

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
August 24, 1998



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

PRESENT

Mr. Fred Broemmer
Mr. Charles Eifler
Mr. Dan Layton, Jr.
Ms. Stephanie Macaluso
Ms. Rachel Nolen
Mr. Jerry Right
Ms. Victoria Sherman
Mr. Allen Yaffe
Chairman Robert Grant
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Ms. Angela McCormick, Planner I
Ms. Molly Butler-Dunham, Planner I
Ms. Sandra Lohman, Executive Secretary

ABSENT

INVOCATION: Commissioner Victoria Sherman

PLEDGE OF ALLEGIANCE - All

Chairman Grant recognized the attendance of Councilmember Michael Casey (Ward III), and Councilmember Allan Sheppard (Ward I).

PUBLIC HEARINGS: - None

APPROVAL OF THE MINUTES:

A motion to approve the August 10, 1998 Minutes was made by Councilmember Right, seconded by Commissioner Layton and passes by a voice vote of 9 to 0.

PUBLIC COMMENT:

1. Mr. Don Stenzel, 15124 Baxton Court, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart, noting the following:

- He presented a model of the proposed development for review by the Commission.
 - The model was made by the Whitesitt Group that specializes in architectural renderings and models such as the one being presented tonight.
 - The Whitesitt Group constructed the model to the same scale as utilized on the Arch Energy drawings (i.e., 1-inch equal's 20 feet), and also used an aerial photograph taken last November.
 - He pointed out that the model shows that the height of the retaining wall, including the six (6) foot high, sight-proof fence, would be the same height as the top of the highest point of the rooftops of adjacent residences.
 - Much effort went into the study of how the proposed development would affect traffic.
 - He noted that David Krem would address the traffic issues as depicted on the model.
2. Mr. David N. Krem, 2435 Baxton Way, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:
- He gave a handout to the Commission.
 - He quoted the Chinese Proverb that “A picture is worth a thousand words.”
 - The purpose of this model is to illustrate the expansions of the Mobil Station; identify some of the problems the expansion would create; and thereby provide a clear picture of why the citizens of Chesterfield are opposed to this request.
 - We have a traffic gridlock problem that will create more accidents than the currently reported one (1) per week.
 - He referred to the handout that describes various existing traffic problems, and noted how they are depicted on the model. Some of the problem noted were:
 - a) cars lining up for the car wash, lube station;
 - b) congestion resulting from School Buses using left turn lanes of the intersection four (4) times per day;
 - c) problems of cars traveling north on Baxter attempting to access the Mobil site;
 - d) cars exiting the Mobil site attempting a left turn on to Baxter Road;
 - e) cars exiting the Mobil site attempting to get into left lane to go east on Clayton need to cross over three (3) lanes of traffic.

- He has witnessed situations whereby the line of cars waiting for the car wash gets so long that it actually backs up out beyond the station site and onto Baxter Road, thereby blocking the right lane of traffic moving south on Baxter.
- He asked the Commission to imagine a situation where there would be a lubrication station, fast-food service, car wash line and thirty (30) parked cars, all fighting for the same traffic lane.
- He noted that residents would appreciate it if the Commission would take the opportunity to study the model further.
- The petitioner, Arch Energy, pointed with pride to two (2) new Mobil Stations they have recently constructed - one (1) in Chesterfield on Wild Horse Creek Road, near Kehrs Mill Road, and one (1) at Riverport, off the Earth City Expressway.
- The petitioner stated these two (2) developments are very handsome, but failed to explain the type of neighborhood that surrounds them. He noted the following comparisons:
 - a) The Mobil Station on Wild Horse Creed Road has a large nursery to its right; an empty field to its back, advertising the land's availability for commercial development; and a wooded drainage ditch to its left. There are no homes (residences) anywhere near this station.
 - b) The Mobil Station at Riverport is in the middle of a total commercial zone. A new motel is being built adjacent to it. There are no homes near this facility, nor will there ever be any in the future.
- There are no noise, trash, or traffic problems at the other two (2) sites impacting homeowners; therefore, the proposed development at Clayton and Baxter should not be compared to them.
- The proposed development would lower and destroy the property value of surrounding residences.
- The .06 acres that Arch Energy proposes to utilize in their development could best serve Chesterfield by being left undeveloped (i.e., an area consisting of green grass and trees to improve our air quality).
- Arch Energy could continue to be a good neighbor by encouraging all of us to patronize them by ensuring quality service and helping us maintain the lifestyle we chose when we moved to Chesterfield.

