

**CITY OF CRESTWOOD
PLANNING AND ZONING COMMISSION MEETING
June 3, 2015 at 7:00 p.m.**

CALL TO ORDER

The regularly scheduled meeting of the Planning and Zoning Commission (P&Z) was called to order by Chairman Sweeney at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chairman Sweeney led everyone in the Pledge of Allegiance.

ROLL CALL

Chairman Sweeney	Greg Zipfel
Ken Lange-Absent Excused	Scott Whitcraft
Steve Nieder	Alderman Anderson
Dave Wall	Mirela Celaj, Project Manager
Bo Proffitt	Adam Jones, City Planner
	James Gillam, Director of Public Services

Chairman Sweeney stated that for the record there was a quorum.

MINUTES

Chairman Sweeney entertained a motion to approve the April 1, 2015 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).

PUBLIC HEARING

a) Randy Shore	RE: Request for Site Plan Review
King Edward's Chicken and Fish	King Edward's Chicken and Fish
8958 Watson Road	8652/54 Watson Road
Crestwood, MO 63123	Crestwood, MO 63123

Chairman Sweeney stated that the City of Crestwood received a request from Mr. Randy Shore of King Edward's Chicken and Fish Restaurant, 8958 for approval of a Site Plan Review (SPR) in order to operate the King Edward's Chicken and Fish Restaurant at the new location of 8652/54 Watson Road, Crestwood, Missouri 63123.

Mr. Shore introduced himself as Owner/Operator of the King Edwards Chicken and Fish Restaurant presently located in Crestwood at 8958 Watson Road. He stated that he would like to relocate his restaurant to 8654 Watson Road. He has submitted his building plans and Zoning Permit to the Public Works Department to start the zoning process.

Chairman Sweeney asked Mr. Shore if the easement on the east side of the property adjacent to the automotive repair shop, which may limit his use of that particular side of the site, would cause any issues which might adversely affect his use of this property. Mr. Shore stated he would have a venting/exhaust system on that side of the building. Other than needing a small area in which to access the system for cleaning purposes, he would have no other use for the easement. Chairman Sweeney asked Mr. Shore if he had any plans to expand the building, to which Mr. Shore replied he had none. Chairman Sweeney stated he remembered when the building was an IHOP Restaurant and stated he appreciated Mr. Shore wanting to keep his business in Crestwood and was glad to hear he was expanding his business.

Chairman Sweeney asked for questions from the Board or Staff. Mr. Gillam, Director of Public Services, clarified to Mr. Proffitt that this issue was before the Commission because all Site Plan Reviews must be heard before this Commission. Site Plan Reviews cover any exterior renovations or exterior additions being done on commercial buildings. If the Commission recommends the SPR, it then would go before the Board of Aldermen (BOA) and then back to the Public Works Staff for final review. Mr. Whitcraft asked if there was an indicated change of use for the property since it was converted from a restaurant to a church and now back to a restaurant. Mr. Gillam explained that once a Conditional Use Permit (CUP) has been granted, it stays with the property indefinitely.

PUBLIC HEARING

Chairman Sweeney asked if anyone in attendance would like to speak.

Ms. Helen Wambach, 42 Flamingo Drive, Crestwood, Missouri came forward and stated her most important concerns were: smell of frying fish every day; the dumpster and its enclosure; frequency of trash removal from the dumpster, as rodents already are a problem due to the creek in their neighborhood; increased noise; lighting issues, particularly in the winter; increased traffic in their neighborhood especially since more young families are moving in with younger children; and property values for adjoining home owners. Ms. Wambach, referencing the agreement with the previous church tenant, stated that there was to be a fence on the side and along the back of the property. Right now there is only a fence on the back side. There was to be a buffer of trees along Blackthorn Drive to obscure this building from their neighborhood, but currently there is only one or two at either side of the proposed buffer. She expressed concern about the lack of follow through with the City's code enforcements in the past but would hope in the future, all the concerns the neighbors may voice would be addressed properly should the SPR for King Edwards be approved.

Mr. Chip Jones, 38 Blackthorn Drive, Crestwood, Missouri thanked the Board for being here and went on to express his concerns of the need for state-of-the-art design best practice for the dumpster, sanitation and filtration of odors. Their neighborhood could easily be used as a cut-through for traffic to avoid the intersection of Watson Road and South Rock Hill Road causing increased traffic; monitoring this issue for safety and reduced speed limits may become necessary.

Chairman Sweeny stated he was not familiar with the deviations of the church requirements but as Chairman of this Commission, stated if a business or resident are not fulfilling their obligations, it is incumbent upon the City to enforce these restrictions. If the City puts restrictions in place and does not enforce them, shame on the City. The other part of that is, if the Staff does not know about it, the City cannot fix it but sometimes because of budgetary restraints and Staff constraints, the City is on a complaint driven basis. The City should be called if anyone sees violations and if we do not get the problems fixed, then the City should be called on the carpet for it.

