

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, March 6, 2014

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 6, 2014 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Derek Grier** (Ward II), and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Councilmember Nancy Greenwood (Ward I); Councilmember Bruce DeGroot (Ward IV); Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Aimee Nassif, Planning & Development Services Director; Jessica Henry, Project Planner; and Kathy Juergens, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 6, 2014 Committee Meeting Summary.

Councilmember Grier made a motion to approve the Meeting Summary of February 6, 2014. The motion was seconded by Councilmember Flachsbart and passed by a voice vote of 4-0.

II. OLD BUSINESS

None.

III. NEW BUSINESS

- A. P.Z. 22-2013 Beckmann Properties (16625 & 16635 Old Chesterfield Rd):
A request for an amendment to City of Chesterfield Ordinance 2295 to add "Gymnasium" as a permitted use within an existing "PI" Planned Industrial District (LPA) for a 1.95 acre tract of land located at 16625 and 16635 Old Chesterfield Road. (17T310379)

PRESENTATION

Chair Fults stated the property owner has submitted a request for an ordinance amendment to add “gymnasium” as a permitted use within an existing “PI” district. Based upon the outcome of the February 10 public hearing, Staff was directed by the Planning Commission to prepare Attachment “A” with the following restrictions incorporated:

1. The requested “gymnasium” use shall only be permitted in conjunction with the buildings which were in existence at the time of passage of this ordinance.
2. The hours of operation for all uses shall be restricted from 6:00 a.m. to 10:00 p.m.
3. The total floor area for the requested “gymnasium” use shall not exceed 6,000 square feet.

Because the property owner, Mr. Gene Beckmann, has been approached by several prospective tenants requesting this use for the building, he is asking that this use be included in a “PI” district.

DISCUSSION

Planning Commission Chair, Mike Watson clarified that the Planning Commission restricted the hours of operation for that type of use and that a *gymnasium* was restricted to the existing buildings only. If the existing buildings are demolished, then the gymnasium use would no longer be permitted. Ms. Aimee Nassif, Planning and Development Services Director stated the Landmark Preservation group is very supportive of the request.

Councilmember Hurt commended Mr. Beckmann’s efforts to preserve the historic nature of that area and supports Mr. Beckmann’s request.

Councilmember Hurt asked Mr. Beckmann how long of a lease would normally be signed for this type of use. Mr. Beckmann stated they had four applicants that were interested in the property for a gymnasium use. However, the most recent applicant has lost interest so they do not currently have a client but the length of the lease would normally be three to five years.

Councilmember Hurt made a motion to forward P.Z. 22-2013 Beckmann Properties (16625 & 16635 Old Chesterfield Rd) to City Council with a recommendation to approve. The motion was seconded by Councilmember Flachsbart.

Discussion on Motion

Chair Fults asked for clarification on what types of businesses would not be allowed within a “PI” zoning. Miss Nassif stated that any outdoor warehousing, chemical plants, manufacturing facilities or large retail such as Wal-Mart. There are several other uses allowed such as small retail, small commercial, sit-down restaurants, service facilities, offices, indoor warehousing and sales studios. Mr. Mike Geisel, Director of Public

Services pointed out the difficulty with that site is that there is a lot of building square footage but parking is limited.

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

Note: One Bill, as recommended by the Planning Commission, will be needed for the March 17, 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. 22-2013 Beckmann Properties (16625 & 16635 Old Chesterfield Rd).]

At the request of Councilmember Nancy Greenwood, Chair Fults moved to item III.D on the agenda.

D. Street Tree Management Plan.

STAFF PRESENTATION

Mr. Geisel referred to his detailed memorandum in the packet. The first part of the memorandum gives an update of the program since 2007. The region experienced a major ice storm in 2007 that resulted in significant damage to the trees in the City. This ice storm resulted in a FEMA disaster declaration and required weeks of cleanup and debris removal by the City's maintenance crews. After that, a street tree inventory was conducted. The trees were inventoried and identified, and health classifications were performed on all the City's right-of-way trees. We have "caught up" with the damage from this ice storm and all "priority one" hazard trees have been removed. The City has also "caught up" in removing the overwhelming dominance of Green Ash trees that are susceptible to the Ash Borer. From the period of 2007 to 2012, the City removed 600 trees per year. We have since caught up and tree removals were down more than 40% in 2013 with approximately 370 trees being removed last year. Staff continuously updates the tree inventory as far as tree identification and location, but at some point, the City will need to globally go through and reassess their condition.

