

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 22, 2014

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 22, 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; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; and Kathy Juergens, Recording Secretary.

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

Chair Dan Hurt requested moving agenda item II.A first.

II. APPROVAL OF MEETING SUMMARY

A. Approval of the April 24, 2014 Committee Meeting Summary.

Councilmember Greenwood made a motion to approve the Meeting Summary of **April 24, 2014**. The motion was seconded by Councilmember Fults and **passed by a voice vote of 4-0**.

I. INTERVIEW – NOMINEE FOR PLANNING COMMISSION

Chair Hurt welcomed Fay Heidtbrink and thanked her for offering her services to the public and then asked her to tell the Committee about herself.

Ms. Heidtbrink said she has been preparing for this type of work for the past 18 years. She is currently Executive Administrator for a local high net worth family. The family has vested interests in several hotels, office buildings, and residential and commercial real estate in various locations. She manages all their investments and is accustomed

to looking for specific problems and often finds errors in legal documents. Thus, she has been trained in examining things closely.

In response to Chair Hurt's questions, Ms. Heidtbrink stated she was raised in Houston, Texas, and has been a Chesterfield resident since 1989. She has a Bachelor of Arts degree in sociology.

Due to Chair Hurt's concern of a conflict of interest, he asked Ms. Heidtbrink if the family she counsels has any business transactions within Chesterfield. She stated they do not have any property in Chesterfield and they are not Chesterfield residents. They are not developers, they are investors. Chair Hurt said if there would ever be a conflict of interest, she would have to state she had a conflict of interest and recommended that she abstain from voting.

Councilmember Grissom asked if she was aware of what is expected of her in terms of a time requirement while serving on the Commission. Ms. Heidtbrink stated she was informed of the meeting schedule and the time period for review of meeting material. Councilmember Greenwood said she had Ms. Heidtbrink speak with Wendy Geckeler, Planning Commission member, before accepting the nomination so she would be fully aware of what is required.

Councilmember Fults asked that Ms. Heidtbrink be prepared for the meetings and asked her to participate in the discussions. Councilmember Fults asked Ms. Heidtbrink to comment on what Chesterfield developments she felt were successful and what developments could be improved upon. Ms. Heidtbrink expressed her pleasure with the Amphitheater complex. She voted for it 12-15 years ago but never imagined that it would turn out so wonderfully. She brags about it to everyone she knows. Overall, she is pleased with development within Chesterfield.

Councilmember Greenwood made a motion to forward the nomination of Fay Heidtbrink as a representative of Ward I on the Planning Commission to City Council with a recommendation to approve. The motion was seconded by Chair Hurt and passed by a voice vote of 4-0.

Chair Hurt invited Ms. Heidtbrink to attend the June 2 City Council meeting as her appointment would be approved at that meeting.

III. OLD BUSINESS – None.

IV. NEW BUSINESS

- A. **P.Z. 19-2013 City of Chesterfield (Unified Development Code):** An ordinance amending and repealing all sections of the City of Chesterfield Zoning Ordinance and all ordinances codified in the Zoning Ordinance including but not limited to Ordinance Numbers 1300, 1402, 1503, 1524, 1551, 1555, 1636, 1678, 1684, 1725, 1737, 1747, 1819, 1828, 1829, 1848, 1849, 1850, 1901, 1913, 1924, 1987, 1988, 2057, 2061, 2076, 2077, 2078, 2095, 2106, 2107, 2117, 2118, 2138, 2177, 2206, 2214, 2228, 2235, 2246, 2265, 2270, 2275, 2281, 2286, 2287, 2298, 2335, 2353, 2367, 2388, 2512, 2527, 2599, 2603, and 2609; and amending and repealing the Subdivision Ordinance; and amending and repealing Chapters 2.22, 2.5, 12, 23, 26.3, 27.5, and 30 of the City Code; and amending and repealing City of Chesterfield Ordinance Numbers 292, 1263, 1300, 1503, 1973, 1998, 2103, 2231, 2391, 2440, and 2512 and codifying all the requirements therein into a new Unified Development Code.

