

**CITY OF CRESTWOOD
PLANNING AND ZONING COMMISSION MEETING
April 1, 2015 at 7:00 p.m.**

CALL TO ORDER

The regularly scheduled meeting of the Planning and Zoning Commission was called to order by Acting Chairman Sweeney at 7:03 p.m.

PLEDGE OF ALLEGIANCE

Acting Chairman Sweeney led everyone in the Pledge of Allegiance.

ROLL CALL

Acting Chairman Sweeney	Greg Zipfel
Ken Lange	Scott Whitcraft-Excused
Steve Nieder	Alderman Boston
Dave Wall	Mirela Celaj, Project Manager-Excused
Bo Proffitt	James Gillam, Director of Public Services

MINUTES

Acting Chairman Sweeney asked for a motion to approve the December 3, 2014 minutes.

Mr. Proffitt made a motion to approve the minutes as submitted and Mr. Wall seconded the motion. Upon voice vote, all were in favor (6 ayes - 0 nays) and then a roll call was taken as follows:

AYES: Sweeney; Lange; Nieder; Wall; Proffitt; Zipfel

NAYS: None

ABSENT: Whitcraft

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Acting Chairman Sweeney asked for nominations for Chairman. Mr. Proffitt nominated Mr. Sweeney. Mr. Wall seconded the nomination. There being no other nominations, Acting Chairman Sweeney accepted the nomination for Chairman.

Mr. Nieder questioned whether Acting Chairman Sweeney might possibly have conflicts of interest in fulfilling the nomination as Chairman due to the fact that he has professional ties to other local municipalities. Acting Chairman Sweeney clarified that he is City Attorney for three cities and counsel for a number of public bodies. He stated that any member of this commission could possibly have conflicts of interest at any given time because an applicant could have a relationship with any one of them and all members would be inaccurate if they stated they do

not have any conflicts of interest. Acting Chairman Sweeney stated that it would be a breach in his fiduciary obligation if he did not admit conflict of interest should it arise; he would instead recuse himself, as he would expect anyone else to do in the same situation. Mr. Gillam stated that Mr. Nieder's comments are duly noted and to please move forward.

Acting Chairman Sweeney stated that if there were no more nominations, could a motion be made to close the nominations and elect by acclamation. Mr. Robert Miller, 8915 Westhaven Court came forward and stated that he agreed with the conflicts of interest comments made by Mr. Nieder. Acting Chairman Sweeney stated that for the record, to his knowledge, he assumes Staff would be on the City's payroll but that he and other commission members do not get paid; he is perplexed by the comparison between this commission and the paid positions of Prosecutor and City Judge in other municipalities. Mr. Proffitt stated that Mr. Sweeney's experience does not diminish his capacity but instead enriches his position on the commission.

Once again, Acting Chairman Sweeney asked for a motion to close the nominations. Mr. Proffitt made a motion to close the nominations and Mr. Zipfel seconded the motion. Upon voice vote, all were in favor and the motion passed (6 ayes, 0 nays). Acting Chairman Sweeney accepted the position as Chairman.

Chairman Sweeney then asked for nominations for Vice-Chairman. There being none from the other members, Chairman Sweeney nominated Mr. Proffitt and asked for a second motion. Mr. Wall seconded the motion. Chairman Sweeney asked for a motion to close the nominations and elect Mr. Proffitt as Vice Chair by acclamation. Mr. Wall seconded the motion. Upon voice vote, all were in favor. Hearing no opposition, Chairman Sweeney asked Mr. Proffitt if he would accept the Vice-Chair position, Mr. Proffitt accepted.

PUBLIC HEARING

- | | |
|---|--|
| a) Akram (Nick) Naser
BP Filling Station & Convenience Market
9666 Watson Road
Crestwood, MO 63126 | RE: Request for Conditional Use Permit
to extend the hours of operation
to allow for twenty-four hour,
seven days a week operation. |
|---|--|

Chairman Sweeney stated that the City of Crestwood received a request from Mr. Akram (Nick) Naser for approval of a Conditional Use Permit (CUP) in order to operate 24 hours a day, 7 days a week (24/7) the BP Filling Station & Convenience Market at 9666 Watson Road, Crestwood, Missouri. Chairman Sweeney stated that he has confirmed with Staff that the Public Hearing was properly posted, presented, and before the commission for hearing.

