

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Jessica Henry, Senior Planner *jh*

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, March 22, 2018



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, March 22, 2018 in Conference Room 101.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barry Flachsbart** (Ward I), **Councilmember Dan Hurt** (Ward III), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Mayor Bob Nation; Planning Commission Chair Merrell Hansen; Jessica Henry, Senior Planner; Cecilia Dvorak, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:46 p.m.

## I. APPROVAL OF MEETING SUMMARY

### A. Approval of the March 8, 2018 Committee Meeting Summary

Councilmember Ohley made a motion to approve the Meeting Summary of **March 8, 2018**. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0**.

## II. UNFINISHED BUSINESS – None

## III. NEW 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) (Ward 4).

## **STAFF REPORT**

Cecilia Dvorak, Project Planner, presented the request for an ordinance amendment in an existing “C8” Planned Commercial District for 3.0 acres located north of North Outer 40 west of its intersection with Boone’s Crossing. The request is to remove the restriction of a maximum of six vehicles for the display area directly north and west of the existing building. Additionally, the applicant is requesting to expand the outdoor storage area to the northeast of the building by approximately 55 feet.

The Public Hearing was held on April 24, 2017 at which time the following four issues were raised:

- 1) The display areas in relation to the building and parking setbacks.
- 2) The need for a sight barrier from the Levee Trail.
- 3) The need to limit the type and/or amount of display.
- 4) The amount of time it has taken to pursue compliance.

The applicant responded to those issues and appeared before the Commission a second time on October 9, 2017. At that time, the Commission made a motion to approve the request which failed by a vote of 4-3. A subsequent motion was made to reconsider, which passed by a vote of 7-0. The Commission then requested further information regarding the type of display areas proposed and examples of the variety and number of vehicles that would be displayed.

The Planning Commission ultimately approved the petition at their March 12, 2018 meeting by a vote of 5-2 with the condition that only two vehicles are permitted to be displayed in the triangular display area between the building and the drive.

### **PLANNING COMMISSION REPORT**

Planning Commission Chair Merrell Hansen stated that the Planning Commission discussed the petition at length. She noted that a change from the original request had been made in that the triangular display area had previously been described as a “natural mounded display” but when the petition was brought back to the Planning Commission, this feature had been changed to a grass paver solution. She stated that allowing a maximum of two vehicles for display in that area was a compromise.

## **DISCUSSION**

### **COMPLIANCE**

Councilmember Hurt confirmed that the site is not in compliance estimating that there are currently ten vehicles parked on the triangular area whereas the Planning Commission agreed to two. Even though the petitioner has been issued many citations and has gone through the court process, he is still not in compliance. Since the petitioner appears to be unwilling to bring the site into compliance, Councilmember Hurt suggested that the City be more definitive by requiring all wheels of display vehicles to be on the paved areas, and defining the overall footprint to allow for different sized vehicles.

Jessica Henry, Senior Planner, explained that the current Ordinance restricts the number of displayed vehicles to six. However, the location of those six vehicles has never been approved as part of an Amended Site Development Plan. This has been an ongoing issue for several years. The City has been working through municipal court to try and obtain compliance. Staff has asked the petitioner to either submit a site development plan showing the location of those six vehicles, or file a petition to amend the Ordinance requesting their exact needs. Therefore, without a site development plan delineating where those six vehicles are to be located, the petitioner can only comply with the current Ordinance by not having any outdoor display. Staff has responded to a number of complaints and numerous letters have been issued with the matter being held up in the courts for several months. The City’s process for filing applications is complicated and Staff has been trying to guide the petitioner through the process so he can achieve some type of compliance. The petitioner has indicated his preference for an ordinance amendment in that a display of six vehicles is not sufficient. The current petition was submitted over 18 months ago and was insufficient for a number of months prior to the public hearing being scheduled. Staff can issue a citation every day, however, it will not enable him to come

into compliance. Staff's goal is to get the petitioner through the ordinance amendment process, which would be followed up with a site development plan to expand the rear storage area.

Mayor Nation commented that what the Planning Commission approved is significantly more liberal than the current restrictions as there is no limit on the number of vehicles that can be displayed on the paved area wrapping the building, and the only restriction is that a maximum of two vehicles be displayed on the grassy triangular area.

The Petitioner, Matt Surdyke, stated that he lives in Festus and spends most of his time at the Festus store. Since the Planning Commission meeting, he has only visited the Chesterfield store once. At that time, he explained to his store manager what needed to be done to become compliant. Since that time, he has not returned to the store to see if they are in compliance, but will do so the following day.

