# I.A.
# MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 9, 2013

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A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 9, 2013 in Conference Room 101

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

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Barry Flachsbart** (Ward I); and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Councilmember Mike Casey (Ward III); Councilmember Bruce DeGroot (Ward IV); Planning Commission Chair Mike Watson; Jim Eckrich, Public Works Director/City Engineer; Justin Wyse, Senior Planner; and Mary Ann Madden, Recording Secretary.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the April 18, 2013 Committee Meeting Summary.

**Councilmember Hurt made a motion to approve the Meeting Summary of** April 18, 2013. The motion was seconded by Councilmember Flachsbart and **passed by a voice vote of 3-0.** *(Councilmember Grier was not present for the vote.)*

*Councilmember Derek Grier (Ward II) joined the meeting at this point – 5:31 p.m.*

## II. OLD BUSINESS – None

## III. NEW BUSINESS

Chair Fults reported that Mr. George Stock, who is representing the Petitioner for P.Z. 06-2013 Mercy Health System, has asked that this petition be presented first because of time constraints on his part. It was agreed to move the agenda order to review item III.B first.

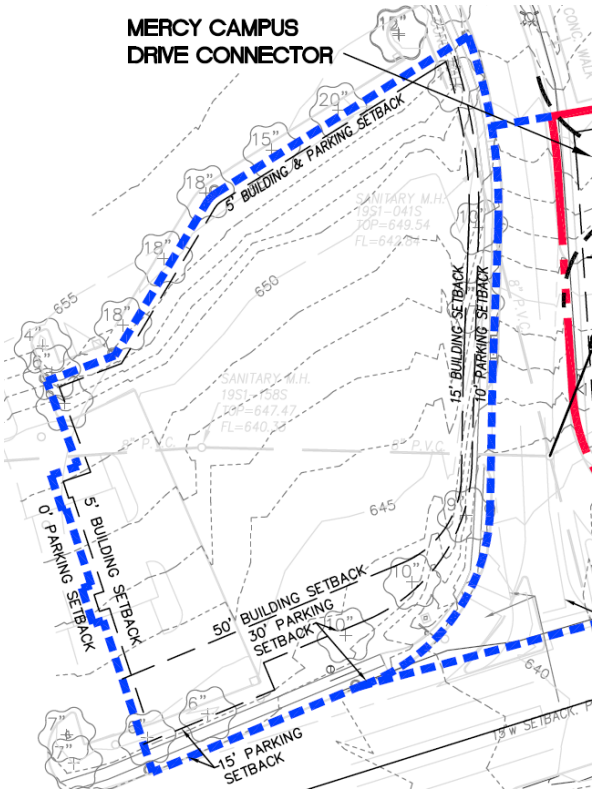
**B.** **P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant):** A request for an ordinance amendment to modify the boundaries of the "UC" Urban Core District to incorporate two parcels zoned "C-8" Planned Commercial District into the "UC" Urban Core District totaling 43.35 acres located north of Chesterfield Parkway and east of Elbridge Payne Rd. (19S531791, 19S531801, 18S210028, 18S210149, 18S210073, 18S210062, 18S220148, 18S220171, 18S220061, 19S531922, and 18S210138).

**STAFF REPORT**

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding area. Mr. Wyse stated that the Petitioner has submitted a request for an ordinance amendment to add two parcels of land to an existing 40.040 acre "UC" Urban Core District resulting in a new "UC" Urban Core District totaling 43.35 acres. The two parcels are located on the northwest and southwest sides of the site.

The requested amendment would retain previous development criteria approved as part of the original "UC" District and would bring the two new properties under the same ordinance. Setbacks and height requirements have been established for the two parcels being added into the development.

The proposed preliminary plan, depicted above, shows the removal of the existing "triangle" building with a new building being proposed in basically the same area. There are no development plans being proposed at this time for the new southwest parcel; however, the Petitioner wants to keep development options available for this parcel.




After discussions with the Planning Commission, the Petitioners are proposing the following parking setbacks for the southwest parcel *(depicted above),* 1281 Chesterfield Parkway East:

- 0' from the western boundary;
- 5' from the northern boundary;
- 10' feet from the eastern boundary; and
- 15-30' from the southern boundary.

It was noted that the 30' parking setback allows for the standard landscape buffer in this area.

