Discussion on "Open House" Signs related to City of Chesterfield Ordinance No. 2370

Chair Fults gave background history noting that there were no directional "Open House" signs allowed within the City of Chesterfield. Two years ago the Planning & Public Works Committee decided, based on discussions with real estate organizations, to allow open house signs only on the following;

- Tuesdays, 9:00 am – 3:00 pm and Sundays, 12:00 pm – 6:00 pm up to six (6) directional signs only at changes of directions to an Open House.

Councilmember Erickson stated that this was a way to eliminate excess signs. The initial ordinance was to eliminate everything, but there was considerable opposition from realtors and subdivision trustees. In an effort to try address the issues, a compromise had to be made. Since that time, a deep recession has caused considerable hardship for the real estate community and he feels that the City should try to be more accommodating to the homeowners who are trying to sell their homes.

Chair Fults stated that in the past people who were not selling their homes felt that their neighborhoods were being "blighted" by the excessive use of signs.

Councilmember Segal empathizes with the current market as it stands right now. In his opinion, he feels that the City of Chesterfield is fairly strong compared to other markets as far as stability. He questioned whether adding more signage would help the marketability of selling homes. He feels there are adequate marketing resources and

tools to advertise the sale of a home. For re-sale purposes, he feels the way the current ordinance is written is adequate. New home builders are suffering and losing their livelihoods, and he would like to help them; but he would like to see them exhaust all other options first before the City amends its ordinance.

Councilmember Flachsbart noted that the City allows directional signs to new developments without a Tuesday/Sunday restriction. He agrees that the ordinance for open house directional signs should be a little more lenient, but recommends a one or two-year time period.

Councilmember Nation expressed concerns that with the current economy, realtors, homeowners and home builders are suffering and should be allowed to conduct open houses on Saturdays. He feels that since Tuesdays are normally reserved for realtors, the general public would benefit by holding an open house on Saturdays.

Councilmember Logan stated that with the current situation he does not feel it would do anyone harm to allow Saturday open houses on a short term basis.

Mr. Mark Teitelbaum, representing the Home Builders Association, stated that builders should have the ability to conduct open houses but that is not the way the ordinance is being enforced. Unless the sign states specific hours, the signs are being removed and the home builders are being threatened with arrest and fines. The HBA is requesting the ability to post directional signs on Saturdays and Sundays.

Ms. Carmen Gassert, Coldwell Banker Gundaker Real Estate Agent, and a resident of Chesterfield stated that she is actively conducting open houses trying to sell her listings. She noted that during this very competitive market, Saturday open houses have been proven to be effective. She indicated that although additional advertising resources are being utilized, most of the interest is by people just driving by.

Councilmember Erickson made a motion to forward Ordinance No. 2370 to Council with a recommendation to approve with the following amendment to Section 3:

- Residential Real Estate Open House Directional signs shall only be displayed between 9:00 am to 3:00 pm on Tuesdays, and from ~~12:00 pm to 6:00 pm~~ **11:00 am to 6:00 pm** on Sundays, and only ~~on days of an Open House~~ **during the hours an open house is taking place. Through December 31, 2010, Residential Real Estate Open House Directional signs shall be allowed on Saturdays from 11:00 am to 6:00 pm when an open house is taking place.**

The motion was seconded by **Councilmember Flachsbart** and passed by a voice vote of 4 – 0.

**Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the August 3, 2009 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on Discussion on “Open House” Signs related to City of Chesterfield Ordinance No. 2370].

- C. **P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.):**
A request for an amendment to City of Chesterfield Ordinance 2377, to revise the parking setback from the northern boundary of the development and to revise the parking setback from an internal street for a 7.698 acre tract of land located north of U.S. Highway 40 and east of Boone’s Crossing (17T520073).

STAFF REPORT

Shawn Seymour, Project Planner, gave a PowerPoint presentation showing a location map of the site and surrounding area. Mr. Seymour stated the following:

The Petitioner is requesting the ordinance amendment in order to modify the parking setback from the northern boundary of the zoning district and to revise the parking setback from internal streets. Current ordinance requirements are 170 feet and the requested amendment would reduce the parking setback to 60 feet. The current ordinance requires a fifteen (15) foot parking setback from an internal street; the requested amendment would reduce this standard to a ten (10) foot setback.

