

# MEMORANDUM

TO: Mike Geisel, City Administrator  
FROM: Justin Wyse, Director of Planning & Development Services  
SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, December 7, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, December 7, 2017 in the Council Chambers.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Dan Hurt** (Ward III), and **Councilmember Tom DeCampi (Ward IV) as proxy for Councilmember Michelle Ohley.** (Councilmember DeCampi arrived at 6:52 p.m.)

Also in attendance were: Councilmember Randy Logan (Ward III); Planning Commission Chair Merrell Hansen; Justin Wyse, Director of Planning & Development Services; Jessica Henry, Senior Planner; Cassie Harashe, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:48 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the November 9, 2017 Committee Meeting Summary

**Councilmember Hurt made a motion to approve the Meeting Summary of November 9, 2017.** The motion was seconded by Chair Tilman and **passed** by a voice vote of 3 to 0.

**Councilmember Hurt made a motion to discuss New Business Item III. A first.** The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 3 to 0.

(Councilmember DeCampi arrived at 6:52 p.m.)

## III. NEW BUSINESS

### A. Chesterfield Historic and Landmark Preservation Committee (CHLPC): Proposal for Museum Space at Chesterfield Mall

#### **STAFF REPORT**

Justin Wyse, Director of Planning & Development Services, stated that the CHLPC has received numerous donations of historic artifacts over the past several years. There have been ongoing discussions over the years related to finding a museum space to appropriately store and display the items for public viewing. These historical items are currently being stored within various City facilities and are not on public view as display space is also limited within City Hall. Mr. Wyse further explained that an opportunity has arisen whereby Chesterfield Mall would lease the City an approximately 5,000 square foot space for \$100 per month plus utilities. It has been

determined by the CHLPC that rent and utilities would not exceed \$4,000 per year. The lease would be a one year lease with a clause to allow either party to vacate the lease within 30 days. The CHLPC has offered to cover the first year of costs, however, it would require that the City sign the lease as the Committee does not have the authority to do so. If the PPW Committee is supportive of the proposed course of action, Staff will continue to work with CHLPC and the management from Chesterfield Mall to present a lease to the City Council.

### **DISCUSSION**

Chair Tilman stated that he is the Council liaison for the CHLPC and he supports this plan. The current storage situation is not sustainable for the future as storage space is limited as well as display space. Artifacts that are stored in the rafters provide no value until they are displayed. This is a low cost/low risk solution to the problem.

Councilmember Flachsbart concurred and stated that he would even be supportive of the City supporting it financially. He personally will make a donation and encouraged all Councilmembers to do so as well. His only concern is regarding security at the Mall as some of the artifacts are extremely valuable.

**Councilmember Flachsbart made a motion to direct Staff to begin negotiations with Chesterfield Mall to enter into an annual lease for the purpose of storing and displaying historical artifacts.** The motion was seconded by Councilmember Hurt.

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

Councilman Hurt reiterated that even though the City would sign the lease, there would be no financial obligation to the City the first year and either party may vacate the lease within 30 days at any time.

Merrell Hansen, Planning Commission Chair, stated that there are many places in the Mall for advertising and perhaps advertising space could be negotiated into the lease so the public is made aware of the CHLPC's presence.

Mr. Wyse also pointed out that since the City does not have the Staff to assist the CHLPC in this endeavor, the Committee is formulating its own staffing plan.

In response to Councilmember Logan's question regarding insuring the artifacts, Mr. Wyse stated that if the request is approved, Staff will work out those details before it is presented to City Council.

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

## **II. UNFINISHED BUSINESS**

- A. P.Z. 08-2017 Brite Worx Carwash (Wallis Companies):** A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 1.8 acres located on the western corner of the intersection of Baxter Road and Clayton Road. (21R410960). (Ward 3)

Chair Tilman explained the process for public comments stating that Staff will present their report and then the Petitioner will be allowed to summarize their proposal. The Committee will then hear comments from those in favor of the petition, those in opposition and those holding a

neutral position. Councilmember Hurt then requested that he be allowed to speak after the Staff presentation and before the Petitioner's summary. He would like to present a brief outline of the resident's concerns so that the Petitioner can address those specific concerns.