Upon recommendation from the Planning Commission, the Petitioners have increased the building setback along Chesterfield Parkway from 30' to 50'. In exchange for this increased setback, they have reduced the building setback on the eastern boundary. This will give the Petitioners the same amount of developable area but will allow them to push the building further north and east providing an increased amount of area between the Brandywine development and a potential office building.

The Public Hearing was held on March 25, 2013. The primary issues raised at that time related to the southwest parcel and its impact on the Brandywine development. After a thorough discussion pertaining to building height limitations, the Planning Commission did not include a further restriction of building height on this parcel. Currently, the ordinance allows for a two-story building to be constructed.

At its April 22nd meeting, the Planning Commission recommended approval, as amended, by a vote of 8 to 0.

**PLANNING COMMISSION REPORT**

Planning Chair Watson stated that the Planning Commission requested the 50' building setback from Chesterfield Parkway because of the parcel's proximity to the Brandywine development. Some of the Commissioners wanted a one-story building on the southwest parcel but it was not approved.

There was also some discussion regarding the proposed building on the northwest parcel but it was agreed that the proposed setbacks are appropriate for the design of the new building.

## DISCUSSION

**Access**

Councilmember Hurt expressed his concern with the access on the south side of the site.

**He then made a motion to add the following language to the Attachment A under Access/Access Management:**

> ***The City reserves the right to remove the proposed signalized access point on Chesterfield Parkway, or change it to a right turn in/right turn out, if the Petitioner acquires the property to the east.***

He felt the language should be added at this time so the Petitioners are aware of the City's concern.

The motion was seconded by Councilmember Flachsbart.

**Discussion on the Motion**

Councilmember Grier asked how such a change would affect the overall flow of the development. Mr. Wyse felt that it is difficult to predict at this time. A complete study would have to be conducted to evaluate the impact of such a change.

Councilmember DeGroot asked about the status of the Traffic Study. Mr. Wyse replied that the study has been completed and approved. The primary discussion centered around access on the north side of the site, the extension of the outer road, and the relocation of the slip ramp. This was pulled out of the ordinance and Council approved a separate agreement between the City and the Mercy development team. Staff is reviewing several different options at this point for the changes on the north side of the site.

Mr. George Stock, representing the Petitioners, stated that he is not aware of Mercy attempting to acquire the property to the east of the site. However, if Mercy would acquire this property in the future, it would have to be rezoned and go through the entire

rezoning process with new traffic studies. The Petitioners intend to invest $450,000 for a full signalization at the proposed intersection on Chesterfield Parkway. He felt adding the proposed language to the Attachment A is premature at this time and thought the idea of possibly making the intersection a right-in/right-out would be difficult for Mercy to understand at this point. Mr. Stock also pointed out that there has been a very comprehensive traffic study for this area that has been approved.

Councilmember Hurt expressed concern that residential traffic would be encouraged to drive through the Mercy campus to access the slip ramp north of the site.

Planning Chair Watson agreed that if the property to the east is acquired, it would have to go through the rezoning process. He also noted that the current traffic study does not include information on the impact of a right-in/right-out turn at the proposed intersection.

Councilmember Casey stated that if Staff had requested that Council address a potential right-in/right-out turn, he would be more comfortable supporting the motion. He felt Mr. Stock makes a good point in that the Petitioners are not anticipating acquiring the eastern property, they are making a substantial investment in the signalized intersection, and if it is later changed to a right-in/right-out, there is no information about its impact on the traffic.

Chair Fults stated that when the petition first came forward, the goal was to have the development take care of the traffic generated by the development by having the traffic self-contained and moved to the slip ramp. This would free the other signals and other ramp for the residents. She feels that this has been accomplished.

Councilmember Flachsbart disagreed as he feels the proposed intersection makes it an attractive option for Parkway motorists to cut through the Mercy campus to access the slip ramp.

Mr. Wyse stated that Staff has reviewed the possible scenario of cut-thru traffic with the anticipated congestion at the South Outer Road and the traffic model has determined that the impact is rather minimal.

Mr. Stock pointed out there will be a lot of traffic from patients and employees who live west and south of the campus and Mercy cannot risk having access to the all-structured parking moved or becoming right-in/right-out.

Councilmember Grier stated that he cannot imagine having a major intersection removed when all the plans have been centered on having this access. Councilmember Hurt pointed out that the intersection would not be removed – but possibly moved to Schoettler Valley.

