MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning, Public Works and Parks

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, June 21, 2012

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, June 21, 2012 in Conference Room 101

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

Also in attendance were: Mayor Bruce Geiger; Councilmember Derek Grier (Ward II); Councilmember Bob Nation (Ward IV); Mike Herring, City Administrator; Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; Aimee Nassif, Planning and Development Services Director; Shawn Seymour, Senior Planner; Purvi Patel, Project Planner; and Kristine Kelley, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the May 24, 2012 Committee Meeting Summary.

Councilmember Grissom made a motion to approve the Meeting Summary of May 24, 2012. The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 - 0.**

II. OLD BUSINESS

A. Snow Removal Reimbursement Program

STAFF REPORT
Brian McGownd, Public Works Director/City Engineer explained that during the February 9, 2012 Committee meeting there was discussion of potentially raising the current reimbursement cap of $75,000 for the Snow Removal Reimbursement Program.

Staff was directed to collect the reimbursement requests for 2011/2012, to analyze the requests, and bring that data back to the Committee for further discussion. Since that time, Staff has collected the reimbursement requests, and due to the mild winter, the reimbursement requests total $63,000, which is well below the budgeted amount of $75,000. A majority of the requests are within the limits of the reduced reimbursement formula that was adopted in 2011; however, six (6) requests were over the reduced limit, but under the original reimbursement limit established when the program began in 1999. ***Staff recommends that all requests for reimbursement be honored as submitted, in a total amount of $63,000. No adjustment in the cap is necessary at this time.***

Staff would like to review the program and bring some possible recommendations back to the Committee regarding revising the program prior to budget discussion.

DISCUSSION

If the City was still operating under the old cap of $125,000, Councilmember Logan asked whether there would have been any subdivisions receiving more money. Mr. McGownd replied that there were only six (6) subdivisions that were above the reduced formula but within the original cap. It was noted that reimbursement checks will be submitted in July. Councilmember Grissom asked if there was ever a cap placed in the past. Mr. McGownd responded that there was never a cap placed on the program.

As requested by Councilmember Logan, Mr. Herring compiled the following information of neighboring communities that did or did not provide service for snow removal to private streets:

- *Communities that DO NOT pay or provide service for snow removal on private streets* – Ballwin, Maryland Heights, Wildwood, Ellisville, Hazelwood, St. Charles, St. Peters, O'Fallon, Ferguson, and University City.
- *Communities that DO provide snow removal for private streets* – Creve Coeur, Des Peres, Town and Country, Kirkwood, and Richmond Heights.
- *There are two (2) communities that charge a fee for snow removal on private streets* – Overland and Clayton.

Councilmember Logan pointed out that the City is attempting to reimburse subdivisions for snow removal costs that are on very different standards – snow removal on streets within condominium developments have a huge density and serve a lot more residents compared to subdivisions with large lots – therefore, the cost of snow removal per household is less expensive in condominium complexes. Mr. Herring added that the vast majority of cities in St. Louis County and St. Charles County do not have private streets. Of the cities that provide snow removal on private streets, the number of private streets is minimal.

Councilmember Segal supports reinstating the original reimbursement fee of $125,000. However, he felt that the reimbursement program has become an entitlement program resulting in public government subsidizing private entities. He added that he has received correspondence from residents stating that they do not want public government to interfere with their private business. But residents are also asking the City to subsidize their private roads. He then thanked the residents in attendance for bringing to City Council's attention the fact that there are 40 subdivisions and 3,000 households with private streets within the City.

Councilmember Segal recommended that the 40 subdivisions or each Ward create a coop and go out to bid for the snow removal. Councilmember Nation concurred with his recommendation. However, he felt that a portion of the Road and Bridge Tax which equates to approximately $2 million could be applied to private streets for snow removal. Mr. Herring responded that, as the City Administrator, it is his responsibility to sign an affidavit to St. Louis County stating that the funds received by the Road and Bridge Tax are used for public streets only.

Mr. Geisel stated that when the formula was developed in 1998, Staff researched the expenditures of each subdivision. Based on that information, two (2) formulas were created – one for large lot subdivisions and one for condominium type developments based on residents served. He added that the City now has 12 years of data which can be utilized to determine what changes need to be made to the reimbursement program. He noted that each subdivision has its own snow removal standards which vary from only removing snow after a specified amount has fallen to pre-treating roads before snowfall – which results in a wide range of costs. Although the cost of snow removal has increased, there has not been a cost of living increase in the formula so Staff will make some recommendations in that regard. It is Staff's intent to develop an equitable level of service. Councilmember Fults agrees that the level of service needs to be disbursed equitably.

