

# MEMORANDUM

TO: Michael G. Herring, City Administrator  
FROM: Mike Geisel, Director of Public Services  
SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, March 10, 2016



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 10, 2016 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Barbara McGuinness** (Ward I), **Councilmember Bridget Nations** (Ward II) and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Stanley Proctor; Planning Commission Member Wendy Geckeler; Planning Commission Member Merrell Hansen; Planning Commission Member Guy Tilman; 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 18, 2016 Committee Meeting Summary

Councilmember Hurt made a motion to approve the Meeting Summary of February 18, 2016. The motion was seconded by Councilmember Nations and **passed by a voice vote of 4-0**.

Chair Fults informed the Committee that Project Planner Jessica Henry will be presenting at the 6 o'clock Architectural Review Board meeting so New Business Item III A will be discussed first.

## III. NEW BUSINESS

- A. **POWER OF REVIEW: Four Seasons Plaza, Lot 2 (Panera)**: An Amended Site Development Plan, Amended Landscape Plan, Partial Amended Lighting Plan, Amended Architectural Elevations and an Architect's Statement of Design for an 8.29 acre tract of land zoned "PC" Planned Commercial District located on the south side of Olive Boulevard west of its intersection with Woods Mill Road.

## **STAFF REPORT**

Ms. Jessica Henry, Project Planner, presented the project request to renovate the endcap tenant within the Four Seasons Plaza into a Panera Bread and to add a drive-thru. The project was reviewed by the Architectural Review Board (ARB) on November 12, 2015. A motion to forward the submittal to the Planning Commission with a recommendation for approval was passed by a vote of 6-0 with three recommendations. The recommendations pertained to landscaping, screening of rooftop mechanical equipment and site circulation. Ms. Henry then gave a

PowerPoint presentation showing photographs of the overall site plan, surrounding area, site circulation plan, landscape plan, architectural renderings and provided the following information:

#### Site Circulation

To improve the circulation in the drive-thru area, the Applicant is proposing to use stop signs, "Do Not Enter" signs, pedestrian crossing signs and striping, and directional striping and arrows.

#### Landscaping

The proposed drive-thru is surrounded by substantial landscaping. Additional landscaped areas are provided throughout the development in accordance with the requirements of the site specific ordinance. Significant landscaping was added around the existing detention basin upon ARB's recommendation. In an effort to provide buffering and separation between the drive-thru area and Highland Park Drive, the Applicant is proposing to utilize a variety of plantings ranging in height from 12 to 15 inches all the way up to 6 feet.

#### Lighting Plan

The proposed lighting plan is compliant with the Unified Development Code. One pole mounted light fixture will be relocated to accommodate the drive-thru lane and the Applicant is proposing to add some wall-mounted light fixtures to the building.

#### Architectural Elevations

The Applicant is proposing to add a new glass storefront, ceramic tile wainscoting and metal and fabric awnings. The height of the roof will be substantially raised which will alter the scale to be more consistent with the adjacent section of the building.

Ms. Henry stated the Planning Commission reviewed the project on February 22, 2016 and a motion to approve was passed by a vote of 9-0.

### **PLANNING COMMISSION REPORT**

Planning Commission Chair, Stanly Proctor, stated that the Planning Commission (PC) felt that the ARB's concerns were addressed satisfactorily by the Applicant. The PC discussed a number of items prior to the vote. Discussions primarily centered on circulation at the drive-thru. The proposed drive-thru will hold up to 10 vehicles, which exceeds the City's requirement of providing stacking room for 8 vehicles. In response to concerns regarding drive-thru stacking and circulation, the Applicant stated that they do not project a high volume of drive-thru traffic at this location and the Applicant also assured the PC that if there was a problem, they would address it as it would negatively impact the other businesses within the center. The PC also discussed the proposed traffic signs which will improve traffic control. With regard to the concern about the rooftop equipment being visible from Olive Street Road and Highland Park Drive, the proposed higher roofline will adequately hide the equipment. The PC was very pleased with the proposal to plant additional landscaping around the detention pond. Mr. Procter stated that the PC felt all questions and concerns were addressed and the motion to approve passed by a vote of 9-0.

#### **Discussion**

In response to Mr. Mike Geisel's question, Ms. Henry confirmed that the plantings shown in the rendering are only an artistic interpretation of the site. The Applicant will be required to plant what is shown on the Landscape Plan.