### **STAFF REPORT**

Project Planner Cassie Harashe presented the project request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for a tunnel carwash at the corner of Baxter and Clayton Roads.

Ms. Harashe stated a Public Hearing was held on May 8, 2017 and the Planning Commission then recommended approval at their September 25, 2017 meeting, which passed by a vote of 5 to 3, with no changes to the originally submitted preliminary plan or Attachment A. On October 4, 2017, the request came before the PPW Committee where it received a recommendation of denial citing concerns of increasing encroachment toward the residential properties to the north. At the November 6, 2017 City Council meeting, the applicant requested to return to the PPW Committee due to changes made to the plan. City Council also requested that the applicant meet with nearby property owners to discuss those changes. The resident meetings have taken place and the resulting plan is the result of those meetings. The most notable change to the plan is that the car wash has been shifted more towards the southeast corner of the site further away from the residents to the north.

Ms. Harashe also stated that an attorney representing the nearby property owners has submitted a zoning protest which is currently under review by Staff and legal counsel. Staff will report to City Council the status of this protest before the item returns to City Council for a vote.

Councilmember Hurt provided the following outline of resident concerns:

- Number of car washes on Clayton Road
- Storm water versus sanitary water
- Lighting
- Building setback
- Hours of operation
- Landscaping
- Traffic
- Sound

Justin Wyse, Director of Planning & Development Services then explained the City's current lighting standards. All new lighting is to be fully shielded, flat lens light fixtures with a maximum height of 20 feet. The originally approved redevelopment plan for the Mobil on the Run site contained even more restrictive height limitations on lighting for the site and those restrictions have been incorporated into the proposed Ordinance. When comparing existing lighting to proposed lighting, there will be less illumination.

### **PETITIONER'S PRESENTATION**

#### **Kevin Kamp, Civil Environmental Consultants, 4848 Park 370 Blvd, Hazelwood, MO**

Mr. Kamp pointed out that this corner has been a gas station for many years abutting residential. They believe that the proposed project is a great alternative for the redevelopment of this corner.

Based on feedback received from City Staff and the residents, Mr. Kamp presented a revised preliminary plan which shows that: (1) the wall on the north has been replaced with landscaping; (2) the building has been shifted and rotated slightly so the noise sources are closer to the intersection; (3) the exit of the car wash is closer to the intersection; and (4) the car wash has been shortened by 10 feet.

Storm Water – Mr. Kamp stated that greenspace in the revised plan will actually create less runoff because the grass will absorb the water. The existing site today has no storm water control. The storm water runoff from this corner was intentionally designed to be routed through a series of storm sewers with MSD. The storm water problems the residents of Woodfield are experiencing are localized geotechnical issues – the problems are not generated from the water from this corner as it does not enter their storm water basin. It was also noted that the wastewater from the car wash itself goes into the sanitary sewer system and does not impact the storm water.

Lighting – Mr. Kamp stated that if the previously approved Mobil on the Run were built, the current Ordinance allows for a 24-hour a day operation, a lighted canopy and 16 foot high light standards. By contrast, Brite Worx is a 7 a.m. to 8 p.m. operation; does not have a lighted canopy; and has after-hour lighting sufficient only to secure the site.

Architectural Elevations - Mr. Kamp presented a few conceptual architectural elevations and stressed that none of them have been approved. They are preliminary concepts based upon resident feedback. As a comparison, he showed a photo of an existing Brite Worx car wash.

Traffic – Mr. Kamp acknowledged that the Woodfield residents currently experience a tremendous amount of U-turns and while this will not change, he pointed out that a car wash demands less traffic than a convenience store. The current gas station/convenience store/car wash generates 400-450 cars a day. It is estimated that Brite Worx will generate 300 cars a day. Even though traffic estimates are less, U-turns will continue to exist no matter what type of commercial use is operating on that corner. To help alleviate the U-turn problem, the Petitioner has agreed to purchase and install No U-turn signs at the entrance to Woodfield.

