**PLANNING COMMISSION**
**OF THE CITY OF CHESTERFIELD**
**AT CHESTERFIELD CITY HALL**
**NOVEMBER 24, 2014**

The meeting was called to order at 7:03 p.m.

## I. ROLL CALL

| PRESENT | ABSENT |
|---|---|
| Ms. Wendy Geckeler | |
| Ms. Merrell Hansen | |
| Ms. Fay Heidtbrink | |
| Ms. Laura Lueking | |
| Ms. Debbie Midgley | |
| Ms. Amy Nolan | |
| Mr. Stanley Proctor | |
| Mr. Steven Wuennenberg | |
| Chair Michael Watson | |

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
City Attorney Rob Heggie
Ms. Aimee Nassif, Planning & Development Services Director
Mr. James Eckrich, Director of Public Works/City Engineer
Mr. John Boyer, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Mary Ann Madden, Recording Secretary

## II. PLEDGE OF ALLEGIANCE

## III. SILENT PRAYER

Chair Watson acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; and Councilmember Connie Fults, Ward IV.

**IV. PUBLIC HEARINGS –** Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

**A.** **P.Z. 15-2014 City of Chesterfield (Floodplain Updates)**: An ordinance repealing Ordinance 2284 as embodied in Chapter 14, Flood Damage Prevention, of the City Code and Article 05 of the City of Chesterfield Unified Development Code and replacing it with a new Article 05 of the City of Chesterfield Unified Development Code and repealing and amending the following: Article 02-05, Article 02-18.C, Article 03-02, Article 03-05, Article 03-08, Article 07-05.D, Article 07-06, Article 09-03.B and Article 10-12 related to the same.

**STAFF PRESENTATION:**

Senior Planner John Boyer stated that FEMA has completed necessary updates to the Flood Insurance Rate Maps, which will become active February 4, 2015. With these map updates, FEMA has mandated several Code updates pertaining to flood damage prevention which the City must adopt in order to remain compliant with FEMA regulations. As a result, the City must update Article 05 of the Unified Development Code (UDC) to approve the new Flood Insurance Rate Maps. Staff is also proposing additional amendments to the UDC to bring everything up-to-date. Mr. Boyer then summarized the proposed updates and amendments as follows:

Article 05 Flood Damage Prevention:
Updated to regulate all properties affected by flood plain and includes all changes approved by FEMA, including the new Flood Insurance Rate Maps.

Amendments 1, 2 & 3:
These flood plain-related regulations are currently located in *Section 02.08.C Variances, Section 07-05.D Restoration, and Section 07-06 Reconstruction in "FP" Flood Plain Overlay District* of the UDC and will be relocated to Article 05 to comply with FEMA's directive that all flood plain related regulations be located within one article.

Amendment 4:
*Section 09-03.B Permit and Inspection Fees* will be removed completely from the UDC as it pertains to a process no longer performed by the City regarding certification of flood plain.

Amendment 5:
While there are a number of properties with the Flood Plain Overlay District designation, it is no longer considered an active zoning district. This amendment would relocate the *"FP" Flood Plain Overlay District* to the inactive Zoning Districts and would include small additions to *Section 02-05 "FP" Flood Plain Overlay District Use and Development*, which will reference the new Article 05 to assist in regulating flood prone areas.

Amendment 6:
*Section 10-12 Flood Plain Development and Flood Plain Damage Prevention* definitions are being relocated to the new Article 05.

Amendment 7:
This amendment pertains to *Section 03-02 Establishment of Districts* and moves the *"FP" Flood Plain Overlay District* into the inactive Zoning District.

Amendment 8:
This amendment pertains to *Section 03-05 Overlay Districts and Zoning Procedures* and removes the *"FP" Flood Plain Overlay District* from the UDC.

Amendment 9:
This amendment pertains to *Section 03-08 Use Table for Overlays and Special Procedures* and will be updated to reflect *FP Districts* as inactive.

**DISCUSSION**

Commissioner Lueking asked for clarification about Section 02-04.D. pertaining to *Floodplain and Floodway Map* being removed. Mr. Boyer explained this information is now included in the updated Article 05 and is also included in the Flood Insurance Rate Maps. Ms. Nassif added that this information is not being removed from the Comp Plan or Land Use Map.

