

CITY OF CRESTWOOD
#1 Detjen Drive
Crestwood, MO 63126
PLANNING AND ZONING COMMISSION MEETING
June 1, 2016 at 7:00 p.m.

CALL TO ORDER

Acting Chairman Bo Proffitt (herein referred to as Chairman) presided and called the meeting to order at 7:00 p.m. on Wednesday, June 1, 2016.

PLEDGE OF ALLEGIANCE

Chairman Proffitt led everyone in the Pledge of Allegiance.

ROLL CALL

Chairman Sweeney-absent-excused	Tim Anderson, Aldermanic Representative
Dave Wall-absent-excused	James Gillam, Director of Public Services
Bo Proffitt-Acting Chairman	Adam Jones, City Planner
Ken Lange	Mirela Celaj, Project Manager
Greg Zipfel	
Scott Whitcraft	
Andrew Meyerkord	

Chairman Proffitt stated that, for the record, a quorum had been met with 5 Commissioners present.

APPROVAL OF MINUTES

Chairman Proffitt asked for a motion to approve the May 11, 2016 minutes. Mr. Lange stated that he could not approve the minutes as written because Item 16 of the CUP for Club Fitness was incorrect. The applicant and tenant were to work together to accomplish all of Item 16. Mr. Whitcraft made a motion to accept the CUP as written with the revision that the applicant, in collaboration with the owner/s, develop a legally binding agreement between them for all of Item 16 regarding the interior traffic flow of the parking lot at 9901 Watson Road. Chairman Proffitt then asked for a motion to approve the minutes as amended. Mr. Zipfel made a motion to approve the May 11, 2016 minutes as amended and Mr. Meyerkord seconded the motion.

SEE ATTACHMENT A-Amended Motion for Club Fitness from May 11th, 2016 meeting.

Upon voice vote, motion passed (5 ayes- 0 naves).

PUBLIC HEARING

Chairman Proffitt stated that the Hearing (a) for King Edward's Chicken and Fish would be heard later this evening.

b) Greg Cenatiempo
Club Fitness
3701 N. St. Peters Pkwy, Ste A
St. Peters, MO 63376

RE: Request for Conditional Use Permit (CUP)
Club Fitness
9901 Watson Road, Ste 111
Crestwood, MO 63126

Alderman Anderson stated that at the Board of Aldermen's meeting on May 24, 2016, discussion was held about the many issues concerning the parking lot, parking spaces, traffic flow, egress and ingress and a possible variance at 9901 Watson Road. Mr. Jones explained that the buildings in the shopping center were built larger than originally permitted which has created a parking deficit for the center. A second sign on a single site was also discussed. The BOA decided that this same issue should go back before the P&Z Commission for further clarification.

In summary, in 1988, the center was constructed larger than the approved drawings resulting in inadequate parking spaces according to City code; the City at that time was unaware of the situation. Unfortunately, this major problem has come to light under this Commission's purview and the current owner/s and potential tenants for this site have to succumb to this issue.

Mr. Whitcraft stated that here are two separate issues to address at this time. The first issue is inadequate parking which by our ordinance which requires to keep a certain ratio. We either have to decide whether to proceed with the development of this site on the basis of a variance or address some other issue in the use of the site that fits within the available parking. The second issue is if the site were to be fully utilized, there is a fairly clear traffic issue at the entrance to the site. These two issues need to be considered separate. We are not trying to tell Club Fitness that they are responsible for design features of the site. With this information that has come to light, the overall site would have a rather significant parking deficit if we were to allow Club Fitness to go in at the ordinance parking ratio. We would either be allowing Club Fitness to meet that ordinance now and use all available parking which would cause future tenants an unintended disadvantage for their parking. The future tenant would then have to apply for a variance that would be based on severely restricted parking for their use. All of this will continue to cause a ripple effect if we don't deal with the problem now. The content of the parking reduction study depends on performing a traffic flow analysis in order to indicate that you can adequately serve your use with reduced parking. It just happens that Club Fitness is having to apply for their CUP with a reduction in parking, otherwise, the City cannot meet its further obligations to future tenants.

