

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning and Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, July 21, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, July 21, 2011 in Conference Room 101.

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

Also in attendance were: Mayor Bruce Geiger; 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; 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 May 24, 2011 Committee Meeting Summary.

Councilmember Segal made a motion to approve the Meeting Summary of May 24, 2011. The motion was seconded by Councilmember Grier and passed by a voice vote of 4 - 0.

II. INTERVIEW – MAYOR GEIGER’S NOMINEE TO FILL VACANCY ON THE BOARD OF ADJUSTMENT

NOMINEE BARB WHITMAN

Mayor Geiger introduced Barb Whitman to the meeting and then added that the Ward III Councilmembers Logan and Casey recommend the nomination of Barb Whitman to the Board of Adjustment and mentioned that Ms. Whitman had also previously served as the Chair of the Historical Commission.

Councilmember Logan stated that Ms. Whitman has served the City for many years and he is very pleased that she has volunteered to represent Ward III on the Board of Adjustment.

Councilmember Casey felt that Ms. Whitman's background and capabilities make her the perfect candidate for the Board of Adjustment.

Chair Fults added that with the research that is required for the Board, she believes that Ms. Whitman is highly qualified to serve and felt that she will speak up and come prepared.

Councilmember Logan made a motion recommending to City Council the appointment of Barb Whitman to the Board of Adjustment. The motion was seconded by Councilmember Segal and **passed** by a voice vote of 4 - 0.

III. OLD BUSINESS

A. Ordinance to Change Street Name - Lydia Hill Drive to August Hill Drive

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that on April 20, 2011 City Council approved Resolution #380, ordering publication of the proposal to rename a portion of Lydia Hill Drive to August Hill Drive. The required publication was posted on the City website and in the Chesterfield Suburban Journal. The City Clerk reported that the City did not receive any protests or objections during the four weeks following the publication and since there were no objections, the City can proceed by ordinance to change the name.

Councilmember Segal made a motion to forward the Ordinance to Change Street Name - Lydia Hill Drive to August Hill Drive to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed** by a voice vote of 4 - 0.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the August 1, 2011 City Council Meeting.
See Bill #**

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Ordinance to Change Street Name - Lydia Hill Drive to August Hill Drive].

It was agreed upon by the Committee to re-order the agenda.

IV. NEW BUSINESS

- D. **P.Z. 05-2011 Drury Plaza Hotel (Drury Development Corporation):** A request for an amendment to City of Chesterfield Ordinance 2281 to modify the Permitted Use Requirements and the Landscape Plan Requirements for a 4.851 acre tract of land zoned "PC" Planned Commercial District located adjacent to Chesterfield Mall at the intersection of Clarkson Road and U.S. Highway 40/Interstate 64. (18S230433 and 18S210172)

STAFF REPORT

Aimee Nassif, Planning & Development Services Director gave a PowerPoint presentation showing an aerial of the site and surrounding area. Ms. Nassif stated the following;

History of the Site:

In 2002, the site was zoned "PC" Planned Commercial District for two hotels. At that time, the Ordinance was written to include the following:

- The Landscape Plan be presented to the Beautification Committee for review;
- The number of hotel rooms shall be specific for each hotel that is on the site.

Staff met with the developer and found that under the current ordinance the second tower could not be built with the number of rooms requested. The current Attachment A states that the site shall have the following:

- The first hotel shall have 289 rooms.
- The second hotel shall have 140 rooms.

The first hotel was built with about 275 rooms, less than the 289 rooms allowed. The Petitioner is now requesting 145 rooms for the second hotel vs. the 140 rooms allowed.

Ms. Nassif stated that the Petitioner is requesting an Ordinance Amendment to allow two hotels on the site with the total number of rooms not to exceed 429 rooms. She noted that the height and density requirements will remain the same. The second request is to remove the requirement for the City of Chesterfield Beautification Committee to review and approve the Landscape Plan. This requirement was originally included in the Attachment A because of the visibility of the site and because the Tree Manual was not written at that time, which now requires review of the landscaping by the City Arborist and Staff. Staff does not have any concerns with the two requests.

A Public Hearing was held on July 11, 2011 and there were no issues brought forth. The Planning Commission recommended approval by a vote of 7 – 0.