**A. P.Z. 16-2014 City of Chesterfield (Urban Core Updates):** An ordinance amending Article 3 Section 03-04.H of the Unified Development Code to amend development criteria and standards to encourage pedestrian connectivity and access within the Urban Core District.

Ms. Nassif informed the Commission that Ms. Henry recently passed the national American Institute of Certified Planners exam, which is equivalent to a license in the City Planning profession. Chair Watson congratulated Ms. Henry and the Commission and audience acknowledged her accomplishment through applause.

**STAFF PRESENTATION:**

Project Planner Jessica Henry stated this project was initiated by the Planning & Public Works Committee. It has been determined that amending the Urban Core District regulations within the UDC would provide the greatest impact for encouraging pedestrian connectivity and access within the Urban Core, as the Urban Core area of the City is comprised of over 117 acres. Ms. Henry noted that the proposed amendments would not have an immediate, direct impact on the existing downtown developments due to existing zoning entitlements included in the governing ordinances for the site, but it is anticipated it will have a significant future impact. The incorporation of these amendments will serve as a first step in realizing the City's vision for increased walkability and pedestrian access as set forth in the Comprehensive Plan and City Code.

Ms. Henry then presented the proposed amendments as follows (amendments shown in **bold)**:

Amendment 1 – Purpose:
The "UC" District allows innovative designs, solves problems on difficult sites, meets market niches, **encourages pedestrian access and connectivity between developments,** and promotes well designed developments. The "UC" District regulations should have the following outcomes:

**b.) Promote pedestrian access, connectivity and facilities between sites, between developments and to public facilities through inclusion of a variety of site and building design features such as continuous pedestrian**

**walkways between buildings and from parking areas, trails, bicycle paths, covered walkways between buildings, widened sidewalks at the entrance to commercial and office structures, bicycle parking and continuous walkways through parking areas to buildings within the development.**

Amendment 2 – Minimum Standards of Design:

(4) Open Space. A minimum of 30% common open space is required. Open space should be integrated into the development to provide aesthetic, recreational, or other public benefit. **Covered pedestrian walkways and bridges may be counted towards the 30% common open space requirement.**

Amendment 3 – Site Design Features and Flexibility:

**(7) Promotion of pedestrian access and connectivity throughout the development as well as between sites and developments and to public and community facilities.**

Mr. Henry explained that the proposed amendments provide different methods the developer may use to meet the connectivity requirements. The common theme is the provision of active spaces to encourage people who utilize the buildings to engage in increased physical activity. Recently the American Planning Association teamed up with the CDC in a public effort to encourage healthier and more active lifestyles through smart and good design, which is in line with the proposed updates.

Ms. Henry pointed out that Amendment 2 allows covered walkways and bridges to be counted towards the 30% common open space requirement as they will provide opportunities for pedestrian movement, provide shelter from the elements, and enhance security by providing a well-lit, enclosed space from a building to the parking area.

There are several, recent large developments in Chesterfield currently utilizing these options – Monsanto (skywalk); RGA (connectivity between its two buildings and parking area); St. Luke's (proposed skywalk from the patient towers to the medical office building); and Mercy (innovative design to encourage active use).

**DISCUSSION**

Commissioner Geckeler asked if the covered walkways/bridges must be enclosed. Ms. Nassif replied that they do not need to be fully enclosed – the proposed language encourages creativity and different styles.

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

## V. APPROVAL OF MEETING SUMMARY

**Commissioner Wuennenberg made a motion to approve the Meeting Summary of the November 10, 2014 Planning Commission Meeting.** The motion was seconded by Commissioner Nolan and **passed by a voice vote of 7 to 0 with 2 abstentions from Commissioners Lueking and Midgley.**

## VI. PUBLIC COMMENT

### A. <u>P.Z. 11-2014 THF Chesterfield Development LLC (The Commons)</u>:

**Petitioners:**

1. <u>Mr. Phillip Keene</u>, Manager of Wal-Mart, 100 THF Blvd., Chesterfield, MO.

<u>Mr. Keene</u> stated they want to add language to the existing ordinance to increase the storage for Wal-Mart to accommodate overflow freight received throughout the year and clearance items.