Mr. Whitcraft stated that at this point, due to the traffic flow getting close to maximization and the negative impact of additional traffic flow at the ingress and egress, demands a traffic study to be done or the Commission would have to refuse the application. Mr. Jones clarified that a traffic study

takes into consideration the current traffic volume and then forecasts ten years out. The engineer who is hired for the traffic study would determine the radius and take into consideration adjacent land uses.

Tamara Avery, National Real Estate Management, 9986 Manchester Road, St. Louis, MO 63122, came forward and clarified that the shopping center is owned by 3 different corporations and that she is not just the leasing agency but the legal representative for the owners and has the power to make decisions for the owners, i.e. one entity with 3 separate legal ownerships. The center was completed in 1989 and was purchased by the 3 owners in 1994. Ms. Avery read a letter issued to them from the Code Enforcement Officer which indicated that Gentry Square, its name at that time, was designated as C-1 zoning, local business, and not E-1. The center and all current improvements at that time were in compliance with City of Crestwood Gentry Square's ordinances. They relied on the validity of the information contained in this letter before they purchased the property. The parking issue was not and does not appear to be a problem the way Ms. Avery sees it.

Mr. Whitcraft stated that to understand how the site can work at full capacity and still meet the City's concerns for public safety was the issue at hand. Club Fitness would introduce a much larger number of peak trip hours than Office Max or a Lone Star restaurant. The Commission is seeking the right information in order to make an informed decision about this particular CUP, not about the viability of the shopping center. The parking ratio was discussed further.

Alderman Anderson stated that the BOA's concerns had been addressed in this evening's discussion, adding that the BOA did not want another Manchester Road in their City but did not intend that to be interpreted that the City does not encourage new development. Mr. Lange stated that the Comprehensive Plan would take into consideration the traffic flow along the Watson corridor, including this center. For the record, Mr. Lange stated that though the various fitness centers presently in Crestwood and those seeking CUPs are similar, they are still different in many ways and serve a somewhat different market. Chairman Proffitt stated that not the City, but the market, was creating a saturation of fitness centers. He also stated that he felt the City may be causing itself a liability by delaying tenant's occupancy due to an oversight on the City's part and felt the burden of a traffic study should fall on the City and not the property owners or tenants. Mr. Jones cautioned the use of the word "approval" by the City to build the center. Only documentation allowing the original 74,326 square feet of building was approved; no documentation has been found since allowing the 80,063 square feet of building. Mr. Zipfel expressed concern over the proposed signs causing confusion, backups, accidents and the unexpected one-way traffic flow in this center when most centers in Crestwood are two-way traffic flow.

PUBLIC COMMENT

Dave Buecker and Patti Buecker, 9252 Caddyshack, St. Louis, MO, expressed concerns about the parking spots and safety at the egress and ingress to the center and the volume of traffic caused by Mc Donald's. The City taking its time to due diligence on a thorough traffic study was paramount.

Jesse Finney, 13240 West Watson Road, St. Louis, MO, expressed concerns over the deficient parking spaces even including the 39 in the back of the building without lighting. As is, when Harbor Freight has their sales, there is a tremendous reduction in available parking for the current tenant's customers. Unlike previous comments made, he stated that the bottom line is that basically all fitness centers are health clubs and provide personal training, not so different from each other. He pleaded with the City to not be pressured by Club Fitness into making a decision and take the time to do the traffic study and consider all the tenants parking needs.

Bob, *(not able to hear name or address, not written on visitor's registration)*, did research about traffic study and parking spaces. Much to their advantage, there are stop lights available to other fitness center's egresses and ingresses; this center does not have the advantage of a stop light at this time.