The official City policy states that we remove dead, dying or diseased trees. Over the last few years, we have discussed Sweetgum trees on multiple occasions. The City Council had previously provided general direction to remove them when requested by residents regardless of condition. There are only 2,000 Sweetgums throughout the whole City and only a total of 50 have been removed since 2007, 14 of which were in the Greenfield subdivision. Over the last year some concern has been expressed that healthy Sweetgums should not be removed, or at least limited, because of how it may impact the character of the neighborhood. In 2013, the Department of Public Services implemented an internal policy whereby healthy Sweetgum trees would only be authorized for removal if the resident agreed to participate in the street tree replacement program. At least that way, we would have a replacement tree. Early last spring, at the resident's request, we removed four out of five Sweetgum trees on one corner lot. Two of those trees were generally problematic for the owner, and the other two were problematic to the City due to their proximity to the intersection. Someone else in the neighborhood objected because of the number of trees

that were removed and the proximity to other tree removals that had been completed in the near past. They felt that the tree removals were excessive and it was changing the appearance of the neighborhood.

While it is clear that the overall street tree maintenance strategy is well received and effective, Staff seeks clarity as to Council's directive relative to the removal of Sweetgum trees as a public nuisance.

DISCUSSION

Of the Sweetgum trees removed, Chair Fults asked what percentage of residents participated in the street tree replacement program. Mr. Geisel stated the street tree replacement program was only implemented two years ago and participation has been disappointing. Participation rates are probably 25% to 30%. Chair Fults expressed her disappointment because she felt it was a great program and the trees are of high quality. In response to a question from Chair Fults, Mr. Geisel confirmed that the only trees being removed are dead, dying or diseased, or nuisance trees like the Sweetgum at the resident's request and only *if* they agree to participate in the street tree replacement program. Of the total 2,000 Sweetgum trees in the City, only 50 have been removed overall. Fourteen of them have been in the Greenfield Village subdivision at the residents' request. Staff currently has eight more requests for Sweetgum tree removals.

Councilmember Flachsbart stated that Sweetgum trees are an absolute hazard to the safety of our citizens. He has received numerous complaints of people twisting their ankles and being hurt because of Sweetgum balls all over the place. He would encourage the City to remove as many Sweetgum trees as possible.

Councilmember Nancy Greenwood asked what is considered a *nuisance* tree besides Sweetgum trees. Mr. Geisel stated the City does not have any other nuisance trees as a general rule. There are some isolated problems. Occasionally there is a fruit-bearing tree or a tree that has been placed without proper approval. But as a general species, the City does not have any other nuisance trees. There are existing trees that are not on our current street tree list but they are not a nuisance other than they are not the most ideal tree.

Since street trees are in City right-of-way, Councilmember Hurt questioned why approval for removal of a Sweetgum tree is required from the homeowner. Mr. Geisel indicated that while legally, permission is not required and final decisions are strictly the City's to make, Staff works with residents because they are most impacted by any tree maintenance. Under the City's Ordinances, the residents are responsible for the routine care and maintenance of the parkway in front of their house.

Regarding the incident described of four trees being removed from one lot, Councilmember Hurt asked if the person objecting to the removal was a resident or trustee. Mr. Geisel stated they were both a resident and a trustee. Councilmember Hurt stated he thinks the trustee's input is valuable. In this incidence, Mr. Geisel stated the trustees did not oppose the removal of Sweetgums and the Greenfield Village subdivision actually funds the street tree replacements through the City's program. This situation caused some concern simply due to

the number of trees on one lot and the proximity to a lot where removals had previously been completed.