Chair Hurt suggested moving this petition to the end of the meeting agenda as he has some items he will be bringing up that he feels will generate discussion. Councilmember Greenwood stated that it was her understanding that the petition was on the agenda for approval and that discussions on the content would be held throughout the year. Councilmember Fults stated that since the Unified Development Code has already been approved by the Planning Commission, as is, she agrees with Councilmember Greenwood that it should be accepted as a whole with the understanding that discussions would be held at later meetings on any particular concerns.

STAFF REPORT

Ms. Aimee Nassif, Planning and Development Service Director, gave a PowerPoint presentation and stated the following:

- Approximately 13 years ago, City Council requested that Staff review the City's Zoning Ordinance approved in 1997, along with all the ordinances amending it. Because the ordinances were never codified and reconciled with the existing Zoning Ordinance, it has resulted in numerous inconsistencies.
- The purpose of this endeavor is to consolidate the City's current regulations, codes, and ordinances relative to construction and development into one unified Code.
- The Unified Development Code (UDC) does not introduce, change, or amend any of the existing development criteria and standards. The UDC consolidates multiple chapters and past ordinance amendments into a single reference document including such items as the City's parking code, access management requirements, lighting, landscape requirements, and all zoning districts and planned districts.

- New charts, graphics, and tables have been included in the UDC.
- The net result is increased readability, improved understanding, and removal of inconsistencies.
- The UDC is the tool used to carry out the vision and goals established in the Comprehensive Plan. The Comprehensive Plan is often referred to as a city's "tool-kit" ordinance – it is the City's proactive tool establishing the vision and goals for the community.
- The Unified Development Code contains all the criteria and requirements for construction and development of property in the City. This is what is used daily by Planners and Engineers to review Zoning Map Amendments, Plans, Plats, Permits, Licenses and other requests.
- Because this process is merely a codification of all the existing zoning requirements and procedures, Staff recommends that it be globally adopted, repealing and replacing all relevant codes and ordinances. There will then be an opportunity to re-visit the provisions of any specific section after the UDC is adopted.
- During the review process, Ms. Nassif has been maintaining a list of changes that have been requested over the years by members of City Council, Planning Commission, and Staff.
- At the June Planning Commission meeting, Ms. Nassif will explain the process of ordinance amendments and will then be requesting feedback from Council on any changes or updates they would like Staff to begin researching.
- Since the City's Comprehensive Plan has not been updated for over 10 years, Staff may recommend that this be the first step in the process followed by an update of the site-specific criteria that is used to help carry out the Comprehensive Plan's guides, visions, and goals.
- The current Zoning Ordinance is approximately 320 pages and all the rewrites to the code has resulted in a Unified Development Code of over 500 pages. Codes, ordinances, standards, requirements all codified into this UDC include, but are not limited to, the following:
 - City of Chesterfield Ordinance Numbers 1300, 1402, 1503, 1524, 1551, 1555, 1636, 1678, 1684, 1725, 1737, 1747, 1819, 1828, 1829, 1848, 1849, 1850, 1901, 1913, 1924, 1987, 1988, 2057, 2061, 2076, 2077, 2078, 2095, 2106, 2107, 2177, 2118, 2138, 2177, 2206, 2214, 2228, 2235, 2246, 2265, 2270, 2275, 2281, 2286, 2287, 2298, 2335, 2353, 2367, 2388, 2512, 2527, 2599, 2603, 2609, 292, 1263, 1300, 1503, 1973, 1998, 2103, 2231, 2391, 2440, and 2512.
 - Tree Manual, Lighting Ordinance, Grading Ordinance, Street Standards and Matrix, Telecommunication Siting Ordinance, and Architectural Review Standards
 - Chesterfield Zoning Ordinance (all 300 plus pages)
 - Chesterfield Subdivision Ordinance (all 50 plus pages)
 - Chesterfield City Code Chapters 2.22, 2.5, 12, 23, 26.3, 27.5, and 30.

