

City of Shrewsbury
Plan Commission Public Hearing
April 29, 2013

A meeting of the Plan Commission was held on the 29th day of April, 2013 at the Shrewsbury City Center, 5200 Shrewsbury Avenue, Shrewsbury, Missouri. The meeting was called to order at 6:30 p.m. in the Aldermanic Chambers.

Commissioners Present:	Carol Basler	Commissioner
	Mike McArthur	Commissioner
	Karen Diehl	Commissioner
	Paul Sneed	Commissioner
	Garen Miller	Commissioner
	Wayne Smith	Commissioner
	Tom Craddock	Commissioner
	Steve Loher	Commissioner

Other City Staff Present:	Jonathan Greever	Director of Administration
	Michael Daming	City Attorney
	Matt Stoll	Code Enforcement Officer
	Jim Wilder	Building Commissioner
	Carly West	City Clerk

Commissioner Loher called the meeting to order and City Clerk West commenced with the roll call. The full commission was present. Commissioner Loher requested a motion to approve the agenda as presented. Commissioner McArthur made the motion, which was seconded by Commissioner Diehl and approved unanimously.

Approval of Minutes:

Commissioner Miller noted that there had been some typographical errors in the initial minutes submitted for the April 11, 2013 meeting. City Clerk West responded that those errors had been corrected and a new version sent out to all of the Commissioners. Commissioner Craddock made a motion to approve the minutes from the March 13, 2013 and April 11, 2013 meetings. Commissioner Diehl seconded the motion, and it was unanimously approved.

Revision to Title IV: Land Use, Chapter 410 and Chapter 415 of the Shrewsbury City Code of Ordinances

Commissioner Loher stated that the Commission would be addressing each of the four agenda items individually, with the petitioner first making a presentation, then the Commissioners raising any questions or concerns they might have, followed by public questions and comments before a motion is made.

Commissioner Loher presented the first item, the revisions to Chapters 410 and 415 of the Shrewsbury City Code of Ordinances. Building Commissioner Jim Wilder began by addressing Section 8 of the proposed ordinance, which dealt with the paving of parking lots. Commissioner Wilder stated that a copy of the existing Code wording had been sent out, and that the first sentence

of the proposed section was the same as the existing Code. Commissioner Miller stated that being so specific might not be ideal for the Code, because it provides a description, but not enough of one. He stated that if it were taken out and made more general, it would meet the intent of the Code, which was why he had initially suggested the MoDOT specifications. Mr. Wilder responded that the Code needs a minimum standard, which is why that first sentence is included. He explained that the Wal-Mart site plan includes reference to an asphalt plan and the fact that they will be applying for and obtaining all necessary building permits and authorizations before construction begins. He stated that the proposed Code gives him, as Building Commissioner, a place to start when reviewing plans. Mr. Wilder stated that he was simply including the possibility of new products being developed that deviate from the concrete or stone and bituminous surfacing standard that has been in place for many years. Mr. Wilder further pointed out that the site plan is marked "Not For Construction," so it is not going to be the plan that is used. He stated that when approval to build is given, the Building Department would be saying that the plans are in compliance with the building codes of the City.

Commissioner Miller stated that it was the responsibility of the license-holder to ensure that the plans are in compliance, and when the engineer or architect places their stamp on a set of plans they are the ones that are liable for making sure everything is correct. He stated that the point of a license is to certify to the City, the State, and the Federal Government that everything is up to Code. Mr. Wilder responded that he was absolutely correct, but it was his job to ensure that the Codes are adequate. Commissioner Miller stated that his concern with the six inches of pavement is that it does not provide a capacity rating or standard, just materials that need to be used. Mr. Wilder asked what the minimum requirement would be if that were not in the Code. Commissioner Miller answered that it would be a capacity requirement. Mr. Wilder responded that he did not have a capacity requirement, and that the statement being discussed had been around since the Code had been codified. He stated that the specs for the Wal-Mart lot would probably be in line with MoDOT standards, but that MoDOT standards probably would be too stringent for a small mom-and-pop store, so it would not make sense to have standards that high for smaller projects. Commissioner Miller stated that it would be appropriate to have a tonnage requirement for all parking lots. Mr. Wilder stated that the minimum would be appropriate and anything above and beyond that was taken care of with the second sentence. He reiterated that he had 25 years of experience writing Code, and that Planning and Zoning regulations should be more general, and a professional will always go above and beyond the standard to ensure the quality of their work.

