

## MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Public Services

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, August 7, 2014



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, August 7, 2014 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: Planning Commission Chair Mike Watson; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; John Boyer, Senior Planner; Jonathan Raiche, Senior 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 July 24, 2014 Committee Meeting Summary

**Councilmember Greenwood** made a motion to approve the Meeting Summary of July 24, 2014. The motion was seconded by **Councilmember Fults** and **passed** by a voice vote of 4-0.

### II. OLD BUSINESS - None

### III. NEW BUSINESS

- A. **P.Z. 05-2014 18626 Olive Street Road (Simon Woodmont Development LLC)**: A request for a zoning map amendment from an "NU" Non-Urban District to a "PI" Planned Industrial District for 2.391 acres located southeast of the intersection of Olive Street Road and Spirit Valley East Drive (17W510060).

### **STAFF REPORT**

**Jonathan Raiche**, Senior Planner, stated the request is for a zoning map amendment from an "NU" Non-Urban District to a "PI" Planned industrial District. The site is approximately 2.4 acres southeast of the intersection of Olive Street Road and Spirit Valley East Drive. It is situated between Spirit Valley Business Park to the west,

Chesterfield Fence and Deck to the east, and sits south of Olive Street Road across the street from Rombachs Farm. Chesterfield Blue Valley is located to the northeast.

A public hearing was held May 28, 2014 and a Planning Commission vote meeting was held July 28. The main issue addressed was the amount and the intensity of uses requested with a focus on *gymnasiums* and *restaurants with drive-thru* uses. These concerns were addressed at the vote meeting and Staff finds the request is compliant with City Code and the Comprehensive Plan.

### **DISCUSSION**

Chair Hurt pointed out that there is cross access to adjoining properties and no access onto Olive Street Road.

#### **Hours of Operation**

Councilmember Greenwood expressed her concern for the residential property across the street as the proposed entitlements do not restrict the hours of operation. She believes that as long as there is residential use nearby, there should be hourly requirements. The Rombachs were there first so she questioned why we would allow something with no limit on hours.

Councilmember Fults recalled a few years ago hours of operation were omitted because a consensus could not be reached in determining what normal hours should be, and it was decided that normal hours would be determined on a project by project basis.

In response to Chair Hurt's question, Ms. Aimee Nassif, Planning and Development Services Director, stated that both Blue Valley and Spirit Valley Business Park have unrestricted hours of operation. Some of the other developments in the area are restricted to either no 24-hour operation for public access; 6 a.m. to 11 p.m.; or 7 a.m. to 10 p.m. depending on the use. A representative of the petitioner agreed the hours of operation should be restricted to match the surrounding businesses. Councilmember Greenwood suggested they be 7 a.m. to 11 p.m. Councilmember Fults concurred, however, she stated since they are in a 'PI' district, they may need to start a little earlier. Ms. Nassif stated the hours of operation are intended to restrict the hours for public use, such as customers, so they could be open earlier for their employees. She noted that normally there are separate hours specified for deliveries.

Mike Geisel, Director of Public Services, asked Councilmember Greenwood if she would clarify her concerns and would she desire that the restricted hours of operation be eliminated when the residential use is no longer within 500 feet of the site. Councilmember Greenwood indicated that she believed that the hours of operation should be restricted without regard for the adjacent uses. She pointed out that the outlet mall does not operate 24 hours a day and since there is zoning capability for drive-thru and fast food restaurants, she does not feel there should be 24-hour access.

**Councilmember Fults made a motion to restrict the hours of operation to 7 a.m. to 11 p.m. for public access.** The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4-0.**

### **Planning Commission Report**

Mr. Mike Watson, Planning Commission Chair, stated he opposed the restaurant drive-thru use entitlement and had asked the Petitioner during the Planning Commission meeting if he would remove it. The Petitioner indicated that they preferred to retain this use in the request. Planning Chair Watson pointed out that this is an industrial area with no precedent for a drive-thru restaurant so he voted against it.

### **Restaurant Use**

Councilmember Fults has always believed that “PI” uses were very different from commercial uses. She noted that this particular area has always had an industrial feel and questioned whether restaurants are appropriate.

Ms. Nassif explained permitted uses in a “PI” district were updated in 2009 and several commercial uses were eliminated. However, restaurant uses were kept and are considered an accessory for those working in the industrial area. This particular project is unique because of the small size of the parcel; therefore the Committee may want to restrict some of the commercial uses in order to keep the industrial feel.

