



Corrected Meeting Summary
(Corrected 4/24/08 – page 7)

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
March 20, 2008

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 20, 2008 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Jane Durrell** (Ward I); **Councilmember Bruce Geiger** (Ward II); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were Councilmember Mike Casey (Ward III); Councilmember Bob Nation, Ward IV; David Banks Planning Commission Vice-Chair; Wendy Geckeler, Planning Commissioner; Rob Heggie, City Attorney; Mike Herring, City Administrator; Mike Geisel, Director of Planning & Public Works; Susan Mueller, Principal Engineer; Mara Perry, Senior Planner, Charles Campo, Project Planner; Justin Wyse, Project Planner; Jennifer Yackley, Project Planner; and Mary Ann Madden, Planning Assistant.

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

Noting that this would be her last meeting as Chair of the Planning & Public Works Committee, Chair Fults thanked the Staff for their help during the past year, and expressed her appreciation to the Committee members for all their work. Councilmember Durrell then thanked Chair Fults for her leadership of the Committee.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 21, 2008 Committee Meeting Summary

Councilmember Geiger made a motion to approve the Meeting Summary of February 21, 2008. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4 to 0.**

II. OLD BUSINESS - None

III. NEW BUSINESS

Chair Fults announced that Ed Corno, Trustee President of the Westchester Subdivision, was present to address the Committee regarding property maintenance concerns.

Councilmember Geiger stated that the City has been experiencing problems enforcing the existing nuisance and property maintenance ordinances. He noted that once the situation gets past Staff's involvement, it enters the Court system where it may drag on for a long period before getting resolved.

Mr. Corno reported on a specific situation in the Westchester Subdivision regarding a fence bordering Schoettler Road. Numerous complaints from residents have been received asking that the fence be removed. The owner no longer resides on the property and has missed two Court dates regarding the situation. The Trustees are frustrated with the situation and are not sure what other steps can be taken at this time.

City Administrator Herring stated that he, City Attorney Heggie, and Mr. Geisel have been meeting with the City's Judge and Prosecuting Attorney regarding these types of concerns. Both the Judge and Prosecuting Attorney are aware of the situation and are very willing to cooperate in addressing such problems. Staff is in the process of developing a recommendation for the Committee's review, which will greatly facilitate the process and increase the timing with which such cases are heard and adjudicated by the Court.

Councilmember Hurt suggested imposing an escalating dollar amount for fines rather than a flat fine for each citation.

Councilmember Geiger then made a motion directing Staff to investigate alternate strategies to facilitate enforcing property maintenance violations. The motion was seconded by Councilmember Durrell and **passed by a voice vote of 4 to 0.**

- A. **P.Z. 44-2007 & P.Z. 44A-2007 Woods Mill Park Apartments (542 Kingscross Ln.):** A request for a change of zoning from "NU" Non-Urban District, "FPNU" Flood Plain Non-Urban District, "R-3" Residential District and, "FPR-3" Flood Plain Residential District with a PEU to "R-6A" Residential District for a 16.7 acre tract of land located at the corner of Woodsmill Rd. and Kingscross Ln. (17Q330042)

Staff Report:

Charles Campo, Project Planner, stated that the request is for a change of zoning from "NU", "FPNU", "R-3", and "FPR-3" Flood Plain with a PEU to "R-6AA" Residence District. The Public Hearing was held in October 2007 and the petition was approved by the Planning Commission on March 10, 2008.

The rezoning is being requested to clear up the existing confusing zoning designation for the site. The requested zoning is appropriate for the site and its use, as it currently exists. No changes are proposed to the site at this time. The Attachment A has been written to keep the property as it now exists other than for maintenance activities.

Planning Commission Report

Chair Fults noted that concern was raised at the last Planning Commission meeting by Allan Sheppard, Trustee of Judson Manor Subdivision, regarding the possibility of new buildings being allowed under the requested zoning. She asked Mr. Banks to respond to this concern.

