

PLANNING COMMISSION  
OF THE CITY OF CHESTERFIELD  
AT CHESTERFIELD CITY HALL  
MARCH 8, 1993



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The meeting was called to order at 7:00 p.m.

PRESENT

Ms. Mary Brown  
Mr. Jamie Cannon  
Mr. Dave Dalton  
Mr. Bill Kirchoff  
Ms. Barbara McGuinness  
Ms. Pat O'Brien  
Ms. Victoria Sherman  
Chairman Mary Domahidy  
Mr. Douglas R. Beach, City Attorney  
Councilmember Betty Hathaway, Council Liaison  
Mr. Jerry Duepner, Director of Planning  
Ms. Laura Griggs-McElhanon, Senior Planner  
Mr. Joseph Hanke, Planning Specialist  
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Walter Scruggs

INVOCATION: - Commissioner Sherman

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Commissioner Cannon read the opening comments.

- A. P.Z. 10-93 City of Chesterfield Planning Commission; a proposal to amend Sections 1003.181 Conditional Use Permits, 1003.193 Appeal and Protest Procedure for Special Procedures and 1003.300 Procedures for Amending the Zoning Ordinance of the City of Chesterfield Zoning Ordinance.

Director Duepner summarized the proposal to amend sections of the Zoning Ordinance of the City of Chesterfield, noting the following:

- Presently, a Conditional Use Permit is reviewed and generally granted by the Planning Commission after review by the Commission. However, in those

cases where there is a valid protest against Commission action, or in a case where the City Council deems it appropriate to exercise its Power of Review, a final action on a Conditional Use Permit is by the City Council.

- In those cases where Council exercises its Power of Review, under our current regulation, there is a requirement for a 2/3's vote to reverse or modify any action by the Planning Commission. This section of our Zoning Ordinance is not consistent with that portion of our ordinance that deals with rezonings, ordinance amendments, and other special procedures. In those cases a simple majority vote is needed to deny the matter recommended for approval by the Planning Commission.

He noted the Committee made the following recommendations:

- Revise the Conditional Use Permit Process to make it similar to that of our other ordinance amendments, i.e., for a simple majority vote for denial.
- Also, similar to current provisions concerning amendments and special procedures, a 2/3's vote would be required for approval of a matter denied by the Planning Commission. That is, if the Commission were to deny a Conditional Use Permit, it would require a 2/3's vote of Council to override and approve that Conditional Use Permit.
- The amendment, basically, seeks consistency in our procedures. That is, for a simple majority vote of Council to approve a matter recommended for approval by the Planning Commission, or for Council to deny a matter recommended for denial by the Planning Commission. Also, to require 2/3's vote to approve a matter recommended for denial by the Planning Commission.
- By State law, any rezoning which is protested by owner's of 30%, or more, of the property within 185 feet of the petitioner's property requires a 2/3's vote by the City Council for approval. The amendment would propose to include this clearly in our Zoning Ordinance, merely for clarification purposes and also to inform the public as well as petitioners.
- To clarify that only a simple majority vote is needed to approve a petition recommended for approval by the Planning Commission, or deny a petition recommended for denial by the Planning Commission. This is what our current Ordinance requires; but, in the past, there has been some confusion about the requirements. It is proposed that the 2/3's vote to approve, over a Planning Commission recommendation of denial, would be retained.

NO SPEAKERS

NO REBUTTAL

NO SHOW OF HANDS

- B. P.Z. 11-93 City of Chesterfield Planning Commission; a proposal to amend Sections 1003.020 Definitions; 1003.101 "FP" Flood Plain District Regulations; 1003.103 "PS" Park and Scenic District Regulations; 1003.107 "NU" Non-Urban District Regulations; 1003.111 "R-1" Residence District Regulations; 1003.112 "R-1A" Residence District Regulations; 1003.113 "R-2" Residence District Regulations; 1003.115 "R-3" Residence District Regulations; 1003.117 "R-4" Residence District Regulations; 1003.119 "R-5" Residence District Regulations; 1003.120 "R-6A" Residence District Regulations; 1003.120A "R-6AA" Residence District Regulations; 1003.121 "R-6" Residence District Regulations; 1003.123 "R-7" Residence District Regulations; 1003.125 "R-8" Residence District Regulations; 1003.131 "C-1" Neighborhood Business District Regulations; 1003.133 "C-2" Shopping District Regulations; 1003.135 "C-3" Shopping District Regulations; 1003.137 "C-4" Highway Service Commercial District Regulations; 1003.141 "C-6" Office and Research Service District Regulations; 1003.143 "C-7" General Extensive Commercial District Regulations; 1003.151 "M-1" Industrial District Regulations; 1003.153 "M-2" Industrial District Regulations; 1003.168 Sign Regulations - General; 1003.168A Sign Regulations for "FP", "PS", "NU", and All "R" Districts; 1003.168B Sign Regulations for All "C", "M", and "MXD" Districts; 1003.168C Subdivision Information Signs; and, 1003.168D Temporary Signs of the City of Chesterfield Zoning Ordinance relative to sign regulations.

Chair Domahidy recognized the attendance of Councilmember Betty Hathaway, Council Liaison; Councilmember Linda Tilley; and Councilmember Ed Levinson. In addition, she thanked all those who participated with the Ordinance Review Committee throughout the year, as the Committee has been taking-up the sign question in our City. She stated appreciation for the comments submitted and noted comments/letters received tonight (to be shared with members of the Commission) from the Chamber of Commerce, McDonald's, Anita Chastain, etc.

She further noted that:

- The process does not end tonight.
- Input will be received tonight from speakers, as well as after the meeting.