Councilmember Fults asked if restaurants were considered an ancillary use. Ms. Nassif stated it could be restricted to accessory only in this district. Restaurant use is allowed in Spirit Valley Business Park, but due to the subject site’s smaller size, it may not be a desired use. Mr. Raiche pointed out there is one vacant parcel just to the west that also fronts Olive Street Road and with the current zoning ordinance, a fast food restaurant would be allowed. There is also a parcel to the east of Chesterfield Fence and Deck where restaurant use is permitted. Ms. Nassif pointed out that those are large industrial type districts. Given the small size of the subject site, it is anticipated that only one or two buildings would be allowed so if a commercial use is permitted, the industrial feel may be lost.

### **Petitioner Comments**

Mr. Chris Mueller, representing the Petitioner, stated that due to the size of the lot, it was compared to other sites within Chesterfield Valley that had restaurants, such as Bread Co., Wendy’s, and Lion’s Choice. Also due to the fact that it is across from the outlet mall, it is easily seen and accessed for those driving along Olive Street Road who may want a bite to eat. A restaurant use also makes the site more attractive for selling purposes.

Councilmember Fults asked the petitioner why they chose a “PI” district versus commercial zoning if their intent was for a restaurant. Mr. Mueller stated he was unable to speak on that issue. Ms. Nassif stated that when Staff met with the applicant, it was portrayed to them that the applicant was looking at the site as being an extension of Spirit Valley Business Park. Because there would be cross access from Spirit Valley

Business Park, they were looking to have similar type uses and zoning as the surrounding area, which is why they chose "PI." There is no prospective tenant for the site - they want to sell the property.

At the time Spirit Valley came in, Mr. Geisel stated there were discussions that the area south of Olive would be zoned "PI" and the area north of Olive would be zoned "PC" knowing there would be an overlap on the uses. Chair Hurt agreed this should be a "PI" due to the surrounding uses.

Councilmember Fults agreed with Mr. Watson that a restaurant drive-thru would create another dynamic with regard to traffic but she felt an ancillary use may be acceptable. There are a few small restaurants along Chesterfield Airport Road that cater to the industrial workers. Mr. Watson cited Wente's as an example but noted that it does not have a drive-thru.

Mr. Dean Wolf, representing the owner, stated they believe that the drive-thru restaurant is appropriate in this location because the intersection of Premium Way and Olive Street Road will be signalized. There are cross-access easements that will bring the signalized intersection in behind the site as it will tie into Spirit Valley East Drive. There is frontage on Olive Street Road. The nearby industrial park is approximately 80 acres and he feels those employees would welcome a restaurant. It is also located directly across the street from the Chesterfield Blue Valley. In terms of the way traffic flows on Olive Street Road, a restaurant would be a viable option. At this point, no specific user has been identified; however, they would like to maintain the flexibility of allowing a restaurant on that site because it makes sense for an 80 acre industrial park to potentially have a restaurant use.

Councilmember Fults stated there is a lot of commercial development on the north side of Olive Street Road. The south side of Olive is the industrial side. Olive Street Road is the dividing line. A restaurant use would be acceptable, however, a drive-thru commercializes it and it would not be appropriate within an industrial district.

**Councilmember Fults made a motion to remove "restaurant drive-thru" as a permitted use for this site.** The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4-0.**

**Councilmember Fults made a motion to forward P.Z. 05-2014 18626 Olive Street Road (Simon Woodmont Development LLC), as amended, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Grissom and **passed by a voice vote of 4-0.**

In response to Mr. Wolf's question, Ms. Nassif replied that restaurant take-out and restaurant fast food are still permitted uses.

**NOTE: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the September 3, 2014 City Council Meeting. (A Green Sheet Amendment will be required.)  
See Bill #**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on P.Z. 05-2014 18626 Olive Street Road (Simon Woodmont Development LLC).]

- B. Schoettler Grove SDP:** A Site Development Plan, Landscape Plan, Tree Preservation Plan, Tree Stand Delineation Plan, and Architectural Elevations for a 17.0 acre tract of land zoned “PUD” Planned Unit Development located northwest of the intersection of Clayton Road and Schoettler Road.

### **STAFF REPORT**

John Boyer, Senior Planner, stated that Power of Review had been called for the Site Development Plan for Schoettler Grove. The request would permit the development of 31 single family detached residential homes; one public access point off Schoettler Road; and one private access point at Westerly Place Drive.

The Site Development Plan was reviewed by Planning Commission at their July 28, 2014 meeting. During the meeting, discussion occurred on the following items:

- Appropriate material and design for the required gate at Westerly Place Drive and the planned private emergency drive;
- Appropriate material for the fence around the cemetery on the western end of the site;
- Access via the planned left turn lane off Schoettler Road; and
- Tree Preservation planned for the site.