COMMENTS/DISCUSSION

Commissioner Sherman asked for clarification regarding the existing problem noted by Mr. Krem with regard to cars backing-up onto Baxter while waiting in line for the car wash.

Mr. Krem pointed this out on the model and stated that he has personally witnessed times when the line has gone out onto Baxter Road.

Commissioner Layton asked Mr. Krem various questions relating to the existing Wild Horse Creek Road Mobil facility.

Mr. Krem replied as follows:

- he didn't count the number of pump islands; but, was more concerned about the surrounding areas and traffic;
- he doesn't believe that Mobil station is as large as the proposed development;
- it has a Taco Bell and Blimpies inside of the station;
- it doesn't have any drive through pick-ups;
- it has a large car wash;
- it doesn't have an oil service facility; and
- the station on Earth City Expressway appears to be the same size as the proposed development, but he doesn't believe it has a lube station.

Chairman Grant requested additional information regarding the model presented tonight.

Mr. Stenzel replied that the Whitesitt Group located in Kirkwood created the model. This group does architectural renderings and makes models like the one before the Commission tonight. They utilized an aerial photograph, the plans submitted by Arch Energy, and they took several photos of the subject site and surrounding area.

Commissioner Nolen asked Mr. Stenzel to make the model available for the Commission to view after tonight's meeting.

Mr. Stenzel agreed to this.

3. Mr. Kent Walston, 15023 Baxter Village #F, Chesterfield, MO 63017, spoke for Mr. Jerry J. Rieder of Baxter Village Condominiums, in opposition to P.Z. 25-98 Mobil Mart noting the following:
 - He gave a copy of a letter with attached photos, from Mr. Jerry J. Rieder to the Commission, and quoted from text that addressed some of the comments made by representatives of the Arch Energy Company during the public hearing on this matter. He noted the following:
 - 1) The letter refuted the statement that the subject site would not bring in destination traffic.
 - 2) The attached photo of the Wild Horse Creek Mobil Station shows that it has no neighbors; it is surrounded by a complete buffer zone.

- 3) The attached photos, along with the captions, indicate that none of the vehicles got gasoline. People were observed getting gasoline and then food, but a large group just got food. Several people got food and left the building, but took food back to their cars and trucks to eat while remaining on the site.
 - 4) Another photo presented depicts the number of parked cars on the Wild Horse Creek Mobil site. This is not what we should want in our area.
 - 5) The Arch Energy web site shows that the food services in existing stations is handled by Burger King, Blimpies and Taco Bell.
 - 6) The Wild Horse Creek Road Mobil Station does not have an oil change facility. Even without it, the traffic pattern on the site is tricky.
- He urged the Commission to look at Sections 1.2.3 and 2.1.1 of the City's Comprehensive Plan and vote no on this proposal.
4. Mr. Bennett Whiteson, President of Baxter Village Condominium Association, 15350 Baxter Village Drive, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:
 - A group of residents visited other Mobil Stations throughout the area.
 - All of the stations they visited that contained similar type facilities, or even lesser facilities, were completely surrounded by commercial property. There wasn't one (1) residence anywhere near those stations.
 - The existing stations are a far cry from the requested, precedent-setting, Mobil expansion which is trying to back its way into an existing, fully developed, single-family residential neighborhood.
 - It is not clear that any station exists in the City of Chesterfield that is similar to the type being proposed by Wallace Oil (i.e., close to existing residences).
 - Wallace Oil has no stations in St. Charles County or St. Louis County that compare to the subject site.
 - The proposed Mobil expansion is unique with regard to its location and impact upon traffic and residential properties and zoning.
 - The proposed precedent-setting change is not in the best interest of Chesterfield residents and clearly violates several sections of the City's Comprehensive Plan.

COMMENTS/DISCUSSION

Commissioner Yaffe inquired whether representatives from Arch Energy have met with residents.

Mr. Whiteson noted he has no knowledge of this.

Chairman Grant asked anyone in the audience to raise their hands if they have any knowledge of contacts from Arch Energy since the last meeting.

No hands were raised.