- Subsequent to this step in the process, the Commission will take up the matter as the Committee of the Whole.
- The earliest date would be the next meeting in March.
- After taking the comments received tonight, the Commission will formulate and forward its recommendation to the Planning and Zoning Sub-Committee of the City Council.
- As has been the Planning and Zoning Committee's policy, parties with comments or concerns may address that Committee during its meeting. Additionally, once the Planning and Zoning Committee's recommendation has been forwarded to the Council, a representation of any organization will have an opportunity to speak during the communications and petition session at the City Council Meeting.

Chair Domahidy recognized Planning Department staff member Joe Hanke, noting he has provided the professional staff, research and support as the Committee has gone through this process. She further stated that he will present an overview of the recommendations from the Committee.

Chair Domahidy also stated that she would particularly like to recognize Commission Member and Vice-Chair Mary Brown, who has chaired the Ordinance Review Committee throughout this long process.

Planning Specialist Joe Hanke presented the Sign Regulations, draft proposal, and response to the comments that were forwarded by the various organizations that have been involved in the process (Chesterfield Civic Progress, Chesterfield Chamber of Commerce, Home Builders Association, and representatives of the sign manufacturing community). He noted the Department is providing an overview with the intent of indicating the rationale as to why the Committee chose to revise the current Ordinance; some background into the underlying philosophy which has guided the Committee; the process used in making the recommendations; and an overview by way of comparison and contrast of the draft proposal with the current regulations. He stated it is not the intent of this presentation to detail every change recommended, but rather to highlight those sign issues which most significantly impact the business and/or development communities.

The Committee's purpose in choosing to review the Sign Ordinance were as follows:

1. The inherited regulations were not entirely representative of this community. The existing Ordinance, adopted in 1988, is modeled on the St. Louis County Ordinance.
2. The current Ordinance is difficult to interpret and enforce. By way of re-organizing the current Ordinance, and due to its lack of definitions and certain ambiguities which exist, it was incumbent upon the Committee to review the Ordinance and the proposed regulations are reflective of that.
3. The Committee and Department Staff desires a document which could stand on its own by means of incorporating such sections as the "Non-Conforming" sign sections, additional definitions, incorporating those ordinances which had been previously adopted by the City Council (namely the ordinance concerning political signs and address signs), and the Planning Commission review criteria which is based on Ordinance No. 129. The result would be a unified package which could more easily be interpreted by businesses, developers and manufacturers, as well as the general public.
4. To more clearly articulate the permitting process, especially as it regards temporary signs.
5. To attempt to expedite the overall review and approval process of signs.

Planning Specialist Joe Hanke noted the underlying philosophy concerning signage which has guided the Committee were:

1. With a few minor exceptions, the sign should be restricted to on-premises signage.
2. The impulse buying aspect should be considered when regulating permanent business signs.
3. That signs, especially temporary signs, can and do create a festive atmosphere, thereby promoting a sense of community.
4. It should be recognized that signs are an integral part of any development and, therefore, should be compatible and integrate with the site's architecture and landscaping.
5. The desire to encourage attractive sign design, while discouraging signs that would be of ever-increasing size, brightness and garishness.

Planning Specialist Joe Hanke summarized the "Proposed Regulations" noting the following:

- Purpose statement
- Scope of provisions
- Permits and zoning authorizations for signs.
- Section 1003.168A Sign Regulations - Definitions
- Section 1003.168B Sign Regulations - Area and Height Computations
- Section 1003.168C Sign Regulations - Permanent Signs
  - 1) General provisions
  - 2) Business and Identification Signs - Freestanding
  - 3) Business Signs - Attached to wall
  - 4) Directional Signs
  - 5) Informational Signs
  - 6) Residential Subdivision Identification Signs
  - 7) Supplementary Regulations
- Section 1003.168D Sign Regulations - Temporary Signs and Attention Getting Devices
  - 1) General
  - 2) Exempted Temporary Signs
  - 3) Advertising/Informational Signs (on-premises)
  - 4) Advertising/Informational Signs (off-premises)
  - 5) Political Signs
  - 6) Removal
  - 7) Retrieval of Signs
  - 8) Destruction of Signs
  - 9) Location, Time of Erection, and Type
- Temporary Signs - Development Related
  - 1) General
  - 2) Banners, Subdivision Identification
  - 3) Flags, Subdivision Promotion
  - 4) Temporary Construction Signs
  - 5) Temporary Signs Announcing Future Use of Site

- 6) Subdivision Direction Signs
  - 7) Subdivision Promotion Signs
  - 8) Real Estate Signs
- Attention-Getting Devices (on-premises)
  - Section 1003.168E Sign Regulations - Exempt and Prohibited Signs
  - Section 1003.168F Nonconforming Signs
    - 1) Scope of Provisions
    - 2) Statement of Intent
    - 3) General Provisions
    - 4) Abandonment of Signs

Planning Specialist Joe Hanke noted that the Department's intent is to provide a graphic supplement to help the business and development community better understand the regulations. Also, the Board of Adjustment currently allows, and will continue to allow, a vehicle in which a 50% increase in either sign height and/or size may be granted where a hardship or practical difficulty is shown. He added that the Department has made available at the desk to the left, copies of the Sign Ordinance, and response comments from the development community; and, upon request, will provide copies of those.

#### COMMENTS/DISCUSSION BY COMMISSION

- Political Signs remain as adopted by City Council. The prohibition of illumination of such signs is **not** a new requirement.

Commissioner McGuinness inquired why the Committee included this provision.

Planning Specialist Joe Hanke responded that, to his knowledge, the Committee was not involved in the structuring of the Political Sign Ordinance, nor did the Committee review the previous proposal adopted by Council. This will be taken into consideration in further review of the proposed changes.

Commissioner Brown stated the following:

- Mr. Hanke did a very good job of presenting the position of the Committee.
- To re-emphasize that what the Committee was trying to accomplish was to bring our sign ordinances more in line into what the practice has been since incorporation.