Mayor Roby, 1 Detjen Drive, Crestwood, MO 63126, stated that the BOA's concern was not Club Fitness but the 6 to 7 entrances, including all adjacent businesses, within 100 feet along Watson Road. Mc Donald's had to add another drive-through because of the amount of congestion they had due to the volume of business and its negative traffic impact. Mayor Roby stated that when Harbor Freight has its tent sales, the tents take up parking spaces too. Customers come from all parts of Missouri, most of them with trailers on the backs of their cars. These events/sales provide the City of Crestwood with a very high level of revenue; if extra parking spaces are taken up by Club Fitness, it would curtail the business that Harbor Freight could conduct and the additional dollars brought to the City of Crestwood.

Tamara Avery, National Real Estate Management, 9986 Manchester Road, St. Louis, MO 63122, came forward and stated that Harbor Freight negotiated in their lease to be allowed to hold sales 6 times a year, 3 days each, to be held on Fridays, Saturdays and Sundays. All other tenants coming into the center were made aware of this prior to signing their leases, including Southern Armory and Advanced Auto Parts; these last two businesses have testified to increased business for themselves on these 6 weekend sales conducted by Harbor Freight. Ms. Avery stated that Harbor Freight will continue with these sales as in their lease. She stated that these 3 days of the week are lower in attendance for any fitness center as their prime times are 5 p.m. to 7 p.m. Monday through Thursday. She observed the center at 6:00 p.m. with all businesses open at that hour and stated there were 215 open parking spots not including the 39 in back. Should the time come when employees would be asked to park in the rear, she would provide appropriate lighting.

Regardless of what a traffic study might conclude, the implementation of a traffic study would take a much longer time because it would be MODOT's responsibility. Mr. Lange, Chairman Proffitt and Mr. Zipfel felt that a CUP for Club Fitness should not be held up due to a potential traffic study. Mr. Whitcraft made a motion that the matter be tabled until such a time as the City Attorney could assess the risk to either the City or to the leasing agent concerning the delay or the progress of this issue. Mr. Zipfel seconded the motion.

Motion passed as a roll call was taken as follows:

AYES: Meyerkord; Zipfel; Whitcraft

NAYES: Lange; Proffitt

ABSENT: Sweeney; Wall

a) Randy Shore
8652/54 Watson Road
Crestwood, MO 63123

RE: Approval of Final Landscape Plan
King Edward's Chicken and Fish
8652/54 Watson Road
Crestwood, MO 63123

Gabriel Shore, 8654 Watson Road, Crestwood, MO, came forward and stated that the last time they were before the Commission, the landscape drawings presented were not professionally done and, therefore, not adequate for the Commission to make a decision. Ms. Shore gave the details of the landscape plan and stated they were ready to move forward if approved this evening. There was a period of questions/answers and discussion between the Commission, Staff and Ms. Shore.

Chairman Proffitt asked for a motion. Mr. Whitcraft made a motion to approve the landscaping plan as presented with the condition that the planting is effectively placed 6 feet on center and the two trees on the southwest corner of the parcel be removed totally.

A roll call was taken as follows:

AYES: Whitcraft; Meyerkord; Zipfel; Proffitt; Lange

NAYES: None

ABSENT: Sweeney; Wall

Chairman Proffitt read the Landscape Review Motion Form.

Moved by Mr. Whitcraft that the Planning, Zoning & Architectural Review Commission

Recommend to the Board of Aldermen approval of a Landscape plan review submitted by

King Edward's Chicken and Fish to landscaping modifications to a site located at 8654 Watson Road in accordance with the plans submitted and marked Exhibit A with the following conditions:

- 1) That the landscape plan as submitted/amended be installed within sixty days and maintained in a condition satisfactory to the City.
- 2) That the white vinyl fence to the rear of the property be retained and maintained in a condition satisfactory to the City.
- 3) That the vegetation and landscape to the rear of the property be retained and maintained in a condition satisfactory to the City.
- 4) That all curbing and sidewalk properly maintained in a condition satisfactory to the

City.