David Banks, Vice-Chair of Planning Commission, stated that the Attachment A has been written very restrictively to allow only what is currently on the site. It specifically limits the number of buildings and units to what is now on the property.

DISCUSSION**Existing Zoning/Requested Zoning**

Mr. Mike Geisel, Director of Planning & Public Works, reported that when the current property owner acquired the development and tried to obtain Title Insurance, it was discovered that the underlying zoning was not consistent with the type of development that exists on the site, but County actually had approved it.

In order to prevent the clouded title issue, the Petitioner wants to have the zoning changed to have it consistent with what is currently on the site.

If a Petitioner wanted to redevelop the site, he would be allowed to tear down and re-build the exact number of buildings with the exact number of units. Any significant alteration to the site would require a rezoning.

Councilmember Hurt asked for clarification on the request of zoning from "R-3" to "R-6AA" since the R-6 zoning is a more dense zoning than the R-3 zoning. Mr. Mike Doster, Attorney for the Petitioner, replied that the original zoning of "NU" and "R-3" was adopted in the late Sixties by the County. Neither one of these zoning districts permits multi-family, so County adopted a PEU overlay

over the entire site (over the “NU” and the “R-3” zoning) to allow for the multi-family.

Presentation by Allan Sheppard, Trustee of Judson Manor Subdivision

Mr. Sheppard distributed a hand-out to the Committee members requesting the following changes to Section I.C.1. of the Attachment A **(changes shown in green)**:

- a. Thirty (30) feet from the property line adjacent to Woods Mill Road **and the southern edge of the creek on the north border of the property as shown on the accepted Clayton Engineering Company map by Stan L. Emerick and dated 9/23/97. Changes to the creek or creek area can only be made by utilities or God.**
- b. Sixty (60) feet from all other property lines.
- c. **All entry and exit roads must connect Woods Mill Apartments only to Woods Mill Road, State or County roads.**

Mr. Sheppard stated that Judson Manor Subdivision is the only subdivision attached to the subject site and he wants to insure that no building is allowed 30 feet from the southern edge of the existing creek.

With the site being located in Ward I, Chair Fults asked Councilmember Durrell for her comments on the requested changes. Councilmember Durrell stated she would not be ready to comment until she has had a chance to meet with Staff to better understand the requests.

Councilmember Durrell stated that she supports the rezoning request but would strongly oppose any future attempt for any increased density above the “R-6” zoning. She would also oppose any roads that would connect Woods Mill Apartments to the Judson Manor Subdivision.

Stream Buffer Ordinance

Mr. Geisel pointed out that the City recently passed a Stream Buffer Ordinance, which restricts any disturbance within 25 feet of a creek. He reminded the Committee that any proposed changes to the plan would require an amendment to the PEU and would need to come before the Planning Commission.

Councilmember Hurt asked if the creek is part of the MSD drainage systems. Mr. Geisel replied that MSD is responsible for all storm water drainage and the creek is within MSD’s charter area. No work could be done within this area without MSD’s approval, along with approval from the Corp of Engineers and the City of Chesterfield. It was noted that MSD does not have jurisdiction over the creek; they have jurisdiction over the storm water which is flowing in the creek. The Corp of Engineers controls everything within the normal water limits.

Zoning of any Adjoining Parcels

Councilmember Durrell asked how adjoining parcels to the subject site would be viewed with respect to zoning – specifically, could they also be zoned R-6?

Mr. Geisel stated that the zoning does not necessarily follow parcel lines. There is a legal description on the zoning district, which may, or may not, follow the parcel lines. Whether or not there is a boundary adjustment is irrelevant. If a lot is added to the subdivision, the zoning does not automatically expand to it. The zoning relates only to the outboundary as described in the legal description of the property.

Councilmember Durrell made a motion to forward **P.Z. 44-2007 & P.Z. 44A-2007 Woods Mill Park Apartments (542 Kingscross Ln.)** to City Council with a recommendation to approve with the understanding that there may be an amendment at the First Reading relative to the requested changes. The motion was seconded by Councilmember Geiger.