2. <u>Mr. Keith Hazelwood</u>, Attorney for Wal-Mart, 200 North Third Street, St. Charles, MO.

<u>Mr. Hazelwood</u> stated he is the attorney for Wal-Mart involved with the ordinance violation presently pending in Municipal Court and is available for any questions with respect to that matter.

3. <u>Mr. Lance Mills</u>, Cedar Creek Consulting, 11700 South County Line Road, Oklahoma City, OK 73173

<u>Mr. Mills</u> presented the following Exhibit A showing the revised storage areas for Lowe's.

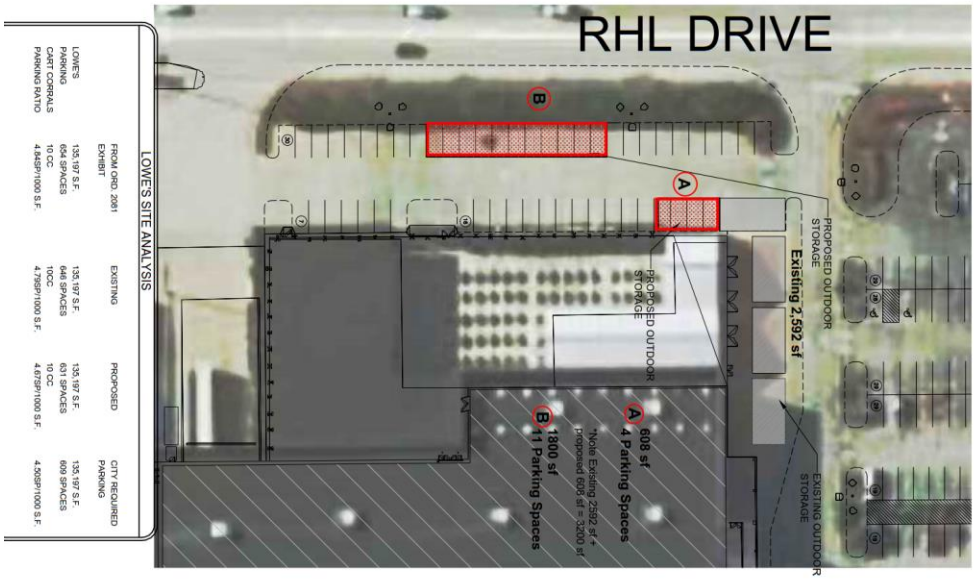


Exhibit "A"

He noted that a traffic analysis has been completed regarding Lowe's outdoor storage placement. As a result of this traffic analysis, they have (1) moved Storage Area B further south to allow more queuing room; (2) eliminated previously requested outdoor Storage Area C; and reduced outdoor Storage Area A. The traffic analysis shows there is approximately 105 feet of stacking room going south along the side of the building next to RHL Drive, which allows 5 cars before reaching the loading area.

<u>Chair Watson</u> requested that Mr. Mills provide a written report on the traffic analysis.

**DISCUSSION**

Commissioner Wuennenberg suggested that Storage Area B be moved next to Storage Area A along the building to keep pedestrians from walking across a potential traffic lane. Commissioner Nolan agreed with this suggestion and expressed her concern about traffic flow in this area, which could result in traffic back-up. Mr. Mills explained that store patrons would be driving up to Storage Area B to have their previously-purchased merchandise loaded into their vehicles in this area – they would not be walking to this area for purchasing items.

Mr. Mills stated that Storage Area A is an extension of the current storage located along the front of the store. The original ordinance allows 3,200 sq. ft. of outdoor storage and is tied to the exhibit attached to the ordinance. That exhibit only shows 2,592 sq. ft. of storage so Area A was extended to allow the 3,200 sq. ft. of storage permitted under the ordinance.

It was noted that closed containers would not be utilized in these storage areas and that there is a height restriction of 8 feet.

After further discussion and review, it was the Commission's consensus to have Storage Area B moved next to Storage Area A.

4. Mr. Matthew Minton, Lowe's Companies, Inc. 1605 Curtis Bridge Road, Wilkesboro, NC.

Mr. Minton stated they are amendable to moving Storage Area B next to Storage Area A.

