

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Jessica Henry, Assistant City Planner *jh*

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, February 21, 2019



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, February 21, 2019 in Conference Room 101.

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

Also in attendance were: Planning Commission Chair Merrell Hansen; Jessica Henry, Assistant City Planner; Andrew Stanislav, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:47 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the February 7, 2019 Committee Meeting Summary

Councilmember Flachsbart made a motion to approve the Meeting Summary of February 7, 2019. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 4-0.**

II. UNFINISHED BUSINESS - None

III. NEW BUSINESS

- A. **POWER OF REVIEW - Forty West Office Building, Sign Package:** A request for a Sign Package for a 3.625 acre tract of land located on the north side of North Outer 40 Road approximately 1,300 feet west of its intersection with Timberlake Manor Parkway. (Ward 2)

STAFF REPORT

Andrew Stanislav, Planner, presented the request for a sign package for the Forty West Office Building. The sign package was considered at the February 11, 2019 Planning Commission meeting. A motion was made to approve this sign package with a condition to limit the sign on the eastern façade to not more than 150 square feet. The motion passed by a vote of 5-3. Power of review was called on February 12.

Mr. Stanislav presented a PowerPoint showing an overview of the sign package and depicting the existing and proposed signage for the building. The applicant is proposing to replace the

existing 208 square foot wall sign on the south elevation with a new smaller 150 square foot wall sign at the same location and another 150 square foot wall sign on the south elevation at the opposite end of the building. The proposed wall sign on the eastern elevation was originally proposed for 208 square feet but the Planning Commission reduced the size to 150 square feet. The monument sign along North Outer 40 Road frontage will remain the same size.

DISCUSSION

Councilmember Hurt stated that the Planning Commission discussion was very in-depth and he wanted the Committee to be aware of their debate as it leads to other topics. Councilmember Hurt stated that he concurs with the Commission's decision, however, Chair Hansen had voted against approval.

Councilmember Flachsbart stated that the purpose of a sign package is to encourage superior design, quality and character. The applicant is requesting to expand the number of allowed signs beyond the City's maximum number. He cited the surrounding buildings and stated they have abided by the City's regulations. He stated that he personally is not in favor of the Planning Commission's decision and will vote no.

Councilmember Hurt pointed out that signage is currently allowed on 5% of the surface on the southern side of the building. Two sides of the building have no road exposure. The northern side faces Conway Road, however, he does not think anyone wants signage on that side due to the close proximity of homes, and the eastern side has a drive-in entrance. The south and east sides are the only two sides that have any significance. The request does not exceed the permitted 5% in either case, but the number of signs is exceeded by one on the south elevation. The Planning Commission agreed to two signs at 2.5% versus one sign at 5%.

Councilmember Mastorakos concurred with Councilmember Flachsbart and stated that the existing sign ordinance is fine. She is concerned that by allowing a sign on the east façade will create competition among the existing office buildings along that area as they may also want signage on their eastern and/or western facades. If the City allows two signs on the front of the building, it will be setting a precedent that is legally and aesthetically not in the City's best interest.

Jessica Henry, Assistant City Planner, clarified that the Code allows two signs on two elevations, but the applicant is seeking to have a sign on the east elevation in lieu of the north elevation which has frontage on Conway Road. Additionally, the applicant would like to have two signs on the south or front elevation. The maximum outline area for a sign on the front elevation is 300 square feet. They are proposing to split it and have two signs that are 150 square feet each. One Chesterfield Place does have more than one sign on the south facade as they requested flexibility through their sign package. No other buildings in the area have three signs.

Chair Ohley stated that the Planning Commission voted to allow signage totaling 450 square feet which goes against the UDC. She is opposed to the sign on the east elevation. If the preference is to split the 450 square feet recommended by the Planning Commission between two signs, she suggested making each sign 225 square feet, which is a little larger than the current Boomerang sign. Chair Ohley stated that she does not wish to go completely against the Planning Commission's recommendation.

Merrell Hansen, Planning Commission Chair, stated that there was a very complicated dialogue between the Planning Commission. Ultimately, the majority did feel that the requested number of square feet was acceptable. She personally was opposed to it as she feels that the City should follow the governing ordinance.

Councilmember Flachsbart pointed out that the surrounding buildings have more frontage than the Forty West Building, therefore, they would have a greater need for more than two signs than the Forty West Building. However, if the applicant is allowed two signs, he suggested having one on the front and one on the east.