A Public Hearing for the above stated request was held on January 12, 2009 and at that time the Planning Commission had one outstanding issue as noted below:

- The City of Chesterfield required a ten (10) foot easement to be located directly south of the existing levee toe road at the north end of this development that will run from the eastern to western boundaries of the Planned Commercial District. The requested easement has been granted to the City of Chesterfield by the developers and the issue is no longer open.

On July 13, 2009 the Planning Commission failed to pass a motion recommending approval of the matter by a vote of 4 – 5.

PLANNING COMMISSION REPORT

Commissioner Hirsch felt that there was a misunderstanding on the part of the Planning Commission with respect to this request. He noted that, in the past, Attachment A’s were written based on the Preliminary Plan that was submitted at the time of the rezoning, which is why the current ordinance has the 170-foot setback. If the above stated request were submitted today, there would have been a sixty (60) foot setback under the “PC” Planned Commercial District.

In speaking with the five Commissioners who voted against the motion to approve, it is his feeling that only 2 or 3 of the Commissioners voted in opposition because they felt the requested setbacks were not adequate. It is his feeling that some of the

Commissioners did not understand that a 60-foot setback would be the required setback if the petition were submitted today.

DISCUSSION

Councilmember Flachsbart suggested that the ordinance amendment go back to Planning Commission for clarification and further discussion. City Attorney Heggie noted that one of the Commissioners who voted in opposition would have to make a motion to re-consider the petition.

Mr. George Stock, Stock and Associates representing Summit Investors gave background information on the Valley Gates development preliminary plan which was zoned "PC" Planned Commercial District by the City of Chesterfield in 2005 by Ordinance 2154 which allowed a 65 foot setback with no internal drive setback. It was a very restrictive ordinance in that it only allowed two buildings and a certain square footage.

In 2007, the Petitioner asked to amend with a plan that showed a single street and up to six lots. The ordinance was written and the setbacks were changed imposing a 170-foot setback from the north property line – which the Petitioner missed. As a result, Ordinance 2377 was adopted with this restrictive setback. Due to the site configuration, the Petitioner is seeking to further amend the parking setbacks to accommodate a parking lot for a potential hotel user.

Councilmember Flachsbart made a motion to hold **P.Z. 07-2008 Valley Gates (Summit Outer 40 Developers, LLC.)** and send it back to the Planning Commission for reconsideration. The motion was seconded by Councilmember Casey.

Discussion on the Motion

Councilmember Erickson asked whether the parking setback would impact the levee, but Staff assured the Committee that the City Engineer had no issues with moving the parking closer to the levee.

Drainage

It was noted that run-off will not affect any of the agricultural property.

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

- D. **P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites)**: A request for an amendment to City of Chesterfield Ordinance Number 2469 for an increase in building height and maximum development square footage and a decrease in the openspace requirement for River Crossing Development, zoned "PC" Planned Commercial Development, located on the north side of Chesterfield Airport Road, at its intersection with Arnage Boulevard, containing 15.841 acres of land. (17U520061, 17U520072, 17U240066, 17U240077, 17U240088, 17U520171, 17U520182, 17U520193).

STAFF REPORT

Annisca McCaskill-Clay, Lead Senior Planner, gave a PowerPoint presentation showing an aerial of the site and surrounding area. Ms. McCaskill-Clay stated the following:

The Petitioners/owners of Lot C wish to construct a hotel within the "PC" Planned Commercial District-zoned development. Their desired use is permitted under the conditions of Ordinance Number 2469; however the Petitioners are requesting an amendment to the openspace, building height and maximum square footage requirements. Ms. McCaskill-Clay then further provided information on the preliminary plan for the site which depicts developed, vacant and the proposed hotel development.

