

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services  
James Eckrich, Director of Public Works/City Engineer

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, February 22, 2018



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 22, 2018 in Conference Room 101.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Dan Hurt** (Ward III), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Mayor Bob Nation; Mike Geisel, City Administrator; Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Tom McCarthy, Director of Parks, Recreation & Arts; Justin Wyse, Director of Planning & Development Services; Jessica Henry, Senior Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:45 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the January 18, 2018 Committee Meeting Summary

Councilmember Ohley made a motion to approve the Meeting Summary of January 18, 2018. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.

## II. UNFINISHED BUSINESS – None

## III. NEW BUSINESS

### A. Chesterfield Village/Chesterfield Mall Report (Ward 2)

#### STAFF REPORT

Justin Wyse, Director of Planning & Development Services, provided a brief overview of the report and stated that the report was prepared by the Planning Staff with input from other City Departments. The report begins with Louis Sachs' original vision as presented to St. Louis County. The report details milestones on how the area has developed over the years, includes the current zoning history, and future considerations for redevelopment of the mall area.

Councilmember Flachsbart inquired as to whether anyone from outside of the City was contacted during the preparation of the report. Mr. Wyse replied that it was solely compiled by

internal sources. Mike Geisel, City Administrator, stated that he, the Mayor and some of the Executive Staff have met with attorney Mike Doster, Sachs Properties, the mall management and developers and those conversations are independent of the report. The report is a factual history and depicts concerns and issues that need to be identified in the redevelopment of the mall.

Jessica Henry, Senior Planner, then gave a PowerPoint presentation depicting the following:

What is Chesterfield Village – The Chesterfield Village area is 1500 acres that is generally split into four quadrants with Chesterfield Parkway serving as the ring that binds them. The four quadrants are as follows:

**Southeast quadrant** – Mercy Health Systems is developing their campus at this location. Their Virtual Care Center will be located here with plans to develop the rest of the quadrant.

**Northeast quadrant** – This quadrant is known as the Herman Stemme development. It is essentially built out with MiTek being the most recently completed building.

**Northwest quadrant** – This quadrant is known as Hilltown Village. Most of the properties have been built out in this quadrant and include Monsanto, City Hall, the Doubletree Hotel, and RGA. The property across the street from RGA is still vacant.

**Southwest quadrant** – This is the largest quadrant with four main areas:

1. Downtown Chesterfield – Consists of 98 acres that are zoned Planned Commercial & Residential District. This area is intended to have an urban form unlike any that currently exists in Chesterfield. Given the geographical separation, ultimate development density is assigned by area. The amenities for this area are currently in place, but no one has presented a comprehensive development plan for this area.
2. Central Park Condominiums – In 2002, the City approved a final development plan for two 12-story condominium buildings comprised of 71 units in each building. However, no one has come forward to develop the land.
3. Central Park Square – This consists of 16 acres which is partially built out. This area is considered a connection between the surrounding sites.
4. Chesterfield Mall – The mall opened in 1976 and is comprised of more than 1 million square feet of retail space with three anchor tenants.

What is the future of Chesterfield Mall – As redevelopment proposals are submitted, it is critical that the City be aware of the significant challenges to redevelopment and their impact on the City and surrounding areas. These challenges are listed below:

- Mall Utility Infrastructure
- Roads and Signals
- Traffic
- City Facilities

- Multimodal Connectivity
- Demographic Impacts
- Financing/Incentives
- City Revenues and Expenses
- Zoning Implications
- Chesterfield Village Inc. Parks Donation Agreement

## **DISCUSSION**

### **Land Ownership**

Councilmember Flachsbart inquired as to the land ownership of the mall area itself and specifically as to how many parcels the mall owns that can be treated separately. Mr. Geisel replied that each of the three major tenants own their ground, buildings and parking area. The mall is the connective tissue. Mr. Geisel also pointed out that zoning lines do not have to follow property lines. After further discussion related to ownership boundaries, the Committee asked Staff to prepare a color-coded exhibit that depicts ownership of the mall areas.

### **Deed Restrictions.**

In response to Councilmember Flachsbart's request for the deed restrictions, Mike Doster, Doster Ullom & Boyle, stated the deed restrictions are available. They are very complicated, but with his client's permission, he offered to provide the summary to the City. Mr. Wyse stated he believes there may be side agreements between the anchor stores that are not on record.