- 5) That any change in site lighting plans 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.
- 6) 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.
- 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 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.
- 10) That the plants on the Blackthorn side of the property be placed on 6 foot on center and meet the requirement of height according to ordinance as well as removal of any dead plants that are on the Blackthorn side of the property.

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 Mr. Meyerkord.

The motion passed as follows:

Ayes	<u>5</u>
Nays	<u>0</u>
Abstentions	<u>0</u>
Absent	<u>2</u>

c) City Planner Adam Jones
City of Crestwood
1 Detjen Drive
Crestwood, MO 63126

RE: Request for Traffic Study Ordinance
City of Crestwood
1 Detjen Drive
Crestwood, MO 63126

Mr. Jones stated that the ordinance before the Commission was the same ordinance that was before them on the previous month but now shows the recommended amendments made at that time. There was one addition under Sec. 26-481- WHEN REQUIRED A, 3rd sentence, “or Conditional Use Permit (CUP), as defined by 26-302”.

The issue of the City being prepared to take on the economic consequences of the results of a traffic study was discussed briefly. Mr. Jones stated that if traffic becomes a problem at the site at the aforementioned hearing, it may alarm MODOT to the potential danger of more accidents with the heavier flow of traffic and they may interpret that as a need for mediums and traffic signals along Watson Road. Mr. Jones clarified that the traffic study was in progress before Crestwood Center’s hearing this evening and stated that MODOT required the new mall owners to conduct their own traffic study even though they were initially opposed to doing so. The Traffic Study Ordinance before the Commission this evening is to allow the Commission the ability to require a traffic impact study for major development, major subdivisions or conditional uses that include demolition or construction of new structures without necessary cooperation with MODOT. The burden of proof, including CUPs, for a traffic study would be on the applicant for a traffic study to prove why or why not there would be a traffic issue should the Commission make it a requirement. This ordinance would impose the objective requirement that if a 100 trip changes per hour are occurring on a particular site, that a traffic study would be warranted; the Commission would have to waive it at that point or if 1000 or more vehicle trips during a 24 hour period, not just peak hours. These are ITE’s recommended minimum guidelines which are based on use, office, retail, entertainment, etc., they recommend on average use; they generate certain trips per peak hours.

Chairman Proffitt asked for a motion to approve the Traffic Study Ordinance as written. Mr. Zipfel made a motion to approve the Traffic Study Ordinance as written and Mr. Proffitt seconded the motion.

Upon roll call, the motion passed as follows:

AYES: Lange; Meyerkord; Proffitt; Zipfel; Whitcraft
NAYES: None
ABSENT: Sweeney; Wall

d) City Planner Adam Jones
City of Crestwood
1 Detjen Drive
Crestwood, MO 63126

RE: Request for Air B&B Ordinance
City of Crestwood
1 Detjen Drive
Crestwood, MO 63126

Mr. Jones apologized for the misnomer from the agenda and stated that this was really an ordinance that either looks at establishing regulations or prohibiting short term rentals. Having an ordinance to address the same was a direct recommendation from Alderman Mabie. He stated that other communities are falling in line with regulating or prohibiting the subletting of houses for under 30 days and our City currently does not have such an ordinance. Hotel licensing fees would not fall under this ordinance. The Commission agreed to have Mr. Jones move forward with regulating short term rentals. Mr. Jones stated he would bring the issue before the Commission at a future meeting for approval.

ALDERMANIC REPORT

Alderman Anderson stated that at the last BOA meeting the Board has:

- Approved the CUP for Planet Fitness at 9450 Watson Road.
- Been working on full scale adoption of the “Robert’s Rules of Order”.

Mr. Jones stated that there would be a Visioning/Visionary Work Shop on June 7, 2016.

ADJOURNMENT

Chairman Proffitt asked for a motion to adjourn. Mr. Zipfel made a motion to adjourn and Mr. Meyerkord seconded the motion.

Upon voice vote, motion passed (5 ayes – 0 nays).

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Shirley A. Brown
Public Works Administrative/Recording Secretary