- The Committee looked at what the proposals had been that came before the Planning Commission when looking at some of the issues.
- The Committee desires a Sign Ordinance that truly reflects what has been the practice on the part of Planning Commission and City Council approval, and, also, on behalf of the community that has come to the City with various requests.

SPEAKERS IN FAVOR: - None

Chair Domahidy noted that Members of the Commission have met with Dr. Schifano and his Committee, and welcome further input.

SPEAKERS IN OPPOSITION:

1. Mr. Paul Schifano, Petropolis Pet Center, 16830 Chesterfield Airport Road, Chesterfield, MO 63005, on behalf of Civic Progress.
  - He inquired what the process has been since incorporation.

Commissioner Brown noted that the process is trying to have something that clearly reflects what Chesterfield wants in the way of signs, because some of the ordinances adopted from St. Louis County have not been practiced in the City. Also, the intent is to streamline the process. She noted that signs over 32 square feet, under current regulations, would have to come before the Commission for approval. The revised plan increases the size to signs over 50 square feet. It is believed that the proposed revisions address the range of signs previously presented to the Commission. This is intended to speed-up the current process.

Dr. Schifano noted the following:

- He believes 50% of persons his business attracts are due to his sign.
- A revised, but incomplete, proposal is to be submitted to the Commission this evening on behalf of Civic Progress. It is incomplete because, with the expanded ordinance there have been major sections added. The short time frame has not given time for review in its entirety.
- The review process needs to be expedited.

- The City has the responsibility to evaluate the health, safety, morals and welfare of the public. They believe this ordinance does not do so.
- It is the City's responsibility to make sure the ordinance is reasonable for area businesses.
- The proposed revisions would dramatically hurt businesses and create great difficulty, particularly for elderly citizens in Chesterfield, perhaps causing injury down the road.
- They believe that, if this ordinance is revised, the public welfare will be jeopardized by affecting the tax base to support schools, fire departments, police departments, and maintaining our roads.
- The communities used as models do not represent Chesterfield. Chesterfield is a unique commercial/industrial area that surpasses the others, and cannot be compared.
- Clayton has lost so many businesses that they are in the process of forming a Sign Ordinance Review Committee to reduce the existing harsh standards.
- Creve Coeur Task Force 2000 has been formed due to the restrictions developed similar to those proposed by the City.
- Smaller signs will cause less visibility, affect the tax base, attract fewer new businesses, and make bank financing more difficult to achieve.
- This expansion, if adopted, would require his existing sign of 100 square feet in size and 30 feet from the roadway in height, to be 75 square feet in size and 15 feet in height. He believes would not be adequate and doubts that he would be permitted a replacement of the same size. He feels he would be allowed a 6 foot high sign of only 50 square feet.
- Businesses needs guidelines and guarantees this proposed ordinance does not provide.
- Non-conforming uses are not appropriate as part of the regulations.
- The criteria (i.e., color, size and character of type face, patterns, etc.) should not be part of a sign ordinance.
- Concern that new businesses trying to buy previously owned businesses, would have a difficult time obtaining signage of adequate size.

- He requested the Planning Commission to meet with the CCDC, other businesses, other organizations, residents, to take all of their considerations into account.

### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Cannon inquired where Mr. Schifano feels the businesses moved to, when they left Clayton.

Dr. Shifano stated that he is not fully familiar with that situation. In speaking with persons on the Clayton Committee, they noted that businesses find it difficult to prosper there and that's the reason for the new Sign Ordinance Review Committee.

Commissioner Dalton inquired why Dr. Shifano feels his sign would be more practical in area compared to the sign across the road from him (the nursery sign).

Dr. Shifano stated that he doesn't think that a sign such as his could be seen from the highway if it were smaller.

2. Councilmember Ed Levinson, 1586 Milbridge, Chesterfield, MO 63017, spoke as an individual noting the following:
  - A town hall meeting was held during the snow storm. Both he and Susan Clarke asked residents what direction they would like to see taken regarding the Sign Ordinance.
  - The residents responded, unanimously, that signs are important.
  - The size and visibility should not be reduced, as they provide a service necessary for businesses to thrive.
  - Adequate signs are necessary in order to keep businesses so we, as a City, can provide services to our residents and maintain our current practice of no property taxes.
  - Drive businesses out, or stop growth, and we will have to either have no services provided or start charging taxes.
  - The residents want the businesses to pay for services to the residents.
  - One comment was, "Next to my subdivision I wouldn't want a 30 foot pylon sign." Another comment was "I guess a 15 foot sign would be fine."

- One major concern is that if this ordinance is passed in its current form, it is estimated that over 80% of the existing signs in Chesterfield would be non-conforming.
- There have been 2 meetings with the Civic Progress Group, which represents the Chamber of Commerce, the St. Louis Association of Realtors, the Home Builders Association, the Missouri Growth Association, and we spent hours working on that document. However, the Ordinance Review Committee met once to show these organizations the slides and tell them why the sign ordinance is important, and what is an example of a garish sign. He noted that he does not understand our definition of **garish**. The second meeting was held after the 65 page document was completed, lasted for about 1 1/2 hours to discuss some specifics. He does not believe this is building consensus nor working together.
- Communities work together, comprised of businesses, residents, shoppers, retailers, developers, etc.
- Smaller does not mean better. Cited several recommended changes to the proposal.
- Commended the Committee on the restaurant menu signs.
- He noted Creve Coeur's procedure of adopting a new sign ordinance.
- He stated that the Committee is asking that the ordinances be made more restrictive by the Planning Commission, and that the Council is asking they be made less restrictive.
- Noted concern that the signs are too restrictive regarding setback requirements.
- He requested that the Mayor, the Commission, or someone else set up a Task Force, a working group, to work together as a community to come up with a better document. That would be better signs and better business.

#### COMMENTS/DISCUSSION

Commissioner McGuinness inquired about the statement made about 80% of existing signs being in non-conformance under the proposed requirements.