5. R. L. Konold, 607 Claymont Estates Drive, Chesterfield, MO 63017-7061, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:

- Comprehensive Plan Section 1.1.1. deals with the Existing Lifestyle of the Area (i.e., it says it should be a primary concern). He requested the Commission to consider the lifestyle in the area as a primary concern.
- The area immediately adjacent to and somewhat beyond the proposed Mobil expansion has suffered in the past from extreme flooding.
- The green area that is proposed to be utilized for expansion of the Mobil site currently acts as protection from and absorption of stormwater runoff.
- The proposed development would more than triple the size of the hard surface of the site. This, in turn, will cause more water runoff into the existing greenspace area and, eventually, into other areas of our community.
- He asked the Commission to deny the request for the proposed expansion due to the reasons just stated.

6. Judith D. Stenzel, 15124 Baxton Court, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:

- She presented thirty-seven (37) pages of signatures of people opposed to the proposed development.
- More petitions will be brought forward to the Commission as they are completed.

Chairman Grant noted they would be made part of the official record.

7. Mr. Hal Miller, 2355 Baxton Way, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:

- A Real Estate friend of his told him that, if the petitioner has made a presentation that fits all the rules of Chesterfield with regard to setbacks, etc., it would be approved.

- He is concerned that citizens have wasted their time expressing opposition to the requested development, since the petitioner may go to court stating they followed all of the City's rules.
- As Clayton Road is expanded along on the subject site, the Mobil Station may have land taken away. The amount that the State Highway Department would need to pay the owner(s) of the Mobil site for the expanded development would be greatly enhanced over what it would be if the site were to remain as it is today.
- He asked if the residents have been fighting an uphill battle in opposing the proposed twenty-six (26) foot Versa-lok wall to be located forty (40) feet from someone's back door.
- He asked the Commission if there is anything resident's can do, or are they wasting their time.

Chairman Grant responded as follows:

- The whole issue before the Commission and Council will be "Is this appropriate zoning or appropriate land use for this particular area?"
- Reasonableness as to land use and appropriateness of zoning is a very fact-intense type of necessary decision-making.
- In addition to meeting the setback requirements, the uses proposed need to be determined as compatible with those of the surrounding area.

Even if the use request is approved, conditions may be imposed on the requested Planned Commercial District site that address the concerns raised by citizens.

- The City cannot speculate with regard to the possibility of the State Highway Department's need to take land from this site at some time in the future.

Mr. Miller noted he has had first-hand experience in working with the State regarding business property in Ellisville and, as a taxpayer, this possibility is a concern to him.

Commissioner Layton assured Mr. Miller that the Commission always values the voice/opinions of citizen's.

Commissioner Sherman asked for clarification by the Planning Department regarding the widening of Clayton Road.

Assistant Director Laura Griggs-McElhanon noted that, included in the Commissioner's packets were the initial comments received from the State Highway Department. Those comments do not indicate the need for additional right-of-way from this particular development. The Department will continue to discuss this project with the State Highway Department and expects to receive additional comments from the State regarding road improvements or right-of-way dedication.

Commissioner Sherman noted the roadway narrows just beyond the subject site and asked what the State's current plans are with regard to the widening of Clayton Road.

Assistant Director Griggs-McElhanon noted she asked this question of the State Highway Department last week, and they stated that they do not have the widening of Clayton Road programmed (i.e., we would not receive any comments relative to that because it hasn't been budgeted or scheduled as yet).

Commissioner Sherman noted that, for clarification, at this time the State doesn't have any plans to expand Clayton Road further west to three (3) lanes.

Assistant Director Griggs-McElhanon noted this is true based on conversations as of last week with the State Highway Department.

8. Marge Chadwick, 15132 Baxton Court, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:

- The Comprehensive Plan Section 1.3.1. calls for the preservation of natural features and open space.
- The slope starts at Clayton Road and drops down; therefore, if the concrete wall were to be a wrap-around, it would require tons and tons of dirt to be brought into the site.
- This sloping ground could be stepped down, as they did at the National Store site, instead of filling-up (i.e., putting something unnatural on the site).
- The land would be better utilized if the developer would step it down along with nature.
- If this proposed concrete wall with the fence on top is approved, she would like guard rails to be provided in order to prevent out of control cars from dropping approximately twenty (20) feet into the back yards of residences adjacent to the subject site.
- Uses already provided in the vicinity include a car wash, mechanics, and lubes.
- The Comprehensive Plan Section 1.1.1. relates to the conservation of the existing quality of life. The proposed development would substantially reduce the value adjacent homes.

