

MEMORANDUM

TO: Michael G. Herring, City Administrator
FROM: Mike Geisel, Director of Public Services
SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, February 5, 2015



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 5, 2015 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Connie Fults** (Ward IV), and **Councilmember Elliot Grissom** (Ward II). Councilmember Nancy Greenwood (Ward I) was absent

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Aimee Nassif, Planning & Development Services Director; Jonathan Raiche, Senior Planner; Jeff Paskiewicz, Senior Civil Engineer; 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 January 8, 2015 Committee Meeting Summary.

Councilmember Grissom made a motion to approve the Meeting Summary of January 8, 2015. The motion was seconded by Councilmember Fults and passed by a voice vote of 3-0.

II. OLD BUSINESS

None.

III. NEW BUSINESS

A T.S.P. 45-2014 Sprint (14847 Ladue Bluffs Crossing): A request to obtain approval for a Telecommunications Siting Permit to accommodate three (3) new panel antennas for an existing monopole tower within the "NU" Non-Urban District of land located at the terminus of Ladue Bluffs Crossing Drive, approximately 900 feet northwest Olive Road.

STAFF REPORT

At the request of the petitioner, Aimee Nassif, Planning and Development Services Director, stated the petitioner has withdrawn the T.S.P. request.

Councilmember Fults made a motion to accept the withdrawal of T.S.P. 45-2014. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

It was agreed upon to change the agenda order and discuss Item III.C -Public Street Acceptances before Item III.B.

C. Public Street Acceptances

- Terra Vista Drive
- Terra Vista Court
- Pine Copse Path
- Oak Stand Path
- Oak Stand Court
- Maple Rise Path
- Willow Weald Path
- Park Circle Drive
- Main Circle Drive
- Outlet Boulevard
- Premium Way

Staff Report

Jeff Paskiewicz, Senior Civil Engineer, stated the streets within the following subdivisions have all been designed and constructed to meet the City's standards for acceptance as public streets: Terra Vista, Reserve at Chesterfield Village Plats 1, 2, and 3; Downtown Chesterfield Plat 1, and Blue Valley Plat 1.

In response to resident concerns regarding vehicle right of way at intersections, Staff performed an internal traffic study and determined that stop controls would clarify the through movement and eliminate the confusion as to which vehicle has the right of way. Therefore, the street acceptance for the Reserve at Chesterfield Village also includes an ordinance amending Ordinance 35 for the installation of stop signs at the following intersections:

- Pine Copse Path and Willow Weald Path
- Maple Rise Path and Pine Copse Path
- Oak Stand Path and Pine Copse Path
- Oak Stand Path, Oak Stand Court and Willow Weald Path

Councilmember Grissom made a motion to forward to City Council, with a recommendation to approve, public street acceptances for the following subdivisions: Terra Vista, Reserve at Chesterfield Village, Downtown Chesterfield, and Chesterfield Blue Valley. The motion was seconded by Councilmember Fults and **passed by a voice vote of 3-0.**

Councilmember Grissom made a motion to forward to City Council, with a recommendation to approve, the installation of stop signs within the Reserve of Chesterfield Village subdivision. The motion was seconded by Councilmember Fults and **passed by a voice vote of 3-0.**

[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on public street acceptances and stop sign installations for the following subdivisions: Terra Vista, Reserve at Chesterfield Village, Downtown Chesterfield, and Chesterfield Blue Valley.]

Note: Five Bills, as recommended by the Planning & Public Works Committee, will be needed for the February 18, 2015 City Council Meeting. See Bill #'s

- B. P.Z. 11-2014 THF Chesterfield Development LLC (The Commons):** 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 (17T140253, 17U340067, 17U330112, 17T130166, 17T110212, 17T140143, 17U320102, 17U340089, 17U340100, 17U340111, 17U340144, 17T140341, 17T130144, 17U340155, 17U330091, 17T130089, 17T140165, 17T130155, 17U340090, 17T130133, 17U330123, 17U330101, 17T140132, 17T130210, 17T140187, 17U340078, 17T130188, 17T140088, 17T140330, 17U330255, 17U330321, 17T120741, 17U330288, 17T140101).

STAFF REPORT

Senior Planner Jonathan Raiche presented the request for an ordinance amendment to modify development criteria and use restrictions within the Chesterfield Commons development. These amendments relate to the westernmost tenant (currently occupied by Lowe’s) and the easternmost tenant (currently occupied by Walmart). It was pointed out that any future tenants occupying these spaces would be permitted the same entitlements currently entitled to Lowe’s and Walmart.