Councilmember Hurt asked for clarification on the agreement between the Trustees of Four Seasons Plaza and the owner of the development concerning access from Highland Park Drive. Mr. Mike Doster, representing the Applicant, stated an escrow agreement was entered into by the

above listed parties which required them to deposit an escrow with a title company to execute a non-exclusive permanent easement agreement. The terms of the escrow require the release and recording of that easement upon passage of the zoning, which has already occurred, and upon approval of the site plan. The residents of Four Seasons subdivision will have permanent access to and from their development through this location up to Olive. The Trustees wanted to be assured that the document was executed and recorded subject to zoning and site plan approval. Mr. Doster further explained that instead of having the Applicant or Trustees retain the document it was delivered to a title company with specific instructions to record it once the zoning and site plan were approved. This was an “escrow” of the document only and not a monetary “escrow.”

Councilmember McGuinness commended the efforts of the Architectural Review Board and Planning Commission in reviewing this request.

**Councilmember McGuinness made a motion to forward Four Seasons Plaza, Lot 2 (Panera) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

**Note: This is a Site Development Plan which requires a voice vote at the March 21, 2016 City Council Meeting.**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Four Seasons Plaza, Lot 2 (Panera).]**

## **II. OLD BUSINESS**

### **A. Restricting Surety Providers**

#### **STAFF REPORT**

Mr. Mike Geisel, Director of Public Services, stated the Committee had requested a legal opinion on whether the City can impose a requirement on developers, contractors, and other parties who have to obtain surety bonds in order for the City to allow their work, mandating that they not use certain surety companies to issue such bonds. Interim City Attorney, Harry O'Rourke has provided a letter stating that the City can restrict developers from using certain bonding companies. If the Committee concurs, Staff will prepare the necessary legislation that will implement a procedure and the restriction whereby the City can disqualify surety providers.

#### **Discussion**

Councilmember Hurt asked if specific surety companies would be named in the legislation. Mr. Geisel stated that the legislation will not individually name specific companies but will disqualify companies based on a rating system.

**Councilmember Hurt made a motion to direct Staff to prepare legislation that enables the City to develop a rating system that surety companies must meet in order for developers, contractors and other parties to engage their services.** The motion was seconded by Councilmember Nations.

#### **Discussion after the Motion**

Mayor Nation recalled that the previous City Attorney had already rendered an opinion on this subject and stated that the City could not do this. Ms. Aimee Nassif, Planning and Development Services Director, explained that the previous City Attorney, Rob Heggie, was specifically asked if the City could name a particular surety company to which the City would not do business with

any longer and Mr. Heggie stated the City could not. Mr. O'Rourke was asked if the City can develop a procedure or rating system to disqualify surety companies without naming any particular company, which would be applied to all new sureties, and to that question, the answer is "yes."

In response to Chair Fults' question, Mr. Geisel stated there are numerous bonding companies for contractors and developers to work with but the new legislation may impact them as they may have been receiving bonding at a lower cost by utilizing providers that the City will no longer accept. Mayor Nation asked if the petitioners will know up front which surety companies are disqualified. Mr. Geisel stated that yes, it would be publicly known.

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

### **III. NEW BUSINESS**

#### **B. MoDOT Road Relinquishment Agreements – Elbridge Payne Rd. & Toreador Dr.**

##### **STAFF REPORT**

Mr. Mike Geisel, Director of Public Services, stated that MoDOT has requested that the City accept maintenance of Toreador Drive and Elbridge Payne Road.

The northern 600 feet of Toreador Drive was relocated as part of the Missouri Route 141 project. As the City currently maintains Toreador Drive from the MoDOT right of way to the cul-de-sac dead end, Staff has no objection to accepting maintenance of the additional 600 feet to Olive Boulevard.

A portion of Elbridge Payne Road was recently reconstructed as part of the Mercy development project. MoDOT is requesting that the City maintain Elbridge Payne south of the entrance/exit to Clarkson Road. Staff has no objection.

##### **Discussion**

In response to Councilmember Hurt's question, Mr. Geisel stated that as Mercy constructs additional improvements in the future, there will be further improvements to Elbridge Payne Road and South Outer I-64. When these improvements are completed, MoDOT will request that the City maintain additional pavement north of terminus in the proposed Relinquishment Agreement. However, the portion of Elbridge Payne Road north of the Clarkson exit/entrance is NOT part of the Relinquishment Agreement and will remain a MoDOT roadway.

**Councilmember Nations made a motion to forward the MoDOT Road Relinquishment Agreements for Elbridge Payne Road and Toreador Drive to City Council with a recommendation to approve. The motion was seconded by Councilmember Hurt 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 21, 2016 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Mike Geisel, Director of Public Services, for additional information on MoDOT Road Relinquishment Agreements for Elbridge Payne Road and Toreador Drive.]**

### **IV. OTHER**

## V. **ADJOURNMENT**

The meeting adjourned at 5:52 p.m.