Councilmember Levinson stated they looked at the Spirit of St. Louis Airport, Petropolis and the Chesterfield Village and Chesterfield Mall signs which would be illegal.

Commissioner Brown noted that it is not the Committee's intention to restrict wall signs. Rather, wall signs are encouraged in place of perhaps the larger pylon or pole signs, in providing better visibility for wall signs. She is not aware that the Committee has reduced the size of wall signs.

Commissioner Cannon stated that following:

- He found it remarkable that Mr. Levinson suggests that, somehow, we have tried to put this together in some kind of secret form, with no input at all, or modest input, from outside interest. Nothing could be further from the truth.
- We have been at this eighteen months. All last year we begged for input from Civic Progress, and received nothing. The suggestion presented tonight that we have not been willing to meet with anyone is grand-standing.

Chair Domahidy noted that the comments are well taken by the Commission, particularly the comments regarding gathering people together. She further noted that this has been the Commission's perception of what it has been trying to achieve, although it certainly hasn't been his perception of the result.

Commissioner McGuinness inquired what examples the Committee used to show a garish sign.

Councilmember Levinson stated that Ethan Allen was one.

Commissioner Sherman noted that Ethan Allen was not an example of a **garish sign**, but an example of a **large sign**.

Commissioner Brown noted that she had no recollection of **ever** using the word **garish**.

Commissioner Sherman noted that the Committee noted that the word "garish" is in the proposed ordinance, but the Committee did not use a particular sign as an example of being **garish**. It was referred to, conceptually, not specifically.

3. Mr. Jack Goldman, 12777 Olive Boulevard, St. Louis, MO 63141, on behalf of St. Louis Association of Realtors.

Mr. Goldman noted the following:

- Concern about the overall tone of the proposed ordinance regarding commercial property and the impact on business.
  - It is imperative that the Commission set a tone, through the sign ordinance, of bringing businesses into the City, not discourage it.
  - Options should be kept open to ensure that the money the City needs to provide today's quality of life for residents is available in the future.
4. Mr. Bill Behrens, 2490 Cassens, Fenton, MO 63026, on behalf of Warren Sign Company.

Mr. Behrens gave a handout to the Commission and noted the following:

- Addressed the size and height restrictions of the proposed ordinance.
- Gave various examples of signs depicting size in relation to location and visibility.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Cannon inquired whether Mr. Behrens believes it appropriate to be able to see the tenants of a building from Highway 40 (i.e., the large pylon sign).

Mr. Behrens responded "absolutely. If you located your business out in a space like that, the advantage of being there is exposure to Highway 40 traffic."

Commissioner Cannon inquired where he would place the sign. He inquired whether a person who has only 3,000 square feet in the building should have his name on the sign.

Mr. Behrens responded that would depend on the tenant mix, he is not sure. He further stated that the point is that commercial businesses need commercial signs and commercial districts need commercial size signs in order to be read.

Commissioner Cannon inquired whether he believed the IBM Building sign is acceptable.

Mr. Behrens noted it is tastefully done; however, if the name were longer than the three letters used, a larger sign would be necessary for adequate visibility.

5. Ms. Ellen Alper, 14576 Appalachian Trail, Chesterfield, MO 63017, as an individual.

Ms. Alper noted the following:

- She is looking to start a business in Chesterfield and is terribly concerned about some of the restrictions in the sign ordinance.
- If she cannot get the type of signage she needs here, she will move elsewhere.
- Concern about safety, when signs are too small.
- Concern that if businesses are chased out of the City, we will lose our tax base.
- Would like signs to be quality, aesthetically pleasing, and blend-in with surroundings; but signs that can be seen adequately.

#### COMMENTS/DISCUSSION BY COMMISSION

Chair Domahidy asked Ms. Alper whether she has begun looking in Chesterfield.

Ms. Alper noted she will be going out with a realtor tomorrow to begin her search.

6. Ms. Vietta Mydler, Home Builders Association, 10104 Old Olive Street Road, St. Louis, MO 63141, on behalf of the Home Builders Association of Greater St. Louis.

Ms. Mydler noted the following:

- The HBA strongly supports the stand that Civic Progress has taken on this proposed sign ordinance.
- The HBA is opposed to the proposed ordinance as it relates to residential construction signs and residential subdivision signs. (She submitted a copy of past written comments to the Planning Commission on this issue).
- The sign ordinance, as it is now written, will hurt the growth of the City.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner McGuinness stated she did not have a copy of this handout. She inquired whether Ms. Mydler has a problem with deleting the price range on subdivision directional signs.

Ms. Mydler stated she does.

Commissioner McGuinness asked the Committee what the thought was behind deleting the price range on subdivision directional signs.

Commissioner Brown noted the subdivision direction sign is exactly what it says, as a subdivision direction sign is, presumably, used for coming out here to look for a specific subdivision that one has read about, but does not know how to find. It was not intended as an advertising sign.

7. Ms. Karen Edinger, 1579 Milbridge, Chesterfield, MO 63017, as an individual.

Ms. Edinger stated she feels we have so much to lose in restricting business in their ability to make a profit to help support our community.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner Cannon noted he agrees with her. He further stated that the Ordinance Review Committee is very cognizant of the fact that it is extremely important that the business base of Chesterfield be maintained, and even expanded.

Ms. Edinger stated that she is hearing that the Committee is restricting the signs, and this is going to hurt the businesses in attracting customers.

Commissioner Cannon inquired how Manchester Road would look to her.

Ms Edinger stated she doesn't feel we are close to that.

Commissioner Cannon noted we have just received a suggestion that a 30 foot high, 100 foot pylon signs would be an answer.

Ms. Edinger stated she believes it depends upon the location of the sign.