A summary of the requested amendments is provided below:

	<u>Existing</u>	<u>Proposed</u>
Normal Retail Hours (Westernmost Tenant Only)	7 a.m. – 11 p.m.	6 a.m. – 11 p.m.
Outdoor Storage/Sales (Time) (Westernmost Tenant Only)	Restricted to 3/15 through 10/15	All year
Outdoor Storage/Sales (Area) (Westernmost Tenant Only)	3,200 sq. ft. located according to existing Exhibit A	Limited to areas on Revised Exhibit A, approximately 5,000 sq. ft., with a maximum height of 8 feet
Outdoor Storage/Sales (Area) (Westernmost Tenant Only)	Storage of plants, soil, mulch. Not in shipping containers.	Storage of any items. Not in shipping containers or on pallet racks.
Outdoor Storage (Seasonal) (Easternmost Tenant’s Garden Center)	Not Currently Permitted	October 15 – January 31. Limited to areas on Exhibit B, approximately 3,000 square feet. All sides must be screened.
Outdoor Storage (Permanent) (Behind Easternmost Tenant)	Not Currently Permitted	All Year. Limited to areas on Exhibit B, approximately 2,500 sq. ft.

Photos were presented showing the existing storage areas and proposed storage areas at both Lowe’s and Walmart.

Mr. Raiche then pointed out that at the January 26, 2015 Planning Commission meeting items discussed included the requirement for screening the proposed storage at the site currently occupied by Walmart and the permitted height of items in the proposed storage at the site currently occupied by Lowe’s. Walmart has proposed that the additional seasonal storage located inside the existing Garden Center will be screened by 12 foot high black powder-coated steel gates placed at the north end and south end (consistent with the existing fence) with a 95% opaque screening fabric.

DISCUSSION

Location Specific

Chair Hurt questioned how the amendments can be location specific rather than pertaining to the whole development. Staff explained that the City has the right to impose specific regulations on an individual space or a geographic area. The City also has the option of restricting a use category at a specific location.

Screening

It was noted there were no concerns with the proposed screening at either location.

Westernmost Tenant – Lowe's

Stacking Height

Mr. Raiche reported that OSHA regulations allow a stacking height in excess of 8 feet for certain kinds of materials properly tiered on pallets; however the proposed ordinance restricts the height to 8 feet with no pallet racks. OSHA allows masonry blocks to be stacked at a height of 6 feet; blocks stacked over 6 feet must be tapered back one-half block per tier above the 6-foot level.

Chair Hurt expressed his concern over the 8 foot stacking height and questioned how it will be regulated to prevent a safety issue.

Mike Geisel, Director of Public Services, explained that in the event of a violation, a letter would be sent and if the violation was not corrected within the specified time period, it would be turned over to Municipal Court. However, this can be a rather lengthy process and would not provide an immediate resolution. After further discussion, Chair Hurt suggested a height restriction of 5-6 feet.

Outdoor Storage

Ms. Nassif brought to the Committee's attention that the existing ordinance states *Storage of plants, soil, mulch. Not in shipping containers.* The proposed language states *Storage of any items. Not in shipping containers or on pallet racks.*

Councilmember Fults provided a brief history of the governing zoning ordinance and the residents' concern over the hours of operation, lighting, sidewalk sales, and outdoor storage. The resulting ordinance is a compromise and she is not in favor of changing the ordinance. She indicated she is particularly opposed to changing the hours of operation. With regard to outdoor storage at Lowe's, she wants to keep it as storage of plants, soil, and mulch and is agreeable to restricting the height to 5-6 feet. Ms. Nassif pointed out that Lowe's outdoor storage is currently restricted from March 15 through October 15 and the petitioner is requesting all year storage.

The Committee agreed they are not in favor of allowing storage of *any* item. They suggested that the petitioner provide information on the type of seasonal items they would like stored outside, along with what they consider a *seasonal* time period.

Lighting

Councilmember Fults expressed concern about temporary lighting, such as the use of spotlights during loading and unloading. Staff pointed out that any such lighting would be considered a violation of the approved Lighting Plan for the site. Chair Hurt suggested retractable overhead screening of the outdoor storage area. Mr. Geisel cautioned that such screening could have an

impact on the architecture and advised that the petitioner provide information on how it would be applied if such screening would be required.

Drive-thru lane

Chair Hurt explained his suggestion of implementing a one-way north-south loading zone on the western side of the building to alleviate pedestrian and traffic safety concerns.

PLANNING COMMISSION REPORT

Lowe's

Planning Commission Chair Mike Watson discussed the Planning Commission's concerns which included the following:

- 1) Fixed storage racks in the outdoor areas. *The petitioner advised the Commission that such racks would not be used outside.*
- 2) Stacking height of 8 feet. *The Commission had been assured that storage on pallets would not reach the 8-foot height.*
- 3) Pedestrian and traffic concerns related to the location of storage areas relative to parking lot drive aisles.

The Planning Commission had not discussed the March 15 to October 15 timeframe for Lowe's outdoor storage or the storage of *any* items.