The Unified Development Code includes ten Articles, briefly described below:

Article 1: General Provisions

This Article includes a general provision statement, purpose statement for the UDC, and applicability.

Article 2: Development Review & Appeals Process

This Article includes the procedures for zoning map amendments, public hearings, special procedures, site plan and plat reviews, permits, and construction of improvements.

Article 2 also includes the process for appeals and variance requests.

Article 3: Zoning Districts and Uses

Lists and describes all zoning districts and uses.

Use tables have been created to assist the public with identifying what uses are permitted within each district.

Article 4: Development Requirements and Design Standards

Article 4 includes all the City's development and design criteria such as the lighting code, parking code, access management, grading and land disturbance, tree preservation, landscape requirements, public improvements and infrastructure, architectural review standards, signage, etc.

Article 5: Flood Damage Prevention

Statement and intent regarding permitting development in flood hazard areas. Necessary permit, mitigation efforts, and development overview are included in this Article.

Article 6: Telecommunications Facilities Siting

Article 6 includes all the City's provisions, requirements and permit review for obtaining telecommunications facilities siting approval.

Mayor Nations asked if the recently-approved State legislation on telecommunications affects the City's code. Ms. Nassif replied that it does and Staff has prepared a new draft Article 6, which is currently being reviewed by the City Attorney. Mayor Nations then asked for specific examples of items which may be different. Ms. Nassif replied that the current City ordinance requires a public hearing for modifications, such as antenna upgrades, replacement of antennas, and replacement of equipment; but the new State House Bill dictates that this process be more streamlined to require a building permit only which is administratively reviewed by Staff. However major modifications, such as new towers and new equipment significant in size and nature, can still be presented to Planning Commission and City Council. With this being said, nothing is finalized yet nor has any legal decision been rendered on conflicts or issues with our current language. This is all being reviewed by the City Attorney.

Article 7: Non-Conformities

This Article includes information and regulations pertaining to non-conforming uses, structures and sites.

Article 8: Enforcement and Penalties

Establishes the City's enforcement authority and penalties for violating provisions of this UDC.

Article 9: Fees

This Article includes information regarding all the various fees that are collected by the Department associated with construction of private development. This includes public hearing fees, plan review fees, plat review fees, inspection fees, etc.

Article 10: Definitions

Article 10 provides definitions of all the terms used throughout the UDC. This has been broken down into various categories to assist the public in navigating through all the terms.

The Unified Development Code was approved by the Planning Commission by a vote of 8-0 at its May 12 meeting. Ms. Nassif also noted that several members of the Commission have expressed interest in updating the Comprehensive Plan.

Councilmember Fults asked if any updates have been done to the Comprehensive Plan within the last 10 years. Ms. Nassif replied that a minor update was done in 2008/2009; and a larger update in 2005, but a full re-write has not been undertaken since prior to 2003.

DISCUSSION

Chair Hurt stated that in previous conversations with Louis Sachs, Mr. Sachs had discussed the idea of a pedestrian-friendly urban core, which included a skyway between Chesterfield Mall and the Sachs office building on Chesterfield Parkway.

Chair Hurt then suggested that *Article 03: Zoning District and Uses* include language pertaining to "pedestrian friendly walkways including overpasses and underpasses" to send a message to developers that the City encourages overpasses and underpasses. The overpasses/underpasses could be utilized by pedestrians to avoid crossing traffic.

The Committee members expressed their agreement with this concept and requested that it be added to the list of updates to be reviewed once the UDC is approved.

Chair Hurt expressed concern about this concept being "lost" and felt it should be included in the UDC at this time. A question was raised as to where such language would be included and Ms. Nassif stated that she had discussed this with Chair Hurt and the possible sections include: (1) the Purpose Statement of the Urban Core District

(Sec.03.04.H. of Article 03), (2) the Miscellaneous Regulations, (3) the Comprehensive Plan, and/or (4) all the PC and UC Districts.