Councilmember Logan requested that Staff research the level of service for each subdivision.

Mr. Geisel asked for clarification from the Committee as to whether they want a budgeted number or a fixed reimbursement amount. He pointed out that if the costs go over the budget, it comes out of the department's budget.

Mr. Herring agrees with the approach that the subdivisions with private streets unite, either by subdivision or Ward, and go out for bid for the snow removal. In addition, he directed Staff to add a "pre-cut" level into the budgetary amount for the next fiscal year.

Councilmember Logan assured the residents in attendance that a new formula is coming and reimbursement levels up to $125,000 are in the plans for the budgetary year. He added that any recommendation from this Committee will be forwarded to the Finance and Administration Committee for review prior to going to Council.

Councilmember Grier asked how the City verifies that a subdivision has received snow removal services. It was noted that the City requires invoices and canceled checks in order to be reimbursed.

III. NEW BUSINESS

A. Hours of Operation for retail establishments

STAFF REPORT

Aimee Nassif, Planning and Development Services Director explained that despite verbal and written warnings, several businesses chose to operate outside the permitted hours of operation last year on Black Friday. The businesses which chose to operate outside of the permitted hours of operation were all THF developments and all received a court summons.

Staff is being "proactive" to avoid a similar issue this year. The City is comprised mainly of Planned Districts, which include Attachment A's that have additional development conditions placed upon them. Of the ***61*** planned commercial and industrial developments, only ***26*** have restrictions related to hours of operation (a detailed list of those establishments was provided to the Committee).

Staff has spoken with a representative of THF Realty explaining Staff's recommendation for an ordinance amendment regarding hours of operation during certain holiday periods. THF has indicated that they are not opposed to such an amendment provided that they (THF Realty) have the ability to sign off on any request that the Department receives for extended hours of operation.

Staff recommends drafting one ordinance which would amend the hours of operation restriction for each of the 26 planned district ordinances governing the developments. This can be accomplished by holding one (1) Public Hearing and through one (1) global ordinance.

Staff recommends the following language be included in the "Attachment A" to permit expanded hours of operation:

1. ***The permitted hours of operation for retail establishments may be expanded up to 72 hours before and after a federally recognized holiday, upon review and approval of a Special Activities Permit which must be submitted to the City at least seven (7) days in advance of said holiday.***

Ms. Nassif added that there would be no reason to specify what the hours of operation should be limited to in the request. There are no differences from a public health, safety or welfare standpoint in regards to allowing a store to open at 5 a.m. until midnight or just simply be open 24 hours. However, it is recommended that a limitation on the

amount of days or times in a calendar year that a retailer can have extended hours be included. She pointed out that many of the developments are adjacent to residential properties.

After passage of this ordinance, any of these developments could then submit a Special Activities Permit with the City to request that hours of operation be extended for a specific, limited time period, which would then be reviewed by both the Planning & Development Services Division and the Police Department.

"BLACK FRIDAY" DISCUSSION

Councilmember Fults expressed her opposition to allow any 24-hour *retail* operations – not including restaurants or gas stations. She noted that several retail developments have restricted hours because of their proximity to residential areas and she expressed her reluctance to grant permits that would go against property owners' wishes. Ms. Nassif responded that the "Property Owner" must provide their authorization before the Special Activities Permit can be approved.

Councilmember Fults added that she will vote "no" to allow retail stores to be open 72 hours, which could set a precedent. She is not opposed to amending the ordinance to allow the extended hours of 24 hours for "Black Friday" only, as long as the property owner provides their authorization.

Mayor Geiger suggested that the extended hours be limited to "Black Friday". He noted that "Black Friday" has become a critical shopping experience and felt that the City should not deny the merchants the opportunity to capitalize on the event.

Ms. Nassif indicated that no additional violations had occurred other than those administered on "Black Friday". Councilmember Grissom fully supports the ordinance amendment to allow 24-hour operations immediately following Thanksgiving.

Councilmember Segal prefers to regulate it a little further by letting the management company apply for the permit for the whole shopping center instead of each individual tenant. Although many of the stores are national chains, he would like to make it as easy as possible for each merchant to be open on Black Friday.

Ms. Nassif had concerns because 1) THF specifically stated that they would like to know which of their tenants would be participating; and 2) a global permit will allow bars, restaurants, service providers, etc. to be open 24 hours. To rectify the situation, Ms. Nassif recommends one global ordinance, and holding one (1) Public Hearing to allow for unlimited hours of operation for Thanksgiving and 24-hours immediately following Thanksgiving along with the Special Activities Permit as approved by the Property Owner.