Ms. Kelly Eisenloeffel, representing the applicant, stated that there have been recent studies related to on-premise signage and how it affects businesses. Signage can increase their revenue, attract employees, and help customers find their business. Also, if a tenant is leasing a significant amount of space in one building, it is a reason for charging them a higher rate to rent space in the building. Before making a decision, she urged the Committee to consider the overall effect on the business owners, as well as the building owners.

Chair Ohley stated that while she appreciates Ms. Eisenloeffel's point of view, the Committee is governed by the City's UDC. There can be exceptions, but the Committee must take into consideration how those exceptions will be viewed by current and future building owners, as well as how those exceptions will be perceived in the future.

Councilmember Flachsbart made a motion to adhere to the conditions of the Unified Development Code and not set a precedent for change.

Discussion after the Motion

Councilmember Flachsbart stated that if the applicant were to propose two smaller signs on the front and none on the side, as there is already a precedent for that, then the Committee could have another discussion. He felt that two 250 sq. ft. signs makes sense logically.

Councilmember Hurt stated that he will not vote in favor of the motion as he was in favor of the Planning Commission's decision. He is more concerned with the square foot area than the number of signs.

The above motion was seconded by Councilmember Mastorakos and passed by a voice vote of 3-1 with Councilmember Hurt voting nay.

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on the Forty West Office Building Sign Package.]

- B. 18626 Olive Street Rd (P.Z. 05-2014 Time Extension Request):** A request for an eighteen (18) month extension of time to submit a Site Development Concept Plan or Site Development Plan for a 2.391 acre tract of land zoned "PI" Planned Industrial District located southeast of the intersection of Olive Street Road and Spirit Valley East Drive (17W510060). (Ward 4)

STAFF REPORT

Andrew Stanislav, Planner, presented the request for an 18-month time extension for a submittal of a Site Development Concept Plan or Site Development Plan for a site at 18626 Olive Street Road. The site was rezoned from an "NU" to a "PI" district in September of 2014. Since that time, Chesterfield Blue Valley has requested two other extensions, so this is the third 18-month extension. The last extension was approved by City Council on August 21, 2017. The current time period requirement expires on March 15, 2019. The developer has stated that marketing

efforts have failed to secure a buyer for this property and they hope to continue this effort with this time extension.

Councilmember Hurt made a motion to forward 18626 Olive Street Road (P.Z. 05-2014 Time Extension Request) to City Council with a recommendation to approve.

Discussion after the Motion

Since this is the third time extension request, Chair Ohley asked if there was a maximum number of times that an extension could be granted. Jessica Henry, Assistant City Planner, stated that there is no maximum. Chair Ohley expressed her objection to allowing an unlimited number of time extensions. She believes there needs to be a cap on the number of times that an extension can be granted.

Councilmember Flachsbart stated that he feels that a development should be completed within 18 months or perhaps within an additional 18-months, but not a third time extension. He too believes there should be a limit on the number of time extensions allowed, and that this third extension should be the last for this particular property.

There was some discussion regarding the consequences of not approving the time extension. Jessica Henry, Assistant City Planner, stated that if the time extension were denied, Staff would initiate a rezoning. The zoning could not go back to “NU” because that is an inactive district. However, Chesterfield typically does not rezone property that does not belong to the City. This property would remain “PI” as zoning cannot expire or automatically revert; it can only be changed through the proper process. Zoning is a legislative action that cannot be accomplished except through the legislative process. The City would have to initiate the petition or the property owner could initiate the process. If the City initiates the change in zoning, it does not necessarily mean that the property will suddenly develop as it will not change the market conditions or the reasons why the property has not been developed. While it is contentious to force a rezoning that the City does not hold a legal interest in, it can be done. Ms. Henry then explained the original intent of including time extension language in site specific ordinances.

The above motion was seconded by Councilmember Mastorakos and passed by a voice vote of 4-0.

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services, for additional information on 18626 Olive Street Road (P.Z. 05-2014 Time Extension Request).]

IV. OTHER

Planning Commission Chair Merrell Hansen reminded the Committee that the deadline for “On the Table” discussions is March 6 and she encouraged the Council to continue scheduling meetings and stressed the importance of capturing notes from those meetings.

V. ADJOURNMENT

The meeting adjourned at 6:36 p.m.