8. Ms. Alice Henke, McDonald's Corporation, 922 Roosevelt Parkway, Suite 300, Chesterfield, MO 63017, on behalf of McDonald's Corporation.

Ms. Henke noted the following:

- Concern about the proposed change in the ordinance regarding pylon signs.
- Visibility and impulse buying account for 70% of the business at the McDonald's on Clarkson.
- Concern about safety regarding inability to change lanes in time, should the sign not be as visible.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Sherman noted the Committee did address the safety issue. The Committee looked at it from the standpoint of when you get too many large signs in a small area, that can be a safety issue because it is so busy that you cannot find, or see, what you are looking for. She further noted that the Committee would encourage businesses to put signs on their buildings, as they are higher-up and more visible. The Committee is very sympathetic to the impulse buying, and does not want to discourage while, at the same time, trying to create **balance**. She noted it was definitely **not anti-business**, but looking for aesthetic **balance** to maintain the suburban, rural atmosphere in Chesterfield.

Mr. Dan Capps, 15616 Quail Meadow Lane, Chesterfield, MO 63017, as an individual.

Mr. Capps noted the following:

- Presented 3 documents to the Commission: 1) a letter with his point of view; 2) a report on aging process and driving and signs by the AMA; and 3) a Variance request for Pier 1 Imports of Germantown, Tennessee.
- The proposed ordinance is more restrictive than the existing Chesterfield Sign Ordinance and St. Louis County Sign Ordinance.
- The restriction on pylon signs in excess of 6 feet, and in excess of 50 square feet are too strict.
- Aging residents need more visible signs.
- If ordinance is revised, 70% of the pylon signs in Chesterfield will be non-conforming.

## COMMENTS/DISCUSSION

Commissioner McGuinness asked for clarification of the 70% of pylon signs being non-conforming.

Mr. Capps stated he could do a study, but has not at this time. He believes it is in excess of 70% at this time.

Commissioner Sherman inquired whether Mr. Capps feels the ordinance should have a cap on the size of signs.

Mr. Capps said he believes there should, absolutely, be a cap. He is very comfortable with the St. Louis County Ordinance regarding pylon signs, in terms of height, size and square footage.

Commissioner Sherman inquired whether Mr. Capps feels that pylon signs are appropriate in all places.

Mr. Capps stated he feels they are important for bigger projects (i.e., 5 acres, 3 acres, 2 acres, a gas station, shopping center, businesses with a sole ownership building, etc.).

Commissioner Sherman noted the Committee struggled with the classifications for zoning. There can be a "C-8" zoning with a small piece of property, or it can be a very large parcel. In terms of the ordinance, we don't have a lot of handles to determine the sizes, types of signs. The only area where the Committee did some scaling of the sign sizes had to do with the wall signs on buildings.

**Commissioner McGuinness left the meeting.**

Mr. Capps stated that if he has a 20 acre shopping center the largest sign he would be allowed to place would be 6 feet high, 50 square feet, according to the new sign ordinance.

Commissioner Brown noted that he could come to the Planning Commission for a larger size.

Mr. Capps stated the it allows a 6 foot high sign, 50 square feet. However, if he wants to go through the 2 pages of criteria, adhere to them, and with approval of the Planning Commission, he may, or may not, get a bigger sign approved.

**Commissioner McGuinness returned to the meeting.**

Commissioner Brown noted that the Commission often hears, from residents of the City, the concern of preserving their property values. She inquired whether Mr. Capps believed that pylon signs and the proliferation of signs add to the opposition to commercial development in close proximity to residential neighborhoods.

Mr. Capps stated he does like the phrase "proliferation of signs." He thinks there are certain areas like Clarkson Road/Olive Street Road, Highway 40, down in the flats, the Valley, which are not residential areas. The residential area is behind these properties, and he does not believe there is a problem with commercial signage.

10. Mr. David Brammeier, 12161 Lackland, St. Louis, MO 63146, as an individual.

Mr. Brammeier noted the following:

- Research of the elderly driver from Triple A Foundation of Safety.
- A recent study by Triple A Foundation for Traffic Safety found that highway signs for elderly drivers need to be larger or spaced more closely together, or clearer.
- The Florida DOT recognized the afore-mentioned items, and are now implementing five (5) different methods to assist the elderly driver.
  - 1) reflective pavement markings;
  - 2) overhead street name signs;
  - 3) wider pavement markings;
  - 4) advanced street name signs; and
  - 5) advanced guide signs.
- The State Highway Department is beginning to place more advanced guide signs along the Interstates.
- Signs should be provided of adequate size, with adequate size symbols.
- Based on what is happening with all 50 Highway Departments across the nation, the City should follow this trend.

11. Mr. Keith Grosz, 674 Stablestone, Chesterfield, MO 63017, as an individual.

Mr. Grosz noted the following:

- Concern about signs being too restrictive for small businesses in Chesterfield.

- Confidence that, after tonight, the experts from both sides can get together to produce an ordinance that would be fair for businesses of all sizes while, at the same time, helping the residents.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner McGuinness inquired of Committee Chair Brown whether there are any plans to get together with the various groups mentioned tonight.

Committee Chair Brown replied there are no plans, at this point, as the Committee has gone through its normal procedures, and this public hearing is just a first step.

12. Mr. Tom Stern, 7 N. Bemiston, Clayton, MO 63105, as an individual.

Mr. Stern noted the following:

- He is the Vice President of Solon Gershman, Inc. They manage three (3) shopping centers and two (2) apartment projects in the City of Chesterfield.
- The vast majority of the City's revenue is generated from the sales and utility taxes. Those taxes come from within the commercial businesses which reside in the City. Hopefully, it is in the best interest of all citizens of Chesterfield that those businesses are allowed to flourish.
- The population of the City turns-over more than 20% each year. They need more information regarding business locations.
- Concern that there is no provision in the current ordinance that would allow a shopping center which houses 20, or more businesses, any larger signage than one (1) business is allowed.
- The predominance of commercial development in the City is along Clarkson and Olive Street Roads, and these areas are **definitely** not rural.
- Screening is provided in existing commercial developments which abut residential neighborhoods to prevent lights from signs and parking lots from being a nuisance to those neighborhoods. This should continue.
- Sites along the major roadways should have larger signs.

