

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
MARCH 22, 2021**

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

I. ROLL CALL

<u>PRESENT</u>	<u>ABSENT</u>
Commissioner Allison Harris	Commissioner Debbie Midgley
Commissioner John Marino	
Commissioner Nathan Roach	
Commissioner Gene Schenberg	
Commissioner Jane Staniforth	
Commissioner Guy Tilman	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	
Mayor Bob Nation	
Councilmember Dan Hurt, Council Liaison	
Mr. Nathan Bruns, representing City Attorney Christopher Graville	
Mr. Justin Wyse, Director of Planning	
Mr. Mike Knight, Assistant City Planner	
Mr. Chris Dietz, Planner	
Ms. Mary Ann Madden, Recording Secretary	

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; and Councilmember Mary Ann Mastorakos, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - Commissioner Schenberg read the "Opening Comments" for the Public Hearing.

- A. **P.Z. 01-2021 City of Chesterfield (Unified Development Code—Article 4 and Article 10)**: An ordinance amending Article 4 and Article 10 of the Unified Development Code to revise regulations pertaining to window signs.

STAFF PRESENTATION:

Mr. Mike Knight, Assistant City Planner, stated that tonight's Public Hearing is in response to direction from the Planning & Public Works Committee for Staff to research the City's current window sign regulations and bring forward potential updates to the Unified Development Code.

The City's **current regulation** regarding window signs is shown below:

Window signs may be placed on any window in addition to other permitted signs. However, the outline area of said signs, whether temporary or permanent, shall occupy no more than 40% of the outline area of any window on the ground or first floor of the building and no more than 20% of any window on any other level of the building. A sign permit shall not be required for any window sign.

Mr. Knight pointed out that this regulation has raised two primary concerns from the Planning & Public Works Committee:

1. That window signs are currently permitted on multiple floors of buildings, in which some office buildings consist mostly of glass windows; and
2. That, unlike monument and wall signs, there is no maximum allowed amount of window signs – thus, every window of a building could be covered with signage.

Per City Code, **the purpose of the sign regulation** shall: encourage excellence in design while also fostering economic viability; not overload or cause visual confusion; conform to the character of the community; and maintain high aesthetic quality of the community.

After researching the sign regulations of surrounding municipalities, Staff determined that window sign regulations vary widely among municipalities, and that there is a definite lack of consistency among St. Louis County municipalities. Staff mentioned that there was general discussion of window signs at the March 8th Planning Commission meeting. At that meeting, Ordinance 3124 was acknowledged in which the City has been intentionally relaxed on items such as temporary signage to promote business during the COVID 19 pandemic. At its March 8th meeting, Planning Commission directed Staff to research how the current window sign regulations are being upheld.

Since then, Staff has visited every commercial corridor within the City. This review has shown the presence of Ordinance 3124 with additional site signage across the City, including temporary signs and attention-getting devices. In addition, each individual shopping center or commercial building is quite unique in how window signage is used:

- Window signs are seen on the first floor;
- A small percentage of the business community had no window signs;
- A small percentage were near the top of, or exceeding, what the City's code allows; and
- Many developments had window signs, but within the allowable amount.

STAFF RECOMMENDATIONS

Concern #1

Window signs are currently permitted on multiple floors of buildings.

Staff has observed that there are very few window signs above the first floor of buildings.

Although it may be unlikely in the current environment of Chesterfield, if a building did utilize window signs on high floors, it could easily conflict with the purpose of signage delineated in City code, specifically conforming to the character of the community and

not overloading the public's capacity to receive information. When window signs have been observed high up in buildings, they could easily act like a billboard rather than what was originally intended for window signs.

Staff Recommendation

Solely permit window signs on the first floor and second floors.

Although this may have minimal impact on the current conditions, it prevents a full glass office building from having numerous signs on numerous tenant floors above the first and second level.

This recommendation alleviates the concern of the PPW Committee and is in line with the purpose of the sign regulation. It was also noted that this recommendation does not prevent a business from requesting a sign package at a future date.

Concern #2

There is no maximum on the total number of window signs allowed.

Mr. Knight noted that there are multiple approaches to setting a maximum of window signs:

- Define a total square footage;
- Limit the total number by building; or
- Limit the total number by tenant.

Staff Recommendation

Limit the permitted number of window signs to 2 or 3 per tenant.