Chair Hurt felt the language should be included in the Urban Core section and would like to see it added at this time or at the next Council meeting. Councilmember Fults expressed her desire to move the petition forward, as is, with no additions.

Mayor Nation stated that he does not think pedestrians will want to go up or down stairs to access overpasses/underpasses in order to cross a street; and that it would be an additional cost to developers. Chair Hurt still felt the City should encourage walkways so pedestrians are not interfacing with the traffic.

Councilmember Greenwood made a motion to forward P.Z. 19-2013 City of Chesterfield (Unified Development Code) to City Council with a recommendation to approve with the understanding that the issue of overpasses/underpasses will be addressed once the UDC is adopted. The motion was seconded by Councilmember Fults and passed by a voice vote of 4-0.

Ms. Nassif indicated that she would speak with the Planning Commission at their June meeting regarding the process for updates and areas they would like researched by Staff; then at the June 26 Committee meeting she can report the Planning Commission's recommendations and gather information from the Committee on their desired updates. Then these future projects can be prioritized and directed by the Committee. Chair Hurt indicated his hope that the language regarding overpasses/underpasses could be included in the UDC by the end of 2014.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the June 2, 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. 19-2013 City of Chesterfield Unified Development Code.]

Chair Hurt then referred to Cuyahoga Falls, Ohio which utilizes concepts for pedestrian traffic that he feels could be used for Chesterfield's urban core.

B. Wilson Avenue Vacation Ordinance

STAFF REPORT

James Eckrich, Public Works Director/City Engineer, stated that in the early 1990s, the City rerouted Wilson Avenue to a new signalized intersection at Clarkson Road. This resulted in a 1,050 foot stub of "Old" Wilson Avenue which dead ends just north of Clarkson Road. It was the intent of the City to vacate the stub portion of Wilson Avenue at that time, but the formal vacation of the right-of-way never occurred. This matter was

presented to the Planning and Public Works Committee at the March 12, 2013 meeting. At that time, the Committee approved the pursuit of the right-of-way vacation and hired a surveyor to complete a Right-of-Way Vacation Exhibit and Legal Description. The utility companies were contacted and Staff contacted adjacent property owners. The proposed vacation ordinance, which has been approved by the City Attorney, is included in the packet along with utility easements and a roadway access easement for the property owner at 2153 Wilson Avenue, as the owner would like to use the roadway as access. Staff is requesting that the Planning and Public Works Committee approve the recommendation to vacate the right-of-way. The ordinance will then be forwarded to City Council for final approval.

Councilmember Fults made a motion to forward the Wilson Avenue Vacation Ordinance to City Council with a recommendation to approve. The motion was seconded by Councilmember Greenwood 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 June 2, 2014 City Council Meeting. See Bill #

[Please see the attached report prepared by James A. Eckrich, Public Works Director/City Engineer, for additional information on Wilson Avenue Vacation Ordinance.]

C. Discussion of Ordinance 2704 – Section 20.03.g – Pertaining to tall grass

STAFF REPORT

Ms. Aimee Nassif, Planning and Development Services Director, stated the City Code's current threshold for tall grass is 12 inches. Chair Hurt stated he received a call from a subdivision trustee asking why the current regulation is 12 inches. The trustee stated there is a nuisance neighbor in the subdivision. Due to the lengthy legal process, the grass continues to grow and becomes even more unsightly before it is cut. The trustee stated that the County's regulation is 10 inches and Wildwood is 8 inches and she would like for Chesterfield to consider changing their requirement. Ms. Nassif stated that Wildwood is 10 inches and St. Louis County was previously 10 inches, but they have since changed their requirement to 8 inches. Mr. Jim Eckrich, Public Works Director/City Engineer stated the City of Crestwood was 8 inches.

DISCUSSION

Councilmember Fults stated it is very easy to determine visually that 12 inches is in violation and asked if 8 inches would be as easily identified as 12 inches while driving by. She would like the City to review the whole maintenance ordinance because it is not very strict and there are several articles of concern.