**DISCUSSION**

Ms. Nassif then asked Mr. Minton for clarification on their request. She pointed out that the ordinance currently restricts the outdoor storage and sales area from March 15 thru Oct 15 and the petitioner is asking that it be allowed year-round so when the garden area is closed, there could still be outdoor storage. Mr. Minton confirmed this and stated that the outdoor storage could be seasonal merchandise – not just mulch.

Commissioner Lueking asked for a point of clarification in that the outdoor storage could be allowed but not the extended hours of operation. City Attorney Heggie confirmed this.

### B. P.Z. 09-2014 Bur Oaks (17751 Wild Horse Creek Road):

**Petitioners**

1. Mr. Tim Stock, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated he was available for questions.

2. Mr. George Stock, Stock and Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO stated he was available for questions.

## VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

## VIII. OLD BUSINESS

**A. <u>P.Z. 09-2014 Bur Oaks (17751 Wild Horse Creek Road)</u>**: A request for a zoning map amendment from an "NU" Non-Urban District to an "E-1/2AC" Estate District with a Wild Horse Creek Road Overlay District designation for 21.876 acres located on the north side of Wild Horse Creek Road west of its intersection of Long Road and east of its intersection with Savonne Court.

<u>Senior Planner John Boyer</u>, presenting for Jonathan Raiche, stated the Public Hearing for this petition was held on October 27, 2014 and is back on the agenda to discuss issues.

<u>Mr. Boyer</u> summarized the major changes to the proposal since the Public Hearing:

1. The request to modify the distance between structures has been removed; the applicant will meet the required 30-foot distance between structures. *The applicant is still requesting the side yard setback modification from 15 ft. to 8 ft.*
2. All landscape buffers have been taken out of private lots and are now all within the open space of the property.

Other updates have been received, which are still under review by Staff.

<u>Mr. Boyer</u> then reviewed the Issues brought up during the Public Hearing:

1. Modification to setbacks between structures – Applicant has withdrawn modification request.
2. Landscape buffers – Addressed by the Applicant by having all landscape buffers within the open space.
3. Lot sizes – Discussion was held during Public Hearing as to whether the minimum lot size of 15,000 sq. ft. is appropriate for the site. Staff is continuing to evaluate this issue and will provide more analysis in Staff's Vote Report.
4. Protection of Historic Features – The onsite structures have been evaluated for potential historic significance and the report from Jesse Francis, Faust Park Curator/Preservationist is included with the Staff Report.
5. Preservation Efforts for some of the onsite trees – The trees have been evaluated and a report on the findings is included with the Staff Report.

**DISCUSSION**

<u>Commissioner Lueking</u> stated she likes the new trail and lookout area overlooking the bluffs.

Several of the Commission members expressed appreciation to the applicant for listening to their concerns and incorporating their suggestions.

**B. <u>P.Z. 11-2014 THF Chesterfield Development LLC (The Commons)</u>**: A request for an ordinance amendment to Ordinance 2081 to modify development criteria and use restrictions for a 160.195 acre tract of land zoned "C-8" Planned Commercial District located between US Highway 40/Interstate 64 and Edison Avenue and East of RHL Drive.

Senior Planner John Boyer, presenting for Jonathan Raiche, summarized some of the changes to the proposal since the Public Hearing:

1. Wal-Mart is now part of the application.
2. A height limitation of 8 ft. for outdoor storage has been added.
3. An updated Parking Worksheet has been provided for Lowe's and Wal-Mart, which is still under Staff review.
4. The request for seasonal promotional hours has been removed. *Lowe's is still requesting hours of operation from 6:00 a.m. to 11:00 p.m.*
5. Reduced the amount of outdoor storage from 9,000 sq. ft. to 5,000 sq. ft.

Mr. Boyer noted that during discussion under the *Public Comment* portion of the meeting, the Commission requested that Storage Area B be moved next to Storage Area A. Chair Watson asked for clarification as to whether these two storage areas are considered separate uses. Ms. Nassif replied that the current ordinance denotes it as *outdoor storage/sales*.

Mr. Boyer explained that Wal-Mart currently has site violations related to temporary storage containers. They have been added to the application to update their ordinance in an effort to come into compliance. The Staenberg Group is aware of the application and is agreeable to having it move forward.

