

AMENDED

CITY OF CHESTERFIELD BOARD OF ADJUSTMENT MEETING SUMMARY Thursday, November 3, 2005

The Board of Adjustment meeting was called to order at 7:00 p.m. on Thursday, by Mr. Leon Kravetz, Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Laura Lueking
Ms. Dru Thomas
Mr. Leon Kravetz
Mr. Richard Morris
Mr. Gerald Schwalbe
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Jane Durrell, City Council Liaison
Ms. Annissa G. McCaskill-Clay, Senior Planner, City of Chesterfield Department of Planning
Ms. Aimee Nassif, Project Planner, City of Chesterfield Department of Planning
Ms. Joyce Collins-Catling, Executive Secretary, City of Chesterfield Department of Planning
Court Reporter, Midwest Litigation Services

II. Approval of September 1, 2005 Meeting Summary

Laura Lueking made a motion to approve the minutes as amended.
Dru Thomas seconded the motion.

The motion passes 5-0

III. Request for Affidavit of Publication

IV. Public Hearing Items:

- A. **B.A. 11-2005 Peter and Teresa Karutz:** A request for a variance from St. Louis County Ordinance 7252 to allow an existing residence to maintain a five (5) foot side yard setback in lieu of an eight (8) foot side yard setback. (15050 Isleview Drive)

Project Planner Aimee Nassif presented seven (7) exhibits for a request to expand an existing home to include a great room and an additional bedroom in the rear of the property. The property is pie shaped, and the variance will be on the north side; no encroachment on easement. Expansion will be within conformance to the neighborhood and will enhance the property and neighborhood as well. Although no letters from Subdivision Trustees supporting the expansion were presented, acknowledgement has been given per the variance application received by the Planning Department.

There were no speakers present in favor of the petition.
There were no speakers present in opposition.

**Gerald Schwalbe made a motion to grant the request.
Laura Lueking seconded the motion for discussion.**

The voice vote was as follows: Laura Lueking, yes (w/reservation); Dru Thomas, yes (w/reservation); Leon Kravetz, yes; Richard Morris, yes; Gerald Schwalbe, no.

The motion passed 4-1

B. B.A. 12-2005 Paul and Ann Reed: A request for a variance from the City of Chesterfield Zoning Ordinance Section 1003.105 to allow an existing residence to maintain a five (5) foot side yard setback in lieu of a twenty (20) foot side yard setback. (50 Pacland Estates)

Project Planner Aimee Nassif presented eight (8) exhibits and other materials supporting the variance request. Mr. Reed requests a variance to allow for a safe turnaround from the garages. The ten (10) foot retaining wall is higher than the originally approved six (6) foot plan. The wall, completed a year ago, was built taller as a result of the steep slope at the end of the driveway. Because the wall was built higher than originally approved, no certificate of occupancy was issued from St. Louis County. St. Louis County asked petitioner to amend the plan to accommodate the ten (10) foot retaining wall. Subdivision Trustees are aware of the safety issues, however, neither letters nor acknowledgement has been presented.

There was one speaker present in favor of this petition.
There were no speakers present in opposition.

**Laura Lueking made a motion to deny this petition.
City Attorney Heggie explained that in order to deny the petition, it would be necessary to have three (3) "yes" votes.
The motion failed
Richard Morris made a motion to approve this petition.
Gerald Schwalbe seconded the motion.**

The voice vote was as follows: Laura Lueking, no; Dru Thomas, yes; Leon Kravetz, yes; Richard Morris, yes; Gerald Schwalbe, yes.

The motion passes 4-1

(NOTE: The Board recessed for fifteen (15) minutes; and, resumed at 8:15 p.m.)

C. **B.A. 13-2005 Westfield Corporation, Inc. c/o Doster Mickes James Ullom Benson & Guest, L.L.C.**: A request for a variance from Section 1003.168C.3(1)(a) and Section 1003.168C.2(2)(d) of the City of Chesterfield Zoning Ordinance to allow for the following:

- Two (2) free-standing (a.k.a. pylon) signs which exceed permissible copy area and height.
- “Westfield” signage which exceed the number permissible by ordinance.
- “AMC” signage not permitted by ordinance. at Westfield Shoppingtown Chesterfield, a “C8” Planned Commercial District-zoned regional shopping center. (7 Chesterfield Mall/18S120147, 150 Chesterfield Mall/18S120158 & 595 Chesterfield enter/18S130070

Assistant Director of Planning Annissa McCaskill-Clay presented seven (7) exhibits and other materials supporting the petition for three (3) specific variances relating to the mall redevelopment projects, and grand re-opening. Attorney Mike Doster, representative for petitioner, made a slideshow presentation showing the re-development/re-positioning of the mall reflecting the mall redevelopments. He stated that the Petitioner is requesting an amendment to the site specific ordinance to add a sign package provision that will allow Westfield in the future to present a sign package and to negotiate different numbers, sizes, and heights of mall signs for projects as they occur.

There were four (4) speakers present in favor of this petition.

There were no speaker(s) present in opposition.

The Board voted on the following:

(1) AMC Signage – Permit signage on exterior of AMC building

Gerald Schwalbe made a motion to approve.

Dru Thomas seconded the motion.

The voice vote was as follows: Laura Lueking, yes; Dru Thomas, yes; Leon Kravetz, yes; Richard Morris, yes; Gerald Schwalbe, yes.

The motion passes 5-0

(2) Westfield Signage --- Allowance of a 3rd sign on the Theatre Complex

**Richard Morris made a motion to approve.
Gerald Schwalbe seconded the motion.**

The voice vote was as follows: Laura Lueking, no; Dru Thomas, no; Leon Kravetz, no; Richard Morris, no; Gerald Schwalbe, yes.

The motion fails 1-4

(3) Two additional pylon (free-standing) signs

Pylon B (Hwy 40)

**Gerald Schwalbe made a motion to approve.
Richard Morris seconded the motion.**

The voice vote was as follows: Laura Lueking, yes; Dru Thomas, no; Leon Kravetz, yes; Richard Morris, yes; Gerald Schwalbe, no.

The motion fails 3-2

Pylons A (Clarkson Rd.)

**Richard Morris made a motion to approve.
Gerald Schwalbe seconded the motion.**

The voice vote was as follows: Laura Lueking, no; Dru Thomas, no; Leon Kravetz, yes; Richard Morris, yes; Gerald Schwalbe, no

The motion fails 2-3

Councilmember Durrell pointed out to Board members to be clear on making motions and seconds; members should state discussions, and then vote.

VI. Adjournment

Meeting adjourned at 10:00 p.m.