## COMMENTS/DISCUSSION BY COMMISSION

Commissioner Sherman inquired what Mr. Stern feels would be the appropriate sizes for signs for the commercial developments he referred to.

Mr. Stern stated that signs of 150 feet, and height of 20 to 25 feet, would be appropriate where there are multiple tenants for shopping centers of the size his company operates within the City.

### SPEAKERS - NEUTRAL:

1. Mr. David B. Warning, 444 Chesterfield Center, Suite 150, Chesterfield, MO 63017, on behalf of the Chamber of Commerce.

Chair Domahidy noted she has passed the letter from the Chamber through the dias for every Commission Member to read.

Mr. Warning stated that the Chamber has been soliciting input, via written surveys and phone calls, on the impact of the restrictions of this ordinance on the business community. Based on this input, the Chamber would like the City to reconsider several elements of the revised ordinance. Those are as follow:

- The provision for all free-standing business signs to be monument type, generally no higher than six (6) feet.
- The visibility of six (6) foot signs will be obstructed by moving trucks and vans. The speed at which the traffic is moving should be considered when determining the size of signs. The appeal process will be time consuming and costly, and involve subjective decision-making. Ultimately, a business owner will not have the weight of law behind him/her, but will be at the mercy of an appointed body with constantly changing members. The Chamber recommends that the St. Louis County guidelines apply to this important area in the ordinance.
- Subdivision directional signs should be allowed to show price ranges.
- Attention-getting devices should be allowed for one (1) sale per quarter for a maximum of 60 days per year.
- The non-conforming sign replacement policy is too restrictive.

- The Chamber would like the Commission to consider all information presented tonight, and hope that a draft ordinance can be revised to make the final ordinance one that will help make Chesterfield a special place for both its residents and businesses who choose to invest in the City.
- The Chamber would endorse the Task Force brought up tonight.
- Support for landscaping of signs, but should consider the size of those signs as well.

Mr. Warning distributed a letter to the Commission.

2. Mr. Rudy Stinnett, 14308 Conway Meadows Court, Chesterfield, MO 63017, as an individual.

Mr. Stinnett noted the following:

- Concern about the effect of the ordinance on the area of Chesterfield Bottoms.
- Concern that, if the sign ordinance is too restrictive, revenues from businesses would not be sufficient for support of the Rockwood School District (receives 13% from commerce or interest).

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Kirchoff inquired whether Mr. Stinnett believes there should be a separate sign ordinance relating to the Gumbo Area, or more lenient aspects of the proposed ordinance.

Mr. Stinnett stated that the basic changes proposed does not address the businessman's needs nor the real estate developer's needs. Lender's will not grant loans without proper identification for the proposed business. One ordinance could address both areas, if properly written.

Commissioner Kirchoff noted there is probably more concern regarding control of signage out of the Gumbo area. This could possibly achieved by two (2) separate ordinances.

Mr. Stinnett stated concern that this would not be fair to owners in other areas of the City.

Dr. Shifano spoke again, noting the following:

- Civic Progress was given information last July to review. The group worked at least once a week for a period of at least 2 hours. Their changes were presented ahead of the deadline.
- The only place the Manchester Road type of signage could develop would be in the Valley.
- The Committee was asked to consider three issues: 1) the standards that exist with the American National Standards Specifications; 2) the safety in regard to citizens; and 3) the fairness relative to what exists surrounding our community.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Kirchoff requested **specific** information from all groups represented tonight, on how they would like the proposed revised ordinance to be changed. He noted there was a lot of detail in the report from Civic Progress, and that report is to be re-done.

Dr. Shifano noted they have not arranged for any meetings at this time. They will meet at some time in the future.

Commissioner Kirchoff stated that the only comments and detail that came out of this discussion tonight were given in response to Commissioner Sherman asking Mr. Stern about some sign heights and sizes. He would prefer this type of information rather than just criticism.

Commissioner Brown asked those who are not clear about the specifics regarding banners, construction signs, etc., to talk to Director Duepner or Planning Specialist Joe Hanke to obtain clarification.

Commissioner McGuinness requested more specific language be submitted to all members of the Commission.

Chair Domahidy thanked all members of the Commission and all of those who came to take part in this process. She stated that we are all trying to maintain a balance as we work for what we see is the good of the community **and** to be fair. There has been a lot of time spent by all parties involved. She further stated that with perseverance and cooperation we will get there. She also noted that this is not the end of the process, this is another step in the process. She requested further detailed comments on the ordinance.

Commissioner McGuinness made a motion that a Task Force be formed to further review and comment on the ordinance. The motion was seconded by Commissioner Dalton.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner McGuinness suggested a Task Force of some representatives of various groups meet a few more times to determine specifics. It would be impossible to give everyone what they want.

Chair Domahidy noted the spirit in which this motion was made. She stated that we need to think things through, and to act at this particular time might be too quickly.

Commissioner Dalton expressed concern that it appears we have had some confusion in meetings held initially that has not been resolved. He feels, in view of the number of speakers tonight, we need to re-open it to get a better idea of where the ambiguities are before we proceed.

Chair Domahidy noted that by our acting and taking this under advisement as a Committee of the Whole provides an opportunity to do that.

Commissioner McGuinness made a motion to move to previous question. Commissioner Dalton seconded the motion. **The motion to vote on this matter fails by a voice vote of 6 to 2.**

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Sherman noted she agreed we need to figure out a process to go further, but she is not comfortable in voting for a Task Force at this point. She would like time to decide how the Task Force would be formed, who would serve on it, and what kind of issues are to be addressed. Therefore, she believes the Planning Commission needs to have clarification of ideas before giving a Task Force a charge.