At the June 22, 2009 Planning Commission meeting there was an amendment to the proposed language in the Attachment A that would limit the height increase to the subject parcel that was proposed to have the hotel on the site. It was noted that the openspace is for the overall development and the square footage is for the overall maximum for the entire development.

This particular property has had three (3) different ordinance amendments, but nothing has been done with the square footage or the openspace since the initial ordinance was passed in 2001. There has been an increase in the height of the buildings and setbacks have been adjusted; however, there haven't been any changes to the openspace or square footage prior to the current ordinance request.

The Staff Report includes information of heights of other comparable buildings within the area.

PLANNING COMMISSION REPORT

Commissioner Hirsch stated that Commissioners Perantoni and Banks, who voted in opposition, did not want an increase in building height. They did not want to give a signal that developers can come in and build taller buildings in this area. The amendment approved by the Planning Commission would only apply to this particular lot and excludes parapets as part of the height.

Height comparisons are listed on the following page:

Development	Building	Built Height
River Crossings	Future Hotel	4 stories or 48 feet, whichever is less
Chesterfield Commons Four	Wehrenberg Theater (Galaxy)	70 feet
Chesterfield Commons Six	Amini's	53 feet
McBride and Son Corporate Center	Hampton Inn	48 feet
Chesterfield Grove	Hilton Garden	4 stories (Ordinance permits a maximum of 50 feet)

DISCUSSION

Increase of Square Footage by 14,000 sq. ft.

Ms. McCaskill-Clay stated that the Petitioners felt that the requested increase in square footage would accommodate a possible building on the subject parcel, but there are no plans at this time. The property owners within the development have provided their consent to the Petitioner's request as presented to the Planning Commission.

Commissioner Hirsch noted that whatever is developed on the last parcel must meet parking requirements in terms of square footage.

Chair Fults expressed concerns that three amendments are being requested for this development.

Councilmember Flachsbart did not have concerns with the increase in height, but expressed concerns about decreasing openspace and an increase of square footage.

Staff noted that over time the parcels have been developed and adjustments have been made to setbacks and the number of buildings allowed. Initially only seven (7) buildings were permitted on the site which would have made this particular property complete. The current ordinance increased the number of buildings, but did not address openspace or square footage.

Openspace

Mr. Geisel noted that the 28% openspace excludes the storm water channels.

Floor-area ratio

It was noted that there is currently no floor-area ratio criteria for the development. The site is being managed through its openspace and parking requirements.

Councilmember Casey made a motion to forward P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites) to City Council with a recommendation to approve. The motion was seconded by Councilmember Erickson.

Discussion on the Motion

Chair Fults made a motion to amend the motion to allow for Automatic Power of Review for the subject development. The motion was seconded by Councilmember Flachsbart.

Councilmembers Casey and Erickson accepted the amendment to the motion.

It was clarified that the Automatic Power of Review is for the subject lot only.

Chair Fults noted her concern about the request for an increase in square footage.

The motion, as amended, then passed by a voice vote of 3 to 1 with Councilmember Flachsbart voting no.

**Note: One bill, as recommended by Planning & Public Works Committee, will be needed for the August 3, 2009 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Mike Geisel, Director of Planning & Public Works, for additional information on P.Z. 05-2009 River Crossing (Lot C, Holiday Inn & Suites)].

E. Information on City of Chesterfield Comprehensive Plan Amendments.

STAFF REPORT

Aimee Nassif, Planning & Development Services Director, stated that the Comprehensive Plan Committee, along with several residents of the community, had been working on short-term minor changes to clean up sections to the Comprehensive Plan to keep it consistent with the zoning ordinance.

Those amendments and updates were recently completed and the Planning Commission recently approved the final version of the Comprehensive Plan. The resolution in accordance with State Statute was provided to St. Louis County Recorder of Deeds Office for recording and certification.

Once final copies are prepared, a certified copy of the updated Plan will be presented to the City of Chesterfield City Council.

PLANNING COMMISSION REPORT

Commissioner Hirsch complimented Staff, the Comprehensive Plan Committee and the residents of the community for their outstanding work involved with the Comprehensive Plan. Depending on funds and time, the Planning Commission would like to continue working on further updates to the Comprehensive Plan.