### **Downtown Chesterfield Boundaries**

The Committee discussed the nature of the original boundary and how it has evolved over the years. Councilmember Flachsbart stated he would like to see the current boundaries to see exactly what Sachs Properties owns today.

### **Future of the Mall**

Mr. Geisel stated that the mall manager believes they will be requesting bids for the property by the end of February. He anticipates there will be a 60-day window to receive bids and 90 days to evaluate the bids. C-III Capital Partners is actively pursuing the offering and sale of the property on behalf of the bank owning the property. In response to Planning Commission Chair Hansen's question related to dividing the property up to sell, Mr. Geisel stated that he does not believe the mall intends to divide the property as they want to sell the property in its entirety. Mr. Doster stated that it is highly unlikely that the mall would be redeveloped piecemeal.

Mr. Wyse stated that when a proposal is submitted for review, the City will look to see how it will fit on that site, how it will fit into the overall area, and how it will impact the surrounding area.

No action was taken at this time.

### **B. Replacement Construction and Maintenance Escrows for Arbors at Kehrs Mill Subdivision, Plat 1 (Ward 4)**

### **C. Replacement Construction and Maintenance Escrows for Arbors at Kehrs Mill Subdivision, Plat 2 (Ward 4)**

## **STAFF REPORT**

Jessica Henry, Senior Planner, stated that the development was approved in 2015 and construction began later that year. As required with the Record Plat, the developer submitted escrows for the construction and maintenance of the required improvements for the subdivision. The land developer has since completed their work and the lots have been purchased by home builders. The home builders would now like to take over the remaining escrow obligations and have submitted replacement escrows. Normally these types of agreements would go along with the Record Plat; however, in this case, they are not re-platting but simply replacing the agreement portion. The Unified Development Code specifically requires that these types of agreements be approved by City Council.

**Councilmember Flachsbart made a motion to forward Replacement Construction and Maintenance Escrows for the Arbors at Kehrs Mill Subdivision, Plats 1 and 2, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Ohley and **passed** by a voice vote of 4-0.

**Note: Two Bills, as recommended by the Planning & Public Works Committee, will be needed for the March 5, 2018 City Council Meeting.  
See Bills #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on Replacement Construction and Maintenance Escrows for the Arbors at Kehrs Mill Subdivision Plats 1 and 2.]**

#### **D. Riparian Trail Grant-Transportation Alternative Program**

##### **STAFF REPORT**

Jim Eckrich, Director of Public Works/City Engineer, gave a PowerPoint presentation depicting the following:

Phase I of the Riparian Trail – The Trail is a half-mile crushed stone and boardwalk trail meandering through the woods along Chesterfield Creek near Central Park. It was constructed by the City in 2011 using grant funding.

Riparian Trail Extension- The City has planned for some time to extend the Riparian Trail to the Levee Trail and this extension is included in the Chesterfield Bikeable Walkable Plan that was approved in 2010.

Impact of the Baxter Road Project – In 2016, St. Louis County resurfaced Baxter Road from Clarkson to Wild Horse Creek Road. At that time, the County planned to reduce traffic lanes from five to three to accommodate two dedicated bike lanes. City Staff and Officials questioned this decision and objected partially due to lack of public input. Ultimately a compromise was made whereby Baxter Road would remain five lanes, but the City would pursue the extension of the Trail from August Hill to Wild Horse Creek Road.

Funding for Riparian Trail Extension – The City applied for a Transportation Alternative Program (TAP) grant to fund the Trail extension from August Hill to Old Chesterfield Road. The project is estimated to cost \$1.54 million, however it may differ once the design phase is completed. The City received the maximum grant funding allowed, \$1 million. The remainder of the funding will be paid for by the Chesterfield Valley Transportation Development District (TDD) because the

Trail will ultimately be connected to the Levee Trail. Therefore, there will be no net cost to the City.

Land Acquisition – The City acquired 13.2 acres of land from Chesterfield Village, Inc (CVI) in 2010 for the construction of Phase I of the Trail, as well as construction of the August Hill Drive/Lydia Hill Drive connector. In return for the land, CVI received "credits" for open space, tree canopy, and floor area ratio that they can use when developing other properties in Chesterfield Village. The Trail extension will be located on property that is currently owned by CVI. Acquiring the property will necessitate an amendment to the current Agreement. It was noted that the amendment is not final as the details are still being negotiated.