Noise – Mr. Kamp stated that the loudest noise source of the car wash is at the exit end of the wash, which is now approximately 30 feet further from the residents. The loudest source of noise at the intersection of Baxter and Clayton is traffic. The Petitioner has provided a substantial barrier at the highest point and as close to the noise source as possible. The sound wall fence around the exterior is the best solution to mitigate noise. Road noise cannot be controlled. The noise generated from Brite Worx is less than ambient noise from the roadway and meets the sound requirements of St. Louis County.

### **Lynn Wallis, 106 E. Washington, Cuba MO**

Ms. Wallis stated that she is the property owner. She explained that the Brite Worx in Columbia averaged 369 cars in November, which is fairly typical. A convenience store that is similar to the one that was originally approved for this site, averages 1500 cars a day. She pointed out that there is a significant difference between the use and the traffic. Ms. Wallis further stated that they want to be good neighbors and have demonstrated their willingness to meet with the residents and listen to their concerns. They have tried to address the residents' concerns and have made many accommodations in redesigning their typical car wash model. She asked the Committee for a recommendation to move forward with the project. Wallis Companies is a local 50 year-old, successful family-owned business. If they were not responsible, they would have not grown into the company that they are today.

## DISCUSSION

U-Turn Signage – Councilmember Hurt stated that he discussed the enforcement of No U-turn signage with the City’s Police Chief. Chief Johnson stated a sign could be installed, however, it may not be enforceable because it would be located on private property. Such a sign would have to be approved by the subdivision trustees and the City. The Chief also indicated that statistically, 80% of the people will obey the sign whether it is enforceable or not. People will still turn around anyway, but a sign would cut down the number of U-turns. In the event of cars queuing on Baxter Road, the Police would probably not issue tickets if one lane was open for through traffic; however, it was pointed out that it is illegal to block access on Baxter Road and that tickets would be issued if a total blockage occurred.

Noise Ordinance – Councilmember Hurt stated that St. Louis County already has a noise ordinance. If Brite Worx does not adhere to the requirements of the ordinance, then they could be shut down. The County ordinance specifies that if sound exceeds 70 DBA at any time during the day, it is illegal. Even though the County ordinance can control the sound, he has concerns that the City does not have jurisdiction over the County. If it is legal, Councilmember Hurt would like to include sound restrictions in the governing Ordinance similar to the County’s so that the City would have control over the situation. Councilmember Hurt will confer with the City Attorney regarding this matter. Councilmember Flachsbart stated that he thinks it would be difficult to determine where the sound is coming from and asked how one would enforce the Ordinance given the high level of background noise. Councilmember Hurt acknowledged this concern agreeing that they would have to find a way of measuring the noise appropriately.

Jim Holtrop, AcousticControl, 2464 Taylor Road, Wildwood, MO, cited the County ordinance and stated that you cannot exceed 71 DBA. The County also requires that a city be of a certain size before they can write their own noise ordinance. Essentially, there are no cities in the County that have their own noise ordinances other than for emergency generators. He stated that Councilmember Flachsbart was correct in that the source would have to be identified in order to determine the violation, which could be difficult to do on an instantaneous basis without very sophisticated equipment.

## PUBLIC COMMENTS

Nancy Berg, Woodfield Subdivision, 2417 Baxton Way, Chesterfield, MO, stated she is pleased to hear the Petitioner’s positive compromises regarding aesthetics of the building and possible solutions for the noise and help with the U-turn traffic. She asked what the approval process is and what assurances the residents have that the suggestions heard tonight will be incorporated in the final project.

Councilmember Hurt stated that some of the items suggested tonight can be written in the ordinance, such as the U-turn signs. It may be possible to include sound restrictions in the ordinance, however, that will need to be determined. As far as the architectural rendering, they are on record saying they are willing to work with the City on the concept, however, the Architectural Review Board and Planning Commission would have to approve the final plan as it cannot be written in the ordinance. He also stated that City Council has the ability to call power of review on the site development plan if it does not meet the residents’ expectation.