Wal-Mart's request includes proposed **year-round** external storage in the rear area of the site (2,500 sq. ft.) and proposed **temporary** (Oct 15-Jan 31) external storage in two areas on the east side of the tenant space (1,750 sq. ft. and 2,000 sq. ft.), which is currently being used outside of the ordinance authority. Photos were provided of the storage containers currently on Wal-Mart's site.

**DISCUSSION**

Chair Watson asked if Wal-Mart is asking for container storage vs. racking. Mr. Boyer confirmed this.

Commissioner Nolan asked if there is room on the site to add to the building for storage purposes. Ms. Nassif indicated that The Commons is built out to what the ordinance allowed at the time so any addition would require an amendment to setbacks; however, the applicant has not requested any addition at this time.

During discussion it was confirmed that there are ongoing site violations for outdoor storage for Wal-Mart. However, Wal-Mart has been working with Staff on options for abatement, including amendments to their ordinance.

Commissioner Lueking suggested covering the outdoor storage area where the concrete pillar is located so the stored items are not seen from the residences on the bluff above. Ms. Nassif explained that the garden center was approved by the Planning Commission in 2004 for outdoor sales and display – it was not approved for storage.

Chair Watson asked that Staff provide information on which retailers currently have immoveable storage containers on site in The Commons.

It was noted that there is some heavy landscaping along the eastern frontage to Chesterfield Commons Drive which screens the containers currently on site. Chair Watson asked for photos verifying that the landscaping does screen the containers.

Councilmember Hurt stated that the original intent of the ordinance did not include having storage containers dropped on the site.

Commissioner Midgley questioned why the proposed storage areas are on opposite ends of the building and whether they could all be moved to the west side.

Mr. Phillip Keene of Wal-Mart was asked back to the podium to respond. He explained that the storage on the west side of the building is behind the receiving area and is on the grocery side of the building. The storage on the east side of the building is for seasonal storage and currently there are 21 spaces taken up by the trailers on the road side. There would not be enough room on the west side of the building for all the requested storage and allow trucks through for deliveries.

Mr. Keene stated that the containers are used to securely store large items, bikes and some electronics – about 70% of the items for Black Friday. All the containers on the east side of the building will be removed during January and will not return until next October. Chair Watson asked if the timeframe for temporary storage could be reduced but Mr. Keene stated the time period of October-January is necessary.

Councilmember Hurt suggested seasonal screening be considered for the temporary storage areas. Mr. Keene indicated they are open to considering such screening and working with the City to address everyone's concerns.

**Issues** – Ms. Nassif summarized the issues as follows:

1. Inspect Chesterfield Commons to determine if there are other retailers currently utilizing outdoor containers.
2. The petitioner to consider screening options for storage areas on the east side of the building.
3. The petitioner to consider limiting the number of pallets and restricting the timeframe for storage.

**C. P.Z. 15-2014 City of Chesterfield (Floodplain Updates):** An ordinance repealing Ordinance 2284 as embodied in Chapter 14, Flood Damage Prevention, of the City Code and Article 05 of the City of Chesterfield Unified Development Code and replacing it with a new Article 05 of the City of Chesterfield Unified Development Code and repealing and amending the following: Article 02-05, Article 02-18.C, Article 03-02, Article 03-05, Article 03-08, Article 07-05.D, Article 07-06, Article 09-03.B and Article 10-12 related to the same.

**Commissioner Proctor made a motion to approve P.Z. 15-2014 City of Chesterfield (Floodplain Updates).** The motion was seconded by Commissioner Lueking and **passed by a voice vote of 9-0**.

**D.** **P.Z. 16-2014 City of Chesterfield (Urban Core Updates):** An ordinance amending Article 3 Section 03-04.H of the Unified Development Code to amend development criteria and standards to encourage pedestrian connectivity and access within the Urban Core District.

**Commissioner Geckeler made a motion to approve P.Z. 16-2014 City of Chesterfield (Urban Core Updates).** The motion was seconded by Commissioner Proctor and **passed by a voice vote of 9-0**.

## IX. NEW BUSINESS - None

## X. COMMITTEE REPORTS - None

## XI. ADJOURNMENT

The meeting adjourned at 8:25 p.m.

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Steve Wuennenberg, Secretary