Mr. Doster indicated that he would review the proposed changes and respond to them by the next City Council meeting.

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

**Note: One bill, as recommended by the Planning Commission, will be needed for the April 23, 2008 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. 44-2007 & P.Z. 44A-2007 Woods Mill Park Apartments (542 Kingscross Ln.)].

- B. P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC):** A request for an ordinance amendment to amend the legal description, permitted uses, and development criteria for the 1.063 acre parcel of land, zoned “PC” Planned Commercial District, located at 15310 Conway Road, at the southeast corner of the intersection of Chesterfield Parkway and Conway Road.

Staff Report:

Jennifer Yackley, Project Planner, stated that the Petitioners are requesting several amendments to their existing Ordinance No. 2361, which was passed in May, 2007:

- Amendment to the Legal Description: The Petitioner is requesting that the legal description be amended to include the right-of-way area to the east. The Petitioner has filed a petition with St. Louis County for vacation

of the right-of-way. The right-of-area is approximately 4/10 of an acre; the site with the right-of-way is approximately 1.5 acres. **The amendment to the legal description was approved by Planning Commission and is included in the Attachment A.**

- Open Space: The Petitioner is requesting a reduction in open space from 45% to 35%. **The Planning Commission approved 45% open space, which is specified in the Attachment A.**
- Permitted Uses: The existing permitted uses are “Offices/Office Buildings and 1 Parking Garage”. The Petitioner is requesting the addition of “Financial Institution”. **The Planning Commission approved the use of “Financial Institution” and it is included in the Attachment A.**
- Structure Setbacks:
 - From the right-of-way of Conway Road: Staff recommends an 86-foot structure setback to correct a Staff measurement error of 95 feet. The Petitioner is requesting a 50-foot structure setback. **The Planning Commission approved the 86-foot structure setback from the right-of-way of Conway Road exclusive of canopies or awnings and it is included in the Attachment A. The Planning Commission also approved a 76-foot setback from the right-of-way of Conway Road for building canopies on the northern façade of the building.**
 - From the western property line: Staff recommends 60 feet from the western property line. The Petitioner is requesting “25 feet from the western property line bearing N 04°31’39”W. In addition to the minimum 25 feet, any structure whose height exceeds 30 feet and adjoins property in the Non-Urban, Park and Scenic, or any Residential District must be setback an additional one (1) foot for every two (2) feet in height above thirty (30) feet.” It was noted that if the Petitioner built the proposed 62-foot building, the setback would be 41 feet using the Petitioner’s requested language. **The Attachment A includes a 60-foot setback.**
 - From the eastern property line: The Petitioner is requesting 50 feet from the eastern property line. **The Attachment A includes a 20-foot setback.** It was noted that the acquired right-of-way would change the eastern property line and would allow the building to be 65 feet closer to Chesterfield Parkway if the 20-foot setback is approved.

Ms. Yackley stated that the Planning Commission approved the Attachment A, as written by Staff and with the amended legal description, by a vote of 5 to 4. Two additional motions were voted on by the Commission:

- To restrict the operating hours from 7:00 a.m. to 7:00 p.m.: Failed by a vote of 2 to 7.
- To reduce the open space to 35%: Failed by a vote of 1 to 8.

Councilmember Hurt asked for information on the Parking Setbacks. It was noted that the setback from the eastern property line is 13 feet with the condition that *“if right-of-way along the eastern property line of this development is acquired and zoned appropriately, said parking and loading space setbacks may be measured from the new right-of-way line as directed by the City of Chesterfield.”*

Planning Commission Report

David Banks, Vice-Chair of Planning Commission, stated that there was a general feeling among the Commission that the building being proposed is too large for the site. There was a lot of concern expressed about the lack of a left-turn access onto Conway Road.

Regarding open space, it was felt that the request to reduce it to 35% was denied because the 35% included the anticipated right-of-way property. Mr. Banks noted that without the right-of-way property, the open space is down to 27%.

