

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 9, 2017**

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

I. ROLL CALL

PRESENT

Commissioner Wendy Geckeler
Commissioner Allison Harris
Commissioner Laura Lueking
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Mary Monachella
Commissioner James Rosenauer

Councilmember Dan Hurt, Council Liaison (*arrived 8:06 p.m.*)
Ms. Jamis Kresyman – representing City Attorney Christopher Graville
Ms. Jessica Henry, Senior Planner
Ms. Cecilia Dvorak, Project Planner
Ms. Cassandra Harashe, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen noted that City Council members were in attendance at another meeting but that some would be joining the Planning Commission meeting later.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING SUMMARY

Commissioner Midgley made a motion to approve the Meeting Summary of the September 25, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and passed by a voice vote of 6 to 1 with 1 abstention from Commissioner Harris.

VI. PUBLIC COMMENT

Mr. Matt Surdyke, Petitioner for **P.Z. 07-2017 Chesterfield Valley Motor Sports** 17501 N. Outer 40 Road, Chesterfield, MO.

Mr. Surdyke stated that the request is for: (1) an outdoor storage area for overnight storage within a privacy-fenced area on the back side of the site; and (2) the ability to display their products within the requested display areas without a limitation on the number of vehicles to be displayed. Mr. Surdyke noted that the vehicles have varying sizes and styles, so he is requesting that the current restriction of allowing only 6 display vehicles be removed.

The following individuals were present representing the Petitioner for **500 Chesterfield Center (Midwest BankCentre) Sign Package:**

1. Mr. David Asmus, Legal Counsel for the Petitioner, 120 S. Central Avenue, #700, Clayton, MO.
2. Mr. Bill Behrens, Warren Sign Company
3. Mr. Mike Flavin, Regional President of Midwest BankCentre, 273 Pennington Lane, Chesterfield, MO.

It was agreed that the Petitioners would be given an opportunity to address the Commission during the *Site Plan* portion of the meeting.

Mr. Drew Bextermueller, Director of Real Estate, Dierbergs Market, representing the Petitioner for **Dierbergs the Market Place Sign Package**, 16690 Swingley Ridge, Chesterfield, MO.

Mr. Bextermueller stated that Dierbergs is requesting to relocate the signs for the Florist and Pharmacy departments to coincide with the remodel of the store's interior – no new signage is being requested.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **500 Chesterfield Center (Midwest BankCentre) Sign Package:** A request for a Sign Package to establish sign criteria for the Midwest BankCentre for a 2.25 acre tract of land located southwest of the intersection of I-64/US 40 and Clarkson Road, on the northeast quadrant of Chesterfield Center, and south of South Outer 40 Road (18S140365).

Commissioner Midgley, representing the Site Plan Committee, made a motion to approve identification signage over the door, as presented. The motion was seconded by Commissioner Wuennenberg and passed by a voice vote of 7 to 0.

Commissioner Midgley then reported that the Site Plan Committee denied the requested monument sign with electronic message center by a vote of 3 to 1, but agreed to allow the Petitioner to make a presentation during the Planning Commission meeting.

Mr. Bill Behrens of Warren Sign Company gave a PowerPoint Presentation providing the following information:

- The current monument sign includes the tenant name on the top portion of the sign with the middle portion of the sign having a Dow Jones display, along with the time and temperature.
- The site-governing ordinance allows *manual* changeable message center signs. Such signs are now considered outdated and unsafe when trying to manually change the message.
- They are proposing to replace the top portion of the sign with a message center screen to show the Midwest BankCentre name. The sign would also include static informational messages regarding the bank's location and other useful information. Sachs Properties, the owner of the building, is reserving the bottom half of the sign for an additional building tenant.
- The message center sign is not considered a *flashing sign* as it is not designed to attract attention.
- The proposed message center sign is considered a *changing sign*, which would include a static message for a specific period of time before instantaneously changing to the next static message – there would not be any flashing, blinking or animations.
- Electronic message center signs do not adversely impact driver safety per a 2015 study performed by Texas A&M University.
- Manual-changing message center signs employ old technology, are unattractive, dangerous to workers, burdensome to change, and subject to wind damage and vandalism.
- Electronic message centers use new technology, are attractive, safe, and easily updated.