9. Morton Mendelsohn, 14940 Broadmart Drive, Chesterfield, MO 63017, spoke in opposition to P.Z. 25-98 Mobil Mart noting the following:

- We are at a turn in the timetable of what's going on at Clayton and Baxter Roads.
- Activity near the proposed development includes the following:
 - one of the best places to eat has just opened up in the area;
 - the existing Sofa and Chair store is moving out of the area;

- Fitz's just opened; and
- Baskin-Robbins is remodeling;
- The intersection of Baxter and Clayton Roads is a very active area where people enjoy the lowest price in gasoline in the West County area, reduced prices on produce at National Grocery Store, and the fast-food, health-food facility of the St. Louis Bread Company.
- Chesterfield Council authorized the afore-mentioned facilities that have provided revenue for the community and convenience for the people who live in the area.
- He believes the Fitz's Restaurant business is an icon in the St. Louis area, comparable to Ted Drewes, Anheuser Busch and the Arch.
- It was not anticipated when the Chesterfield Council authorized the afore-mentioned facilities to operate that residents would experience such a large concentration of cars, people, traffic accidents and congestion.
- He described several existing automobile and pedestrian traffic hazards at or near the intersection of the subject site.
- Man creates his own misery.
- What business would go into the space being vacated by the Sofa and Chair Warehouse?
- He has placed his trust in those in charge of the City's Planning.

NEW BUSINESS:

- A. **P.Z. 23-98 Charitable Leasing Corporation, Inc.**; a request for a change in zoning from "M-3" Planned Industrial District to a "PC" Planned Commercial District for a 5.59 acre tract of land located on Chesterfield Airport Road, 200 feet west of Cepi Drive, 450 east of Goddard Avenue. (Locator Number: 17V24-0153). Proposed Use: Research and resource facility.

Planner I Angela McCormick summarized the request and Department's recommendation of approval, subject to the amended conditions in Attachment A.

Chairman Grant requested clarification of the height of the two (2) proposed buildings.

Planner I McCormick noted there would be two (2) one (1) story buildings, each of those buildings would be a maximum height of forty-five (45) feet. She further noted they are requesting a height that would accommodate the gymnasiums.

COMMENTS/DISCUSSION

Commissioner Eifler inquired if conditions are in place that would prevent this facility from turning into a commercial theater.

Planner I McCormick noted there are no conditions to address this.

Commissioner Eifler asked why the petitioner is including a theater as a proposed use.

Planner I McCormick noted she believes they intend to use it for home schooled children or adults who would come to the facility to view videos or movies pertinent to their education.

Commissioner Eifler asked if it would be possible to limit the uses to eliminate the potential for future utilization of the facility as a commercial movie theater.

Director Teresa Price noted that, if that is the wish of the Commission, this restriction could be put under Condition B of Attachment A.

Chairman Grant noted the wording "excluding commercial theaters" could be inserted in the conditions.

Commissioner Eifler noted this is what he would like to see. He further asked if the same type of condition could be put in with regard to the gymnasiums.

Director Price noted this condition could be added.

Commissioner Sherman noted she believes the changes suggested would depend upon how the Commission defines "commercial" activity. She asked if these proposed changes would obscure the petitioner's ability to utilize the facilities as they intended (i.e., collect a fare or revenue) and whether or not the Commission would want to do that.

Chairman Grant noted he believes the way the uses are listed indicate a comprehensive use of these types of facilities for the overall purpose of research activities, teaching activities, and public assembling. He stated that he wouldn't consider that occasionally charging for a particular activity would make it a commercial, strictly for profit use (i.e., a Wehrenberg Theater). He suggested that we eliminate undesirable uses by saying "excluding commercial recreational facilities, commercial theaters, etc."

Commissioner Sherman noted that even though the facility is being developed basically for educational purposes, people using this facility may, over time, wish to form other groups who decide to put on plays, etc., if they have an auditorium. She stated she believes this would be a reasonable activity.