DISCUSSION

Comments from Ward II

Councilmember Geiger stated that when City Council approved the project in May 2007, it was approved with the understanding that the project could not be built, as approved, unless the right-of-way property was acquired. It was his expectation that when the Petitioner came in with the Ordinance Amendment, it would include changes only to the property description and to the building setback on the eastern side.

Councilmember Geiger stated when the project was approved by City Council, the Petitioner had presented plans showing a building of approximately 19,500 square feet. With the request of adding “Financial Institution” as a permitted use, the proposed building now being presented is approximately 23,500 square feet, along with two drive-thru lanes. As a result, the 45% open space requirement cannot be met. He agrees with Mr. Banks’ feeling that the proposed building is too large for the site.

Councilmember Geiger would like to increase the building setback from the eastern property line from the current 20-foot setback. ~~He finds the Petitioner’s request for a 50-foot setback to be acceptable.~~ **He does not have a big problem with the Petitioner’s request for a 50-foot setback.**

Right-of-Way Property

City Attorney Heggie stated that County has indicated their intent to vacate the right-of-way property. The vacation process requires two readings and a vote from County Council.

It was clarified that if the right-of-way property is not acquired, the Ordinance would still be valid but the measurements for the site would be from the original property line as opposed to from the right-of-way property line. The Attachment A

is written specifying that setbacks are from the “property line” rather than specifying bearings.

Mr. Randy Johnston, representing the Petitioner, stated that they are in receipt of a Letter of Intent from the County regarding the vacation of the right-of-way.

Setbacks

Mr. Bob McBride, Nelson McBride Development, stated that they asked for different setbacks so that they would not be “hemmed in” any more than necessary. The proposed building meets the required guidelines, as written, other than the 45% open space requirement.

Mr. Johnston stated that their concern regarding the required 60-foot setback from the western property line is that it does not allow any “wiggle room” for the possible addition of a generator or something similar on the site. It was noted that because of the small size of the site, the building cannot encroach one way or another in any extreme way because the parking areas are already set.

Open Space

Chair Fults questioned why the Petitioner is requesting a reduction in the open space requirement of 45% to 35% when additional land is being acquired. Mr. Geisel stated that Council approved a rezoning – not a plan. The plan which was originally submitted did not conform to the Attachment A – it was under-parked and too dense for the site. He added that the plan was not approved.

Councilmember Geiger pointed out that while the Petitioner is acquiring nearly a half-acre of right-of-way property, they have also added almost 4,000 square feet to the building, two drive-thrus, and a new use.

Mr. McBride stated that they have agreed to landscape and maintain the easements surrounding their site, which would give the appearance of 47% open space.

Planning Vice-Chair Banks stated that the Planning Commission does not generally allow open space to be reduced just because adjacent easements are being maintained. There are reasons for open space requirements beyond appearances – open space requirements also control density.

Use of “Financial Institution”

Mr. McBride stated that the new use is for a 4,000 square foot commercial bank on the first floor. The bank is requesting two drive-ups – one for a teller and one for a night-drop.

Councilmember Geiger made a motion to forward P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell.

Discussion/Amendments to the Motion

Legal Description

It was noted that legal description language is never included in the Attachment A. Planning Commission approved the Attachment A with the amended legal description.

City Attorney Heggie clarified that if the right-of way property is not acquired by the Petitioner, it would still be rezoned but would be owned by St. Louis County. The Petitioner would then have to measure the setbacks from the original property lines.

Structure Setback from the Eastern Property Line

Councilmember Geiger made a motion to amend the motion by amending Section I.C.1.d. as follows (changes shown in green):

Twenty (20) feet from the eastern property line **S6° 07' 44"E, 62.80 feet to an angle point therein; thence S4°50' 21"E, 57.84 feet to a point of curve; thence along said curve to the right having a radius of 633.94 feet an arc distance of 148.19 feet (chord of S8°00' 56"W) to a point on the north line of Interstate 64 (former State Route 40TR) as depicted on the boundary survey prepared by Clayton Engineering and dated July 1998. A copy of which is attached for reference as Exhibit 1.**

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

Automatic Power of Review

Councilmember Geiger made a motion to amend the motion by requiring **Automatic Power of Review**. The motion was seconded by Chair Fults and **passed** by a voice vote of 4 to 0.