Greenfield Village Trustee, Steve Bollinger stated that another four Sweetgum trees directly across the street were removed approximately six months earlier. Councilmember Fults asked Mr. Bollinger if the trustees were against the removal and he stated they were not against the removal. They were just concerned that all the trees would be removed at one time and not be replaced. Mr. Geisel said the removal of the Sweetgums across the street was done before implementation of the internal policy of requiring replacement trees so that is why the trees were never replaced. However, the four that were just recently removed will be replaced. Mr. Bollinger stated the trustees feel very strongly about making the neighborhood look good. In fact, the trustees fund the \$100 fee for the street replacement program. They are in favor of the program. Most of the residents would like to see the Sweetgums removed but they express concern when a lot are being removed at one time.

Councilmember Hurt stated that based on the discussion, he concurs with the internal policy and does not feel the policy is the problem. He would recommend, in addition, that the subdivision trustees should also be informed when Sweetgum trees are going to be removed and while the final decision remains with the City Staff, the trustees may be able to provide additional information helpful in making a determination. When a healthy tree is being removed, Chair Fults stated that she feels it must be replaced. Councilmember Greenwood concurred with these recommendations. It was agreed the policy should be updated to: 1) advise trustees when an otherwise healthy tree is to be removed; and 2) require tree replacement when a healthy tree is removed at a resident's request.

Mr. Geisel stated that he has temporarily suspended the removal of Sweetgum trees until he receives feedback from the Committee. Based upon the direction provided, he will now restart the program and initiate a policy update. Once the policy has been updated, Staff will bring it back to Committee for a recommendation for approval by the full City Council.

Councilmember DeGroot asked how much it costs to remove a tree. Mr. Geisel said that it depends upon the size of the tree and the location of adjacent utilities or structures. On average, a typical tree removal would range from \$800 to \$1200 and confirmed that it would be the City's responsibility to bear the cost.

Councilmember Flachsbart pointed out that there are Sweetgum trees on private property that cause just as much safety hazards when they are near sidewalks. He encouraged the City to continue stressing that Sweetgum trees are not an acceptable tree for planting in the City. Mr. Geisel stated that the City cannot control what trees are planted on private property; however, Sweetgums are not an acceptable landscape species used for development purposes. Ms. Nassif pointed out that Sweetgums have been removed from the street tree list and are no longer allowed to be planted by developers of new subdivisions.

Councilmember Grier asked Mr. Geisel how this might have been handled differently if the trustees had been notified. Mr. Geisel stated he would have only removed two of the trees at this time and would have removed the other two next year, and possibly may have agreed to replace a couple of trees that were removed across the street.

Councilmember DeGroot asked if the City is planning on removing all 2,000 Sweetgum trees. Mr. Geisel stated no, they will only be removed at the resident's request and only if the resident agrees to participate in the street replacement program.

Councilmember Grier asked if ultimate authority rests with the Public Works Department to make the decision to remove a Sweetgum tree, even if the trustees disagree with the assessment. Mr. Geisel confirmed this was true.

B. Clayton Road Maintenance Agreement.

STAFF PRESENTATION

Mr. Mike Geisel, Director of Public Services, stated in conjunction with the Missouri Department of Transportation's (MoDOT) improvements to Clayton Road in 2006, MoDOT and the cities of Chesterfield and Ballwin cooperated to incorporate sidewalks and landscaped medians into the project. Non-transferable maintenance agreements were executed which defined the maintenance responsibilities for these non-standard improvements within the State's right of way. Each City agreed to share the perpetual maintenance responsibilities for the enhancements to the MoDOT roadway. MoDOT has subsequently transferred the maintenance responsibilities for this section of Clayton Road to St. Louis County. Accordingly, St. Louis County has initiated replacement maintenance agreements with the cities of Ballwin and Chesterfield for the improvements in their acquired Clayton Road right of way.

City Attorney, Rob Heggie, has reviewed and approved the proposed agreement and has added a 20 year time limit so the agreement could be reviewed after 20 years.

Councilmember Flachsbart made a motion to forward the replacement maintenance agreement for maintenance of the sidewalks and landscaped medians along Clayton Road within the City of Chesterfield 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 March 17, 2014, City Council Meeting. See Bill #

[Please see the attached report prepared by Mike Geisel, Director of Public Services, for additional information on the Clayton Road Maintenance Agreement.]