Commissioner Sherman made a motion to suspend the rules and ask the petitioner's attorney to respond to questions from the Commission. The motion was seconded by Commissioner Layton and **passes by a voice vote of 9 to 0.**

Chairman Grant asked Mr. Hearne to clarify the intent of the petitioner with respect to the commercial use of the recreational facilities proposed for the site.

Mr. Thor Hearne, Attorney for the petitioner, responded as follows:

- The manner in which the organization was formed prohibits it from engaging in commercial activities because of its tax-exempt status under the Internal Revenue Code.
- There is no intention by the petitioner to have anything like a commercial, recreational facility, commercial theater, etc.
- He doesn't believe a community play where there may be some incidental charge or fee is anticipated at this time. If this were to occur, it would be at most, very incidental, and certainly not a commercial operation of any sort.
- He doesn't have any problem with the suggested restrictions and would like those definitional issues resolved.

Commissioner Sherman noted she is more concerned that the language would get in there and then the petitioner may want to do something she believes would be appropriate, but they would not be allowed due to the restrictions/wording in the Ordinance.

Mr. Hearne noted those uses were initially included because there weren't accessory uses listed under the City's Ordinance; therefore, they listed all the uses they believed would describe the activities planned for the site. He noted the intent is to have a not-for-profit, tax exempt, charitable research/resource facility for the community that does encompass a variety of seminars (i.e., a film series, etc.). They couldn't engage in any profit-making activities.

Commissioner Layton noted the reasoning behind the Commissioners' desire for commercial restrictions are due to the fact that this parcel might be sold to someone in the future who may wish to utilize the buildings for commercial activities not perceived as suitable by the Commission. He then asked about the incorporation process of the Charitable Leasing Corporation.

Mr. Hearne noted they are incorporated in Michigan and licensed as a formed corporation in the State of Missouri. He further noted, in response to an earlier question, that the highest point of the center building would be forty-five (45) feet and have a gymnasium-type assembly core to it. The lower elevation of the building would accommodate offices, classrooms, etc. He doesn't believe the design of the structure would ever lend itself to a commercial operation, even if someone were to buy it and try to turn it into a theater.

Chairman Grant noted, for the record, that the petitioner would not object to the Commission's restriction of uses by putting in the language - excluding commercial theaters and commercial recreational facilities. He further noted that it's the Commissions' intent that that exclusion does not prohibit the incidental, customary type of activity that would go along with the theaters/recreational facilities planned for the subject site.

Mr. Hearne noted he is in agreement with this.

Director Price noted the Staff would like to propose the following under Condition B of Attachment A:

“All above permitted uses shall be for the sole purpose of an educational facility and not for commercial enterprise.”

Chairman Grant noted that Mr. Hearne has indicated his assent with that wording.

A motion to approve P.Z. 23-98, including the amendment just read into the record by Director Price, was made by Commissioner Eifler and seconded by Commissioner Broemmer.

Upon a roll call the vote was as follows: Commissioner Broemmer, yes; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, yes; Commissioner Right, yes; Commissioner Sherman, yes; Commissioner Yaffe, yes; Chairman Grant, yes.

The motion passes by a vote of 9 to 0.

B. P.Z. 24-98 Central Missouri Pizza, Inc.; a request for a change of from “R-3” 10,000 square foot Residence District to “PC” Planned Commercial District for a 0.64 acre parcel of land located on Chesterfield Parkway North, 400 feet South of Olive Boulevard, 600 feet North of Swingley Ridge Road (Roosevelt Parkway). (Locator Number 18S52-0712). Proposed Uses: Corporate Office and Restaurant, Fast Food.

Chairman Grant noted the petitioner has requested this matter be held until the September 14, 1998 Planning Commission Meeting.

A motion to hold this matter was made by Commissioner Sherman, seconded by Commissioner Macaluso and passes by a voice vote of 9 to 0.

C. P.Z. 25-98 Mobil Mart; a request for a change in zoning from “C-8” Planned Commercial District to “PC” Planned Commercial District for a 1.7 acre tract of land located at the intersection of Clayton and Baxter Roads. (Locator Number: 21R41-0960) Proposed uses: Filling station, including emergency towing and repair services, provided that no automobile, truck, or other vehicle may be parked or stored in the open on the premises for longer than twenty-four (24) hours; restaurant, fast food; and vehicle washing facility for automobiles.