Permitted Use of "Financial Institution"/Left-Turn Issue

Councilmember Geiger stated he has concerns about the "Financial Institution" use because he feels a bank at this location would cause traffic problems with respect to the left-hand turn issues. He added that if the road is re-configured in the future to allow a left-turn, he would not be opposed to adding a retail financial institution as a use. He has concerns that the proposed commercial bank could one day be a retail bank.

Mr. McBride stated that they have met with MoDOT and MoDOT has outlined how they would re-configure the road. They would eliminate the sweeping turn coming off the highway as they feel it is a very dangerous intersection. They would install a stop light for a right turn and remove the island to allow a left turn. There would be stacking room for approximately eleven cars to make the left turn.

Mr. Geisel stated that the City has a letter on file from St. Louis County, who is responsible for Chesterfield Parkway, indicating that the left-turn restriction will stay. He noted that MoDOT's jurisdiction is to the east of the intersection. By bringing the road up to a T-intersection, it eliminates the right-turn movement directly onto Conway and the Parkway, which would directly affect the Ward II residents.

Chair Fults stated that a resident addressed the Planning Commission at its last meeting regarding this issue. She noted that as the road is currently configured, a motorist wanting to make a left into the proposed development would find that it is not allowed. At that point, he would have two options: (1) cutting thru B. Donovan's parking lot; or (2) go up to old Swingley Ridge and drive .7 mile to legally get to the site.

Mr. McBride reported that the County has told him that they would support a road configuration but would not pay for it. The Petitioner has contacted several business owners in the area, all of whom have indicated that they would share in the cost of the road improvements.

Councilmember Hurt indicated his opposition to a left-hand turn in this area.

Councilmember Durrell indicated her support of the "Financial Institution" use because she feels a bank is a very low-impact use.

Councilmember Geiger made a motion to amend the motion by eliminating "Financial Institution" as a Permitted Use. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 to 1** with Councilmember Durrell voting "no".

Mr. McBride stated that the site is an extremely difficult site to develop. He stated that they have tried diligently to make the site work noting that the alternative is to leave the site sit as it presently exists.

The motion to forward P.Z. 47-2007 Conway Point Office Building (Conway Office Partners, LLC), as amended, to City Council with a recommendation to approve passed by a voice vote of 4 to 0.

Note: One bill, as recommended by the Planning Commission, will be needed for the April 23, 2008 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. 47-2007 Conway Point Office Building (Conway Office Partners, LLC).]

- C. **P.Z. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler)**: A request for a change of zoning from “NU” Non Urban District to “AG” Agriculture District for a 10.4 acre tract of land located north of North Outer 40 Road approximately 6,600 feet east of the intersection with Boone’s Crossing. (part of 17T620041)

Staff Report:

Mara Perry, Senior Planner, stated that the rezoning is part of a larger parcel of land, but the Petitioner is requesting that only 10.4 acres of it be rezoned. Since it is a straight zoning, there is no Attachment A. The zoning being requested will conform with the existing nursery on the site. It was noted that the nursery has been on the subject site prior to the incorporation of the City of Chesterfield.

The Public Hearing was held on March 10th, at which time the Planning Commission approved the rezoning by a vote of 9 to 0.

Ms. Perry reported that the Petitioner needs to bring the zoning up to conformance before any improvements can be made on the site. In the future, the Petitioner will be presenting a Conditional Use Permit for a sales room. This sales room will be a slight expansion to an existing building and will be used for the sale of landscaping supplies.

DISCUSSION

Councilmember Hurt made a motion to forward P.Z. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler) to City Council with a recommendation to approve. The motion was seconded by Councilmember Durrell and **passed** by a voice vote of 4 to 0.