Ms. Nassif added that if the Ordinance Amendment is approved, the Petitioner will be submitting the Site Plan for review.

There was additional discussion as to the number of hotel rooms that could be built. Under the current Ordinance the number of rooms is limited, but if the proposed amendment is approved, the Petitioner could build up to 154 rooms. The Petitioner added that the hotel will be operated under “The Hyatt Place” franchise. The two hotels will be connected by an underground tunnel.

Chair Fults stated she has no issues with removing the requirement of the Beautification Committee’s review of the Landscape Plan. Councilmember Logan had no concerns and felt that Staff will review the Site Plan to confirm that the hotel meets all current standards. The Petitioner added that there will be additional surface parking to accommodate the second tower.

Councilmember Grier made a motion to forward P.Z. 05-2011 Drury Plaza Hotel (Drury Development Corporation) to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan and **passed** by a voice vote of 4 - 0.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the August 1, 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. 05-2011 Drury Plaza Hotel (Drury Development Corporation)].

G. Citizen Advisory Committees

STAFF REPORT

Mike Geisel, Director of Planning and Public Works reminded the committee that Staff has been working with Sullivan Publications to review the City Code to make sure it is current in order to provide a searchable and accessible platform to the public. In addition, Staff was previously directed to review the composition and charge of the Landmarks Preservation Commission and the Historical Commission. As a result of these two efforts, Staff discovered a number of citizen advisory committees that have been created and codified by ordinance.

While citizen committees provide a viable product to the City, Mr. Geisel felt that unless such committees are mandated by State statute or due to some other legal need of the City, they should not be created by ordinance and therefore not included in the City Code. There are current policy documents that allow more creativity and flexibility to amend, redirect, etc. at the City Council level. Codifying such committees has the potential to subject the City to being in violation of City Ordinances. For example, the City no longer has a Transportation Committee but it is still required under the City Code.

He added that there are four committees that he felt should remain in the City Code. They are 1) *Planning Commission*, 2) *Board of Adjustment*, 3) *Police Personnel Board* and 4) *the Human Rights Commission*, which is needed in order to qualify for participation in the Community Development Block Grant (CDBG) program. These committees provide unique and essential functions to residents related to due process. A sample policy was provided to the Committee based upon the original ordinance which established the Chesterfield Transportation Commission. The proposed policy also contains directives that apply to all Citizen Committees.

Mr. Geisel clarified that this recommendation is not to suggest that any committees are to be eliminated, reduced or altered. It is simply to recommend that those committees that are not mandated, or legally necessary be removed from the City Code and establish them by policy, which will allow for more flexibility and latitude of membership. With the concurrence of the Committee, Staff would work to develop individual policy documents for all the committees. The policies would be presented to City Council and approved by voice vote, and would then be added to the City's formal policy manual. Said documents could then be editable or changeable by City Council.

Mr. Geisel recommends that the City Code not be altered until Sullivan Publications has completed the global re-writing of the Code. At the time the revised Code is submitted for approval, Council can remove the code requirements related to the subject committees, which will then have adopted policies to cover them.

Mr. Herring stated that he fully supports Staff's recommendation and noted that this should then be directed to the Finance and Administration Committee.

There was additional discussion related to whether the Public Works Board of Variance could be eliminated and such variance requests be reviewed by the Board of Adjustment. There was some concern expressed about the technical aspects of variances reviewed by the Public Works Board of Variance and whether the Board of Adjustment has the expertise to review such variances. Mr. Geisel pointed out that the Public Works Board of Variance does not rule on issues related to engineering or architecture, but determines as to whether a hardship has been established. This is a legal standard not a technical standard. It was noted that Staff would give more thought about whether or not to eliminate this Board.

Councilmember Logan made a motion supporting Staff's recommendation in concept and to forward to the Finance and Administration Committee for review. The motion was seconded by Councilmember Segal and passed by a voice vote of 4 – 0.

F. Staff Recommendation for Chesterfield Historic Commission and Chesterfield Landmarks Preservation Commission

STAFF REPORT

Aimee Nassif, Planning & Development Services Director stated that Staff was asked to review consolidation of The Chesterfield Historical Commission (CHC) and the

Chesterfield Landmarks Preservation Commission (CLPC). After reviewing the mission, goals, work and membership of each citizen group, Staff recommends that the CLPC and CHC merge into a single non-statutory citizen committee called the "Chesterfield Landmark and Historic Preservation Committee". Staff worked with the State Historic Preservation Officer to ensure that as a non-statutory committee, the Certified Local Government (CLG) status of the City would not be jeopardized.

