

# MEMORANDUM

TO: Michael G. Herring, City Administrator  
FROM: Mike Geisel, Director of Public Services  
SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, March 19, 2015



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 19, 2015 in Conference Room 101.

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

Also in attendance were: Mayor Bob Nation; Councilmember Mike Casey (Ward III); Mike Watson, Planning Commission Chair; Mike Geisel, Director of Public Services; Aimee Nassif, Planning & Development Services Director; Libbey Tucker, Community Services & Economic Development Director; Jonathan Raiche, Senior Planner; and Mary Ann Madden, Recording Secretary.

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

## I. APPROVAL OF MEETING SUMMARIES

### A. Approval of the February 19, 2015 Planning & Public Works Committee Meeting Summary.

**Councilmember Greenwood** made a motion to approve the Meeting Summary of **February 19, 2015**. The motion was seconded by **Councilmember Fults** and **passed** by a voice vote of 4 - 0.

### B. Approval of the March 16, 2015 Planning & Public Works Committee Meeting Summary.

**Councilmember Greenwood** made a motion to approve the Meeting Summary of **March 16, 2015**. The motion was seconded by **Councilmember Fults** and **passed** by a voice vote of 4 - 0.

Because Agenda Item II.A. under "Old Business" would require extensive discussion, it was agreed to review the items under "New Business" first.

### III. NEW BUSINESS

- A. **P.Z. 01-2015 Barat Academy Foundation (17831, 17815 & 17803 Wild Horse Creek Road)**: A request for a zoning map amendment from a “LLR” Large Lot Residential District and “NU” Non-Urban District to a new “LLR” Large Lot Residential District for 35.097 acres located on the north side of Wild Horse Creek Road west of its intersection of Greystone Manor Parkway and east of its intersection with Tara Oaks Drive (18V130099, 18V140098, 18V140065).

#### **STAFF REPORT**

Mr. Jonathan Raiche, Senior Planner explained that the request is to rezone to a non-planned zoning district of Large Lot Residential. The site is comprised of two parcels and it is the Petitioner’s intent to utilize Parcel 2 as a dormitory for the school, which would be an *accessory use* to the school.

If approved, the requested zoning will permit the following uses in addition to accessory uses:

- |   |   |
|---|---|
| 1) Single-family detached residential*  | 8) Wildlife reservation, forest and conservation project* |
| 2) Public safety facilities*            | 9) College/University                                     |
| 3) Churches and other places of worship | 10) Primary school  |
| 4) Farming*                             | 11) Secondary school                                      |
| 5) Home Occupation*                     | 12) Kindergarten, Nursery School                          |
| 6) Livestock and stables*               | 13) Public Facilities*                                    |
| 7) Parks                                |   |

\*Because of the size limitations of Parcel 2, only those uses shown above with an asterisk would be permitted.

Mr. Raiche pointed out that if the school use would cease on the property, the accessory use of dormitory would not be permitted. In addition, any new development on the site would be reviewed against the City’s development criteria. Ms. Nassif, Planning and Development Services Director also noted that because the request is for a non-planned district, a Preliminary Plan is not required and an Attachment A is not prepared because none of the requirements are negotiable and must be met with no modifications or variances.

#### **Discussion**

Councilmember Greenwood questioned whether there is a limitation on the number of people who are allowed to use the dormitory. Ms. Nassif replied that the City’s Code does not address this issue, but the Petitioner is required to have the request reviewed by the Fire District, which would involve occupancy requirements.

Mayor Nation inquired as to whether there have been any modifications to the structure that will be used as the dormitory. Ms. Nassif replied that there have not.

Planning Commission Chair Mike Watson stated the Planning Commission did not have any issues with this petition.

**Councilmember Grissom made a motion to forward P.Z. 01-2015 Barat Academy Foundation (17831, 17815 & 17803 Wild Horse Creek Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and passed by a voice vote of 4 - 0.**

Councilmember Casey asked if City Council had the right of Power of Review for this site. Ms. Nassif replied that Power of Review is not an option as the Site Plan for a straight district is administratively approved because the criteria are already established with no modifications allowed. Mr. Geisel explained that the ordinance requires Power of Review to be called within 24 hours after Planning Commission review; however the plan will not be reviewed by Planning Commission.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the April 22, 2015 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. 01-2015 Barat Academy Foundation.]**

## **B. Green Community Program**

### **STAFF REPORT**

Ms. Libbey Tucker, Community Services/Economic Development Director stated that the City recently approved the Property Assessed Clean Energy (PACE) ordinance, which allows businesses to utilize a special financing mechanism to install energy efficiency improvements to their buildings. The City has since received a subsequent request from the Missouri Clean Energy District to establish Chesterfield as a "Green Community", which makes possible the use of qualified energy conservation bonds for funding energy conservation and/or renewable energy projects in the City. These bonds were created under the American Recovery and Reinvestment Act and provide for a direct pay tax credit of a portion of the interest cost of bonds issued for eligible purposes. The amount of the tax credit varies as it is tied to the U.S. Treasury tax credit rate, but generally results in a 1-1/2% to 2% rebate of the interest cost to the property owner.