**Note: One bill, as recommended by the Planning Commission, will be needed for the April 23, 2008 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. 03-2008 Chesterfield Valley Nursery (Walter E. Graeler).]

- D. **P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC)**: A request for an ordinance amendment to amend the permitted uses for the 52.819 acre parcel of land, zoned "PI" Planned Industrial District, located south of Olive Street Road, east of Wardenburg. (17W420057, 17W420035, 17W230010, 17W230021).
Additional permitted use: Warehousing, storage, or wholesaling of manufactured commodities, ~~live animals, explosives, or flammable gases and liquids.~~

Staff Report:

Justin Wyse, Project Planner, stated that the Concept Plan was approved in late 2007; the site was rezoned from "NU" to "PI" in June, 2007 under Ordinance No. 2373.

The Petitioner is now requesting one additional use of "*Warehousing, storage, or wholesaling of manufactured commodities, ~~live animals, explosives, or flammable gases and liquids.~~*"

The Public Hearing was held on March 10, 2008, at which time the Planning Commission recommended approval by a vote of 9 to 0 with the addition of two changes to the Attachment A:

- a) Section I.A.3. Hours of Operation - Page 3: The Attachment A originally stated that retail sales would be prohibited between the hours of 2 A.M. and 5 A.M. The section was amended to state that the hours of operation are unrestricted.
- b) Section I.E.2.d. - Page 6: The amendment adds a provision for screening of exterior storage along Olive Street Road.

Both of the above changes make this Attachment A identical to the Attachment A of Spirit Valley Business Park II, which is located immediately to the west of the site.

Councilmember Hurt made a motion to forward P.Z. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC) to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger and **passed by a voice vote of 4 to 0.**

**Note: One bill, as recommended by the Planning Commission, will be needed for the April 23, 2008 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. 06-2008 Spirit Valley Business Park (Spirit Valley Development LLC).]

Because of Councilmember Geiger's schedule, Agenda items F & G were presented next.

F. An Ordinance Adopting and Enacting the Property Maintenance Code of the County of Saint Louis, Missouri, as Amended, as the Property Maintenance Code of the City of Chesterfield for Inspections in the City of Chesterfield Performed by the County of Saint Louis

and

G. An Ordinance Adopting and Enacting the Property Maintenance Code of the County of Saint Louis, Missouri, as Amended, as the Property Maintenance Code of the City of Chesterfield for Inspections Performed by the City of Chesterfield

Staff Report:

Ms. Sue Mueller, Principal Engineer, stated she was recommending two Property Maintenance Ordinances for the Committee's consideration. Ms. Mueller gave a PowerPoint presentation stating the following:

- The City currently operates under a number of different ordinances to address property and nuisance-related violations:
 - #313 - Vehicles
 - #385 - Nuisances - Weeds etc.
 - #541 - Storage and Collection of Waste
 - #1734 - Time limit for waste collection
 - #1781 - Time limit for waste cans to be set out
 - #1932 - Exterior Property Maintenance
 - #2228 - Lighting
- Staff is recommending that Ordinance No. 1932, which addresses Exterior Property Maintenance, be repealed and replaced with the International Property Maintenance Code. All provisions of existing Ordinance No. 1932 have an equivalent section in the proposed code. The other ordinances would remain unchanged.
- The City is currently under contract with the St. Louis County Public Works Department for code related inspections utilizing a number of international codes, primarily for review of plans for new construction, remodeling, and renovations:
 - International Building Code 2003 (IBC)
 - International Residential Code 2003 (IRC)
 - International Mechanical Code 2003 (IMC)
 - International Existing Building Code 2003 (IEBC)