Mr. Naser, co-owner along with Mr. Abdul Naser of BP Filling Station & Convenience Market, came forward and stated that a BP Amoco regulation is that they would like all stations/convenience markets to be opened 24/7. In order to compete with other surrounding stations/convenience markets and have a fair share of the market, they need to be opened the

same hours of operation as other stations within the Crestwood area. At the December 3, 2014 P&Z meeting, a Site Plan Review was approved for interior and exterior modifications at this location. Hours of operation were brought up at that time but Chairman Sweeney stated that this issue would have to be discussed at a future meeting under a Conditional Use Permit (CUP). At that time, Mr. Naser was willing to open with less hours in hopes of a 24/7 operation being approved at a later meeting under a CUP. To date, the station/convenience store has not opened due to circumstances beyond Mr. Naser's control, and disappointment, as he was in hopes of opening in January or, at the latest, February 2015. Closing at 7:00 p.m. as initially agreed upon, would be a large deficit to his business. As it stands, it has been a financial hardship not being opened on the initial targeted time frame.

Mr. Nieder stated that several residents had approached him about concerns of the activity level at this address, was the proper permit applied for to allow a demolition dumpster, why has the dumpster set on the property so many months (maybe 3, going on 4), and when is the planned opening date. Mr. Naser answered that he too is very disappointed with the delays due to St. Louis County's permitting process. He also has been approached by many residents who are very much in favor of having the station/convenience market open and operating perhaps 24/7.

The situation is beyond his control with St. Louis County and he has been keeping in close touch with the Mayor Roby, Mr. Sime and Mr. Gillam on all updates. Currently, the last permit he is waiting on from St. Louis County is from the health department. Mr. Naser is in hopes that construction may begin within the week. Mr. Naser explained that the permitting process with St. Louis County is a much slower process than he has experienced with other stations he has opened but understands they want to be very thorough. Mr. Nieder asked if there was a proper dumpster permit applied for that would go beyond 7 days. Mr. Gillam stated that there was a permit on file and that the City likes to work with business owners to accommodate new business owners whenever we can. Mr. Naser has again, kept in close contact with the City pertaining to the dumpster situation.

Mr. Robert Miller came forward and brought up the issue of the quantity of gas stations and convenience stores within an undetermined radius of $\frac{1}{4}$, $\frac{1}{2}$, or whatever, of 9666 Watson Road. However, the issue of allowing a gas station/convenience market was already approved at the last P&Z Commission meeting on December 3, 2014 and approved by the Board of Aldermen on December 9, 2014. Chairman Sweeney clarified that the issue of "use" was not up for discussion this evening. Mr. Miller then stated his objections to the 24/7 hours of operation.

Ms. Sally Cobb, Staff member, stated that she was in favor of the gas station/convenience market opening and the reasons why, including the convenient location and appreciation of a 24/7 hour operation. She stated that it was very possible to open a nice quiet station on that corner and have it be successful.

Mr. Naser made final comment that he was sure the station would be open soon, meet the City's high standards, and prove to be advantageous to the City. He understands everyone's frustration with the delays involved in getting it opened but once it is opened, he will have a state-of-the-art gas station/convenience market. He knows and has spoken many residents who are delighted

that he will be opening soon. He does not believe that the station will draw any bad element to the City but enhance our City. He is willing to comply with any of the City's requests and work with the Police Department to protect his business and our town. Mr. Naser stated that perhaps Mr. Miller will, in time, see the positive effects of this corner being active and vibrant once again with the opening of his state- of-the-art gas station and an appreciated convenience market.

For the record, Chairman Sweeney clarified with Staff member, Mr. Gillam, that the already approved Conditional Use Permit will not:

- a) substantially increase traffic hazards or congestion;
- b) adversely affect the character of the surrounding commercial uses or adjacent residential neighborhood;
- c) substantially increase fire hazards or make difficult access by fire and emergency vehicles;
- d) adversely affect the general welfare of the community; or
- e) overtax public utilities

Mr. Proffitt asked if the Circle K station west of this location was granted a 24/7 operation last year and several commission members stated that it was but with a CUP.

There being no further questions or comments, Chairman Sweeney asked for a motion to approve the CUP Modification Motion Form allowing Mr. Naser to operate his BP Station 24/7. Mr. Proffitt made a motion to approve the CUP allowing Mr. Naser to operate his BP Station 24/7. Chairman Sweeney read the CUP Modification Motion Form.