Councilmember Segal further recommends that after applying for the permit, THF provide an exhibit several days in advance of the holiday showing those tenants that will

be open during “Black Friday”. Councilmember Fults pointed out that many businesses are unaware that they are under a larger ordinance and that they must first address the City and the management company. Ms. Nassif added that from a Code Enforcement standpoint, if a tenant has an outstanding violation on the site, a new permit cannot be issued.

There was additional discussion regarding allowing the 24-hour operations and whether to allow the individual tenants to apply for the permit or the property owner to apply for the whole development.

Mayor Geiger asked why a Public Hearing is required. Ms. Nassif responded that according to State Statute, it is required whenever a development’s rights are changed.

After further discussion, it was agreed that Staff would draft an ordinance and bring it back to the Committee for further review. However, due to time restraints, it is recommended that the draft ordinance go directly to Planning Commission for Public Hearing. Ultimately, those results will be forwarded to the Committee for final review.

Councilmember Fults made a motion directing Staff to draft an ordinance amending the hours of operation for those developments with restrictions to allow retail establishments to be open for extended hours during Thanksgiving and 24 hours immediately following and go straight to Planning Commission for Public Hearing. The motion was seconded by Councilmember Grissom and **passed by a voice vote of 4 - 0.**

B. Undeveloped Land Inventory report

STAFF REPORT

Aimee Nassif, Planning and Development Services Director first introduced the newest member of the Planning Team – Project Planner, Purvi Patel. Ms. Nassif then praised both Purvi and Shawn Seymour on the exemplary work that went into the report.

Ms. Nassif stated that with the amount of growth the City has seen since its incorporation in 1988, the Planning and Development Services Division realized the importance of taking a step back to see how much more additional growth could be anticipated.

The Land Inventory report gives a development forecast of the current inventory of undeveloped land currently in the City.

The study area looked at all vacant property one acre in size or greater throughout all four (4) wards of the City as of January 30, 2012. ***Our findings show that the City could expect approximately 3,300 to 5,200 additional residential units with wards 2 and 4 having the greatest room for growth.***

The study also shows that there is approximately 1,096 acres of vacant land that are designated for non-residential (office, retail, commercial, industrial) use with ward 4 containing the majority of the acreage. The report was developed by the use of many City resources such as; the Geographic Information System (GIS), the Engineering Records System (ERS), zoning maps, etc.

Land inventory and forecasting is a common tool utilized by practicing planners and economic developers to project and prepare for the future needs of a community. Being able to anticipate future need and efficiency of existing services is key to the success of both the development project and greater community.

Ms. Patel then gave a brief PowerPoint presentation providing an overview of the amount of residential and non-residential growth that the City of Chesterfield can reasonably expect if all vacant lots over one acre in size were to develop. The report points out the high estimates and low estimates of new homes and population by Ward and notes the type of development that can be expected with density regulations, if applicable. The population was calculated by using the 2010 Census.

Residential Findings by Ward 1

Ward 1 Development		
Designated Future Land Use (from Comprehensive Plan)	**Vacant Acres**	**New Lots/Units**
Single Family Residential	25.01	15-19
Multi-Family Residential	0.00	0
Total:	**25.01**	**15-19**

Residential Findings by Ward 2

Ward 2 Development		
Designated Future Land Use (from Comprehensive Plan)	**Vacant Acres**	**New Lots/Units**
Single Family Residential	2.95	12
Multi-Family Residential	22.75	86-636
Urban Core	124.26	1110-1239
Total:	**149.95**	**1208-1887**

Residential Findings by Ward 3

Ward 3 Development		
Designated Future Land Use (from Comprehensive Plan)	**Vacant Acres**	**New Lots/Units**
Single Family Residential	16.71	47-72
Multi-Family Residential	0.00	0
Total:	**16.71**	**47-72**

Residential Findings by Ward 4

Ward 4 Development		
Designated Future Land Use (from Comprehensive Plan)	Vacant Acres	New Lots/Units
Single Family Residential	206.73	114-134
Multi-Family Residential	13.59	15-64
Total:	220.32	129-198

Summary of Non-Residential Findings by Ward based upon the Comprehensive Plan

Distribution of Vacant Non-Residential Properties by Ward and Land Use Type										
	Urban Core	Office	Office Park	Neighbor - hood Office	Residential	Mixed Use	Mixed Commercial Use	Spirit Airport	Industrial	Total
Ward 1	19.518	0	75.625	0	0	0	0	0	0	95.143
Ward 2	250.918	19.030	0	0	10.893	0	0	0	0	280.841
Ward 3	0	0	0	0	0	0	0	0	0	0
Ward 4	0	0	0	13.926	3.040	1.490	403.38	15.182	283.932	720.954
Total	270.436	19.030	75.625	13.926	13.933	1.490	403.38	15.182	283.932	1096.938
% of Total	24.65%	1.73%	6.89%	1.27%	1.27%	0.14%	36.77%	1.38%	25.88%	100.00%

Mayor Geiger inquired as to the number of "NU" acres currently in the City. Mr. Seymour stated that there are 271 "NU" acres.