Commissioner Miller noted that Mr. Wilder had stated that he like the Code to be as general as possible, but that the requirement listed was very specific. Mr. Wilder replied that it had been in the Code for many, many years. He further explained that it would probably not work for Wal-Mart, but that more specific issues can be taken up through the Building Code and not the Zoning Code.

Commissioner Miller also raised the issue of parking count, stating that he had done some research, looking at cities with equal densities to Shrewsbury, and had spoken with the Mayor about parking count. He noted that some cities are encouraging people to walk and using a maximum parking instead of a minimum to try to prevent having acres of empty parking lots. He stated that the Commission would either need more time to review this question comprehensively, or they could accept what's proposed and look at it another day. He asked if the issue was time sensitive and Director Greever answered that it was not. Commissioner Miller stated that his initial proposal to the Mayor probably would not work, and what has been in the Code has allowed for a lot of empty space and loss of revenue. He stated that the idea to have those empty lots developed was not working, and the Mayor wanted to know how he proposed to make the parking situation work better. He stated that he needed more time to consider the issue.

Commissioner Smith noted that outdoor sales areas were not included in the parking count and asked why that was. Mr. Wilder answered that it's a matter of the definition of retail sales area, which dictates how many parking spaces are required, and that there is a conflict there. He stated that the building code has a definition of retail floor area, and it is being inserted into the zoning code. Commissioner Smith stated that he was asking about seasonal businesses where the parking lot was used for retail or display area for certain months out of every year. Mr. Wilder answered that the Commission would deal with that through a special use permit. He elaborated that the concern of the Plan Commission was things such as traffic flow, ingress and egress, signage, etc., and that the building code was very specific about things such as how many accessible parking spaces were available.

Mr. Wilder noted that there are areas such as downtown Kirkwood where walking was more forced because of the parking garage that was planned but never built. He stated that the general rule for parking ratios was four and a half. He stated that if there were an area that caused a concern, it could be written specifically into the building code. He stated that social changes are moving people back into metropolitan areas that allow for more walking, but that the general code should be a more standard four and a half. Commissioner Miller noted that standard was holding true, with areas that are more car-dependent, such as Texas, have a higher ration, and places that encourage more walking, such as California, are lower. Mr. Wilder stated that electric cars are going to be a concern in the near future that will need to be dealt with, but for now, the ratio should stay at four and a half.

Commissioner Miller stated that his discussions with the Mayor had highlighted that they did not want to force people out of the parking lots and into the neighborhoods to park, and that the Commission can approve the proposed change, and then address possible changes at a later date.

Commissioner Craddock made a motion to approve the proposed revisions to Title IV: Land Use, Chapter 410 and 415 of the Municipal Code of the City of Shrewsbury as submitted. Commissioner Miller seconded the motion, and it was unanimously approved.

Final Plat Approval

Commissioner Loher presented the second item, the final approval of the re-subdivision plat. Brian Nolan with Carmody MacDonald approached the podium on behalf of Kenrick Developers and the owners of Upper Kenrick. He stated that the plat submitted is substantially similar to the plat the Commission approved on March 13, 2013, with the exception of the western entrance being widened to accommodate an additional left turn lane at Watson Road, and noted it was part of the cross-access easement. He also stated that they had been working with City staff to make sure they had submitted all necessary documentation, with the exception of items that would, at this time, present a hardship, such as fully-engineered improvement plans. He stated that the final plat addressed all the concerns that had been raised at previous meetings, and he requested that the Commission approve the final plat submission together with the street vacation and related easement.

Commissioner Miller asked if there were any other differences between this submission and the previous one. Mr. Nolan answered that there was some wording that was changed on the first page related to updated title work. Commissioner Miller asked if all easements had been assigned to the utilities, and Mr. Nolan answered that it would be a hardship at this point to have that done, due to the building improvement plan not being finalized yet. He stated that current utility easements have

not been vacated, and they will be working with the utilities to find out what can stay and what will need to be changed. He stated they would need final, approved plans to take to the utilities before they can get approval.

Commissioner Craddock asked if there was a third lane at the eastern entrance to turn in from eastbound Watson, and Mr. Nolan answered that there was. Commissioner Loher requested clarification as to whether there was a left turn in from Watson, and Commissioner Sneed clarified that there was a dedicated turn lane to turn left into the non-signalized entrance. He further clarified that the street approach and entrance was being built in the easement area, and the signalized entrance was simply being widened to allow for an additional left turn lane. Commissioner Craddock pointed out that there was a designated left turn lane interrupting the island on Watson.