The Missouri Clean Energy District would manage the program and there would be no funding commitment on the part of the City.

### **Discussion**

Councilmember Greenwood referred to Section 6 of the proposed Ordinance which states:

*The City shall, and the officers, agents and employees of the City are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this ordinance.*

She questioned whether this language requires any additional work on the part of the City. Ms. Tucker stated the ordinance was reviewed by the City's financing counsel, Armstrong, Teasdale and said she could contact the firm prior to the next Council meeting to get clarification on its meaning.

Chair Hurt also requested that further discussion be held regarding how decisions are made as to which firms the City utilizes in reviewing such documents.

**Councilmember Fults made a motion to forward the ordinance to establish a Green Community Program to City Council with a recommendation to approve pending clarification of Section 6. The motion was seconded by Councilmember Grissom 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 April 22, 2015 City Council Meeting.  
See Bill #**

**[Please see the attached report prepared by Libbey Tucker, Community Services & Economic Development Director for additional information on the Green Community Program.]**

### **C. Large Trucks on Hog Hollow Road**

Councilmember Greenwood reported that she has been contacted by a resident who has concerns about large trucks, specifically 18-wheelers, using Hog Hollow Road. She asked if a traffic restriction for this road could be added to a future agenda for discussion purposes. It was the consensus of the Committee to add this to the next agenda of the Planning & Public Works Committee.

## **II. OLD BUSINESS**

- A. 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**

Mr. Jonathan Raiche, Senior Planner reported that at its last meeting, City Council sent the subject petition back to this Committee for further review of the Green Sheet Amendments.

The following table was then presented, which summarizes the Green Sheet Amendments proposed at the February 5, 2015 Committee Meeting compared to modifications requested by the Petitioner.

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
1. All retail sales shall be limited to 7 a.m. to 11 p.m.	1. Retail sales limited to 7 a.m. to 11 p.m. except that contractors are permitted via the North Canopy entrance beginning at 6 a.m. Monday through Saturday posted with signage.
2. Outdoor Storage shall be limited to 5,000 sq. ft. as shown on Exhibit A for the period of March 15 until October 15 of each year.	2. Christmas trees and Halloween pumpkins would require an extended period of allowable outdoor storage.
3. All materials stored in the permitted outdoor area shall be limited to a height of 6 feet.	3. No palletized material exceeds 8 feet.
4. Materials in outdoor storage area shall be limited to plants, soil, mulch, and other related landscape materials but not stored in shipping containers or on pallet racks.	4. Materials in outdoor storage area shall be limited to landscaping and nursery materials, including plants, flowers, trees (including Christmas trees), mulch, peat moss, soil, lime, fertilizers, plant foods, weed and pest control products, seeds, rocks, pavers, timbers, Halloween pumpkins and similar materials. Items shall not be stored in shipping containers.
5. During times of outdoor storage, traffic along the internal drive parallel to RHL Blvd shall be restricted to one-way (north to south) with appropriate signage.	5. REMOVE THIS AMENDMENT.
6. Outdoor storage at the easternmost tenant is limited to 3,000 sq. ft. on Exhibit B and restricted to a height of 10 feet.	6. NO CHANGE REQUESTED.

### Discussion

The Committee then discussed each requested modification separately.

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
6. Outdoor storage at the easternmost tenant is limited to 3,000 sq. ft. on Exhibit B and restricted to a height of 10 feet.	6. NO CHANGE REQUESTED.

Mr. Raiche pointed out that this pertains to the Walmart site and no change is being requested.

Since no change is being requested, the Committee agreed no further action is necessary.

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
2. Outdoor Storage shall be limited to 5,000 sq. ft. as shown on Exhibit A for the period of March 15 until October 15 of each year.	2. Christmas trees and Halloween pumpkins would require an extended period of allowable outdoor storage.
4. Materials in outdoor storage area shall be limited to plants, soil, mulch, and other related landscape materials but not stored in shipping containers or on pallet racks.	4. Materials in outdoor storage area shall be limited to landscaping and nursery materials, including plants, flowers, trees (including Christmas trees), mulch, peat moss, soil, lime, fertilizers, plant foods, weed and pest control products, seeds, rocks, pavers, timbers, Halloween pumpkins and similar materials. Items shall not be stored in shipping containers.