Mr. Wyse stated that Staff has concerns with the intersection being moved to Schoettler Valley because the goal is to take pressure off of the intersection of Chesterfield Parkway and South Outer 40 Road. If the capacity is reached there without

improvements on the north side, the relief valve is Schoettler Valley and if the main signal on the Parkway is removed and is lined up with Schoettler Valley, it promotes a straight shot through to Clayton Road to bypass the congestion on Highway 40.

Chair Fults stated that prior Planning Commission Chair, Victoria Sherman, addressed the Planning Commission on this specific issue – the residents do not want Schoettler Valley lined up with this development.

Councilmember Hurt repeated his belief that the Attachment A should include the proposed amendment so that the Petitioners are aware that the City is watching this intersection.

**The vote to add language to the Attachment A that allows the City to reserve the right to remove or change the proposed access point on Chesterfield Parkway in the event the Petitioners acquire the property to the east failed by a vote of 2 – 2.** *(Councilmembers Fults and Grier voted "no").*

**Councilmember Grier then made a motion to forward P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant) to City Council with a recommendation to approve.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

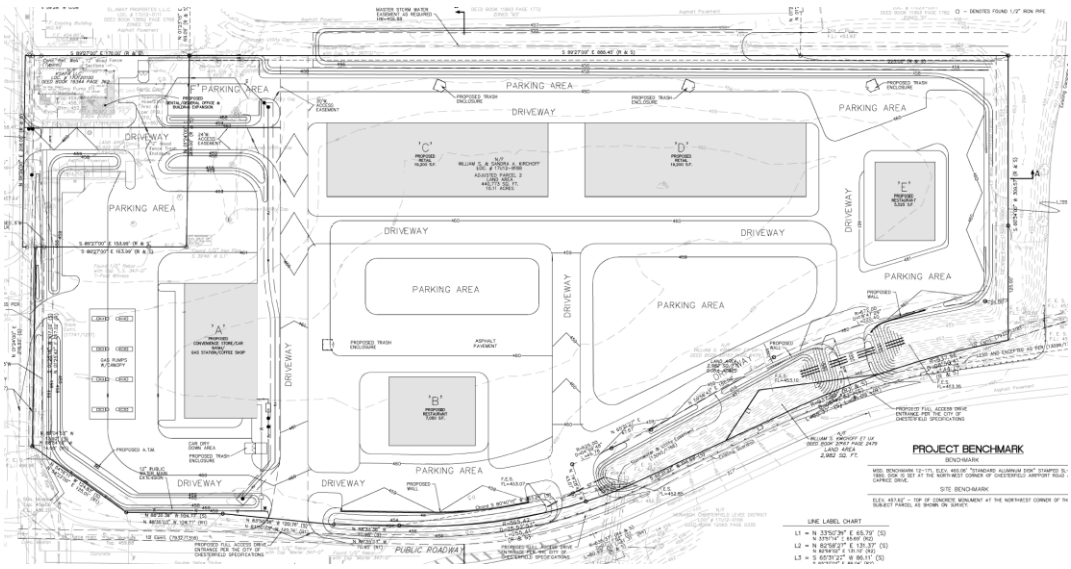
**Note: One Bill, as recommended by the Planning Commission, will be needed for the May 20, 2013 City Council Meeting.**
**See Bill #**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 06-2013 Mercy Health System (Chesterfield Village, SE Quadrant)].**

**A. P.Z. 05-2013 Monarch Center (JLA Development, LLC):** A request for an ordinance amendment to a "PC" Planned Commercial District to add a 0.85 parcel of land currently zoned "M-3" Planned Industrial District to an existing "PC" Planned Commercial District and to modify development standards of the "PC" Planned Commercial District totaling a 10.94 acre area of land located north of Edison Avenue and east of Long Rd. (17U120188 and 17U120100).

**STAFF REPORT**

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding area. He stated that the request is for an ordinance amendment to add a 0.85 acre parcel of land zoned "M-3" Planned Industrial District to an existing "PC" Planned Commercial District resulting in a new "PC" Planned Commercial District totaling 10.94 acres. The new parcel being added in is currently developed as the Wildhorse Dental Office.




The proposed Preliminary Plan *(depicted above)* shows most of the major changes on the west side of the site. The other major change relates to Building E on the east side of the site, where the Petitioners are proposing a setback change from Edison Road from 125 feet to 65 feet. The requested setback change is to allow for more flexibility in the design to accommodate future users.

The major changes being requested are as follows:

- A separate setback for the gas station canopy to be 50 feet from Long Road.
- An allowance to have an ATM located within the setbacks on the southwestern side of the gas station.
- Addition of the dental office building, which facilitates changes to the access.