Commissioner Sneed asked if MoDOT had reviewed and approved the secondary entrance. Mr. Nolan answered that they had, and it was at their request that the dedicated left turn lane be added. Commissioner Sneed further asked about improvements being made on Watson Road underneath MoDOT's authority, and Mr. Nolan answered that they were.

Commissioner Loher asked if staff had reviewed access easements and ingress/egress, and Mr. Wilder answered that they had and were fully satisfied. He asked if any members of the public had questions or comments, and there were none.

Commissioner McArthur made a motion to approve the final plat submission as submitted pursuant to the provisions of Municipal Code Section 435.020 (B) and submit the same for Board of Aldermen review for final approval. Commissioner Diehl seconded the motion, and it was unanimously approved.

Street Vacation and Easement

Commissioner Loher introduced the third item, the vacation of portions of Trianon Parkway. Mr. Nolan requested that the Commission approve the street vacation and easement. Commissioner Craddock asked about the area that had previously been designated as public property and who would be taking care of it. Commissioner Miller answered that they had removed that public area entirely. He further asked how the vacation was going to be recorded and when that would take place. Mr. Wilder answered that the City is in possession of a bond to cover the construction if the cul-de-sac were the project to falter. He further stated that the recording would take place after the Board approves it, and then the developers would have thirty days to take it to the County for recording. Commissioner Miller asked if, at that time, the owner would be blocking off the road or allowing traffic through. Mr. Wilder answered that there was a program in place with the Fire Marshall to make sure that residents and commuters were aware of what was happening. He stated that warning signs would be put in place at least thirty days in advance. Commissioner Miller asked for confirmation that after the recording, maintenance of the road would be the responsibility of the developer, and Mr. Wilder confirmed.

Commissioner Diehl asked if there would be some warning at the entrance to the sub-division as to when the road would be closed, and Mr. Wilder answered that there would be three different signs placed in different directions to warn people.

Commissioner Loher asked about snow removal, noting that people would be cutting through the parking lot and would need to know that their path was going to be kept clear. Mr. Wilder stated that it would be private property and he assumed that Wal-Mart and the bank would have a

contractor who would come in and remove the snow. Commissioner Loher asked Mr. Nolan if that was a safe assumption to make, and Mr. Nolan confirmed.

Commissioner Diehl asked if there would be permanent sign put up after the street is closed to alert people that it was not a through street. Mr. Wilder answered that there would, and the wording of the sign would be approved through the street department.

Commissioner Miller asked if there was going to be any insurance in place for the street during the time it is under construction, being closed, and being recorded. Mr. Nolan answered that the street would not actually be closed and vacated at the same time, and Commissioner Miller clarified that it would be closed while any construction was being done.

Commissioner Loher asked if any members of the public had any comments or questions. Dee Wiecher of 5322 Kenrick View Dr. approached the podium and asked if the cul-de-sac would be built as soon as the street was closed, as she was concerned about people turning around in residents' driveways if they were unaware of the street closure. Commissioner Loher stated that there would be signage in the area to help make people aware of the closure. Ms. Wiecher asked if there would be signs at Laclede Station, as that is where many people enter the subdivision to cut through. Mr. Appelbaum with GJ Grewe stated that there would be a staging schedule up-front so people will know when those things are going to be happening. Ms. Wiecher asked for clarification as to where the signs would be. Mr. Appelbaum answered that there would be a sign at Laclede Station, and it was their intent to ensure that anyone who cuts through there would be aware of the situation.

Commissioner Miller asked when the cul-de-sac was going to be built. Mr. Appelbaum answered that it would begin immediately with the commencement of the construction, because that area would be graded immediately. Commissioner Sneed asked if they would be putting in a temporary asphalt top, and Mr. Appelbaum answered that it would all be done at once to avoid having to do it twice. Commissioner Craddock noted that they will be putting the wall up, so it would have to be pretty much simultaneous. Mr. Appelbaum stated that they would be complying with all of the Fire Marshall's direction, so it would remain safe to the public.

Commissioner Loher confirmed that Ms. Wiecher's concern had been addressed and asked if there were any further public comments or questions, and there were none.

Commissioner Miller made a motion to approve the proposed conditional street vacation and easement of a section of city owned roadway as located, described, and depicted in the final subdivision plat submission previously considered in this meeting. Commissioner Craddock seconded the motion, and it was unanimously approved.

Special Use Permit – Kenrick Developers L.L.C

Commissioner Loher introduced the special use permit application, and stated that they would not be approving the proposed wall elevations, but only the site plan and signage.