Regarding Amendment #2, Mr. Raiche stated the Petitioner is requesting outdoor storage of Christmas trees and pumpkins, which would necessitate an extension time past October 15<sup>th</sup> for outdoor storage.

Regarding Amendment #4, Mr. Raiche stated the list of items for outdoor storage has been expanded. He also noted that the Committee had approved language that materials could not be stored in shipping containers or on pallet racks. The Petitioner is requesting that the language approved by the Planning Commission be accepted, which would allow storage on pallet racks. Councilmember Fults explained that the Petitioner has provided an expanded list of items in response to her request asking why year-round outdoor storage is necessary.

Councilmember Grissom questioned why pumpkins and Christmas trees need to be moved outside. Mr. Mike Doster, representing the Petitioner, replied that retailers have increased sales on seasonal products when they are displayed outdoors, and many times these are impulse purchases.

Mr. Doster also addressed Amendment #4 as follows:

- The expanded list of items to be stored outside was obtained from representatives of Lowe's.
- The Petitioner is agreeable to items not be stored in shipping containers **or on pallet racks.**
- The Petitioner is agreeable to outdoor storage from March 15 to October 15 of the expanded list, with only pumpkins and Christmas trees being displayed outside past October 15.

Councilmember Greenwood felt the indoor entrances and exits of the store would allow adequate space to display these items as a "teaser". Mr. Doster replied that they would like the teaser to be outside so motorists can see the items while driving past the center.

Responding to Councilmember Grissom's question, it was noted that the pumpkins and trees, if approved for extended outdoor storage, could be displayed both in the front and on the side of the store.

Mayor Nation indicated he had no concerns with pumpkins and Christmas trees being displayed outdoors and felt that the existing landscaping would adequately screen any outdoor displays along the side of the building.

Chair Hurt expressed concern about pumpkin and Christmas tree displays across the front of the store because he feels it encourages loading at the front of the store, which causes too many traffic issues. He would like to see them displayed along the side of the building. Mr. Doster stated that Lowe's has carts for such items that would allow customers to transport their purchases across the parking lot to their vehicles.

After further discussion on the outdoor storage items and outdoor storage period, Ms. Nassif proposed the following language for green sheet amendments:

For Amendment #2:

The area to be utilized for outdoor storage shall be limited to 5,000 sq. ft. as delineated on the attached Exhibit A and is permitted for the period of March 15<sup>th</sup> until October 15<sup>th</sup> of each year. *Holiday trees, flowers and pumpkins shall be allowed until December 31<sup>st</sup>.*

For Amendment #4:

Materials allowed in all outdoor storage areas shown on Exhibit A shall be limited to plants, soil, mulch, and other related landscape materials, *along with Christmas trees, Halloween pumpkins, flowers, and similar items* and shall not be stored in shipping containers or on pallet racks.

**Councilmember Fults made a motion to accept the proposed language for Amendments 2 and 4 as noted above.** The motion was seconded by Councilmember Grissom and **passed by a voice vote of 3 – 1** with Councilmember Greenwood voting "no".

Councilmember Greenwood explained her opposition stating she does not think pumpkins and Christmas trees are impulse purchases to warrant an outdoor display in front of the building. She feels there is adequate space along the side of the building for pick-up of these items, which could be directed by signage and personnel and would discourage loading in front of the building.

Discussion then followed about loading in front of the building. It was noted that the area in front of the store is a fire lane, which prohibits loading in that area; however there is no City ordinance restricting it.

**Chair Hurt then made a motion to include language in the ordinance restricting loading to the side of the building for all outdoor storage materials.** The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4 – 0.**

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
3. All materials stored in the permitted outdoor area shall be limited to a height of 6 feet.	3. No palletized material exceeds 8 feet.

Mr. Raiche stated the Petitioner is requesting a height increase from 6 ft. to 8 ft. for **palletized material**, and pointed out that one of the requested storage items is trees, which could surpass 8 ft. in height.

Chair Hurt asked for confirmation that there would be no stacking of pallets. Ms. Nassif confirmed this.

Chair Hurt then referred to the statement in the letter of March 11, 2015 regarding palletized materials of peat moss being stacked to a height of 92", and questioned if the store manager was in agreement with the statement. Mr. Doster explained that Lowe's provided this information from charts showing the height of pre-palletized materials received directly from the vendors.

