

City of Ballwin  
Government Center  
14811 Manchester Road  
Ballwin, MO 63011-4617



(636) 227-8580  
Fax: (636) 207-2320  
www.ballwin.mo.us

August 12, 2014

Mr. Jim Nestor, General Manager  
Five Below  
15341 Manchester Rd.  
Ballwin, MO 63011

Dear Mr. Nestor:

City Administrator Kuntz forwarded your letter to my attention. Your request to amend Ballwin's zoning regulations to permit the outdoor display and sales of merchandise will be forwarded to the Board of Aldermen in its August 18, 2014 meeting packet. It will be at the Board's discretion whether or not to again take up this matter. You may want to attend that meeting and address the Board under citizen's comments to explain your request and answer any questions that may arise. The meeting will be held at the Loehr Police and Court Center, 300 Park Dr., Ballwin at 7:00 P.M. I recommend that you have documentation to support the position that sales from such display are fundamental to the store's success and that traffic is drawn from Manchester Rd. as the result of this display.

I cannot guarantee that the Board will entertain your proposal. This matter was extensively researched in 2011. The Board appointed a committee composed of business representatives and aldermen to look at this issue and discuss how such sales could be allowed in light of the many concerns associated with community aesthetics and safety. After several committee meetings and the deliberations of Board of Aldermen and the Planning and Zoning Commission an ordinance that would have allowed limited outdoor sales and display failed by a 2 to 1 margin. The same Aldermen that voted on that bill serve on the Board today. The reasons expressed for the failure of the ordinance varied somewhat among the aldermen but seemed to revolve around concerns that suitable regulations to allow limited outdoor display and sales that were equitable for all of the different types of businesses, appropriate for the community, simple and easily enforced could not be found.

Should you have any questions, please feel free to call me at 636-227-2243

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Aiken", is written over the word "Sincerely,".

Thomas H. Aiken, AICP  
Assistant City Administrator/City Planner

To: Mr. Robert Kuntz

Hello, Mr. Kuntz my name is Jim Nestor. I am the General Manager for the Five Below store in Ballwin. I am submitting a request for your consideration to allow an ordinance that will accommodate an outdoor display with specific controllable guidelines. There is a specific business need behind this request that I will support further as well as details regarding the outside display itself.

Five Below has 350 stores all which operate under the same business model. Part of that business model is that the company does not advertise outside of social media and an occasional add insert in newspapers or local journals. Our primary source of new business is word of mouth and walk-in business.

To achieve our goal of walk-in business Five Below stores are placed in Big Box shopping strips adjacent to large retailers such as Target. Our sidewalk presentation draws the attention of a percentage of those Big Box customers and thus consistently expands the customer base year round.

The Ballwin location does not quite have the "Lot Traffic" that the majority of other stores in the company are working with. We do however have the street traffic! Our outdoor presentation can pull from that source of traffic where our store front from the interior can not. In a nutshell, our outdoor presentation is mission critical to our continued growth.

I have attached pictures of our outdoor presentation. It consists of 5 cages each 37 inches squared. The height of the cage plus product is no higher than 6 feet. The walkway in front of the cages has a clearance of 56" to the pillars. All fixtures combined do not exceed 30% of the length of the storefront. There is also a small "Midi" sign out front that speaks to what seasonal era the store is presenting inside.

This is a super clean presentation. There will never be any inflatable flailing arm guys or balloons or any other accoutrements added to this presentation. It is static in its size and dimension. The only change is the product showcased in each cage.

I have no experience crafting an ordinance but if I had to it would look something like this:

Outdoor presentation must be immediately adjacent to the store front structure. A minimum of 56 inches of walkthrough clearance must be allowed for foot traffic. Presentation cannot exceed more than 30% of store front lineage. Product must be presented in a weather proof fixture to exceed no higher than 6 feet (product included). Presentation including fixtures cannot remain outside of the building after store hours of operation. Balloons, Blowups or other promotional accents are not permitted.

Please consider this ordinance request as it is vital to the Ballwin location. You may contact me any time at (c) 314.304.1908 or (w) 636.527.0300

Sincerely,

Jim Nestor – GM – Five Below

15341 Manchester Rd. Ballwin MO. 63021