Debbie Berger, Woodfield Subdivision, 2457 Baxton Way, Chesterfield, MO, stated she too is very pleased to see how the Petitioner is bending toward being good neighbors and hopes that it will continue.

Ms. Berger also noted that when two Councilmembers ran for re-election they stated in their profiles that the biggest issues facing Chesterfield are protecting families and the character of neighborhoods, as well as creating financial stability. Councilmember Logan had stated that a large issue facing the City's growth is traffic mitigation. She feels that Brite Worx is a prime example of why we need responsible Councilmembers because traffic is an issue and expressed concern about the difficulties encountered when trying to exit the site. She also has concerns that: (1) the property values in the Woodfield subdivision will decrease; (2) more cars will be turning into their subdivision doing damage to their roads, signs and lawns; and (3) there will be 13 outdoor vacuum systems which all produce sound.

**Shari Diffley, Woodfield Subdivision, 2465 Baxton Way, Chesterfield, MO**, stated she is opposed to the development. She also differs with the Police Chief's opinion regarding people following posted signs and gave an example of what happens at her church where people do not pay attention to turn lanes.

**Jim Cockrell, Waverly Place Subdivision, 335 Waverly Place Court, Chesterfield, MO** stated he is very disappointed that Mr. Kamp did not invite them to the resident meetings. They were only notified by the residents of Woodfield. This project also directly affects Waverly Place and they would like to be included in all meetings.

**Dean Berger, Woodfield Subdivision, 2457 Baxton Way, Chesterfield, MO** stated he has been following this project for the last year and a half. He is concerned about the size of the building and its placement on the lot, noise, water runoff, traffic and general architectural. He is thankful that the Petitioners have addressed almost all their concerns. However, they are still concerned about traffic and noise. He noted his agreement with Councilmember Hurt's suggestion that some type of noise control should be written into the ordinance to protect the residents from the noise of this operation.

**Rob Garrison, Woodfield Subdivision, 2449 Baxton Way, Chesterfield, MO** thanked the Petitioner for making adjustments and modifications to the plan and stated they have addressed most of his concerns. He agrees with his fellow homeowners that the noise is definitely a concern noting that if they wash 300 cars a day at a minute for each that is 5 hours of the machine running. He would not like his parents living at the south end of Woodfield where they would continually hear noise from the blower.

**Skip Diffley, Woodfield Subdivision, 2465 Baxton Way, Chesterfield, MO** stated he is opposed to the project for the same reasons that have already been stated.

At 7:20 p.m., Chair Tilman called for a 10 minutes recess.

The meeting reconvened at 7:30 p.m.

Councilmember Hurt stated that the Petitioner is making some progress in addressing concerns, but the residents still have some concerns regarding sound, which he agrees is a major issue. The Petitioner has offered to install No U-turn signs at Woodfield and Waverly Place. The Waverly Place trustee would still like to meet with the Petitioners. He stated that since the Petitioners are progressing in the direction that everyone wants to go, he proposes holding the project until the next PPW meeting so he can try and resolve the sound issue. If his motion to hold goes through, he asked that Mr. Kamp meet with the Waverly Place trustee and that Mrs. Wallis meet with Debbie Berger tonight.

**Councilmember Hurt made a motion to hold P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) until the January 4, 2018 Planning & Public Works Committee meeting in order for Staff to propose possible language to be included in the Ordinance design parameters to limit noise for this project. The motion was seconded by Councilmember DeCampi.**

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

Councilmember Flachsbart stated that before voting on the motion, he would like to have the Petitioner's sound expert discuss some of the sound issues. He believes there are some misconceptions about the sound and he has questions regarding what sounds will actually be heard. He understands the real sound issue is the traffic at the intersection and residents will not even be able to hear the car wash. He does not feel sound is a big issue. He would also like to have additional information about the County's sound ordinance and how Chesterfield would enforce a sound ordinance if it were included in the governing ordinance.