Mr. Herring commended the time and effort that went into the report and felt it will be a great learning tool for new Planning Staff. Ms. Nassif also recommended adding the report to the City's website.

The information is for update purpose only. No action is required.

C. Mutual Aid – Mutual Assistance

STAFF REPORT

Mike Geisel, Director of Planning, Public Works and Parks stated that as directed, Staff has prepared a revised, more comprehensive Public Works Mutual Aid – Mutual Assistance agreement. This agreement provides the framework for signatory communities to not only provide emergency assistance during natural disasters; such as, storms that occurred in North County and the devastating tornado that touched down in Sunset Hills, but also provides for the shared use of unique resources that communities may require from time to time. Staff sought to develop a more robust mutual aid agreement for FEMA reimbursement.

This agreement will serve first to replace the existing mutual aid agreements for the west county communities who have previously executed mutual response agreements. **Ultimately, it is hoped that this agreement would be expanded and other communities would sign on, and the agreement could be used area-wide to facilitate consolidated and coordinated responses to events and simply daily operational needs.**

Mr. Geisel requests that the Committee endorse Staff's effort to pursue mutual aid. Mr. Herring thanked Mr. Geisel for his expertise in drafting the revised assistance agreement. He added that the Public Works community has been working towards the development of the Mutual Aid-Mutual Assistance agreement for many years to provide disaster relief to residents. He pointed out that the agreement will require the City Administrator's execution on City Council's behalf. Mayor Geiger fully endorses Staff's recommendation to proceed with the agreement.

Councilmember Logan questioned how the process would work with respect to adding cities that want to participate. Mr. Geisel responded that the agreement is drafted in a way that as cities adopt and agree to the terms, those cities become automatic signatories. The agreement requires that the collective group of agencies meet on a bi-annual basis. The agreement does *not mandate* response, it *allows* emergency response.

An added benefit of the agreement is that it encourages sharing of resources, which allows the City to borrow equipment from neighboring communities instead of having to purchase additional equipment.

Councilmember Fults made a motion to forward Mutual Aid – Mutual Assistance agreement to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 - 0.**

Note: A voice vote is required at the July 16, 2012 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning, Public Works and Parks, for additional information on Mutual Aid – Mutual Assistance agreement].

IV. PROJECT UPDATES

Aimee Nassif, Planning and Development Services Director explained that as part of an ongoing project notification process, she has prepared a brief PowerPoint presentation on the following Project Updates:

- Friendship Village of West County – This has been reviewed by the Architectural Review Board (ARB) and will be on the June 25th Planning Commission Meeting. The project does not have Automatic Power of Review. If it is requested, Staff needs to be notified within 24 hours after the Planning Commission meeting. Councilmember Segal stated that he would not be calling for Power of Review on this project.

- RGA – Public Hearing will be held at Planning Commission on June 25th for changes to the Chesterfield Village NW Quadrant. The request is for a 650,000 square foot office building or a 400,000 square foot hotel. A traffic study will be required and will include the Mercy Medical density.

- Church of the Resurrection – The 300-foot addition will be administratively approved.

- Chesterfield Senior Living – Will be presented to ARB in July.

- Chesterfield Valley Professional Medical Office Building – Vote will be held at Planning Commission on June 25th. The request is for an ordinance amendment to allow overnight stays up to 72 hours.

- Windsor Crossing Church – This has been reviewed by ARB and involves a 25,000 square foot addition and a 3,000 square foot pre-fabricated shed. Ms. Nassif pointed out that the shed will be screened by landscaping and located to the rear of the property.

- Wendy's – Potential for Public Hearing in July.

- The Reserve at Chesterfield Village – Pulte Homes has applied for Municipal Zoning Approval to build several residential units.

- Spirit Valley Business Park – 10,000 square foot office warehouse building. They have included the recommended changes from ARB. This project does not have Power of Review.

- A Pre-application meeting was held with representatives of Sansone Properties. They are interested in purchasing 20 acres of land located off of Arrowhead Estates and West Drive to build a 2-phase Senior Living facility. (The property is located next to Monsanto/Pfizer and Arrowhead Estates Subdivision).

There was additional discussion relative to each project.

V. OTHER

VI. ADJOURNMENT

The meeting adjourned at 7:01 p.m.