If the Commission feels 2-3 window signs per tenant space on the first and second floor is too restrictive, establishing a maximum on the number of signs could be a solution to maintaining the high aesthetic quality of the community.

PROPOSED LANGUAGE

Section 405.04.050 F.8.c.

Window Signs.

- 1) Subject to the specific regulations set out below, each business occupying a tenant space, or being the sole occupant of a freestanding building, shall have no more than one (1) window sign on any two (2) windows of a building that are exterior windows of the particular building or tenant space solely on the ground/first floor or second floor of the building. Window signs may be in addition to other permitted signs.
- 2) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) window sign on any three (3) windows of a building.
- 3) The outline area of said signs, whether temporary or permanent, shall occupy no more than forty percent (40%) of the outline area of any window on the ground/first or second floor level of the building.

- 4) A sign permit shall not be required for any window sign.

Section 405.10.040 Signage Terms.

SIGN, WINDOW

Any sign, including paint, placed ~~inside a window or~~ upon ~~the window a single panes or~~ of glass that is visible from the exterior of the window.

Mr. Knight also pointed out the following:

- When considering window sign regulations, items such as hours of operation, open/closed, and other messages that cannot be understood from a position off-site, are considered “incidental” and are exempt signs in the City’s Unified Development Code.
- Items propped up inside the window area, but not on the window, are not considered window signs.
- The City of Chesterfield approved Ordinance 3124, which acknowledges the economic impact on business due to the COVID 19 pandemic and allows the reasonable temporary suspension for various development criteria, including regulation on temporary signs. The potential updates to code would in no way prohibit or retract from the intent of Ordinance 3124.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

DISCUSSION

It was clarified that Staff’s recommendation is that **each tenant on the first or second floor** of a building would be allowed **2-3 window signs**. Tenants **above the second floor** would **not** be permitted to have window signs.

During further discussion, the following items were reviewed and clarified as necessary:

- Staff was asked to provide a table comparing the current regulations to the proposed regulations.
- Staff will research whether specific distances can be applied to “propped-up signs” that are **not attached** to the window, but are seen through the window.
- Temporary signs that fit within the City’s sign criteria can be changed as often as desired.
- Staff has been contemplating on how to implement a mass communication to businesses of any changes to the window sign regulations. This communication could also include information about the City stopping its suspension of temporary sign regulations that is currently permitted during the pandemic.

- Staff's research of the regulation restricting the outline area of window signs to no more than 40% of the outline area of a window does not appear to involve any safety concerns, but appears to be more for aesthetic purposes.
- Staff was asked to contact the Police Department for any safety guidelines pertaining to how much of a window should **not** be covered by signage.
- Outlet malls are unique in that the City does not regulate window signage for the **internal** portion of the mall. It was noted that both outlet malls within the City have specific sign packages that further regulate how signage is quantified.

Chair Hansen expressed her concern that a tenant above the second floor is not permitted a window sign. Mr. Knight noted that signs are generally not placed above the first floor because there is no pedestrian traffic walking past them. When signs are placed in windows on the upper stories of taller buildings, they could appear to act more as billboards. It was also pointed out that this recommendation does not prevent a business from requesting a sign package at a future date.

Commissioner Wuennenberg pointed out that some of the tenant spaces within a retail strip center only have two windows. He feels that allowing 40% window coverage with signage is too much, and suggested that a percentage of the window space be considered, similar to the regulation of 5% wall signage. Commissioner Staniforth stated she does not have a concern with the 40% because most of the signs are temporary signs, and are used to promote their business. Commissioner Marino suggested that the regulations should allow flexibility without rigid parameters.

Mr. Knight acknowledged the points raised and stated that he would bring forth recommendations for the Planning Commission's consideration.

V. APPROVAL OF MEETING SUMMARY

Commissioner Roach made a motion to approve the Meeting Summary of the March 8, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Harris and passed by a voice vote of 7 to 0. (*Commissioners Marino and Schenbergs abstained.*)

VI. PUBLIC COMMENT

Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO – representing the Petitioner for 18122 Chesterfield Airport Road (Scott Properties).

Mr. Stock had submitted a Speaker's Card indicating that he would be listening to the discussion pertaining to Ordinance 1430 and would be available to answer any questions regarding the Site Development Plan for 18122 Chesterfield Airport Road. *Mr. Stock was not available during Public Comment.*

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

A. Review of City of Chesterfield Ordinance 1430

Planner Chris Dietz stated that Ordinance 1430 is a site-specific ordinance pertaining to a 1,325.62-acre area zoned “M3” Planned Industrial District located in the west side of Chesterfield Valley.