C. Parking Restriction on Premium Way and Outlet Boulevard.

STAFF PRESENTATION

Mr. Mike Geisel, Director of Public Services, stated that the St. Louis Premium Outlets' development necessitated the construction of two public streets, Premium Way and Outlet Boulevard. These streets connect Olive Street Road to the parking areas for the St. Louis Premium Outlets. Premium Way and Outlet Boulevard were never designed to accommodate parking. Accordingly, Schedule IX of the City's Model Traffic Ordinance needs to be revised to include this parking restriction.

Councilmember Hurt made a motion to forward the parking restriction on Premium Way and Outlet Boulevard to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier.

Chair Fults asked how this will be enforced. Mr. Geisel said that signs would be posted.

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

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the March 17, 2014, City Council Meeting. See Bill #

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on the parking restriction on Premium Way and Outlet Boulevard.]

IV. PROJECT UPDATES

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

Ward 1: Project Update

- Monsanto Campus parking structure is under construction. Pre-application meeting for a new greenhouse and office building was held on January 7. Plans have not been submitted yet.
- Summit at Chesterfield (aka Briarcliffe Villas) – change of zoning to PUD. Public hearing held on February 24, 2014. Briarcliff Villas was zoned PEU for 82 attached villas. A new developer wishes to build detached villas. The streets will now become public instead of private.
- St Luke's – issues meeting with the Planning Commission held on February 24. St. Luke's is currently governed by two separate Ordinances. Their "MU" Medical Use ordinance covers a portion of Parcel A and a portion of Parcel D across the road. They wish to create one Ordinance for their property on the west side of Woods Mill Road and one Ordinance governing their property on the east side of Woods Mill Road. The Petitioner was requesting that Parcel C also be rezoned to the "MU" District, but has since withdrawn that request. Parcel C

is currently zoned “Residential.” Additional discussion was held regarding the amount of square footage being requested for the buildings, the height of the buildings and berming.

Ward 2: Project Update

- Mercy Health Systems – Concept Plan has been approved; however, the first Section Plan for the Virtual Care Center is still under review by Staff with an anticipated review by the Planning Commission in April.

Ward 4: Project Update

- Wilmas Farms - PUD request for a single family residential development of 48 lots on approximately 50 acres off of Wild Horse Creek Road. Vote meeting with Planning Commission on March 10, 2014. The proposed plan includes a one-acre pocket park, a garden, some meandering trails throughout the development, a dedicated green space, preservation area, most landscape buffers are outside of developable lots, and landscape berms along Wild Horse Creek Road. There is one emergency gated entrance on Wild Horse Creek Road; full access is off Deep Forest Drive. The internal street design includes a loop street.
- Chesterfield Blue Valley – 79,000 square foot retail addition to existing outlet mall and additional parking. Still under review by Staff with Planning Commission review possibly in April.
- Boone’s Crossing NE Interchange – Ordinance amendment request to change setbacks to accommodate two buildings instead of just one building. Asking for a curb cut off the Outer Road, which is an issue with Staff. Public hearing was held on February 24, 2014.

City of Chesterfield

- Unified Development Code. This project was started over 15 years ago and is now complete. This does not change any requirements or any standards. It only incorporates all the Ordinance amendments that City Council has approved over the past 15 years. It removes the redundant language and it now includes some charts to improve readability. There are several changes that need to be incorporated but the first step is to approve the Code as a whole before any changes are made.

Mr. Geisel also updated the Committee regarding the replacement of the bridge over Chesterfield Parkway. It will be closed starting April 1 and will reopen on July 31. The bridge will be demolished the weekend of April 4-6 and that section of Highway 40 will be closed. The westbound Chesterfield Airport Road ramp over Highway 40 at the Daniel Boone Bridge is also being replaced. MoDOT will be demolishing that bridge the same weekend so the Highway will not be closed two weekends.

V. OTHER **None.**

VI. ADJOURNMENT **The meeting adjourned at 6:29 p.m.**