PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 14, 2016

The meeting was called to order at 7:02 p.m.

I. ROLL CALL

PRESENT	ABSENT
Ms. Wendy Geckeler	
Ms. Merrell Hansen	
Ms. Allison Harris	
Ms. Laura Lueking	
Ms. Debbie Midgley	
Ms. Amy Nolan	
Mr. Guy Tilman	
Mr. Steven Wuennenberg	
Chair Stanley Proctor	

Councilmember Connie Fults, Council Liaison
Interim City Attorney Harry O'Rourke
Ms. Aimee Nassif, Planning & Development Services Director
Mr. Jonathan Raiche, Senior Planner
Ms. Jessica Henry, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Councilmember Connie Fults, Council Liaison; and Councilmember Bruce DeGroot, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

A. P.Z. 01-2016 18600 Olive Street Road (Ezra Partners LLC): A request for a zoning map amendment from an "M-3" Planned Industrial District to a "PI" Planned Industrial District for 5.00 acres located southwest of the intersection of Olive Street Road and Spirit Airpark West Drive (17W520014).

STAFF PRESENTATION:
Senior Planner Jonathan Raiche gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Raiche then provided the following information about the subject site.

Site Location
The site is situated across from the Chesterfield Blue Valley development (PC) to the north, and Spirit Valley Business Park (PI) to the west. All of the property immediately surrounding the subject site is part of the Spirit of St. Louis Airpark development (M-3).

Site History
The site was zoned "M-3" by St. Louis County in 1965; however, there was never a site-specific ordinance or development plan filed for this property.

Comprehensive Land Use
The Comprehensive Land Use Plan shows that the site is located in the Spirit Airport land use designation and is situated between the mixed use across Olive Street Road and the industrial low-intensity use to the west. The Spirit Airport land use definition includes *industrial, office, and limited recreational and commercial* uses.

Uses
The Petitioner is requesting 61 uses from the approximately 100 uses available in the Planned Industrial District. Staff has reviewed all the proposed uses and finds them to be compatible and appropriate for the subject area.

Preliminary Plan
The Preliminary Plan proposes three, one-story buildings situated perpendicular to Olive Street Road, and two access points off Spirit Airpark West Drive. Parking is shown along the eastern and northern portions of the site, and proposed rain gardens are scattered throughout the development. The proposed setbacks include 20-foot building and 10-foot parking setbacks around three sides of the site and a 90-foot setback from Olive Street Road. Staff has also advised the Petitioner that a cross access easement will be required to allow access to the sites to the west.

The access from Spirit Airpark West Drive is still under review. Staff will continue to work with both St. Louis County and the Petitioner to insure that legal access is provided as there is an approximate 20-foot wide strip of property owned by County which is between the subject site and Spirit Airpark West Drive. The Petitioner has informed Staff that there may be an agreement already in place regarding this property. Mr. Raiche stated that Staff will require such an agreement before the zoning is approved.

Items under Review
1. Staff review of comments provided by St. Louis County
2. Access through County property to Spirit Airpark West Drive

Discussion

Uses/Hours of Operation
When comparing the subject site to the surrounding developments, Commissioner Tilman asked if there are any significant differences relative to uses or hours of operation. Mr. Raiche pointed out that there are three separate ordinances for the three adjacent "PI" zoning districts, in addition to a fourth ordinance for the "M-3" District for

the airport. Among these four ordinances, there is a variation of uses permitted but there are no large discrepancies between them and what the Petitioner is requesting. It was further noted that the Petitioner is only requesting two uses that are not permitted within any of these four ordinances – 1) *public building facility owned or leased by the City of Chesterfield*, and 2) *farming, livestock, and stables*.

With respect to hours of operation, Mr. Raiche stated that the ordinance for 18626 Olive Street Road has a restriction on its hours of 7:00 a.m. to 11:00 p.m.; the other three ordinances have no restrictions. The Petitioner has requested unrestricted hours of operation.

PETITIONER'S PRESENTATION:
Mr. David Volz, Volz Engineering, 10849 Indian Head Industrial, St. Louis, MO.

Mr. Volz stated he is representing Ezra Properties, the owners of the subject site. They are seeking "PI" zoning with uses since no uses had been assigned to the site at the time of its zoning in 1965. Of the 100 possible uses within the "PI" district, they are requesting 61 uses in order to make the property as marketable as possible. The requested uses are a combination of light industrial, office, and limited commercial.

The Preliminary Plan shows three building envelopes, one parking lot, and two access points from Spirit Airpark West Drive. Mr. Volz stated that they agree with the content and recommendations of the Staff Report.

Discussion

Hours of Operation
Commissioner Lueking asked if the Petitioner would be opposed to restricted hours of operation. Mr. Volz indicated that they would be open to discussing restricted hours but would like to work out the hours on a per use basis. He noted that an industrial use that works with contractors may need to open at 6:00 a.m. rather than 7:00 a.m. He added that they want to be in the same situation as the other adjacent properties with respect to their hours of operation.