The Petitioners are proposing a right-in only access into the service station. They are retaining the cross access requirements to the north and the storm water channel has been moved further to the east to prevent the internal drive from crossing it.

A Public Hearing was held on March 25, 2013 at which time discussion focused on how the proposal differed from the original approval granted via Ordinance 2334. At its April 22nd meeting, the Planning Commission approved several amendments as follows:

1. To restrict the storage of immobilized vehicles for a period not to exceed 24 hours vs. the proposed 72 hours. *Planning Commission approved the amendment by a vote of 6 – 2.*

2. Two permitted uses that had been inadvertently removed were added back into the ordinance. *Planning Commission approved the amendment by a vote of 8 – 0.*

3. A setback modification of 65 feet from the right-of-way of Edison Avenue for Building E vs. the proposed 120 feet. *Planning Commission approved the amendment by a vote of 6 – 2.*

The Planning Commission voted to approve the petition, with the three amendments noted above, by a vote of 5 - 3.

**PLANNING COMMISSION REPORT**

Planning Chair Watson stated that the major concerns expressed by the Planning Commission related to the 50-foot setback for the canopy and the location of the ATM.

## DISCUSSION

**Setbacks**

Chair Fults stated that the Planning Commission had expressed a desire to view the original ordinance because they were not fully aware that numerous setback modifications were being requested. At the Chair's request, Mr. Wyse then outlined the proposed setbacks as follows:

- Building A – 80-foot building setback with a 50-foot setback for the gas station canopy
- Building B – No change from the original ordinance.
- Building E – Setback modification from 120 feet to 65 feet from Edison.
- ATM – Proposed to be located within the setbacks on the southwestern side of the gas station.
- Building F – Currently is allowed a zero-foot building setback from Long Road but if the building is demolished and the site is redeveloped, they will have to provide a 30-foot parking setback to get the standard 30-foot landscape buffer along the arterial road.

Councilmember Flachsbart suggested that the ATM be placed inside the building or on the corner of the building.

If the ordinance maintains the 80-foot building setback (without the 50-foot setback for the canopy), Chair Fults noted that the developer would be required to redesign where the different amenities would be located on the site.

**Gas Station Use**

Councilmember Flachsbart stated that he is opposed to a gas station on this site and will be voting against it.

**Access**

Chair Fults noted that the site was granted full access to Long Road through an agreement from 2001; however, she has serious concerns about such access as it allows traffic to cross five lanes of traffic. She then asked whether the 2001 agreement also allowed the three accesses along Edison being shown on the Preliminary Plan. Mr. Wyse confirmed that the agreement allows these three accesses.

Councilmember Hurt expressed his opposition to the development because of the numerous access points to the site.

Councilmember Grier asked whether Staff had any specific concerns with the access. Mr. Wyse stated that the 2001 agreement designates the access points along Edison Avenue. Staff's primary concern relates to: (1) the left-hand turn from Edison to go southbound on Long; and (2) the left-turn movement on Edison allowing access into the proposed service station.

Councilmember Hurt pointed out that vehicles may back up into the major intersection of Long and Edison if vehicles have to wait to make the left turn into the service station from Edison Road.

Councilmember Flachsbart noted that he had to leave the meeting shortly and questioned whether a motion should be made to hold, or deny, the petition.

The Petitioners then indicated that they do not want to rush the decision.

Councilmember Grier stated that he has no issues with the use at this location but his concerns relate to the traffic and access.

Mr. Wyse stated that at the Public Hearing there was discussion relative to the need for a traffic study. There have been multiple meetings with the Petitioners and they are aware of the necessity of a traffic study. Chair Fults pointed out that by the time a traffic study is being prepared, the petition is at the Site Plan stage.

*(Councilmember Flachsbart left the meeting at this point – 6:25 p.m.)*

Councilmember Hurt noted that the site has two access points within 330 feet on Edison Avenue and two access points on Long Road. He does not want any access points on Long Road and prefers only two access points on Edison Avenue with nothing closer than 380 feet. He added that he does not have a big concern over the proposed use.

Chair Fults then asked the Petitioners if they prefer a vote on the petition or a hold on it for another two weeks to allow them to address some of the concerns raised. The Petitioners indicated that they would like the petition held at this time.