Local CLG Status

The City of Chesterfield is currently certified by the U.S. Department of the Interior's National Park Service and the Missouri Department of Natural Resources' State Historic Preservation Office as a local CLG. The City of Chesterfield is among only 50 Missouri communities with this certification which entitles the City to apply for certain, limited, historical preservation grants. The City has been a CLG for the past 11 years but the City has never applied for any funding for a historic project. There were concerns or misconceptions by the Landmarks Preservation Commission that the CLPC needed to be in the City Code in order to keep the CGL status, but this is not a requirement. Ms. Nassif added that the municipality holds the CLG status not an entity, board, or individual.

A *draft* of the example City Policy was provided to the Committee for their review. The Chesterfield Landmarks Preservation and Historic Preservation Committee (CLHPC) would be a non-statutory citizen committee governed and established through City Policy. The City Policy would regulate all of the rules, regulations, membership, goals and procedures. The City Code would still include the Chesterfield Historic Register and Landmark Preservation Area, which helps establish and recognize historic properties.

Mr. Herring noted that by becoming a non-statutory committee, additional members could be appointed by the City Council. Ms. Nassif pointed out that currently there are not enough members on the Landmarks Preservation Commission to hold their meetings. She added that by combining the two committees the membership qualifications would be met. Any citizen committee is required to maintain 16 members – four members from each Ward. In 2000, the City established a new policy that the Chesterfield Historical Commission could have 30 members.

Mr. Geisel mentioned that if directed by the Committee, Staff would prepare a policy document to describe the committee's composition and legislation that would amend those sections of the City Code that describe actions by the City to ensure the CLG status. Ms. Nassif explained that she has had discussions with Jane Durrell regarding the draft language.

Councilmember Logan questioned as to whether either of the committees have the authority to call for a Public Hearing. Ms. Nassif responded that if there is a property that's qualified to be on the Historic Register or one they want to nominate for the Landmarks Preservation Area, the LPC then goes through Staff to request a public hearing through Planning Commission. Mr. Geisel added that a public hearing would be held by the City of Chesterfield not the committee.

There was additional discussion related to how private properties are nominated for the LPA or put on the Historic Register and the policies and procedures that govern those decisions. Prior to a Public Hearing by Planning Commission, the CLPC either forwards the request to the Planning & Public Works Committee or the City Administrator. If the CLPC is given direction to move forward, then the application is prepared, provided to Staff and a public hearing occurs.

Ms. Jane Durrell indicated that the committee members are in favor of merging the CLPC and CHC into one single non-statutory citizen committee. She then requested changing the name of the proposed committee to *"The Chesterfield Historic and Landmark Preservation Committee"*.

Mayor Geiger was in favor of the proposed recommendation and hopes that the merge will increase the number of members.

Councilmember Logan made a motion requesting that Staff draft legislation and policy and to bring that information back to the Committee. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0.**

Responding to an inquiry from Ms. Durrell, it was noted that the terms of office will be identical to all citizen committees.

Councilmember Grier expressed his appreciation to Staff and members of the Commission for their assistance in the project and is very pleased with the solution.

E. Chesterfield Historical Commission: Request to Loan City Artifacts to Wildwood Community College.

STAFF REPORT

Shawn Seymour, Senior Planner and Staff Liaison to the City of Chesterfield Historical Commission is requesting approval to execute a loan agreement between the City and St. Louis Community College - Wildwood. On April 13, representatives of the Community College gave a brief presentation to the Chesterfield Historical Commission and inquired as to whether the City would be interested in loaning some artifacts for use in lab study and other educational purposes. At the April CHC meeting, a motion was made and approved for the Archeology Sub-Committee of the CHC to establish a collection of artifacts owned by the City to loan to the Community College. The artifacts will be on loan for five years.

Councilmember Logan made a motion to forward to City Council with a recommendation to authorize the City Administrator to execute an agreement allowing the loan of City Artifacts to the Wildwood Community College. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0.**

Note: A voice vote is required at the August 1, 2011 City Council Meeting.