In an effort to address concerns about electronic message centers, Mr. Behrens provided the following list of recommended restrictions which could be included as part of the sign package for their requested EMC:

- Duration of Image Display. Each image displayed shall have a minimum duration of seven (7) seconds.
- Presentation. The image shall be a static display. No portion of the image shall flash, scintillate, fade in or fade out, scroll, twirl, change color, or in any manner imitate movement.
- Transition. When the image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.
- Malfunction and Non-Compliance. The electronic message center shall be designed and equipped to freeze the device in one position if a malfunction occurs. The electronic message center shall be equipped with a means to immediately discontinue the display if it malfunctions.
- Intensity of light. The maximum luminance produced by the sign shall not exceed three-tenths (0.3) foot-candles greater than the ambient light level. The light level produced by the sign shall be measured at the property line nearest an adjacent dwelling. Automatic dimming capability shall adjust the sign's illumination to the ambient light at all times of the day or night.

Discussion

Responding to questions, Mr. Behrens clarified the following:

- There would not be any charges associated with advertising community events on the electronic message center (EMC).

- It is not anticipated that the bottom portion of the sign, reserved for a future tenant, would include rotating signage. Mr. Behrens suggested that such a restriction could be included as part of the sign package.

During discussion, the Commission agreed that the new technology for message centers is preferable but noted that the current City code prohibits EMCs. Consequently, Chair Hansen suggested that the Petitioner install a temporary static monument sign within the requirements of the existing sign package giving the Commission time to review and update the City code regarding electronic message centers.

Commissioner Harris noted that Parkway High School has an electronic message center, which is much easier to read than the old sign board at the middle school. She then inquired as to how the high school was approved for an EMC. Senior Planner Jessica Henry stated that, at the time, it was the City's determination that the school district is a jurisdictional authority and as such, the City could not regulate its signage.

Mr. Behrens suggested that the Commission approve the requested monument sign permitting Midwest BankCentre to display only two things: (1) the bank name; and (2) time and temperature. This would allow the bank to install their sign now with the necessary technology to provide future electronic messages in accordance with any updates to the City code. Mr. Asmus added that the City could also include the restrictions which were outlined earlier to the approval of the monument sign.

Commissioner Lueking clarified that Mr. Behrens' suggestion is for a monument sign with two screens on a message center, which she again pointed out is currently against City code and, if approved, would be precedent-setting.

Discussion continued regarding how to best assist Midwest BankCentre's need for signage within the confines of the City code. While acknowledging that the recommended restrictions provided by the Petitioner are appreciated, the Commission expressed concern that there may be other issues and details that aren't being addressed.

Ms. Henry offered her opinion that it is not advisable to approve conditions on the assumption that such restrictions would ultimately be included in the Unified Development Code. Staff is seeing these restrictions for the first time and has not been able to conduct its own independent research. In addition, the City Attorney has not yet seen these restrictions. She expressed her concern about accepting a set of restrictions proposed by a proponent vs. an independent review. Ms. Henry also noted that the requested sign is larger and taller than what is permitted at the base code allowance of 50 sq. ft. and 6 ft. in height. Commissioner Wuennenberg thanked Ms. Henry for her input on this matter.

Further discussion continued as to what options were available to the Commission for approving a monument sign for the site. Ms. Henry advised that the Commission could entertain a motion to approve a standard monument sign with the dimensions as shown in the sign package.

Commissioner Wuennenberg made a motion to approve a monument sign of size and shape as requested, with signage panels to comply with the regulations of the Unified Development Code. The motion was seconded by Commissioner Midgley.