**Petitioner's Response**

Mr. Brandon Harp indicated that they would address the traffic issues at the next meeting but he wanted to explain a few other things about the site at this time:

- In 2007, the site was rezoned from "NU" to "PC".
- They have a potential buyer who operates a high-end convenience store. In order to accommodate the use, they needed more land to the north.
- The three access points on Edison were granted in an agreement between the City and Bill Kerchoff when he gave the property to the City to build Edison Avenue. He was also guaranteed four turning movements at each one of the

three curb cuts. The curb cuts are listed in the deed by distance from Long Road. However, it does not preclude that some off-site traffic mitigation may be required through improvements such as widening turn lanes, traffic signalization timing, double-turn lanes, etc. Such improvements would be pointed out in a traffic study that would come during the Site Development Plan process.

- The 2007 "PC" ordinance granted access to Long Road *as approved or directed by the City of Chesterfield*. It was always discussed that there would be some type of access to Long Road. The Petitioners are requesting a full access point onto Long Road, which would be lined up with the curb cut across the street with the fire station. Staff and County have agreed to this and MoDOT has given approval for a full access curb cut.
- They have reviewed how they can minimize the traffic at the Edison curb cut nearest to Long Road as they are concerned about the eastbound traffic and the left turn-in being blocked with the westbound traffic. Preliminary studies show that the right-in only will mitigate drivers from turning right on Edison and then left into the site. They have also looked at the possibility of having a double-left arrow from westbound Edison to southbound Long.
- Regarding Building E, the proposed setback change from 120 feet to 65 feet from Edison was requested to make it consistent with the other setback requirements along Edison Avenue. If the Council wants to maintain the 120-foot setback, they are agreeable to it.
- Regarding the ATM and the circulation concerns, Mr. Harp noted that Ms. Nassif had previously indicated that this would be addressed at Site Plan review. At this time, the Preliminary Plan is not supposed to show any internal delineations that may address this concern – such as curbed islands, striping, etc.
- The other amendments are necessary to incorporate the existing dental building with a zero-foot setback in the front. If the building is demolished and the site is redeveloped, they will be required to have a 30-foot green space that is required along arterial roads.

There were questions raised about the original parking setback from the western boundary. Mr. Harp stated he would provide more information on this at the next meeting.

Chair Fults suggested that either the Petitioner or Staff provide a chart showing: (1) the current ordinance requirements; (2) the changes being requested; and (3) why the changes are needed.

**Councilmember Grier made a motion to hold P.Z. 05-2013 Monarch Center (JLA Development, LLC): until the next Planning & Public Works Committee meeting to give Staff time to work with the Petitioner to address the concerns raised related to access and uses.** The motion was seconded by Councilmember Hurt.

**Discussion on the Motion**

Mr. Dan Hayes questioned why there is opposition to the gas station use when it is a permitted use. Chair Fults clarified that her concern with the use relates to the traffic issues and all the setback changes that would be required to allow this specific use.

The vote on the motion to hold the petition **passed by a voice vote of 3 - 0.**

**C. Public Street Acceptance** – Chesterfield Ridge Circle

**STAFF REPORT**

Jim Eckrich, Public Works Director/City Engineer stated that Chesterfield Ridge Circle has met the occupation requirement and meets the City's design and construction standards for acceptance as a public street.

**Councilmember Hurt made a motion recommending acceptance of Chesterfield Ridge Circle as a public street.** The motion was seconded by Councilmember Grier.

Councilmember Grier asked if the City has the right to refuse to accept streets. Councilmember Hurt confirmed that the City does have the right to refuse the conversion of any private street to a public street. Mr. Eckrich added that once a plat is recorded and accepted, if the record plat indicates that the streets are for public use forever, at that point, the City would have to accept the streets if they are constructed to City standards.

The vote to accept the street **passed by a voice vote of 3 – 0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the May 20, 2013 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Public Street Acceptance – Chesterfield Ridge Circle].**

**D. Public Street Acceptance** – Paddington Hill Subdivision

**STAFF REPORT**

Jim Eckrich, Public Works Director/City Engineer stated that Paddington Hill Drive and Gatwick Court meet the occupation requirements and all design and construction standards for acceptance as public streets.

**Councilmember Grier made a motion recommending acceptance of Paddington Hill Drive and Gatwick Court as public streets.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3 - 0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the May 20, 2013 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Jim Eckrich, Public Works Director/City Engineer, for additional information on Public Street Acceptance – Paddington Hill Subdivision].**

## IV. OTHER - None

## V. ADJOURNMENT

The meeting adjourned at 6:45 p.m.