Commissioner Hansen questioned whether the Commission would have the opportunity to restrict the hours of operation once the specific uses are determined for the site. Ms. Aimee Nassif, Planning and Development Services Director explained that the hours of operation need to be restricted during the zoning process. She suggested that the Commission direct Staff to work with the Petitioner on hours of operation. Staff could then categorize the uses within the Attachment A and stipulate separate hours of operation for each category. If restricted hours of operation are not included in the Attachment A, they cannot be restricted at the site plan stage.

Chair Proctor asked the Commission members whether it is their desire to have Staff work with the Petitioner on the hours of operation in relation to the different categories of uses. The Commission indicated its consensus to have Staff work with the Petitioner on hours of operation.

Access
Commissioner Lueking asked if the Commission will receive information from St. Louis County regarding the access points and the strip of land owned by County. Ms. Nassif replied that this petition will not be brought back to the Commission for vote until the land issue with County is resolved.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Lueking made a motion to approve the Meeting Summary of the February 22, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 9 to 0.**

VI. PUBLIC COMMENT

The following individuals, representing the Petitioner for Spirit Energy, LLC (Starbucks), were available for questions from the Commission.

1. Mr. Richard Robinson, 3405 Hawthorne Blvd., St. Louis, MO.

2. Mr. Mike Vorwerk, Civil Engineering Design Consultants, 11402 Gravois Road, St. Louis, MO.

3. Mr. Dustin Riechmann, Lochmueller Group, 411 North 16th Street, St. Louis, MO. Mr. Riechmann stated he was available for questions pertaining to parking, traffic, and access.

Mr. Robinson stated that after it was decided to explore the viability of developing the subject site, they learned that there had been a number of attempts to develop this site. Consequently, they obtained some of the past proposed site plans and the 2010 governing ordinance. They then asked their engineer to develop a workable plan for the site for a Starbucks building with drive-thru. They have been successful in developing a plan that conforms with the ordinance with the exception of having to request a parking reduction from 10 spaces to 8 spaces.

In studying other Starbucks facilities of similar designs with drive-thrus, they learned that the Starbucks in Overland Park, Kansas has 8 parking spaces, while other Starbucks in Florida and California had 7 to 10 spaces. None of these operations have had any parking issues.

The proposed design allows stacking room for 11-14 cars in the drive-thru lane and also includes a circulation lane around the entire drive-thru lane.

Dierbergs was approached about allowing cross access but Dierbergs is not willing to grant it. Because cross access is not available, the ordinance requires fencing on the west and south boundaries. Right-in/right-out curb cuts are proposed on Olive Boulevard and Woods Mill Road.

Mr. Robinson stated that while the site is very difficult to develop, they feel a Starbucks at this location would be a strong asset to the community and to the City.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Spirit Energy, LLC (Starbucks): A Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and an Architect's Statement of Design for a 0.31 acre tract of land zoned "PC" Planned Commercial District located in the southwest quadrant of the intersection of Olive Boulevard and Woods Mill Road.

Since discussion was not completed in the earlier Site Plan Committee Meeting, Chair Proctor turned the meeting over to the Site Plan Committee Chair, Commissioner Nolan.

Commissioner Nolan opened the floor for questions to the Petitioners.

Patio

Commissioner Geckeler asked whether eliminating the pedestrian concept and patio area would allow them to construct a smaller building in order to free up parking spaces and improve circulation. Mr. Robinson responded that the proposed building is only 622 square feet and in order for Starbucks to operate, it cannot be any smaller – the proposed building is about one-third the size of the average Starbucks. The average Starbucks patio is 350 square feet compared to the proposed patio of 200 square feet, which will only have room for 3-4 tables for a maximum of 12 seats. If the patio was eliminated, the site would only require 7 parking spaces and would eliminate the request for a parking reduction.

Commissioner Geckeler asked if any of the other Starbucks sites that were studied have only a drive-thru without a pedestrian walk-up. Mr. Robinson stated that the Overland Park site does not have an outdoor patio because Overland Park's building code requires a bathroom accessible to the patio. The subject site is not required to have an outdoor bathroom as long as the patio does not have more than 25 seats.

Mr. Robinson stated that he is not certain whether Starbucks would be agreeable to locating at this site without an outdoor patio. He added that the patios at other Starbucks locations do not get used during the morning peak hours.

Cross Access/Parking

Commissioner Lueking suggested incorporating additional striping on the site for safe pedestrian crossing and also encouraged the Petitioners to re-contact Dierbergs to try and negotiate cross access near Olive Boulevard. She expressed concern about the traffic situation during the peak hours and pointed out that a local high school is near this location and that many students will most probably patronize this Starbucks.

Mr. Riechmann provided information about parking for the site. He stated that the outdoor patio space requires 3 parking spaces for a total of 10 spaces for the site. Access from the parking to the building is similar to the Panera restaurant in the Valley with one striped cross-hatched area through the site.

Mr. Riechmann stated that the peak hours for the drive-thru are 7:00 a.m. to 8:00 a.m., which is also the peak period for the number of employees on site - this leaves 2 parking spaces available for patio users. Outside of these hours, there is typically only 3-4 employees leaving 4-5 parking spaces available for patrons using the walk-up window.