Councilmember Flachsbart stated there is no guarantee that Mr. Surdyke's manager will comply. The City has standards. This is not a property maintenance violation in a subdivision. This is a zoning issue and the City is responsible for enforcing the zoning. He suggested that Staff revise the amendment and bring it back to the Committee at the next meeting. In the meantime, Staff should conduct daily inspections.

Councilmember Ohley commented that since this is not the first time the petitioner has been asked to comply, the City needs to be specific and to continually check for compliance. Ms. Henry stated that Staff can conduct daily inspections, but noted that the Petitioner has not been issued any additional citations because he has been working through the process and the City has an active application for the site.

### **Placement of Display Vehicles**

In response to Councilmember Hurt's desire to limit the placement of vehicles' wheels on concrete surfaces, Ms. Henry cited the proposed ordinance amendment section relating to Outdoor Storage and Display Areas and suggested amending it to read as follows: "*Outdoor paved storage or display of equipment shall be at locations depicted on the Preliminary Plan and all wheels and support points are to be placed on the concrete.*"

**Councilmember Hurt made a motion to allow an outdoor display of unlimited vehicles along the paved strip wrapped around the building with the condition that all wheels and/or support points must be on concrete.** The motion was seconded by Councilmember Flachsbart. After some further clarification on the motion, **the motion passed by a voice vote of 4-0.**

**Councilmember Hurt then made a motion to allow an outdoor display of one vehicle with a footprint no larger than 75 square feet area on the triangular area west of the building.** The motion was seconded by Councilmember Flachsbart.

### **Discussion after the motion**

There was further discussion regarding the amount of allowed square footage, the number of vehicles to be displayed, and the size of the various types of vehicles to be displayed.

During this discussion, it was pointed out that the petitioner is also utilizing parking spaces as display areas and Councilmember Flachsbart asked if this use would violate the parking requirements. Ms. Henry replied that it is likely that transportation data would support a reduced number of required parking stalls for this type of use as it is not a typical retail or dealership use.

Typically, this type of analysis and determination is accomplished through the parking demand modification study as provided for by the UDC. However, if the Council desires to place restrictions within the Ordinance as to whether or not inventory can be parked in the parking spaces and specifying the number of spaces required for employee and customer parking, Staff can research the matter and bring it back with a recommendation based on ITE transportation data.

**Chair Tilman made a motion to amend the motion to allow any number of vehicles in the outdoor display area with a footprint no larger than 200 square feet area.** The motion died due to lack of a second.

**The above stated motion to allow an outdoor display of one vehicle with a footprint no larger than 75 square feet area west of the building was passed by a voice vote of 3-1 with Councilmember Ohley voting no.**

In response to Councilmember Hurt's inquiry as to why Councilmember Ohley voted no, she responded that it would be difficult for Staff to enforce because it is too restrictive and that the effort and manpower expended to enforce it is too great. She feels that the petitioner should start the process over again and come back with a plan that defines his needs and one that he will comply with.

**Councilmember Flachsbart made a motion to hold P.Z. 07-2017 Chesterfield Valley Motor Sports (17501 N Outer 40 Rd) until the April 19, 2018 Planning & Public Works Committee meeting to enable Staff to clarify the use of parking spaces and to prepare the above mentioned amendments.** The motion was seconded by Councilmember Hurt and **passed by a voice vote of 4-0.**

For clarification purposes, it was agreed that until the April 19 Planning & Public Works Committee, the petitioner is to comply with the proposed changes discussed tonight; i.e., all wheels or support points must be on pavement and only one vehicle may be displayed on the triangular grassy area.

- B. P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 4 and 10):** An ordinance amending Articles 4 and 10 of the Unified Development Code to revise regulations pertaining to architectural specialty lighting and various definitions.

### **STAFF REPORT**

At the direction of the Planning & Public Works Committee, Jessica Henry, Senior Planner, stated that Staff has reviewed Article 4-03 Lighting Standards of the Unified Development Code (UDC) in order to establish additional review parameters and criteria for evaluating architectural lighting proposals. She presented the following timeline:

July 13, 2017 – Architectural Review Board (ARB) initial discussion

October 11, 2017 – Draft regulations presented to ARB

November 27, 2017 – Public Hearing held before Planning Commission

February 12, 2018 – Draft regulations presented to Ordinance Review Committee

March 12, 2018 – Planning Commission motion recommending approval

Ms. Henry pointed out that the most significant change made by the Planning Commission was to require a 2/3 vote of the Planning Commission for any flashing, blinking or color changing lighting.