Mr. Nolan approached the podium again to present the application, and stated that it was very similar to the application the Commission approved previously with a few key differences. He requested that the Commission report favorably to the Board of Aldermen, as they had previously, and he stated that the changes he was about to explain should not substantially change the Commission's recommendation.

Mr. Nolan stated that the building footprint and parking lot had changed, with Lot 4 being added to the application being used for parking and bio-retainage, and the parking lot plan being finalized. He further stated that additional detail on both the pylon sign and wall signs had been added, although the size and dimensions of the signs themselves had not changed. He stated that they had also provided the wall signage to be placed on the side of the building.

Commissioner Miller asked Mr. Appelbaum to approach the dais to answer some specific questions. He stated that there was signage that was previously included, but was not specified on the site plan. Mr. Appelbaum answered that it was still intended to be there. He stated that at the fountains, there would be signage that said "Kenrick Plaza". He also pointed out the pylon, which had remained unchanged. Commissioner Miller stated that his understanding of the wall sign was that they were applying for the letters and not necessarily the design of the wall itself. Mr. Appelbaum stated that the design of the wall would be handled as a part of the submission, and the look of the wall was part of the redevelopment agreement.

Commissioner Miller asked about the "Proposed Monument Sign" noted on the site plan, and Mr. Appelbaum answered that the arrow was in the wrong place, and it could just be removed.

Commissioner Miller asked about the proposed signage noted on the elevation sheet, noting that the quantity was missing, as was the total area of the sign, and there was no scale on the elevation, so he was unable to determine how high the façade would be and where the sign would be located on the façade. He asked Mr. Wilder if the sign code addressed this, and Mr. Wilder answered that it did not, and that the sign code was open to whatever the Plan Commission wanted to approve. He cited the sign code, which states that "All signs in a "C-2" Planned Commercial District shall be approved, controlled, and regulated as per the special use permit issued by the Board of Aldermen authorizing such a Planned Commercial District." (545.020 (F)).

Commissioner Miller stated that if the drawing were proportional scale to what the drawing was, he saw no issue, but that it was lacking some critical information. Mr. Appelbaum agreed, and clarified that the 298 square feet listed includes the spark and the Wal-Mart letters. The two items should be considered together. He further clarified that the yellow spark would be eight feet high, but that the letters would be a maximum of 5'6" high. Commissioner Miller clarified that the 5'6" would only apply to the "W", "I" and "t". He asked Mr. Appelbaum if he agreed that a scale drawing would be helpful.

Commissioner Miller asked if it were possible to approve the special use permit without the sign, and Mr. Wilder answered that they could, or they could include a condition that the sign not exceed 298 square feet or a certain percentage of the wall. Director Greever noted that it was important that the Board of Aldermen was aware of this condition and considered that in their deliberations.

Commissioner Loher asked if there were any members of the public who would like to ask any questions or make any comments. There were none. Commissioner Miller noted that there was no screen around the bale and pallet recycle area and asked what the visibility of that would be from the neighborhood. Mr. Appelbaum answered that it was below grade, and there were woods around it, also. Director Greever noted that it was also part of the redevelopment agreement.

Commissioner Sneed asked what the process would be going forward from here, as it was his understanding that issues such as the bale and pallet recycle area were not part of the agenda item under consideration. He asked about the fact that the cul-de-sac still had an island, and it was his

understanding that the island was going to be removed. Commissioner Loher answered that it was just a general question, and Director Greever clarified that Commissioner Sneed was correct and the details would be considered at a later date.

Commissioner Miller made a motion to recommend that the Board of Aldermen approve the application for a Special Use Permit by Kenrick Developers, LLC as provided for within Shrewsbury Code Section 405.060 (C), subject to the provisions of the Redevelopment Agreement entered into between the City of Shrewsbury and Kenrick Developers, LLC dated February 8, 2013, and excepting out and expressly not approving the proposed Wal-Mart elevations not related to signage, said non-signage elevations not being part of this application, and with the condition that the proposed Wal-Mart identity sign shall occupy and be limited to the upper two-thirds of the façade and shall not pass above the cornice-line of the building. The motion was seconded by Commissioner Craddock, and passed unanimously.

Old Business

None.

New Business

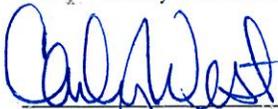
None.

Adjournment

There being no further business to consider, Commissioner Loher made a motion to adjourn the meeting. Commissioner McArthur seconded the motion, and it was unanimously passed.

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,



Carly West
City Clerk