Draft Amendment Summary – Under the amended Agreement, the City will acquire the following:

- Sixteen acres of park property adjacent to Chesterfield Creek for construction of the extension.
- One acre of park property adjacent to Veteran's Place Drive, which includes the Awakening,
- The Awakening sculpture.
- A portion of Chesterfield Ridge Center Drive, including the bridge, (currently a private roadway) which will be converted to public right of way.

CVI receives additional credits for open space, tree canopy, and floor area ratio to use when further developing Chesterfield Village.

Benefit to the City – The City will acquire property to construct the Trail extension. The Trail cannot be constructed without acquiring the property or an easement. The City will also acquire the one-acre property next to Veteran's Place Drive (used for Parks purposes) as well as the Awakening sculpture.

Benefit to CVI – Additional credits for open space, tree canopy, and floor area ratio that can be used when further developing Chesterfield Village. A portion of Chesterfield Ridge Center Drive, including the bridge, will be converted to public right of way. It was noted that the limits of the road transfer are still being negotiated and the City will NOT accept the bridge unless all current deficiencies are addressed.

Project Approval – The following steps need to be completed to approve the project:

- Recommend approval of the TAP grant and forward to City Council.
- Authorize the City Administrator to execute a contract with George Butler Associates as they have been chosen as the firm most qualified to perform design services. The scope and fee have been negotiated.
- Authorize a transfer of \$284,200 from the General Fund-Fund Reserves over the 40% Policy which will all be fully reimbursed by the TAP grant and the TDD. Money has to be authorized to physically spend before it can be reimbursed.
- CVI Agreement Amendment – the Agreement will be forwarded to City Council for approval at a later date once the amendment is finalized.

Timing – The City must allocate funds for engineering services by April 30, 2018 or funding for the project will be removed from the TAP grant. Staff is recommending that this go to City Council in March since there is typically only one Council meeting in late April.

Staff believes this is beneficial to the City as it will allow the City to proceed with the extension of the Trail at no cost to the City.

### **DISCUSSION**

In response to Chair Tilman's question regarding reimbursements from the TAP grant, Mr. Eckrich stated that the City will submit a request for reimbursement every two weeks from the time design work is started. Chair Tilman asked if the City could receive TAP funds even if the project was not constructed right away. Mr. Eckrich stated that this is correct, however, if the project is not constructed in accordance with the timeframe within the grant, the City could have to pay the money back.

Councilmember Ohley asked for proof of assurance that the TDD will reimburse the City for the remainder of the costs that are not covered by the TAP grant. Mr. Geisel stated that he has written confirmation from the TDD's legal counsel that the project is legal and eligible for reimbursement. The project is on the TDD list and scope of projects as the Levee Trail.

There was some discussion regarding the current condition of Chesterfield Ridge Center Drive and the properties it currently serves. Mr. Eckrich confirmed that the road currently meets City standards and that at some point in the future, it could be extended to serve future developments.

Councilmember Flachsbart stated that he likes the fact that the City will be able to complete the Riparian Trail as the trails are an important amenity for the residents. However, since the bridge is not up to City standards, he suggested that it be negotiated in the amendment to the Agreement that the City will take over the bridge maintenance WHEN another development starts utilizing it and AFTER all deficiencies have been brought up to City standards.

Councilmember Ohley questioned why the funds are being transferred from the General Fund-Fund Reserves account instead of from Parks. Mr. Eckrich stated that all City expenses are eligible through the General Fund-Fund Reserves account. In the past, this account has typically been used to finance projects outside the City's annual budget.

**Councilmember Flachsbart made a motion to forward to City Council with a recommendation to approve the following:**

- 1. To authorize the City Administrator to execute the Transportation Alternative Program grant for the Riparian Trail Extension,**
- 2. To authorize the City Administrator to execute a contract with George Butler Associates for engineering design services and construction engineering services in an amount not to exceed \$270,632 with total funding not to exceed \$284,200,**
- 3. To authorize the transfer of \$284,200 from General Fund-Fund Reserves over the 40% policy, and**
- 4. To stipulate in the amendment to the Chesterfield Valley Inc. Agreement that Chesterfield Ridge Center Drive and bridge may not be accepted by the City**

until future development occurs within the area and all deficiencies have been corrected.

The motion was seconded by Councilmember Hurt and passed by a voice vote of 3-1 with Councilmember Ohley voting no.

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the March 5, 2018 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Jim Eckrich, Director of Public Works/City Engineer, for additional information on Riparian Trail Grant-Transportation Alternative Program.]**

#### **IV. OTHER**

#### **V. ADJOURNMENT**

The meeting adjourned at 6:59 p.m.