Because we live in a seasonal climate, it is anticipated that the patio will be used mainly during the mid-day hours. During the summer, the patio may be used more during the morning hours but school will not be in session.

Commissioner Lueking then expressed concern that it will be difficult for vehicles leaving the site to go eastbound on Olive because of having to cross traffic in the right-in/right-out turn lane. She suggested trying to get cross access near Olive of a minimal width of five parking spaces.

Ms. Nassif asked if the Petitioners have spoken to Dierbergs about cross access since the site plan has been developed. Mr. Robinson replied that Dierbergs was given copies of the site plan but they have been very clear that they do not want to grant any cross access.

For clarification, Ms. Nassif informed the Commission that cross access was requested during the rezoning phase but Dierbergs was not amenable to granting it and the City has no legal right to require it. At that point, the City required a fence to provide a physical barricade between the two properties.

Commissioner Hansen asked if there could be only one access for the site from Woods Mill Road and eliminate the access on Olive Boulevard. She also questioned whether this would solve some of the issues being discussed. Ms. Nassif replied that the governing ordinance entitles the Petitioners to a right-in/right-out on both Olive and Woods Mill. If the Petitioners want to self-restrict access further, they can do so, but the City cannot require it. She pointed out that the access was reviewed during zoning by MoDOT, Staff engineers and planners and the right-in/right out was allowed. She added that having only one access to the site would have to be analyzed by Staff to determine if it would resolve any of the Commission's concerns and not create any other issues.

Commissioner Harris stated she is extremely concerned about this corner because there is both a high school and middle school in the near vicinity and she has safety concerns about traffic for the many students who will visit the site. She suggested having a right-in only on Olive to prevent people trying to cross the lane to go eastbound on Olive.

Commissioner Wuennenberg pointed out that MoDOT has reviewed and approved the access. He also noted that if the internal circulation became an issue, it would be the property owner's responsibility to address. Consequently, he does not think the Commission should have any concerns about either access or circulation.

Mr. Robinson stated that Starbucks has made it clear that they need both access points in order to effectively operate and the project would most likely be in jeopardy if one access point is eliminated.

While she understands that both MoDOT and the City have approved the access, Commissioner Lueking asked that the Petitioners make another attempt to gain the width of at least 5 parking spots near Olive for the sake of public health and safety. She also asked that some type of striping be utilized near the 4 parking spots across from the drive-thru so customers feel compelled to cross in one area.

Mr. Robinson stated that they would be happy to add a crosswalk and to try again to get some cooperation from Dierbergs on shared parking but there is no guarantee Dierbergs will cooperate.

Bike Rack

Commissioner Tilman noted that cyclists are likely to visit the restaurant and asked if a bike rack is planned for the site. It was noted that one had not been proposed, but Mr. Robinson indicated that they would be happy to add one assuming they can find a safe spot for its location.

Commissioner Hansen expressed concern that providing a bike rack could create more problems noting that there is no bike trail nearby. It was pointed out that a lot of bikers ride along both Olive and Woods Mill in this area and that a bike lane is provided along certain parts of the roads.

Fencing/Bollards

Commissioner Tilman asked if the fencing and bollards around the patio area have been reviewed with respect to safety. Ms. Henry replied that the fencing has been reviewed and that it will also undergo building code review by St. Louis County. The bollard lights that were originally part of the proposal and presented to the Architectural Review Board were removed from the proposal due to excessive lighting levels beyond the standards of the Unified Development Code.

Hours of Operation

Commissioner Hansen inquired as to the hours of operation for the site. Ms. Henry stated that in accordance with the ordinance, the hours of operation are unrestricted for this development. Mr. Robinson stated that the business operating hours have not yet been established, but Starbucks normally operates from 5:30/6:00 a.m. to 9:00/10:00 p.m.

Commissioner Lueking pointed out that hours of operation are not tenant specific and the space could be occupied by another tenant in the future. She had concerns about allowing hours of operation past midnight in a residential area.

Ms. Nassif stated that the zoning entitlements are already in place and no restrictions were placed in the ordinance on the hours of operation. If another use came in for the site and the ordinance was opened up, the hours could be restricted at that time.

Commissioner Nolan made a motion recommending approval of the Site Development Plan, Landscape Plan, Lighting Plan, Architectural Elevations and Architect's Statement of Design for Spirit Energy, LLC (Starbucks) with the conditions of (1) adding a pedestrian crosswalk on the north side of the building, and (2) adding a bike rack in an appropriate area. The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Geckeler*, Commissioner Hansen, Commissioner Nolan, Commissioner Tilman, Commissioner Wuennenberg, Chair Proctor

Nay: Commissioner Harris, Commissioner Lueking, Commissioner Midgley

The motion passed by a vote of 6 to 3.

**Commissioner Geckeler stated she "would reluctantly vote 'yes' but wants the City Council to take a long look at this".*

VIII. OLD BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Steve Wuennenberg, Secretary