- The City's existing ordinances lack some of the features that are available under the International Code. Following are some of the major enhancements in the International Code, which are not found in the City's existing Ordinance No. 1932:
 - 102.3 Application of other International Codes
 - 107.5 Transfer of Ownership – *The International Code does not allow a property owner who has outstanding violations or citations under the Code to readily transfer the property without proving that the new owner has been made aware of the conditions, and that the new owner accepts responsibility for taking care of the violations.*
 - 108 Unsafe Structures and Equipment
 - 109 Emergency Measures
 - 304 Interior Structure – *The City continues to receive interior-related complaints – primarily from residential tenants dealing with unresponsive landlords and for properties where there are other social issues involved. The City is not currently equipped to take enforcement action on interior problems.*
 - 306 Extermination – *The International Property Maintenance Code specifically addresses infestation and extermination issues while the City's code does not.*

Mr. Geisel stated that Staff has found a real gap in its coverage. Recently Staff has worked with St. Louis County to cover specific issues related to the interior of a home. St. Louis County offered their services on a trial basis, for this instance, to demonstrate the services that are available through the County if the City adopts the International Codes and amends its contract with the County.

Ms. Mueller noted that through the Problem Properties Unit, a division of Neighborhood Services in the County's Department of Public Works, a number of services can be provided to address any underlying human issue that may be causing the violations – such as bankruptcy, foreclosure and abandonment; old age; mental and physical illness; crime and substance abuse; child and animal neglect or abuse; unemployment, bankruptcy, divorce; and evictions.

The St. Louis County Problem Properties Unit, along with all interior inspections done by the County, requires adoption of the International Property Maintenance Code. This service expands the code enforcement options and adds tools which can often resolve an issue that wouldn't necessarily be resolved with code enforcement and citation writing alone. This option would be made on a case-by-case basis by the City of Chesterfield only as the need arises.

Staff has experienced these interior cases where hardship and mental illness have been involved and recommends that the array of City services be expanded to include those offered by the Problem Properties Units such that these residents can be adequately served. If the City is interested in getting to the point

where it can adequately handle tenant complaints about unresponsive landlords, along with interior property complaints, the City should amend its contract for services with the County to provide for access to its Problem Properties Unit. Such a contract would require the City to adopt the International Property Maintenance Code. Staff recommends repealing the Exterior Property Maintenance Code, Ordinance No. 1932. This would be replaced by the International Property Maintenance Code, which contains a lot of features that the City does not currently have available. No other City ordinance would be affected.

DISCUSSION

City's Exterior Property Maintenance Code and the International Property Maintenance Code:

Mr. Geisel stated that repealing Ordinance No. 1932 and replacing it with the International Property Maintenance Code would not change the City's inspection and enforcement actions related to exterior property maintenance code, but would simply change the citation reference. Adoption allows the City to access the services provided by the County.

City Administrator Herring added that adopting the International Property Maintenance Code would expand the City's ability to address and correct property maintenance issues that, at the present time, the City is not able to address.

Problem Properties Unit

Ms. Mueller stated that the "Problem Properties Unit" has access to other contractors, volunteers, and services, and has the training to better deal with unusual or severe problem property situations.

Interior Property Maintenance

Councilmember Hurt expressed his concern about giving the City "right of entry" into residents' homes. He stated he has no problem with addressing exterior property maintenance issues but has concerns about addressing interior problems that do not affect adjacent neighbors.

Councilmember Durrell also expressed her concern about interior inspections of residents' homes. She felt there is a need to be explicit on what defines a "problem property".

Mr. Geisel pointed out that the majority of cases where interior maintenance problems exists involves mental issues that would be addressed, and solved, under the County's "Problem Properties Unit". He explained that if a complaint was received, the City would first review and inspect, and if appropriate, St. Louis County would be called. A County Police Officer, who works specifically with the Problem Properties Unit, would go to the front door and would assess the situation from the door.

Contracting with St. Louis County

Mr. Geisel pointed out that the County provides this service to many municipalities. Contracting with the County for such services would require adopting the International Property Maintenance Code without further alteration.

St. Louis County Health Department

It was noted that at the present time, the St. Louis County Health Department only inspects pools and restaurants in the City of Chesterfield, and addresses a subset of health issues. They do not provide interior inspections of private homes.