Discussion on the Motion

Commissioner Harris asked how the issue of electronic message centers will be brought to Council's attention for review so that this matter does not become a repeated process every time someone wants a modern sign. Ms. Henry replied that City Council has already directed Staff to open Article 4 of the Unified Development Code, which includes signage regulations. It is anticipated that the signage code will be re-written in 2018.

A voice vote was then taken on the above motion to approve, which passed by a vote of 7 to 0.

- B. **Dierbergs the Market Place Sign Package:** A request for a Sign Package for the Dierbergs the Market Place development for an 11.35 acre tract of land located east of Clarkson Road and north of Baxter Road.

Commissioner Midgley, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for Dierbergs the Market Place. The motion was seconded by Commissioner Marino and passed by a voice vote of 7 to 0.

VIII. UNFINISHED BUSINESS

- A. **P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd):** A request for an amendment to an existing "C8" Planned Commercial District for a 3.0 acre tract of land located north of North Outer 40 Rd west of its intersection with Boone's Crossing (17U510051).

Project Planner Cecilia Dvorak stated that the Applicant's request is to remove the current restriction of a maximum of six vehicles for the outdoor display area to the southwest of the existing building. The Applicant is also requesting to expand the outdoor storage area to the northeast of the building by approximately 55 feet, as shown on the Preliminary Plan. A Public Hearing was held for this petition in April, 2017. At that time, four issues were raised to which the Applicant has provided the following response:

1. **Location of the display areas in front of the 50-foot building line and parking setback:** The Petitioner has removed one of the display areas and adjusted another to insure that none of the display areas are within the building or parking setbacks.
2. **Need for a sight barrier of the storage area from the Levee Trail:** The Petitioner has agreed to use a wood slat fence as opposed to the existing chain link fence to ensure that there is a sight barrier between the Levee Trail and the proposed storage area.
3. **Concern for the type of display proposed, including the number of vehicles and/or total square footage of display requested and type of items requested to be displayed:** The Petitioner's request is to limit the area of display as opposed to the number of vehicles to be displayed. The areas of display shown on the plan are about 2,500 square feet in the grass area and 2,000 square feet for the wrap-around deck display area, totaling about 4,500 square feet.

4. Length of time it has taken to pursue compliance: The Petitioner has described in his response letter that the City's process, along with personal issues, have prevented him from pursuing full compliance as quickly as he had hoped but he is now requesting the Commission's consideration of his petition.

Ms. Dvorak stated that a draft Attachment A has been provided for the Commission's consideration. Staff has received all required agency comments and has completed its review of the petition. The petition is now ready for action.

Discussion

Responding to questions from the Commission, Mr. Surdyke provided the following information about the request:

- **Screening:** He acknowledged that the proposed six-foot fence on the north side will not completely screen the building from the levee trail. He noted that there is not a feasible way to screen that section as a fence, approximately 30-feet high, would be needed.
- **Display Area:** The proposed display site is currently a grassy area which would be nicely landscaped. The products would be moved in at night so that when vehicles are not displayed, the area would have an attractive appearance possibly utilizing dust-free pavers and a few boulders. Mr. Surdyke stated that he has not yet designed the display area for this site, but their store in Festus includes a couple of stacked slate rocks and water fountain to make the four-wheel vehicles appear to be in a natural setting.
- **Paved Sidewalk Area:** Currently they are only allowed to display six vehicles on the paved sidewalk that runs along the perimeter of the building. He is asking for relief from the quantity restriction.

Commissioner Marino noted that the Hummer dealership had an attractive display area and requested information as to what was allowed for their site. Ms. Dvorak replied that their ordinance states that *outdoor storage shall be limited to proposed Lot B as delineated on the Preliminary Plan*. The Preliminary Plan shows three rocky-type display areas in addition to storage areas to the north and west of the lot. The Commission did not approve any specific type of landscaping for the display areas – it only approved the location and size of the areas.