Commissioner Cannon noted he is in agreement with Commissioner Sherman. He believes there is more dialogue needed between the Commission and the speakers.

Commissioner Kirchoff noted he is also in agreement with waiting for further information before requesting formation of a Task Force. He would like more input from the Ordinance Review Committee.

Commissioner McGuinness is looking for more dialogue.

Commissioner Cannon noted that the people here tonight might not know that, during his three (3) years on the Planning Commission, the Commission has turned down only one (1) sign. He believes the best way to obtain understanding among all involved is to have some type of forum where all issues can be addressed.

Chair Domahidy noted she believes the best way to proceed is to refer this back to the Ordinance Review Committee to come up with a recommendation regarding the formation of a Task Force and the next steps in the process, to be a recommendation to come to the Planning Commission as a Committee of the Whole. Therefore, everyone will have an opportunity to hear about that.

Commissioner McGuinness withdrew her motion.

Mr. Bidzinski requested a show of hands for the record.

#### SHOW OF HANDS

IN FAVOR: 0

IN OPPOSITION: 32

Chair Domahidy called the meeting to recess for five (5) minutes.

**The Meeting re-convened at 9:30 p.m.**

#### APPROVAL OF THE MINUTES

The minutes from the meeting of February 22, 1993, were approved.

#### OLD BUSINESS

- A. P.C. 136-83 Four Seasons Center West; a request for amendment of "C-8" Planned Commercial District; south side of Olive Boulevard at River Valley Drive.

Senior Planner Laura Griggs-McElhanon noted that at the last meeting this item was **held** pending receipt of additional information. The Department provided a copy to Commission Members of the letter sent to Mr. Crabtree expressing concerns of the Commission, Mr. Crabtree's response to that letter, with supporting information from the Sisters of St. Mary's. She further noted that while the Department is of the opinion that medical and dental offices are compatible uses, to address concerns raised by the Planning Commission, the Department recommends revisions as outlined in the staff report. The Sisters of St. Mary's have concurred with these revisions.

Commissioner McGuinness moved to take this item off the table. The motion was seconded by Commissioner Sherman, and passed by a voice vote of 8 to 0.

Commissioner McGuinness thanked Ms. McElhanon for the report, and moved to approve. The motion was seconded by Commissioner Kirchoff.

#### COMMENTS/DISCUSSION BY COMMISSION

Councilmember Hathaway noted that residents of Westbury and River Bend were polled, and they were in agreement that this would be an acceptable use for this property. She requested, however, to change the wording on the bottom line of page 3 of the report from "medical office tenant" to "physical therapy tenant."

Commissioner McGuinness moved to amend the original motion to change the wording stated above. The motion was seconded by Commissioner O'Brien. **The motion to amend the original motion passed by a voice vote of 8 to 0.**

Upon a roll call the vote on the original motion, as amended, was as follows: Commissioner Brown, yes; Commissioner Cannon, yes; Commissioner Dalton, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, yes; Commissioner O'Brien, yes; Commissioner Sherman, yes; Chairman Domahidy, yes. **The motion passed by a vote of 8 to 0.**

#### NEW BUSINESS

- A. P.Z. 3-93 DLC Development Company (Wild Horse Springs); "NU" Non-Urban District to "R-3" 10,000 square foot Residence District; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

AND

P.Z. 4-93 DLC Development Company (Wild Horse Springs); request for a Planned Environment Unit Procedure in the "R-3" 10,000 square foot Residence District; north side of Wild Horse Creek Road, east of the intersection of Wild Horse Creek Road and Wilson Road.

Planning Specialist Joe Hanke summarized the issues being evaluated by the Department, and the Department's recommendation to hold until the Planning Commission meeting of March 22, 1993.

Commissioner Cannon made a motion to hold this matter. The motion was seconded by Commissioner Sherman.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Dalton noted he has received several calls concerning the zoning as "R-3." There seems to be some confusion as to Chesterfield Farms being "R-3." From his notes Chesterfield Farms is "R-2" and "R-6" with a "PEU."

Planning Specialist Joe Hanke noted that Chesterfield Farms is "R-2" and "R-6" with a "PEU." The approximate density for the entire development, including the multi-family units and the single-family lots, would be somewhat equivalent to an "R-4." The minimum lot sizes for the single-family lots are 8750 square feet and 7320 square feet for the Chesterfield Farms and Chesterfield Farms Estates developments. The villages which are in the proximity of the DLC development, and to the west, are the larger lots, and the internal lots which are in closer proximity to the multi-family and the bluff are the smaller lots. The equivalent lot size for the Chesterfield Farms developments is more in the range of "R-4."

Commissioner Dalton inquired whether it would be appropriate to zone the proposed DLC development as "R-2."

Planning Specialist Joe Hanke noted that the Department will continue to examine the appropriateness of the density of this development, and compare that to the density of Chesterfield Farms, along with the density of Woodcliffe across Wild Horse Creek Road, and the potential for the developments, as this is adjacent to an existing Non-Urban subdivision and a Non-Urban parcel of ground currently occupied by four (4) large lots which have been existence for some time.

Commissioner Dalton inquired whether the house on the south portion of the proposed development could be a historical house.

Planning Specialist Joe Hanke stated that, based upon the information provided to the Department on the part of the developer, that parcel would be excluded because of that very fact. The owner of that particular parcel has not expressed any interest in selling for an eventual subdivision, nor integrating with any development that could potentially occur on the west.

Commissioner Brown inquired whether this will be referred to the Chesterfield Fire Protection District. She noted concern about the issue of two (2) entrances.