Assistant Director Griggs-McElhanon summarized the information presented to the Commission in their packets. She noted that Staff recommends this matter be held until such time as comments are received and evaluated from the Metro-West Fire Protection District, the St. Louis County Department of Highways and Traffic, as well as comments on the Traffic Study from either the St. Louis County Highway Department or MoDOT.

COMMENTS/DISCUSSION AND ISSUES ADDED:

1. Note specific locations of the drive-throughs and indicate how many cars could stand in a row and be stacked back. It was noted that Mr. Miller commented earlier that cars on the subject site have been stacked back so far that they interfere with the flow through traffic.

Commissioner Sherman requested clarification regarding a statement by the petitioner regarding the amount of space under roof of the subject site.

Commissioner Layton noted the Attorney said that the present lot has 2% of its total area under roof and they were asking for a change to 11% under roof. He further noted that another way of expressing percentages is that they are asking for a 550% increase in their present space.

ISSUES ADDED (continued)

2. Clarification should be given regarding the density, location, height and material of the proposed retaining wall and fence. Utilizing the property in more of its natural lay (i.e., alternatives to that proposed).
3. Identify the various, specific provisions of the Chesterfield Comprehensive Plan (i.e., address the paragraphs that have been cited by the interested parties), and note how the requested expansion is, or is not, in compliance.
4. Address the safety issues of the proposed wall (i.e., being an invitation for children to climb on it).
5. Address the issue of pedestrian safety on the subject site and people/youths coming to the subject site via walking, biking, etc.
6. Indicate how many cars go in and out of the subject site at present, and what would be the anticipated number of cars.
7. Have the petitioner provide statistics to the Planning Commission relative to revenue generation and number of customers served at sites that include a Burger King restaurant (i.e., provide information regarding how many cars are generated per hour through a Burger King on a site similar to that being proposed).
8. Indicate/identify the stackbacks on the site for the fast food during peak hours, not just the average time.
9. Indicate/identify the stackbacks on the proposed lube facility, including the direction of traffic.

Chairman Grant requested a motion to hold this matter until the review comments are received, but asked the item to remain on the agenda for each subsequent meeting so the Commission may assess what is going on with the various reports and comments.

A motion to hold P.Z. 25-98 was made by Commissioner Yaffe, seconded by Commissioner Eifler and passes by a voice vote of 9 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. **P.Z. 1-97 Valley Village L.L.C./Chesterfield Super 8:** A Site Development Concept Plan in the "C-8" Planned Commercial District, governed by City of Chesterfield Ordinance Number 1249. Located on the north side of Chesterfield Airport Road, West of Spirit of St. Louis Boulevard.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Site Development Concept Plan contingent on all applicable architectural exhibits being submitted for review by the Planning Commission prior to Section Plan approval. The motion was seconded by Commissioner Right and passes by a voice vote of 9 to 0.

- B. **Wildwood Center (Fitz's Restaurant):** "C-2" Shopping District Increase of Sign Face on Existing Pole Sign; located on Clayton Road, 400 feet east of Baxter Road.

Commissioner Layton, on behalf of the Site Plan Committee, made a motion to approve the Wildwood Center (Fitz's Restaurant) "C-2" Shopping District Increase of Sign Face on the Existing Pole Sign located on Clayton Road, 400 feet east of Baxter Road. (The recommendation is an approval of Sign A and rejection of Sign B, and the motion is to include a requirement that landscaping be provided or a plan that has approval of our Planning Department.) The motion was seconded by Commissioner Macaluso.

COMMENTS/DISCUSSION

Commissioner Nolen noted the following concerns:

- This is already a very busy intersection and is becoming even more so.
- The tenant who replaces the Sofa and Chair Store will also require some signage.
- The fifty (50) foot Blockbuster Sign, approved before Chesterfield's Incorporation, will remain.
- If we approve the Fitz's sign, we would be stuck in that we can't go back and ask them to reduce that signage. They could then request a variance.
- She has a problem approving something that we also have to live with because perhaps we didn't think that there might be three (3) big vendors there that will need signage.

- Vendors may go in front of the Board of Variance and claim hardship because the vendors on the subject site already have signage.
- She doesn't believe we can say that Fitz's can have their sign; but if a third one comes along, all three (3) signs would have to go to twenty-five (25) feet in size.
- She doesn't want a future vendor to be able to go in the back door and get a variance for an extra fifty (50) feet of sign area.
- Additional signage could, visibly, adversely affect the congestion in that area.
- We need to make sure we project what could happen in the next six months to a year before taking it to a variance committee.
- She asked what her motion would need to be.