CONDITIONAL USE PERMIT MODIFICATION MOTION FORM

Moved by Mr. Proffitt that the Planning and Zoning Review Commission

 x recommend to the Board of Aldermen approval of
 x a Conditional Use Permit Modification to

BP Gasmart to operate a gasoline filling station and convenience food market in an existing building located at 9666 Watson Road and to allow for twenty-four hour, seven days a week operation with the following conditions:

- x 1) That all signs be in compliance with the present Sign Ordinance of the City of Crestwood.
- x 2) That the drawings be approved by the Crestwood Fire Department.
- x 3) That the drawings be approved by St. Louis County.
- X 4) That the hours of operation shall be as follows:

- (a) That all site maintenance including parking areas be done only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.

(b) That all truck deliveries shall be done only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday.

(c) That the facilities shall be open twenty-four hours a day, seven days a week.

- 5) That for any site lighting changes, plans with fixture cuts must be submitted to and approved by the Planning, Zoning and Architectural Review Commission, including appropriate shielding of light from nearby residential property, and maintained in a condition satisfactory to the City.
- 6) That the facility meet the requirements of ICC/ANSI A117.1 Standard on Accessible and Useable Buildings and Facilities, with regard to provisions for the handicapped.
- 7) That the applicant shall be responsible for complying with all applicable provisions of the 1990 Americans with Disabilities Act (ADA), as amended.
- 8) That the use be operated in conformance with the relevant performance standards contained in Article 4 of the Zoning Code.
- 9) That should the floor plan change, the applicant will be required to resubmit plans to the City of Crestwood.
- 10) That any rooftop mechanical equipment be properly screened and maintained in a condition satisfactory to the City.
- 11) That there be ten spaces available for employee and customer parking.
- 12) That the exterior material under the new windows be masonry.
- 13) That there be a trash enclosure constructed in masonry located to the rear of the site.
- 14) The modified Conditional Use Permit is to be allowed for in C-1.
- 15) That the plans must meet all Crestwood City Codes.
- 16) That plans should show ADA accessible parking and masonry material under the new window installations and submitted to the Public Work's staff.
- 15) That this recommendation is given on the condition that all of the above conditions are approved by the City and an Occupancy Permit is obtained within 6 months.

After this time period, the applicant will be required to reappear before the Planning, Zoning and Architectural Review Commission for re-evaluation before any permits can be processed.

The Commission finds in its recommendation to approve this petition that the use will not:

- a) substantially increase traffic hazards or congestion;
- b) adversely affect the character of surrounding commercial uses or adjacent residential uses or the neighborhood;
- c) substantially increase fire hazards or make difficult access by fire and emergency vehicles;
- d) adversely affect the general welfare of the community; or
- e) overtax public utilities.

The motion was seconded by Mr. Wall.

The motion (passed/failed) by the following vote:

Ayes	<u>6</u>
Nays	<u>0</u>
Abstentions	<u> </u>
Absent	<u>1</u>

Chairman Sweeney stated that the CUP Modification Motion Form had been approved by this commission and would be heard before the Board of Aldermen on April 14, 2015 and suggested that Mr. Naser be present.

**b) Daniel C. Wind, Jr. P.E.
Wind Engineering Company
122 N. Kirkwood Road
St. Louis, MO 63122**

**RE: Request for Final Site Plan Review
Pardee Gardens Subdivision
8815 Pardee Road
Crestwood, MO 63123**

Chairman Sweeney stated that the City had received a request for a Final Site Plan Review from Mr. Daniel Wind on behalf of Pardee Gardens Subdivision. Chairman Sweeney stated that he has confirmed with Staff that the Public Hearing was properly posted, presented, and before the commission for hearing.

Mr. Daniel Wind of Wind Engineering, 122 N. Kirkwood Road, St. Louis, MO 63122 came forward and stated that the final plans submitted had only minor changes from the preliminary plans and all issues with MSD were addressed. Mr. Gillam confirmed Mr. Wind's statements. He too added that there were no significant changes made to the original plans and that the final plans still consist of nine (9) single family detached units with zoning as set forth on the plans themselves.