Ms. Nassif stated she has discussed this with Curtis Krusie, who is the sole Code Enforcement Officer for the City. He understands that 12 inches may be too tall, but he is concerned if it is changed to 8 inches, it would be extremely difficult for him, as the sole Code Enforcement Officer, to ever enforce and also it would be difficult to visually spot check. Routinely in the spring, residents start calling and asking questions about the requirement. Many think 12 inches is too long but if it is lowered, it would lead to more complaints and it would be extremely difficult for him to solely enforce. Councilmember Fults stated the only thing gained is that the process will be started sooner.

In response to Councilmember Grissom's question, Ms. Nassif stated the ordinance applies to all residential property regardless of acreage.

Chair Hurt asked the Committee if they were all in agreement with lowering the requirement to 10 inches. Mayor Nation and Councilmember Fults stated their concurrence with considering a change to 10 inches.

Councilmember Fults made a motion to direct Staff to review Ordinance 2704 as a whole and to revise the tall grass requirement to 10 inches. The motion was seconded by Councilmember Greenwood.

Besides lowering the tall grass requirement, Ms. Nassif asked for guidance as to what other issues need attention. Councilmember Fults asked Staff to review those areas of concern that the City has not been able to enforce. Chair Hurt also suggested talking to Mr. Krusie to see if a particular area needed to be improved upon.

Councilmember Greenwood asked about areas of native grasses and expressed her dislike for them. She felt most of them looked like weeds. Ms. Nassif stated during the first year of planting, many times it will look like weeds while they are germinating and growing. If there are specific areas of concern, Staff can investigate.

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

D. Snow Removal Budget Adjustment

STAFF REPORT

Jim Eckrich, Public Works Director/City Engineer, stated this past winter season was a challenge for the City. It not only took a toll on our supplies but our budget as well. We are only a quarter of the way through the year, and the overtime budget for the street maintenance account (072) and fleet maintenance account (073) are already over budget and the Park maintenance overtime account is nearly exhausted.

Staff recommends that City Council consider fund transfers to partially restore the 2014 Budget for overtime in the Street Maintenance, Fleet Maintenance, and Park

Maintenance divisions. Specifically, Staff is seeking to restore each overtime budget to 60% of its original value as follows:

- Transfer \$32,500 from the General Fund – Fund Reserve into the Street (072) and Fleet (073) division overtime accounts (5113); \$26,400 and \$6,100 respectively.
- Transfer \$11,200 from the Parks Fund – Fund Reserve into the Park Maintenance Division (119) overtime account (5113).

Additionally, the harsh winter depleted our salt storage substantively. Assuming we are able to secure pricing similar to the last few years, we have sufficient budgeted funds to purchase the amount of salt necessary to enter the 2014/2015 season fully stocked and no additional funding is anticipated for deicing chemicals for the upcoming season.

DISCUSSION

During discussion, it was noted that the overtime budgets would be increased as follows:

- Street (072) would be increased from \$25,000 to \$51,400.
- Fleet (073) would be increased from \$7,500 to \$13,600.
- Park Maintenance (119) would be increased from \$30,000 to \$41,200.

Councilmember Greenwood asked how much salt and overtime the City has used historically during November and December. Mr. Eckrich stated overtime is not just used during the winter months. Overtime is used throughout the year for items such as storm damage cleanup.

Councilmember Grissom asked what would happen if the funds were not transferred into the overtime account. Mr. Eckrich stated the money would have to come from another account. There is very little planned overtime, but overtime is necessary at times and, as described, we have already exceeded the budgeted amounts in these accounts. Since the money could come from another account, Chair Hurt asked why it should be transferred from the Fund Reserves. Mr. Eckrich stated it could come from another account, but then you would not be able to do something else that was planned. Mr. Eckrich went on to say that while there are no overtime funds left in the account, if a large storm occurred causing trees to block the roadways, crews would still be sent out to clear the roadways because removal of the trees is a high priority and valued by the community. However, if the overtime funds are not increased, then by doing this type of work we would have to decrease some other expenditure, unless the overtime accounts are replenished. The budget is based on anticipated expenditures. The overtime used was greater than that which was anticipated, so in order to get us back on the anticipatory track, we are asking that these accounts be replenished.