Chairman Grant stated that Ms. Nolen is speaking to Mr. Layton's motion that has been seconded, and noted the following:

- He shares Commissioner Nolen's concerns about the size of the sign we are granting to Fitz's; however he thinks they made a good argument to allow them to have the type of area that St. Louis County approved for Blockbuster prior to Chesterfield's Incorporation.
- There is the possibility that a third large user could come to the City and ask for another sign; however, he believes that is somewhat speculative.
- The most likely scenario is they would want another fifty (50) foot sign, just like everybody else.
- In absence of the City Attorney, he stated that he believed as follows:
 - a) Once we approve this sign for Fitz's, it will not be reduced by the Board of Zoning Adjustment.
 - b) The authority of the Zoning Adjustment Board is just to allow other applicants to get larger signs; they could not tell Fitz's to reduce their sign.

Chairman Grant noted we could call for a vote on the motion on the table and see what happens after that. He asked if anyone else has comments on the motion on the table.

Commissioner Layton asked if making an official note of the fact that this approval tonight utilizes all of the sign footage available to the shopping center would carry any weight should future requests for additional signage come in.

Chairman Grant noted the following:

- Currently, the Ordinance for the subject site states that no more than one hundred (100) square feet can go on this particular sign.
- We could certainly put it in the record that we strongly recommend the extent of signage the Commission wants to see on the site.
- If and when a subsequent user applied for a variance, this suggestion could be brought to the attention of the Board of Zoning Adjustment (i.e., if approved, this was our intent when it was approved).
- The wording may not legally bind the Board, but it would give them guidance, and he would certainly entertain that idea.

Commissioner Layton noted it could be something in the record.

Chairman Grant noted he believes anything in the record by way of legislative history is good.

Commissioner Broemmer asked if we could amend the motion to make this sign twenty-five (25) square feet, and then that would make twenty-five (25) square feet available for the third person.

Chairman Grant noted the following:

- If the sponsor of the motion and the person seconding the motion want to amend their motion, he believes this would be possible.
- To make it cleaner, he would rather vote on the motion on the table. If that passes, that's it. If it doesn't pass, then another motion could be entertained.

Commissioner Eifler asked that if a third party also wants a sign that would take the total square footage over that which is allowed by our regulations now, would they have to come back before this Commission and request that? In other words, would they bypass the Commission and go directly to the Board of Zoning Adjustment?

Chairman Grant noted they would have to get permission from the Board of Zoning Adjustment for the size of the sign. He further stated that he believes that, under the City's ordinances, the Commission would probably approve the form of the sign; but we would not be able to reduce the size if the Board of Adjustment gave them that authority. For example: if someone would go before the Board of Adjustment and get a variance to have a fifty (50) foot sign, they are going to have a fifty (50) foot sign.

Commissioner Eifler noted they could come to the Commission and ask for a fifty (50) foot sign and we couldn't give it to them; however, they could bypass us completely.

Chairman Grant noted the following:

- The Board of Zoning Adjustment has the authority to grant a variance on the number of total square feet.
- Once they got the number of total square feet approved by the Board, they would have to come back to the Planning Commission to actually approve the particular sign. The Planning Commission wouldn't have the authority to reduce the square footage.

Commissioner Eifler stated the reason he asked the question is that if they had to come back to the Commission, the Commission could at that time register its strong opinion on the way things ought to be. However, if the Commission doesn't have that chance, then this is our last chance to do that.

Chairman Grant noted this would be our last chance to put that as a matter of record.

Commissioner Layton asked if he may presume that the motion has been amended by discussion, or should he propose an amendment to include an official notice that this is the entire signage available for the entire shopping center and would not look on favor on any increase.

Chairman Grant noted he thinks the latter of what Commissioner Layton just said is the better way to do it.

Commissioner Layton asked Chairman Grant to state aloud the wording.

Chairman Grant noted he said that this is our official notice that this Planning Commission does not want any other square footage on that freestanding sign.

Commissioner Layton asked if it is necessary to amend his motion to include this.