**Chair Hurt made a motion to eliminate Green Sheet Amendment No. 3, and to accept Planning Commission's recommendation to limit palletized material to a height of 8 feet.** The motion was seconded by Councilmember Fults.

The vote on the motion **passed by a voice vote of 4 – 0.**

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
5. During times of outdoor storage, traffic along the internal drive parallel to RHL Blvd shall be restricted to one-way (north to south) with appropriate signage.	5. REMOVE THIS AMENDMENT.

Mr. Raiche stated the Petitioner is requesting that the language restricting traffic be removed.

Chair Hurt recommended keeping the above-noted proposed Green Sheet Amendment, which he feels will optimize the traffic flow in this area and will not be a major cost to the Petitioner. Councilmember Fults agrees with the proposed amendment as it allows motorists to make safe turns onto THF Boulevard.

Mr. Doster replied that their experts have determined that two-way traffic in this area is better. He also has been in contact with the Fire District as the District has approved two-way traffic in this area, and asked for the Fire Marshall's opinion on one-way-traffic. The Fire Marshall indicated there may be a need for two-way access for emergency vehicles; however, he could not issue an official comment without reviewing a plan. Chair Hurt then asked Staff to get a response from the Fire District on this issue.

Councilmember Fults stated she is having difficulty with keeping the parking spots, two-way traffic, and an outside display as she feels the site is too congested for all three of these requests.

It was the consensus of the Committee to keep Amendment #5 as drafted.

<u>February 5, 2015 Proposed Green Sheet Amendments</u>	<u>March 5, 2015 Petitioner Modification Request</u>
1. All retail sales shall be limited to 7 a.m. to 11 p.m.	1. Retail sales limited to 7 a.m. to 11 p.m. except that contractors are permitted via the North Canopy entrance beginning at 6 a.m. Monday through Saturday posted with signage.

Mr. Raiche stated the Petitioner is requesting an opening time of 6:00 a.m., Monday-Saturday, for contractors only limited to the North Canopy entrance.

Councilmember Fults stated that the residents fought very hard to have the retail sales hours restricted to 7 a.m. to 11 p.m. Recent discussions included the possibility of allowing contractors to pick up pre-ordered materials from a designated area starting at 6:00 a.m.; but the store would not be open for business. She then asked for clarification from Staff as to whether such an option would be enforceable. Ms. Nassif replied she could not guarantee that the requested modification could be enforced.

Mr. Geisel, Director of Public Services also pointed out that the Petitioner’s request is not to pre-stage materials for contractor pick-up; their request would limit access to the store to contractors only, which would have to be self-regulated by Lowe’s – the City would not be able to physically enforce such a regulation.

Planning Commission Chair Watson noted that Home Depot, located just 1,000 feet away, opens at 6:00 a.m. and questioned why allowing Lowe’s to open at 6:00 a.m. would affect the residents any differently. Councilmember Fults stated that Home Depot is a different development with a different ordinance. She has concerns that if Lowe’s is allowed to open at 6:00 a.m., it would set a precedent for other businesses at the eastern end of the site asking for an earlier opening time – and those businesses are directly behind the homeowners.

Mr. Doster suggested that Staff draft proposed language prior to the next Council meeting and allow it to go forward with the understanding that Staff will develop language for Council’s review. Staff recommended that such language be prepared as a second Green Sheet Amendment to be voted upon independently from the other Green Sheet Amendments.

Councilmember Fults expressed her strong preference to keeping the hours at 7 a.m. to 11 p.m. and stated she will not vote to change them; but would consider language that allows contractors to pick up materials without the store being opened

Chair Hurt then asked the Petitioner if they preferred to keep the petition at the Committee level or to move it forward to Council. Mr. Doster replied that they prefer to go forward to Council.

**Councilmember Fults made a motion directing Staff to draft potential language addressing the Petitioner's request regarding contractor pick-up. The motion was seconded by Councilmember Greenwood and passed by a voice vote of 4 – 0.**

Chair Hurt confirmed that this language will be prepared as a separate Green Sheet Amendment.

**Councilmember Grissom made a motion to forward P.Z. 11-2014 THF Chesterfield Development LLC (The Commons), with the Green Sheet Amendments, to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults and passed by a voice vote of 4 - 0.**

**Note: One Bill, as recommended by the Planning Commission, will be needed for the April 22, 2015 City Council Meeting.  
See Bill # 3021**

**[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-The Commons.]**

**IV. OTHER - None**

**V. ADJOURNMENT**

The meeting adjourned at 6:40 p.m.