Councilmember Greenwood asked what percentage would normally be in those accounts at this point in the year and asked whether the transfer of funds would bring

the accounts beyond that amount. Mr. Eckrich stated that the transfer of funds would bring the accounts to where we would expect them to be at this time of year. Councilmember Greenwood asked what would happen if there was money left over at the end of the year. Mr. Eckrich stated that money not spent at the end of the year would go back into the Fund Reserves.

Chair Hurt referenced a memo sent by Mr. Herring indicating that when we have a rough winter, utility taxes are increased, which justifies this request economically.

Councilmember Grissom made a motion to forward to City Council the following fund transfers with a recommendation to approve.

- **Transfer \$32,500 from the General Fund – Fund Reserve into the Street (072) and Fleet (073) division overtime accounts (5113); \$26,400 and \$6,100 respectively.**
- **Transfer \$11,200 from the Parks Fund – Fund Reserve into the Park Maintenance Division (119) overtime account (5113).**

The motion was seconded by Councilmember Fults 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 2013-/2014 Snow Removal Budget Adjustment.]

VI. OTHER

Councilmember Fults stated she received a call from a resident who was very upset that the City decided Sweet Gum Trees are now considered a nuisance and wanted to know why Honey Locust trees are not also considered a nuisance as it pertained to the City's street tree replacement program. Chair Hurt clarified the species would be seeded Honey Locust as there is a seedless Honey Locust, which is not a problem. Councilmember Fults asked for Staff to review this matter. Mr. Eckrich confirmed that Staff will review this and report back to the Committee.

V. PROJECT UPDATES

Ms. Aimee Nassif, Planning and Development Services Director, provided the following summation.

Ward 1: Project Update

- The Summit of Chesterfield has been withdrawn.
- The parking structure under construction within the Monsanto campus is almost complete. Plans were submitted this week for phase 2 of this project which is a new greenhouse immediately south of the new parking structure.

- Four Seasons ordinance amendment - Staff is uncertain of the status as the City has had no response since the public hearing.

Ward 3: Project Update

- Schoettler Grove site development plan and landscape plan are still under review by Staff. Typically the review process will take three or four months with Staff before being ready to appear before the Planning Commission.

Ward 4: Project Update

- Wilmas Farms PUD – The Planning Commission will vote on this project at their May 28, 2014 meeting. They have amended their plan to include several park areas. They removed one or two of the buildable lots and made it an open area with a view of the bluff including a lake. Councilmember Fults stated she would like to see a “community space” requirement such as this in all PUDs and stated the developer finally understood what the requirements of a PUD are. She is also pleased they removed the two dead end streets and changed it to a circular street.
- Chesterfield Blue Valley ordinance to amend the parking setback for interior lots will go before the Planning Commission on May 28, 2014.
- Chesterfield Valley northeast interchange ordinance amendment request is still under Staff review with a potential date for a vote meeting with the Planning Commission on June 9, 2014.
- The Wedge development - Staff is still working with the developer on outstanding issues mainly related to access. There is no known date yet for an issues meeting with the Planning Commission. Another public hearing may be required.

Other projects under review include but are not limited to:

- 346 Eatherton Road
- Pacific Dental
- Larry Enterprises/Lynch Hummer (Scott Enterprises)
- U-Gas
- Villa Farratto's
- Monarch Center-Edison Express
- Terra Vista
- Reserve at Chesterfield Village
- Chesterfield Blue Valley, Outlet 2 addition
- Natoli Subdivision
- 520 Spirit of St. Louis Boulevard
- Mercy Health Systems

VII. ADJOURNMENT

The meeting adjourned at 6:43 p.m.