In response to Councilmember Flachsbart's questions related to sound levels of the traffic and the blower fans, Mr. Holtrop addressed what the baseline noise is today and explained in detail how the study was conducted and its results. He explained the technology behind Aerodry dryers and their reputation of being the quietest blowers in the industry. An internal vacuum system will be utilized which has different nozzles and noise levels compared to a conventional outdoor vacuum system. With the worst case scenario of having the blowers and vacuums running continuously, the proposed Brite Worx facility is significantly below the County's noise requirements. Depending on traffic volume, you may never even hear the blowers.

In response to questions regarding the sound wall's effect on the adjacent neighbors, Mr. Holtrop stated the wall only drops the sound 0-2 decibels. The noise coming from the car wash is well below the traffic noise and residents will probably not even hear the car wash. In off hours when the car wash is not operational, the sound wall will benefit the adjacent neighbors because a sound wall does not exist today. Mr. Holtrop displayed slides that depicted sound levels for the car wash only with the sound wall and one that depicted the traffic only with the sound wall. The result being that the traffic noise is much louder than the car wash.

Chair Tilman had additional questions related to the redesign of the tunnel length and how it would affect the sound. Mr. Kamp stated that some of the mechanics of the wash cycle will be changed which will shorten the wash time slightly and the conveyor belt will be slowed down slightly.

Councilman Flachsbart summarized by saying the traffic noise is significant and it is much higher than the noise from the blowers and vacuums. Therefore, the traffic noise is what the residents are going to hear almost all the time. If for some reason there is no traffic, the decibels from the blowers and vacuums will be much less than what is normally heard from traffic, therefore, noise is not really an issue. The sound wall does help a little but there is not a great difference, only 1 or 2 decibels, because they are not allowed to erect a 14 foot barrier.

With reference to the details of the County's sound ordinance, Mr. Holtrop stated that in order for a city to write its own noise ordinance, the city would have to be a town of 50,000 with an active health department as part of its charter, which Chesterfield has neither. The County also requires a city to have the staff to maintain a noise ordinance.

Councilmember Hurt stated that he is not talking about writing a separate sound ordinance. There are sound restrictions within a few of the governing ordinances for the Valley and he

would like the opportunity to conduct research to see if sound regulations can be included in the Brite Worx ordinance in order to protect the residents.

Chair Tilman recommended holding the project until the next meeting so that Staff can review ordinances in the Valley to see how this is addressed and work with Councilmember Hurt and the City Attorney to see if it is possible to include language in this ordinance that would define noise limitations for the site.

Chair Tilman advised the next scheduled PPW meeting is not until January. If Staff can complete the research and work with Councilmember Hurt and the City Attorney sooner, a special meeting could be called. Mr. Wyse stated that Staff will be able to meet any deadline that the Committee sets.

Mr. Kamp thanked Councilmember Hurt for his help in communicating with the residents. He noted that they have made considerable progress and the resident concern has diminished. They have performed a sound study with extensive background based on industry standards and those results will not change. Whatever the decision is tonight, he intends on meeting with the trustee from Waverly Place and stated that if anyone wants to meet with Mrs. Wallis, she will be happy to do so.

Councilmember Flachsbart stated he is voting no on this motion and stated he is not sure he is in favor of the proposal. He does not want to give the residents hope that there is a solution to the noise when there is not a demonstrated noise problem.

**The above motion failed 2 to 2 with Councilmembers Tilman and Flachsbart voting nay.**

After some further discussion, **Chair Tilman made a motion to forward P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) to the January 3, 2018 City Council meeting and if further additions can be made to this before the Council meeting that they be incorporated in the request.** The motion was seconded by Councilmember Flachsbart.

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

Councilmember Hurt pointed out that the petitioners have offered to install No U-turn signs at Woodfield and Waverly Place and felt it should be addressed in the motion.

There was further discussion regarding the U-turn signs. Mr. Wyse advised caution in requiring an off-site improvement to mitigate an existing traffic condition.