Mr. Nieder stated three concerns brought to him from constituents regarding the common ground, the road being installed, and finally, the retention basin. Mr. Gillam mentioned that there would be an association of Trustees that will be responsible for the maintenance of the common areas. MSD will maintain the detention basin. There will be a separate set of documents with indentures and restrictions that will be recorded simultaneously with the final plat once it is approved by the Board of Aldermen. Mr. Nieder recommended that this be noted to the board that there should be a separate recorded document showing the indentures and restrictions, although this is not required by state law. Mr. Gillam stated that he would make sure he included this in his recommendation to the Board of Aldermen.

Mr. Zipfel had a question regarding Note 12 on Sheet C16 concerning the grading plan/finished turf plan, re the existing vegetation plan along Rock Hill Road. At the last meeting, there was discussion about reducing, as much as possible, the vegetation along Rock Hill Road in order to maintain proper site lines at the intersection of Pardee and Rock Hill roads. The final plans do not address potentially pulling those back. The triangular area shows what is minimally required, but there's nothing that addresses potentially reducing or limiting the height of the vegetation leaving as clear site lines as possible at an already difficult intersection.

Mr. Wind stated that it was their intention to leave as much of a buffer between the rear of these homes and Rock Hill, clearing out the 40 x 40 site distance prior to that would give the public enough site distance. Clearing any further toward Watson may not have a meaningful effect for site distance.

Chairman Sweeney asked, with regard to retentions, if the calculations suggest that the construction would help with the storm waters in that area. Mr. Wind clarified that it would help reduce the amount of run off with the use of two components. The bio retention cell, which MSD now mandates, will have a filter bed in the bottom, mulch, compost, and soil with planted with water loving plants. That in itself reduces the volume through infiltration. Then, above that, for the heavier storms, there will be a volume of water that holds it back and meters it out. So the net result will be that the water leaving the site, post development through implementation of these storm water management features, will be less.

Chairman Sweeney clarified that Staff approved the final site plan review and that the plan would not:

- a) substantially increase traffic hazards or congestion;
- b) adversely affect the character of the surrounding commercial uses or adjacent residential neighborhood;
- c) substantially increase fire hazards or make difficult access by fire and emergency vehicles;
- d) adversely affect the general welfare of the community; or
- e) overtax public utilities

Mr. Lange interjected that the owner/s' (either County or our City) of the Right of Ways along both Pardee and Rock Hill roads, would have the right to clear out any obstruction/s within the site distance; Mr. Gillam concurred.

Chairman Sweeney asked for a motion to approve the final site plan review. Mr. Proffitt made a motion to approve the Final Site Plan Review and Mr. Wall seconded the motion.

A roll call was taken as follows:

AYES: Sweeney; Nieder; Lange; Proffitt; Wall; Zipfel

NAYS: None

ABSENT: Whitcraft

Chairman Sweeney stated that the Site Plan Review had been approved by this commission and would be heard before the Board of Aldermen on April 14, 2015.

DISCUSSION

There was none.

ALDERMANIC REPORT

Alderman Boston reported for Alderman Trueblood from the March 24, 2015 BOA meeting that:

- An ordinance passed approving the concession stand vendor for the aquatic center.
- An ordinance passed approving the bid for the purchase of asphalt for the City of Crestwood.
- There was a first reading of the Spellman Park renovation, it was held over on the second reading.
- There was a first reading for Gillmore and Bell, P.C. for the bond counsel services for Crestwood Court redevelopment. It was held over for a second reading.
- We had a special call meeting last night where the ordinance for a contract between the City and Hall + Associates, L.L.C. and Vance Engineering, Inc. for engineering services for Spellman Park was pulled from the agenda last night. It's going to be put on the next agenda.
- An ordinance passed approving between the City of Crestwood and Gillmore and Bell, P.C. for special counsel and bonds services for the Crestwood Court redevelopment.
- There was a closed session meeting last where the BOA passed a vote to release to the public the proposal for the City of Crestwood for the plaza redevelopment area. It will be released 15 days from the approval of special counsel.

ADJOURNMENT

There being no further comment, Chairman Sweeney asked for a motion to adjourn. Mr. Wall made a motion to adjourn and Mr. Zipfel seconded the motion. Upon voice vote, all were in favor and the motion passed (6 ayes, 0 nays).

The meeting was adjourned at 7:55 p. m.

Respectfully submitted,

Shirley A. Brown
Public Works Administrative Secretary