### **DISCUSSION**

Councilmember Hurt complimented Ms. Henry and the Architectural Review Board on their efforts during the review process. He did express concern though that these standards do not apply to residential uses. He stated that there may be a problem with display homes using attention-getting techniques to draw in prospective homebuyers. With regard to residential lighting, Ms. Henry stated that the Director of Planning & Development Services would have the ability to determine if an architectural lighting package application would be warranted. Councilmember Hurt stated that he would prefer that Councilmembers have the ability to override the Director's decision. After further discussion, it was agreed that either Councilmember from the ward where the application is proposed, the Mayor, or any two Councilmembers from any ward may request a review.

Chair Tilman stated he is in favor of the 2/3 vote as it provides some flexibility that was not offered previously. He then stated signage will be the next issue to address. He predicted that signage and exterior lighting will become more connected than in the past as businesses will try to incorporate projection as signage instead of exterior lighting. Chair Tilman suggested that during the Comprehensive Plan Review, specific zones for lighting be incorporated as building lighting and signage for one area may not be appropriate for another area.

**Councilmember Hurt made a motion to amend the language in Sec. 04-03 A. 1. of the Unified Development Code to read "An architectural specialty lighting package is not required for traditional architectural accent lighting application or for residential applications, as determined by the Director of Planning & Development Services, either City Councilmember of the ward where the application is proposed, the Mayor, or any two City Councilmembers from any ward." and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Ohley and passed by a voice vote of 4-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the April 18, 2018 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 4 and 10).]**

### **C. St. Louis County Boundary Commission—Map Plan Submittal**

#### **STAFF REPORT**

Jessica Henry, Senior Planner, stated that City Council directed Staff to pursue the submittal of a map plan to the St. Louis Boundary Commission to include Clarkson Valley for the three areas bordering Chesterfield's city limits. Staff consulted with the Executive Director of the St. Louis Boundary Commission to discuss the process and submittal requirements for each of the three areas. Based on the information received, the only area that should be included in a Map Plan submittal is Clarkson Valley. Boundary changes to the other two areas would be accomplished through a different process.

As part of the Map Plan submittal, a resolution of City Council is required, therefore, Staff is presenting this item to the Planning & Public Works Committee for review and recommendation to the City Council.

### **DISCUSSION**

After some discussion regarding the need for a Map Plan, Ms. Henry explained that a Map Plan for Clarkson Valley is necessary in order to preserve the ability to annex the area in the event that Clarkson Valley were to disincorporate overnight. However, if Clarkson Valley were to approach the City and ask for a consolidation, it would be a simple consolidation procedure that can happen at any time and does not require a Map Plan. A Map Plan would not be needed for other areas surrounding Chesterfield because it would be considered a simplified boundary change / transfer of jurisdiction. The City would work with the other property owners and MoDOT to reach an agreement as long as no commercial property is involved.

While discussing the boundary line for Clarkson Valley, Ms. Henry pointed out that there are two unincorporated areas within the Clarkson Valley boundary that were omitted from the Map Plan and that a Map Plan would be required to annex these two areas if a consolidation with Clarkson Valley ever occurred.

**Councilmember Flachsbart made a motion to forward the St. Louis County Boundary Commission-Map Plan Submittal to City Council with a recommendation to approve at the next Council Meeting of April 18, 2018.** The motion was seconded by Councilmember Ohley.

**Chair Tilman made a motion to amend the above motion to direct Staff to revise the Map Plan to include the two unincorporated areas within the Clarkson Valley Boundary.** The motion was seconded by Councilmember Ohley and **passed by a voice vote of 4-0.**

**Chair Tilman made a motion to forward the St. Louis County Boundary Commission-Map Plan Submittal, as amended, to City Council with a recommendation to approve at the next Council Meeting of April 18, 2018.** The motion was seconded by Councilmember Ohley and **passed by a voice vote of 4-0.**

**Note: One Resolution, as recommended by the Planning & Public Works Committee, will be needed for the April 18 City Council Meeting. See Resolution #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on St. Louis County Boundary Commission—Map Plan Submittal.]**

### **IV. OTHER**

As this is his last meeting, Chair Tilman expressed his sincere appreciation for Staff's efforts in taking care of the residents, business partners, developers and the Council.

### **V. ADJOURNMENT**

The meeting adjourned at 7:27 p.m.