Mrs. Wallis stated that they have encountered similar situations with other locations and offered assurances that they would install the U-turn signage. She also stated that they do not want a stricter ordinance regarding sound than what the law requires. They want to be held accountable to the same standards as everyone else.

**The above motion failed by a vote of 1 to 3 with Chair Tilman, Councilmembers Hurt and DeCampi voting nay.**

**Chair Tilman made a motion to hold P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) pending a special Planning & Public Works Committee meeting to be held before December 23, 2017, to allow Staff time to address outstanding concerns relative to sound, signs and any other current open issues that are not in the ordinance but have been proposed by the applicant.** The motion was seconded by Councilmember Hurt.

After some further discussion and clarification of the motion, **the motion passed by a vote of 4 to 0.**

### **III. NEW BUSINESS**

#### **B. Unified Development Code Updates to Articles 1 and 6**

##### **STAFF REPORT**

Jessica Henry, Senior Planner, stated that the PPW Committee directed Staff to pursue several code updates to various articles of the UDC including Articles 1 and 6. A Public Hearing was held on November 27, 2017 at which time the Planning Commission passed a motion recommending approval of the updates by a vote of 9 to 0. Ms. Henry gave a brief summation of the updates as follows:

##### **Article 01-11.B (3) Architectural Review Board-Composition of the ARB**

The update removes the Chesterfield Arts membership requirement for ARB membership and adds a second residential architect. The amended language reads as follows: “The desired composition of the Board is two commercial architects, two residential architects, two landscape architects and one affiliate in a related field.”

##### **Article 6 Telecommunications Facilities Siting**

An entire set of new regulations has been drafted by Staff and the City Attorney in order to comply with current Missouri state law.

#### **DISCUSSION**

In response to Councilmember Hurt’s questions, Ms. Henry stated the ARB composition was drafted by this Committee and the TSP article was drafted by the City Attorney, Justin Wyse and herself. Ms. Henry also confirmed that preference is given to ARB members who are residents of Chesterfield or whose business is located in Chesterfield.

In response to Chair Tillman’s question, Ms. Henry confirmed that the City is controlled by State and Federal Statutes and this update gives Chesterfield as much control as possible in regulating TSPs without violating the State statutes.

**Councilmember Hurt made a motion to forward Unified Development Code Updates to Articles 1 and 6 to City Council with a recommendation to approve.** The motion was seconded by Councilmember Flachsbart and **passed** by a voice vote of 4 to 0.

**Note: One Bill, as recommended by the Planning Commission, will be needed for the January 3, 2018 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on Unified Development Code Updates to Articles 1 and 6.]**

#### **C. Waste Container Complaints**

Justin Wyse, Director of Planning & Development Services, stated that over the last several months the City has seen a sharp increase in the number of trash can storage complaints throughout the City. It has been suggested that the City could limit the number of complaints

that could be generated from one individual. Staff is seeking direction on how to move forward with this suggestion.

### **DISCUSSION**

Councilmember Flachsbart stated that he is in favor of establishing a cap on the number of complaints an individual can make due to the amount of time and energy expended by the Code Enforcement Officers. He suggested perhaps less than 10 complaints.

Chair Tilman stated he is opposed to a cap. He acknowledged that the situation has generated a lot of extra work, but feels that if a cap is placed on the number of complaints a resident can generate, it sends a message to residents that Council is willing to listen and willing to hear their complaints up to a point. While today it is waste containers, tomorrow it could be another issue. Councilmember Flachsbart still felt that there should be a certain limit set per month or per quarter noting that if it really is a problem, then other residents would be complaining.

Councilmember DeCampi stated it is not a good idea to put a limitation on the number of complaints. He is well aware of the situation and stated there are deeper issues involved that need to be addressed so the matter can be resolved. Councilmember Hurt concurred.

There was further discussion regarding prioritizing the workload and Mr. Wyse stated it has reached a point where prioritization is difficult due to sheer mass.

The Committee agreed that no action would be taken at this time.

### **III. OTHER**

### **IV. ADJOURNMENT**

The meeting adjourned at 8:28 p.m.