Chairman Grant noted that Commissioner Right pointed out that if seven and one-half (7 ½) to eight (8) feet of permitted signage for the site, more or less, is not taken at this present time with the two (2) signs (namely the Blockbuster and Fitz's) there are still those number of feet that are not being utilized. Therefore, if someone came in and asked for a seven and one-half foot sign, they could do so.

Commissioner Layton stated that all we are stating is really that one hundred feet is the maximum that the Commission regards as proper for this sign.

Chairman Grant noted we first have to vote on it. He further noted that, for the record, part of the motion is that the Planning Commission strongly recommends that no increase over the maximum one hundred square footage be allowed.

Commissioner Layton accepted this amendment as part of his original motion and Commissioner Macaluso also accepted this amendment as part of the original motion.

COMMENTS/DISCUSSION

Commissioner Nolen noted the following:

- We need to keep in mind that signage is very important.
- Casa Gallardo has one sign on their building, not another sign adjacent to that.
- We can already see Fitz's from the road and she doesn't know that we need to max-out the sign that's another fifty (50) feet right in front of this building, when there are several other buildings that just have one banner on top of that for a destination location.
- Her concern is that if we just strongly suggest, rather than amending, she believes we need to say that it's twenty-five (25) feet, and the third player has to be twenty-five (25) feet.
- She doesn't think it's that big of a need to have another sign right in front of a sign.
- If we limit it at (25) twenty-five feet, then can't the next person then go to the Board of Variance, because technically there is still signage available there. If it was good enough for Fitz's at twenty-five (25) feet, it should be good enough for these people at twenty-five (25) feet.
- Signage is important in advertising, she just doesn't know if it's critical to max-out at this point.

Chairman Grant noted he believes Commissioner Nolen's point is well made and he believes Mr. Broemmer basically agrees with that. He further noted, to make it clean, we should vote on the motion on the table, see what happens to that, and then go from there. Chairman Grant called for a roll call vote.

Chairman Grant noted the motion on the table is to approve the sign request as in the Staff report which is, basically, forty-plus feet (i.e., Sign A, not Sign B). The motion is also to include with that approval, wording to indicate to everyone who cares to read it, that the Planning Commission believes that one hundred (100) square feet is the total amount to be on this freestanding sign.

Upon a roll call the vote was as follows: Commissioner Broemmer, no; Commissioner Eifler, yes; Commissioner Layton, yes; Commissioner Macaluso, yes; Commissioner Nolen, no; Commissioner Right, yes; Commissioner Sherman, no; Commissioner Yaffe, yes; Chairman Grant, yes.

The motion passes by a vote of 6 to 3.

COMMITTEE REPORTS:

- A. **Ordinance Review Committee** - No report
- B. **Architectural Review Committee** - No report
- C. **Site Plan/Landscape Committee** - No report
- D. **Comprehensive Plan Committee** - No report
- E. **Procedures and Planning Committee** - No report

Director Teresa Price reported as follows:

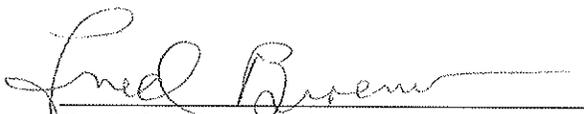
- The GHH Development was before the Planning and Zoning Committee at their last meeting.
- That development has both the PC and PI Districts, and there were approximately twenty-six (26) uses proposed in each of these developments.
- One of the items that became quite interesting was the PC uses and PI uses (i.e., do they need to be looked at again).
- The Planning and Zoning Committee of Council has asked that the Planning Commission work with the Planning Department in looking into these uses.
- We may want to call a Committee meeting.

Chairman Grant noted the following:

- Just as the Commission struggled with the uses for the GHH Development, the Planning and Zoning Committee struggled even more (i.e., they had more ideas and more questions).
- It became apparent, during discussion, that maybe some changes need to be effected with respect to the overall PI and PC Ordinances of the City.
- The Commission has been directed, through the Ordinance Review Committee, to start that process and look at those Ordinances.
- We will be contacting members of the Ordinance Review Committee and setting-up a meeting fairly soon to begin that process.

A motion to adjourn was made by Commissioner Eifler, seconded by Commissioner Broemmer and passes by a voice vote of 9 to 0.

The meeting adjourned at 8:25 p.m.


Fred Broemmer, Secretary

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