### **Gate for Private Access Point**

During Planning Commission, there was discussion related to the proposed design and material of the gate for the private access point. The Commissioners had indicated their preference for wrought-iron type fencing vs. the steel pole gate previously proposed. The Petitioner is now proposing a four-foot high, double-gate fence for the private access point. After reviewing the plans, it was not clear whether the proposed fence is black steel or black anodized aluminum; this will be clarified prior to the next City Council meeting. Chair Hurt pointed out that because of rust issues, steel fencing is harder to maintain than anodized aluminum.

### **Cemetery Fencing**

The Planning Commission also had concerns about the proposed split-rail wooden fence that would surround the cemetery site. The Commission approved a motion requiring a more appropriate material for the fence around the cemetery. The plans indicate a steel material for this fence, which will also be clarified prior to City Council meeting. Chair Hurt stated that the main body of the fence needs to be black anodized aluminum rather than steel to insure easier maintenance.

### **Schoettler Road Access**

Concerning the Commission's discussion on the left turn lane into the site from Schoettler Road, additional information was requested on the dimension of this planned access. Per plans and the Traffic Assessment, the left turn lane depth is 100 foot, 12 foot wide with a 20:1 taper. According to the traffic analysis, the anticipated traffic flow is 20 trips into the site during weekday peak time. The proposed left turn lane configuration would allow adequate stacking for this traffic movement.

### **Tree Preservation**

Discussion at Planning Commission also occurred based on the lack of proposed Tree Preservation by the applicant. Currently, only 14% out of the City Code required 30% of the site's existing woodlands is proposed to be preserved. Due to the amount of grading required in order to develop the 31 lots approved via the site's governing ordinance, 30% preservation cannot be achieved and a modification was granted by the Planning and Development Services Division. Associated with any modifications granted, a Mitigation Plan is required. A Mitigation Plan has been provided, which would re-establish the removed woodlands on the site as required by City Code.

The Landscape Plan meets the City's requirements for the landscape buffer and the Tree Preservation requirements.

The proposed mitigation achieves the desired 'green wall' along the border of the Westerly Place and Gascony subdivisions and replaces a number of trees in the retention area. It was also noted that a berm is included on the north side of the site.

## **DISCUSSION**

### **Resident Notification**

Chair Hurt noted that there were not any residents from Westerly Place subdivision present at the last Planning Commission meeting and asked if Staff had been contacted by any Westerly Place residents. Mr. Boyer stated that Staff has not received any additional contact prior to the Planning Commission vote meeting. Staff sent emails to the trustees of Gascony and Westerly Place and to those area residents who had provided email addresses to Staff.

### **Planning Commission Report**

Planning Chair Watson stated that the Commission's main concerns related to the access gate, the cemetery fence, and the left-hand turn lane. Commissioner Geckeler had also indicated her disappointment with the small number of monarch trees being preserved.

### **Trees/Landscaping**

While the Committee reviewed the Tree Stand Delineation Plan, Mr. Mike Geisel, Director of Public Services, noted that the site requires extensive grading in order for it to be developed as approved. Ms. Aimee Nassif, Planning & Development Services

Director, explained that because of the Preliminary Plan approved during the zoning phase, the special conditions for the site needed to be approved.

Chair Hurt pointed out that the developer had informed the residents at the first meeting that the majority of the trees would be removed. Councilmember Greenwood noted that the residents had then voiced their dissatisfaction with the amount of trees being removed.

Councilmember Fults asked for further review of the Landscape Plan. Mr. Boyer explained that the tree mass located within the cemetery will be saved; mitigation trees will be added along with additional landscaping that is required to meet the City's Tree Preservation and Landscape requirements; and a few trees along the perimeter of the site will be preserved and supplemented with additional plantings.

Councilmember Fults asked for confirmation that the detention area will be landscaped. Mr. Bill Biermann, representing the Petitioner, stated that even though grading is required in this area, it will be replanted with a better plant material than what now exists.

Councilmember Greenwood expressed her concern about the number of exceptions being allowed for this development, such as only 14% of the site's existing woodlands being preserved. She stated that the PUD is supposed to be creative so that natural features are saved. She added she does not see anything creative about the proposed plan and noted that more monarch trees would have been saved through straight zoning than are now being saved with the PUD. She feels there was no attempt made to save any monarch trees and that the City's policy regarding trees is not being observed in this instance. She stated she will not be voting in favor of this plan.