The subject area was zoned Planned Industrial in 1961 to accommodate a proposed airport use. Most recently, Staff was directed by the Planning & Public Works Committee to seek review and recommendation by the Planning Commission as to whether Ordinance 1430 promotes the vision and goals of the Comprehensive Plan.

Spirit of St. Louis Airport

The Spirit of St. Louis Airport opened in 1964 as a catalyst for industrial development in the west end of the Valley, and is the primary reason for rezoning 1,000+ acres. The Airport is currently owned and operated by St. Louis County. It was noted that the Airport and City continue a strong working relationship throughout the City’s review process to mitigate any negative externalities.

Land Use

Mr. Dietz explained that the area under review falls within the *Suburban Character-Industrial* area of the City’s Comprehensive Plan. Primary land uses for *Suburban Character-Industrial* include:

- Industrial;
- Airport and associated uses; and
- Office/Warehouse

Conventional Industrial District (“LI”-Light Industrial)

The City has a conventional industrial zoning district in the “LI” Light Industrial District wherein the Unified Development Code establishes the development criteria, including its permitted uses. Accordingly, no site-specific ordinance is necessary for a property to zone into the “LI” District. This aligns closely with the vision and goals of the Comprehensive Plan. It was also noted that the permitted uses do not include retail and most restaurant uses.

Ordinance 1430

Ordinance 1430 permits commercial as well as industrial uses, including retail and all restaurant uses. Over the years, there have been some piecemeal changes to individual properties, which have become increasingly common over time resulting in inconsistent regulations from property to property within this ordinance area.

Comparison of Development Criteria

	LI – Light Industrial District	Ordinance 1430
Permitted Uses	28 uses - Does not include retail and most restaurant uses	38 uses - Includes commercial, as well as industrial uses – including retail
Landscape	Per UDC	Minimum standards are less than UDC requirements
Structure Setbacks	30' for front, side, and rear	M-1 District Setbacks – Dependent on structure/use within district
Parking Setbacks	25' for front, side, and rear	10' for side and rear; front -
Height Restrictions	35'	Air Navigation Space Regulations (UDC)
Open Space	35%	-
Density	0.40 Floor Area Ratio	-
Lot Area	45,000 sq. ft.	-
Lot Width	100'	-

Summary

Ordinance 1430 contains several development criteria that precede the City's incorporation, and its language does not reflect the current language of the Unified Development Code.

Staff finds that Ordinance 1430 does not wholly support the City's Comprehensive Plan, and is seeking Planning Commission's recommendation on whether Ordinance 1430 supports the City's Comprehensive Plan.

DISCUSSION

Chair Hansen noted that Ordinance 1430 does not have any open space requirements and only minimal landscape requirements, which are contrary to the desires of the residents.

Discussion included the following:

- The possibility of the airport extending/widening its airstrips and the impact it would have on how adjacent land could be developed; i.e. height restrictions of buildings would be regulated by the flight path.
- Consideration as to whether certain light industrial elements are appropriate in certain portions of the subject area.
- Separating the runway-related area from the developed area and allowing Ordinance 1430 to regulate the runway-related area only. This would allow the Commission to focus on the developed area, over which it has control.

Mayor Nation stated that he does not anticipate the airport extending its south runway considering its close proximity to the residences on the bluff. However, it is possible that the north runway would be extended as it would take traffic away from the residential areas.

Councilmember Hurt stated that the Comprehensive Plan is a land use guideline and the Planning & Public Works Committee is asking whether or not Ordinance 1430 matches those guidelines. He pointed out that issues relating to building heights, etc. are site plan issues.

Commissioner Wuennenberg made a motion recommending to the Planning & Public Works Committee that Ordinance 1430 is not consistent with the Comprehensive Plan. The motion was seconded by Commissioner Staniforth.

Upon roll call, the vote was as follows:

Aye: Commissioner Schenberg, Commissioner Staniforth,
Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Commissioner Roach, Chair Hansen

Nay: None

The motion passed by a vote of 8 to 0.

Chair Hansen suggested that a future discussion be scheduled regarding uses for this area.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

Gene Schenberg, Secretary