Ms. Dvorak then explained the typical process for a building permit application on a commercial property. If Staff deems the request to be a significant change from what was approved, it would be referred to the Architectural Review Board as amended architectural elevations. If the changes were significant enough, it would be forwarded to the Planning Commission for review.

Commissioner Wuennenberg brought out the fact that the outdoor storage areas for Lowe's and Home Depot were approved for location and size, but restrictions were not placed on how much can be displayed in those areas. He felt that the Petitioner's request is comparable.

Commissioner Lueking asked if the entire sidewalk area would be used for display purposes. Mr. Surdyke stated that he would like to have no restrictions placed on which parts of the sidewalk could be used for displays; he understands that customers need to be able to get around the building and it would be poor retail practice to not take that into

consideration, but he would like to use the entire paved area to display product as necessary.

Chair Hansen acknowledged that Councilmember Hurt, Council Liaison; and Councilmember Ohley, Ward IV had joined the meeting.

Commissioner Marino made a motion to approve, as presented. The motion was seconded by Commissioner Geckeler.

Discussion on the Motion

Commissioner Geckeler had concerns about not having any visual information on what is being requested for the display area. Mr. Surdyke stated that he plans to keep it "very simple" with dust-free pavers and a couple of decorative, slate rocks.

Commissioner Lueking pointed out that the Petitioner is requesting to display along the entire paved area, which runs along the front of Highway 40 and along the side of the building. She has concerns about not placing a restriction on the number of vehicles to be displayed. She noted that seven vehicle spaces would be 1200 square feet vs. the requested 4500 square feet.

Mr. Surdyke explained that around three sides of the building is a seven-foot deep paved sidewalk which is currently approved for the display of six vehicles and noted that he could take up that entire area with six large vehicles. He is asking that this restriction be removed so that he would have the ability to display more vehicles, smaller in size, during certain times of the year.

Upon roll call, the vote to approve, as presented, was as follows:

Aye: Commissioner Geckeler, Commissioner Harris,
Commissioner Marino, Chair Hansen

Nay: Commissioner Midgley, Commissioner Wuennenberg,
Commissioner Lueking

The motion failed by a vote of 4 to 3. (*It was noted that zoning petitions require 5 affirmative votes for passage.*)

Chair Hansen asked if anyone wanted to offer an alternate motion.

Commissioner Lueking stated that she does not have any issue with the requested display area but repeated her concern of using the entire sidewalk area for vehicle display.

Mr. Surdyke responded that it is his responsibility to make the display area attractive. He does not intend to "litter the front yard with expensive toys just to cram in as much as possible because people don't come in and spend \$25,000 on a toy if they can't walk around it and see it and feel good around it". His vision for the new display area is that it would be used as a focal point with just a couple of vehicles showcased, and then the area in front of the building would be used for "inventory display".

Chair Hansen suggested that the Petitioner provide a visual that would allow the Commission to better understand what is being requested. Ms. Henry stated that Staff would be comfortable working with the Petitioner to address the issues raised and possibly make changes to the draft ordinance to ensure that all concerns are addressed at this time rather than during the future site plan phase.

After additional discussion, Commissioner Lueking made a motion to reconsider P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd). The motion was seconded by Commissioner Midgley and passed by a voice vote of 7 to 0.

Commissioner Wuennenberg made a motion to hold P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd) to allow the petitioner to work with Staff to address concerns regarding the type of display and number of vehicles to be displayed. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

Aye: Commissioner Wuennenberg, Commissioner Geckeler,
Commissioner Harris, Commissioner Lueking,
Commissioner Marino, Commissioner Midgley
Chair Hansen

Nay: None

The motion passed by a vote of 7 to 0.

IX. NEW BUSINESS

It was noted that Ms. Henry would get in touch with Commissioners Monachella and Rosenauer regarding their dates to serve as liaison to the Architectural Review Board for 2018 meetings.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:30 p.m.



Steve Wuennenberg
Secretary