The updates provided by Staff are for informational purposes only, so no vote will be required. The documents were then "Received & Filed".

F. City of Chesterfield Zoning Ordinance Section 1003.165 – “Off Street Parking and Loading Regulations” Amendment.

STAFF REPORT

Ms. Aimee Nassif, Planning & Development Services, stated that Staff has been working on the parking chapter of the City’s Zoning Ordinance noting that a draft of the updated Section 1003.165 “Off-Street Parking and Loading Regulations” had been given to the Committee for review and comment. Any feedback from the Committee would then be passed on to the Planning Commission.

The major changes include:

- An updated, accurate list of uses which corresponds with the uses allowed in each zoning district;
- Proposed language which addresses shared parking in multiple use developments and updates the process in regards to parking modifications.

COMMENTS FROM THE COMMITTEE:

Commissioner Flachsbart gave his comments as follows:

- *Bookstore* needs to be added as a use.
- *Restaurant, fast food; Restaurant, outdoor customer dining area; and Restaurant, sit down* show the Minimum Parking Required as 10 spaces per 1,000 Gross Floor Area. He questioned whether this is ample parking.

Ms. Nassif stated that Staff is currently doing a global parking count of existing restaurants and commercial developments, which will be completed by August 1st. This information will then be reviewed to determine if the parking for restaurants needs to be adjusted. The current requirement is an average of past studies.

Councilmember Flachsbart suggested that parking for restaurants be changed to 10 spaces plus 1 space for every employee on the maximum shift.

- *Education facility – specialized private schools* – “Pre-high school” should be specified because high schools need more parking spaces than 1.5 spaces per classroom.

- *High school* needs to be added as a use.
- *Arena and stadium*, along with *Auditorium* – He feels that the required “1 space for every 4 seats” is too light.
- *Bowling center* – He suggested that the parking be changed from 4 to 5 spaces per alley.
- *Theater, indoor* and *Theater, outdoor* – Recommends 1 space for every 3 seats rather than every 4 seats.

Mr. Geisel stated that for ecological reasons, the desire is to avoid parking for the most extreme event. Ms. Nassif added that Staff has studied the national standards for parking requirements recommended by the Institute of Transportation Engineers, the Urban Land Institute, American Planning Association, and the Institute of Shopping Centers.

- *Lumber yards* – Feels that “1 space per employee on maximum shift” is too low as it does not take into consideration customer parking.
- *Warehouse–general; Warehouse–live animals, explosives, or flammable gases and liquids; Welding shop; and Yard for storage of contractors’ equipment, materials, and supplies* – The parking requirement does not take into consideration customer parking.
- *Dwelling, single-family (including single-family earth sheltered)* – Does not feel that 1 space/dwelling is adequate. He recommends a minimum of 1.5 spaces/dwelling.
- *Dwellings, two family* – Does not feel that 1 space for each living unit is adequate. He recommends 1.5 spaces for each living unit.

Chair Fults asked about the parking requirements for condominiums. Ms. Nassif stated that the Tandem Parking Ordinance addresses condos and town homes requiring 1.5 parking spaces.

Councilmember Casey suggested that parking for *Riding stables* be increased from “1 space per employee on the maximum shift” plus 2 spaces per riding stable.

Councilmember Erickson had no additional suggestions.

It was noted that Staff would review the suggestions made and then begin working with the Ordinance Review Committee. The proposed draft from the Ordinance Review Committee would then be presented at a Public Hearing of the Planning Commission, and then forwarded to the Planning & Public Works Committee for review and comment.

IV. ADJOURNMENT

A motion was made by Councilmember Flachsbart, seconded by Councilmember Casey to go into Executive Session (closed meeting) as provided for by RSMo 610.021(2), for the purpose of discussing lease, purchase or sale of real estate. A roll call vote was taken with the following results: AYES: Fults, Flachsbart, Casey, Erickson; NAYS – None. Chairman Fults declared the motion passed and adjourned the open session at 6:45 P.M.