Mr. Joe Sherman, 28 Blackthorn Drive, Crestwood, Missouri stated he is happy that King Edwards Chicken and Fish is in Crestwood and is happy they want to remain in Crestwood. His concerns are the shared concerns of his neighbors. His family moved in 5 years ago and his property is at the entrance into Blackthorn Drive from Watson Road. He mentioned that the neighborhood is transitioning to a younger population now and there are many children now living in the area. Where Blackthorn Drive meets Heather Drive has become an epicenter for the young people to congregate, as many as 15 to 20. Safety for all the children was his biggest concern. He stated that there are other types of commercial entities that might be better suited for this location.

Mr. Nathan Black, 30 Flamingo Drive, Crestwood, Missouri stated he shares the same concerns as those people who have just spoken and would emphasize the traffic and safety issues for the children. He mentioned that there is already somewhat of a rodent/rat problem because of the creek and does not want the problem to get worse because of garbage, smell and dumpster and would also encourage the strictest of regulations for the same. He lives less than 30 yards directly behind this property and fears his property value would lesson. He would prefer a business other than a restaurant be there with normal Monday through Friday hours, closed evenings and weekends. It was Mr. Black's understanding that a 6' concrete barrier and an 8' evergreen tree buffer was to separate the properties. There are lights from this building which shine directly onto and/or into his house; one light is above the rear entry and a light post which is on Blackthorn Drive that is intended for the commercial parking lot at 8654 Watson Road.

Mr. James Hill, 22 Flamingo Drive, Crestwood, Missouri stated that he too is directly behind this building and his deck is 50' from the restaurant and shares the same concerns as his neighbors. He also stated that Ameren is an issue because of the aggressive way they trim the trees around their wires. The restaurant lot sits higher with a slope toward the creek. They are already susceptible to overflowing storm water in the creek. Debris has become an obvious issue with no buffer zone available; trash and debris accumulates behind the building as it stands. He feels

there is no buffer zone whatsoever. Any entertaining on their deck will lend itself to noises from the parking lot and restaurant.

Chairman Sweeney asked Staff if the lighting plans had restrictions as the residents raised valuable concerns with regard to the lighting issues. Mr. Gillam stated that there was not a specific lighting plan on this site plan. This would be addressed at a later time, however, there are current standards ensuring that light doesn't meander off the property and get directed toward the residents and that this property would be subject to those standards. A short discussion ensued regarding the future lighting on the property.

Chairman Sweeney additionally asked Staff about current buffer requirements as the resident's expressed non-compliance in regards to the existing buffer. Mr. Gillam stated Mr. Shore would be required to submit a landscape plan within 6 months of approval of the SPR to address the landscaping issues, and this will go before the Planning and Zoning and Board of Alderman as well.

Chairman Sweeney asked Mr. Shore to re-address the P&Z Commission and attending residents, in regards to trash pickup and exhaust system for the restaurant. Mr. Shore stated that his intention is to have trash pickup as often as necessary or when the dumpster is full. Mr. Whitcraft asked if the venting would be at a proper height, clearing rooftops, and keeping it off a certain distance from the ground. Mr. Shore stated that he would be following all of St. Louis County's parameters. He has had no problems at his current location and does not anticipate any problems in the future. The trash area is required to be enclosed and the health code requires that any cooking equipment be exhausted to the outside. As of this time, he was not aware of any filtration system that "reduces" odor but would check in to it. The hours of operation would be 10:30 a.m. to 8:30 p.m. Sunday through Saturday, expanding from their current hours of 11:00 a.m. to 7:00 p.m. Truck deliveries can only be made from 7a.m. to 7p.m. Monday thru Saturday.

Mr. Nieder asked for clarification of the location of the dumpster and if there were any codes for restaurants that specifically address types of dumpsters and enclosure. Mr. Gillam stated that this would fall under St. Louis County Health Department.

Mr. Zipfel asked if there were any plans to modify the lighting and Mr. Shore stated that there were no plans to do so. Chairman Sweeney asked Mr. Shore if he would entertain some work with the Staff to alleviate the problems with his neighbors. Mr. Shore responded, "Within reason, we would be glad to look at anything, the goal is to invite the neighbors into our home, not to make them angry, so if there is something we can do and stay in business, we would do it."

Mr. Sherman approached the podium once again and inquired about an access from Blackthorn Drive directly into the parking lot without going onto Watson Road. Mr. Shore stated that he is not asking for such an access. Chairman Sweeney stated that someone could ask for that but that there is no right to do that at this point. Speed bumps were discussed briefly. Mr. Gillam said that issues of speed bumps and signage would go before the Public Works Board and be discussed in open forum before any such things could be implemented. Mr. Sherman stated that

for the record, the current location of King Edwards is not located right next to a residential community nor does King Edwards currently butt up against a waterway where there is already potential problems.