Planning Specialist Joe Hanke noted that the Fire District made a conditional requirement that the stub street to the north, into the Chesterfield Farms/Chesterfield Estates development, be connected. He further noted the Fire District indicated a preference for the number of units developed on Chesterfield Farms that would be in place prior to another emergency access, which was a condition as part of pushing through the extension of Baxter Road by the Fire District. This would have to be pushed through because of circulation to the west.

Commissioner Brown noted that, if Chesterfield Farms opened this road, it would create too much traffic on a small roadway.

Planning Specialist Joe Hanke noted the main consideration on the part of the Planning Department, when requesting that this stub street be put in place, was because of the length and narrow width of this property that a cul-de-sac would serve more lots than: 1) the Fire District would want to serve by a road in which they could not turn-around or properly access, or have alternate access; and 2) it also exceeded the numbers for a local street with a cul-de-sac in our Zoning Ordinance. The Department encouraged the developer to connect the stub street provided as a part of Chesterfield Farms.

Commissioner Sherman stated that, if this were to be approved, it would be similar to the situation we had in Stonebriar, that it be made very clear to potential buyers that this would connect into the other subdivision.

**The motion to hold passed by a voice vote of 8 to 0.**

#### SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. P.Z. 26-89 Midland-Capitol Partnership (Chesterfield Crossing); "C-8" Planned Commercial District Wall Sign; west side of Clarkson Road, north of Lea Oak Drive.

Commissioner Kirchoff, on behalf of the Site Plan Review Committee, made a motion to approve the additional signage, as presented. The motion was seconded by Commissioner Cannon, and **passed by a voice vote of 7 to 1, with Commissioner Brown voting no.**

## COMMITTEE REPORTS

### **A. Ordinance Review Committee**

Committee Chair Brown reported that the Ordinance Review Committee will have to schedule a meeting to discuss any further possible interaction outside of our regular process.

### **B. Architectural Review Committee**

Committee Chair O'Brien requested that the Planning Department poll members to schedule the next meeting. She requested that Commissioner Kirchoff attend the meeting.

### **C. Site Plan/Landscape Committee**

Committee Chair Kirchoff noted that the next meeting will be Wednesday, March 23, 1993, at 4:00 p.m.

### **D. Comprehensive Plan Committee - No report.**

### **E. Procedures Committee**

Director Duepner reported that the Committee met on February 26, 1993. The main topic was review of the process being utilized by the Planning Commission and Department of Planning at this time, in preparing and submitting reports. He noted the following recommendations:

- The Department's report, with conditions, on rezoning, special procedure petitions, and ordinance amendment requests be available at twelve o'clock, the Wednesday before the next Commission meeting. Comments from petitioner, and others, received by noon on Friday **prior** to the Planning Commission meeting, would be included with the Planning Commission agenda packet distributed by the Department. Failure to submit comments by noon would result in those comments being distributed to the Planning Commission at its meeting on Monday.
- The current policy relative to the ability of the petitioner, or anyone who spoke at the public hearing, to respond back to the Commission with written comments on the conditions be dropped.

- The Commission report is to be forwarded to the City Council Planning and Zoning Committee for review and action, with the understanding that the Committee, if it deems it appropriate, could refer the matter back to the Planning Commission for review comment. In addition, staff is to acknowledge, at the Planning Commission meeting, comments submitted relative to the staff report.
- Relative to providing the petitioner, or others, the opportunity to address the Planning Commission **after** the public hearing, it is the recommendation of the Committee that this item be held. It is the belief of the Committee that, with the revision of the process as described above, it will not be necessary to consider this matter further.

Director Duepner stated that it was the recommendation to, basically, scrap our current policy, and to adopt on a six (6) month trial basis, a process where by the Departments reports that go to the Planning Commission would be made available to the petitioner prior to the Commission meeting. At present these reports are not made available until the night of the Planning Commission meeting. If comments are received they will be forwarded to the Planning Commission in the packet.

#### COMMENTS/DISCUSSION BY COMMISSION

Commissioner Brown would like to have Councilmember Hrabko's recommendation incorporated into the process. The suggestion is that, on the night the Commission votes on a prior public hearing, there be a ten (10) or fifteen (15) minute time for petitioners, or others, to address the Commission on any matter.

Director Duepner noted that the Council has a forum session where a speaker may address the Council for three or four minutes. This presents an opportunity to make comments to the Council on items that may, or may not, be before the Council that particular evening.

Councilmember Hathaway noted this works well with the Council. Each person gets three (3) minutes to speak. A timer is used. Questions are not always answered, but comments are taken into consideration.

Commissioner McGuinness requested our "Opening Comments" be revised.

Commissioner O'Brien inquired whether it would be possible that, included in this trial process, the report be made ready to the Commissioner's by Wednesday noon.

Director Duepner noted the whole purpose is to allow the petitioner an opportunity to respond and present their perspective on the recommendation from the Department. If we make it available to them on Wednesday, and we give the Commissioner's their packets, we are coming back again on Friday with their comments.

Commissioner O'Brien stated that it would be better for her to have the comments earlier.

Chair Domahidy noted that, if Commissioner's would like their packets earlier, they could pick them up on Wednesday.

Commissioner Sherman suggested that, whatever is available on Wednesday could be picked-up, and what is not could be delivered on Friday.

Commissioner McGuinness made a motion to adopt the policy, including the Brown/Hrabko policy for a six (6) month trial period. The motion was seconded by Commissioner Sherman and passed by a voice vote of 8 to 0.

#### F. **Quarterly Meeting**

Chair Domahidy noted this meeting will be at 6:00 p.m., March 29, 1993. If anyone has something to be placed on the agenda for that meeting, please advise either herself or Jerry.

Director Duepner noted the new policy will go into effect as of the next meeting of the Planning Commission.

The meeting adjourned at 10:15 p.m.

  
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Walter Scruggs, Secretary

[MIN3-8.093]