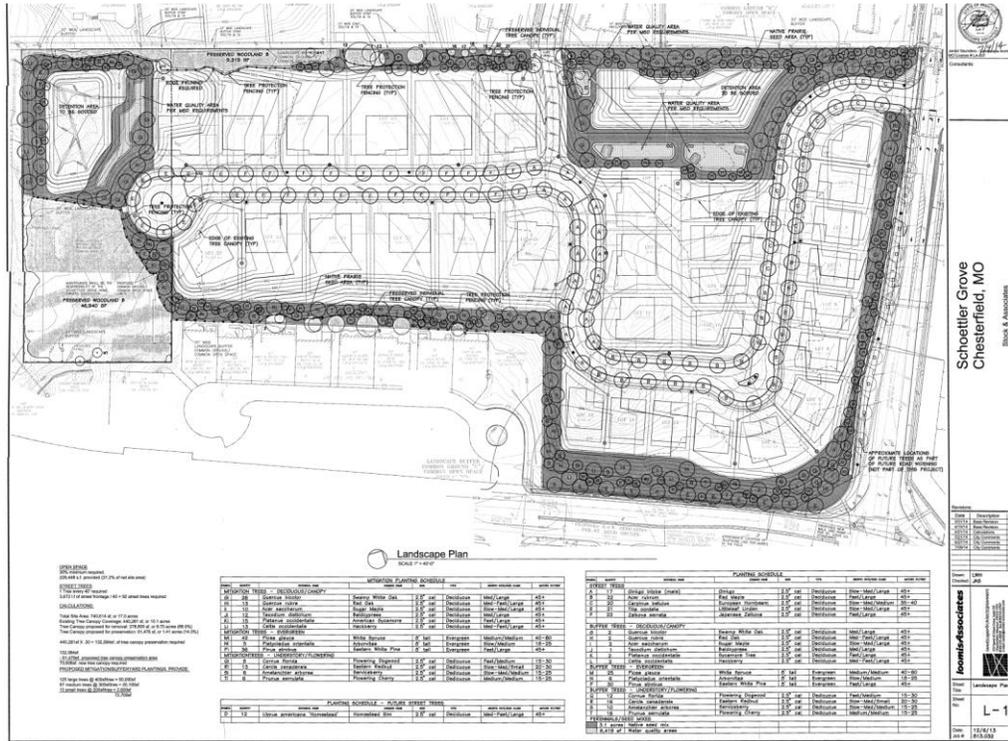
#### **Cemetery Fence and Emergency Access Gate**

**Chair Hurt made a motion that both the cemetery fence and the emergency access gate be made out of black anodized aluminum, allowing exceptions to any structural member of the fence that may need to be made of steel for strength purposes.** The motion was seconded by Councilmember Greenwood and **passed by a voice vote of 4-0.**

#### **Left-Hand Turn Lane**

Chair Hurt asked if the left-hand turn lane could be run back to where the left-hand turn lane onto Clayton Road is located. Mr. Geisel stated that the proposed lane is the maximum length that is able to be constructed given the right-of-way restrictions and the existing infrastructure. The Developer's engineer was then asked to address this issue. Mr. Chris Mueller stated that the tapers for the two turn lanes (*turn lane into the development and turn lane onto Clayton Road*) are back-to-back and that the turn lane into the development is the maximum length that can be constructed because of the tapers.

# Mitigation Plan



Councilmember Fults asked for information on the difference between the landscape plan without mitigation and with mitigation. It was noted that the shaded area in the above drawing includes the proposed mitigation. Mr. Boyer explained that the mitigation has to be above and beyond what the Code requires for landscaping. The mitigation plan includes both deciduous and coniferous trees.

Councilmember Grissom made a motion to forward the Site Development Plan, Landscape Plan, Tree Preservation Plan, Tree Stand Delineation Plan, and Architectural Elevations for Schoettler Grove to City Council with a recommendation to approve as amended. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 3-1 with Councilmember Greenwood voting “no”.

**Note: This is a Site Development Plan which requires a voice vote at the September 3, 2014 City Council Meeting.**

**[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Schoettler Grove SDP.]**

## **C. City Hall Fountain Repair**

### **STAFF REPORT**

Mike Geisel, Director of Public Services, stated the fountain has not been filled for several months due to a leak in the water supply piping under the main reservoir. During Staff's investigation, two leaks were found. One is on the supply side outside of the fountain structure, which is a relatively simple repair. However, the second leak is actually underneath the main reservoir of the fountain itself. There are three bubblers in the main fountain basin where the water supplies the fountain. Those bubblers are connected to a manifold, connected to a single 8 inch single supply line. We know the leak is located under the basin structure and in order to repair it, we will have to break up the fountain floor, excavate approximately 5 feet down, and expose the piping. Staff feels it prudent to replace the entire pipe segment with a heavier pipe at the same time the repair is being made.