Mr. Zipfel, referencing Item #9 on the Site Plan Review, suggested taking out the words, “any modification” and re-wording to “the site” on the first line and adding “within six months” at the end. Mr. Whitcraft asked Mr. Gillam if he was aware of a permanent barrier as one of the residents mentioned, not just a vegetation buffer. Mr. Gillam stated not to his knowledge, just the typical buffer type required for a C-1 Zoning property. Ameren trumps any municipality as far as trimming trees. Mr. Whitcraft suggested that it would behoove the property owner and the City of Crestwood to be sure that future plantings do not fall within Ameren’s trimming zone, breaking down the vegetation barrier.

Mr. Gillam explained what a buffer in a C-1 Zoning District should look like in referencing Item #10 of the Site Plan Review Motion Form. A combination of bushes and trees, trees that are 30’ or less in height would be recommended for the appropriate screening for both residents and business owners as well. There is a requirement for a fence as approved by the Director of Public Works even though it may not show up in the landscaping plan.

Mr. Black came forward and referenced buffering requirements according to Crestwood’s code. He stated that any residential property that backs up to a business should have a 50’ buffer, which does not exist; a 6’ masonry fence, which does not exist; and a minimum of 8’ evergreen plants, which do not exist. Mr. Gillam said all this would be addressed when Mr. Shore makes his landscaping submittal and would go be before this Commission again for review.

There being no further comments or questions, Chairman Sweeney entertained a motion with regard to the request by King Edward’s Chicken and Fish Restaurant for the reading of the recommended Site Plan Review Motion Form for 8652/54 Watson Road. Mr. Zipfel made a motion to move forward with the reading of the recommended Site Plan Review Motion Form written by Staff for King Edward’s Chicken and Fish Restaurant and Mr. Proffitt seconded the motion.

A roll call was taken as follows:

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

Nayes: None

Absent: Lange

There being no further questions, changes or amendments to the motion, Chairman Sweeney read the Site Plan Review Motion Form.

Moved by Bo Proffitt that the Planning, Zoning & Architectural Review Commission

 x Recommend to the Board of Aldermen approval of
 x a Site plan Review submitted by

King Edward's Chicken and Fish to construct exterior modifications to a building and site located at 8654 Watson Road in accordance with the plans submitted by David S. Regan, Architect, L.L.C. dated March 31, 2015 and marked Exhibit A with the following conditions:

- 1) That all signs be in compliance with the present Sign Ordinance of the City.
- 2) That the plans be approved by the Affton Fire Protection District.
- 3) That the use be approved by the St. Louis County Health Department.
- 4) That all curbing and sidewalk properly maintained in a condition satisfactory to the City.
- 5) That a masonry enclosure with gates be placed around and appropriately screen from view all dumpster equipment located on the site and properly maintained in a condition satisfactory to the City.
- 6) That any rooftop mechanical equipment be properly screened and maintained in a condition satisfactory to the City.
- 7) That parking for 22 cars be provided and properly striped, which includes one space for the disabled, complete with upright handicapped parking signage; and properly maintained in a condition satisfactory to the City.
- 8) That the hours of operation be as follows:
 - (a) That all site maintenance including parking areas be done only between the hours of 7:00 a.m. and 10:00 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 hours of operation shall be not earlier than 10:30 a.m. and not later than 8:30 p.m. Sunday through Saturday
- 9) The site lighting, plans with fixture cuts must be submitted to and approved by the Planning, Zoning & Architectural Review Commission, including appropriate shielding of light from nearby residential property and maintained in a condition satisfactory to the City, within six months.
- 10) That the landscaping plan be submitted to the Planning, Zoning & Architectural Review Commission within six months of site plan review approval and be maintained in a condition satisfactory to the City.
- 11) That the facility meet the requirement of the ICC/ANSI A117.1 Standard of Accessible and Useable Building and Facilities, with regard to provisions for the disabled.
- 12) That the applicant shall be responsible for complying with all applicable provisions of the 1990 Americans with Disabilities Act (ADA), as amended.
- 13) That the use be operated in conformance with the relevant performance standards contained in Article 4 of the Zoning Code.
- 14) That this recommendation is given on the condition that appropriate permits be obtained and construction / operation commences within time periods set forth in Zoning Code Section 26-288. If not in compliance with this requirement, the applicant will be required to reappear before the Planning, Zoning & Architectural Review Commission for reevaluation before any permits can be processed.

The Commission finds in its recommendation to approve the 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 Dave Wall

For the record, Chairman Sweeney verified 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

The motion passed upon roll call as follows:

AYES: (6) Sweeney; Wall; Nieder; Proffitt; Zipfel; Whitcraft
NAYS: (0) None
ABSTENTIONS: (0) None
ABSENT: (1) Lange

The Site Plan Review Motion was approved by the P&Z Commission and would be heard before the Board of Aldermen on June 10, 2015.

DISCUSSION

There was none.

ALDERMANIC REPORT

There was none.

ADJOURNMENT

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

The meeting was adjourned at 8:00 p. m.

Respectfully submitted,

Shirley A. Brown
Public Works Administrative Secretary