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Chesterfield Historical Commission: Request to Loan City Artifacts to Wildwood Community College].

A. Parking Restriction – Lydia Hill

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 that the Monarch Trace Condominiums, which is located across from the swimming pool, is requesting the following:

- To restrict parking along the south side of Lydia Hill Drive – from Monarch Trace Court, east to Chesterfield Parkway West. The residents have problems exiting their driveways when cars are parked along the roadway property due to obstructed sightlines. Staff has reviewed the letter and has no objections to their request.

Staff also recommends restricting parking on the north side of Lydia Hill from Veteran's Place Drive, east to Chesterfield Parkway West. This will prevent conflicts with parked cars near the intersection.

Mr. McGownd noted that exceptions can be made for special events. Question was raised as to whether a petition is required from the residents for approval of the proposed parking restriction. Staff views the letter from the Monarch Trace Condominium Association as the petition from the development. In addition, Staff has spoken with Sachs Properties and they did not have any objections. Chair Fults felt that a letter from the Condominium Association is not justification to establish the parking restriction. She feels that the City must make the determination as to whether it is required.

Mr. Geisel added that in order to complete the Lydia Hill roadway, the parking restriction was necessary. There is a policy in place that if a residential group, neighborhood or individual wants to establish a voluntary parking restriction, they can petition the City and if concurrence by 90% of the affected residents is received, the Subdivision Trustees or Association can request a parking restriction. In addition, the Department of Public Works can recommend parking restrictions to ensure the safe travel of the motoring public. Staff recommends approval of the requested parking restriction.

Councilmember Logan questioned as to whether a parking restriction will need to be addressed on the west side of the Monarch Trace Subdivision as related to Appalachian Trail. Mr. Geisel added that parking is not allowed within 20 feet of an intersection but would rather assess the validity of a restriction when the road is completed.

There was considerable discussion related to an extension of the parking restriction and whether an assessment should be made upon completion of the roadway. Councilmember Logan asked whether or not the discussion needed to be tabled until after the roadway is completed.

Councilmember Logan made a motion to restrict parking along the entire south side of Lydia Hill Drive and along the north side of Lydia Hill Drive from Veterans Place Drive east to Chesterfield Parkway West 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 4 – 0.

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the August 1, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on the Parking Restriction – Lydia Hill].

Councilmember Segal excused himself from the meeting at this point.

B. Speed Limit – Lydia Hill/August Hill

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that in preparation for opening of the new road connecting August Hill Drive and Lydia Hill Drive, staff reviewed conditions along both roads and found that the posted speed limit of 30 mph will meet all sight distance and traffic control standards.

When the project was designed the curves were designed to handle 30 or more mph speed limits.

Councilmember Grier made a motion to approve the Speed Limit – Lydia Hill/August Hill 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 August 1, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on the Speed Limit – Lydia Hill/August Hill].

C. STP Urban Program Agreement – Timberlake Manor Bridge Replacement

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that the City was awarded a 80/20 Surface Transportation Program (STP) Grant in an amount up to \$860,300 for the design and reconstruction of the Timberlake Manor Bridge Replacement over Branch of Creve Coeur Creek. Design of the project is scheduled for 2012, right of way acquisition in 2013 and construction following in 2014. The agreement is a standard form required by the Missouri Department of Transportation (MoDOT) and is similar to agreements the City entered into previously.

It was noted that since the bridge is located on a public street, it's the City's responsibility to maintain it.

The construction will take place one lane at a time and will have temporary signals to allow northbound or southbound traffic. A temporary bridge was considered, but due to the grading issues, it would not be possible.

Mr. McGownd added that the City would need to go through the right-of-way acquisition process to acquire the necessary easements.

Councilmember Logan made a motion authorizing the City Administrator to execute an STP agreement with the Missouri Highways and Transportation Commission for the Timberlake Manor Bridge replacement 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 August 1, 2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on the STP Urban Program Agreement – Timberlake Manor Bridge Replacement].

AUGUST 4, 2011 P&PW COMMITTEE MEETING

Chair Fults stated that Councilmember Segal has asked that the next Committee agenda include an informal discussion on a "*Resolution of resident issues related to City Construction Contracts*".

IV. ADJOURNMENT

The meeting adjourned at 6:33 p.m.