Walmart

The Planning Commission's concerns included the following:

- 1) Compliance issues - The Commission's main concern related to compliance and how the City could be assured of future compliance considering Walmart's long history of site violations.
- 2) Screening of storage area - An additional concern was how Walmart would screen the south side storage area since this area can be seen by the residents on the bluff.
- 3) Height of materials stored - Concern about Walmart stacking items higher than the 12 foot gates.

With regard to compliance, Chair Hurt pointed out that a Planning Commission member recommended increasing the fines for any future violations.

PETITIONER COMMENTS

Lowe's

Mr. Matthew Minton, Design Engineer & Director Lowe's Corporate Office, addressed the concerns raised by the Committee:

- 1) Lighting - There are no proposed lighting changes.
- 2) Hours of operation – Lowe's business is not static. Their store operates differently today than it did five years ago and it will continue to evolve in the future. The proposed hours

of operation are being requested to match their competitor in the adjacent development. When Lowe's first came in, there was not a competitor located right next to them.

- 3) Storage – Since the first Planning Commission meeting, the requested storage area has been reduced and relocated against the garden center. With regard to possible storage items, Mr. Minton suggested including Christmas trees, landscape blocks, bricks, and featured displays during the garden center's off-season.
- 4) One-lane traffic proposal – They will address this option prior to the next Council meeting.
- 5) Height of Storage – They intend to follow OSHA regulations.

Councilmember Fults stated she understood Lowe's desire for equity with their competitor; however, within this development, nearby stores are cited for anything displayed outside their front door. She understands the need for an outdoor storage pickup area for customers to pick up soil, mulch, etc. But if the storage area is to be used for whatever Lowe's feels like selling that day, then she objects to all outdoor storage as the adjacent tenants are not allowed any outdoor storage.

Chair Hurt recommended that the Committee determine acceptable items for storage and then have Staff work with the Petitioner to determine any additional needs and whether year round outdoor storage is necessary.

Councilmember Fults further pointed out there were continual past violations with respect to stacking past the height restrictions within the screened storage areas, which is why they want a specific height restriction for the outdoor storage area. Mr. Minton stated that Lowe's has addressed the past violations and has now gone nearly five years without a single violation.

Walmart

Mr. Phil Keene, Walmart Store Manager, addressed the following concerns:

- 1) South Side Screening – Walmart has always planned to screen both sides of the lawn and garden lane. They are proposing to have two 12 foot high gates on the north side and two 12 foot high gates on the south side and the gates will be screened with 95% opaque screening.
- 2) Stacking – Mr. Keene did not think it would even be feasible to double stack trailers so any restrictive language against it is acceptable to Walmart.
- 3) Storage Area – This area will always be open as regular use during spring and summer months. However, during the winter months, the gates will be closed and the annual event trailers will be stored there leaving no room for any other type of storage. In response to Councilmember Fults' suggested language that "all storage must be in a storage container and no double stacking of those containers would be allowed", Mr. Keene concurred and stated that is exactly how it will be used. Ms. Nassif noted the current restriction states "outdoor storage in this particular area shall be permitted only in portable storage materials or containers designed, constructed and used for this purpose". A restriction is already in place that prohibits exceeding the height of the fence, which is 12 feet – specific language can be added to restrict the height to 10 feet if so desired.

- 4) Top Screening – Mr. Keene stated he has not considered top screening of the storage area. He is not sure how it can be done or what it might cost.
- 5) Compliance – Mr. Keene stated he is committed to making this work. This is very important to him and he is determined to work with the City.

MOTIONS

Chair Hurt made a motion to limit stacking in the westernmost tenant's outdoor storage area to a maximum height of six feet high. The motion was seconded by Councilmember Fults and passed by a voice vote of 3-0.

Chair Hurt made a motion that during times of outdoor storage for the westernmost tenant, traffic along the internal drive parallel to RHL Boulevard shall be restricted to one-way only traveling north to south with appropriate directional signage. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

Chair Fults made a motion to restrict storage in the easternmost tenant's outdoor storage area to a height not to exceed 10 feet. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

Chair Fults made a motion to restrict the items within the outdoor storage area of the westernmost tenant to the storage of plants, soil, mulch and related landscape materials, and not in shipping containers or pallet racks. The motion was seconded by Chair Hurt and passed by a voice vote of 3-0.

Councilmember Fults made a motion to keep the existing restricted time period of outdoor storage to March 15 through October 15 for the westernmost tenant. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

(It was noted that the petitioner will meet with Staff prior to the next Council meeting regarding the possibility of requesting additional items for the outdoor storage area and year-round storage.)

Councilmember Fults made a motion to restrict the hours of operation of the westernmost tenant to 7 a.m. to 11 p.m. for all retail. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

Councilmember Fults made a motion to forward P.Z. 11-2014 THF Chesterfield Development LLC (The Commons), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Grissom and passed by a voice vote of 3-0.

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 11-2014 THF Chesterfield Development LLC (The Commons).]

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the February 18, 2015 City Council Meeting. See Bill #

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 6:55 p.m.