Councilmember Hurt stated he is interested in addressing health issues in the community. He added that he would like to know all the subsets the County deals with so that the City can choose which ones they want to contract for. Mr. Geisel replied that the City does not have a choice – the County requires that the City contract for all of them or none of them.

Councilmember Geiger made a motion to forward An Ordinance Adopting and Enacting the Property Maintenance Code of the County of Saint Louis, Missouri, as Amended, as the Property Maintenance Code of the City of Chesterfield for Inspections Performed by the City of Chesterfield to City Council with a recommendation to approve. The motion was seconded by Chair Fults and tied by a voice vote of 2 to 2 with Councilmembers Hurt and Durrell voting “no”.

After further discussion, **Councilmember Geiger made a motion to table the Ordinance Adopting and Enacting the Property Maintenance Code of the County of Saint Louis, Missouri, as Amended, as the Property Maintenance Code of the City of Chesterfield for Inspections Performed by the City of Chesterfield until the next meeting of the Planning & Public Works Committee. The motion was seconded by Chair Fults and passed by a voice vote of 4 to 0.**

It was agreed that Staff would invite either John Thro or Tony Simpson from St. Louis County to address any questions from the Committee. It was also agreed that all eight Councilmembers would be invited to the Committee to hear County's comments.

(Councilmember Geiger left the meeting at this point.)

E. City of Maryland Heights (Howard Bend Valley Development):

How its future land use plan and associated traffic generation may impact the City of Chesterfield.

Staff Report

For informational purposes, Mr. Geisel gave a PowerPoint presentation on the planned zoning and resultant traffic generation for the future development of the Howard Bend valley area. This information is incorporated into the City of Maryland Heights' Comprehensive Plan.

The City of Maryland Heights expects 28-33 million additional square feet of development in Howard Bend. The total trip generation from such a build-out is 180,000-338,000 additional trips per day.

The City of Maryland Heights is currently under contract to extend the Maryland Heights Expressway to Chesterfield's southern boundary. From that point to Highway 141, Chesterfield, St. Louis County, and Maryland Heights are working to get the extension to Olive made, which would be the northward prolongation of Highway 141.

The Baxter Road extension, which is on Chesterfield's Comprehensive Plan, comes over Baxter Road, parallels the railroad tracks, and would connect into the Maryland Heights Expressway. The City of Chesterfield, St. Louis County, and the City of Maryland Heights partnered to complete a feasibility study for this roadway in 2005 which indicated that it would be expected to carry 40,000 cars per day or more. Maryland Heights has identified this roadway as a mid-term required improvement.

The City of Maryland Heights is also planning for a northward extension of River Valley Drive, a four lane parkway which would run generally parallel to the Maryland Heights Expressway, extending to Riverport. The planned improvements also show interchange improvements at River Valley Drive and Page Avenue, Missouri Route 364.

Existing traffic volumes show:

- On 364 – 46,000 vehicles per day
- At 141 and Olive – 21,000 vehicles per day
- On Page – 60,000 vehicles per day

Assuming the Maryland Heights Expressway connection to Missouri Route 141, with full build-out of Maryland Heights' land use plan and no infrastructure improvements, there is an expectation of 55,000 cars per day on 141.

Maryland Heights is showing the following required improvements to facilitate their development:

- Connect Expressway to Waterworks Road – *This is currently in progress.*
- Extend Expressway to Olive Blvd. – *This is the 141 connection.*
- Improve MO 141 between Olive and I-64 – *This is a high-priority State improvement – but not funded.*
- River Valley Extension – *They are currently in the process of designing a parkway with River Valley Extension going north all the way up to Riverport where they are showing I-70 Interchange modifications that will parallel the Expressway because the Expressway is not sufficient to carry enough traffic. If River Valley is extended northward, the existing River Valley will see a lot more traffic.*
- Baxter Road Extension – *Maryland Heights considers this a mid-term improvement.*

General discussion followed regarding the River Valley Extension and the Baxter Road Extension.

IV. ADJOURNMENT

The meeting adjourned at 7:43 p.m.