Under normal circumstances, Staff would ask for the estimated funding amount and bid the project. Since the leak is below the basin floor and hidden by the existing structure, we simply do not know what complications and unforeseen problems may arise. Due to the uncertainty of the conditions, Staff is recommending the fountain be repaired on a time and material basis. Staff will keep track of time and materials and after the repair is made, ask City Council for reimbursement of the actual expenses from the General Fund-Fund Reserve.

The fountain was built when City Hall was constructed in 2001. It was funded by a \$300,000 donation from Sachs Properties. It has performed very well. That portion of City Hall sits on rock and the rock has settled over time. It is possible this settling could have been exacerbated due to the adjacent RGA construction.

Mr. Geisel believes the fountain is an iconic feature for City Hall and believes it should be repaired. He is asking the Committee to authorize Staff to proceed with the project with the intention of reimbursement from the General Fund-Fund Reserves.

### **DISCUSSION**

Chair Hurt asked Mr. Geisel if he had any idea of how much the repair would cost. Mr. Geisel stated he feels the repair cost could be as high as \$50,000. He hopes that it would not be that high but due to the work involved with the repair; he feels \$50,000 is a conservative estimate. A set of specs cannot be written for an unknown problem within an unknown environment. All we can do is specify time and material and monitor the work as it progresses. We will bid out the cost for time, material, labor and equipment, and then monitor the project.

Chair Hurt suggested just requesting bids for replacing the manifold. Mr. Geisel stated Staff will request bids, but due to the uncertainty of the extent of the repair needed, Staff will have better control over the project if it is done on a time and material basis. If we bid a specific item only, inevitably it opens up the door for excessive change orders, which we will have no control over. It is much easier to control a "time and materials"

contract than to contract to only “replace a manifold.” The contractor will claim there were unforeseen conditions. Staff cannot predict what those conditions might be at this point. Chair Hurt stated in his experience, time and materials is not the way to go. He suggested replacing the manifold as this repair would cover almost everything involved in the repair. Mr. Geisel stated we will definitely replace the manifold, and in fact, we want to replace all the piping while it is exposed. There are several unknown factors that we have no control over.

Discussion ensued regarding a redundant design and completely redesigning the fountain at the time of repair. Mr. Geisel indicated Staff does intend to upgrade the system in order reduce the likelihood of future problems.

Chair Hurt asked if it would be better to wait until next spring to complete the repair and put it in the budget. Mr. Geisel replied that it will take some time to write the specs and implement the repair and he would like to complete the project while the weather is still favorable rather than do the work when the ground is frozen. After the repair, the fountain would not be turned on until next spring except as necessary to ensure that the repairs were completed properly.

Councilmember Greenwood stated the same problem could occur when the southeast corner of Chesterfield Parkway and Swingley Ridge is developed. Mr. Geisel stated that is potentially possible. She stated she is not comfortable with approving time and materials as we are not setting any kind of limit on the expenditure. There could be unforeseen difficulties and it could cost \$100,000. Mr. Geisel indicated he is very comfortable with an authorization to proceed on a time and material basis with a maximum expenditure of \$50,000, knowing that if a major setback were encountered that Council would have to be consulted to proceed.

Since several members of the Finance and Administration Committee members were present, Councilmember Greenwood again pointed out the need for a capital maintenance fund rather than continually asking for a General Fund transfer for projects such as this. She felt the City should have a more proactive viewpoint rather than a reactive viewpoint. Mr. Geisel pointed out that Staff made a similar request over the course of several Finance and Administration Committee meetings, however, Council elected not to create the Capital Replacement Fund as recommended by Staff. Councilmember Grissom said you are basically taking the money out of one pie and putting it in another and then you will have to manage two accounts instead of one.

**Councilmember Grissom made a motion to approve Staff’s recommendation to proceed with the fountain repair on a time and material basis with a maximum expenditure of \$50,000. The motion was seconded by Councilmember Fults and passed by a voice vote of 4-0.**

**[Please see the attached report prepared by Mike Geisel, Public Services Director, for additional information on the fountain repair.]**

**IV. PROJECT UPDATES**

No update was given.

**V. OTHER**

There were no other items discussed.

**VI. ADJOURNMENT**

The meeting adjourned at 6:35 p.m.