

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
JANUARY 10, 2022**

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

I. ROLL CALL

PRESENT

Commissioner Caryn Carlie
Commissioner Allison Harris
Commissioner John Marino
Commissioner Nathan Roach
Commissioner Jane Staniforth
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Debbie Midgley
Commissioner Guy Tilman

Mayor Bob Nation
Councilmember Mary Monachella, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning
Mr. Mike Knight, Assistant City Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Mary Monachella, Council Liaison; Councilmember Mary Ann Mastorakos, Ward II; and Councilmember Gary Budoor, Ward IV. Mayor Bob Nation and Councilmember Dan Hurt, Ward III joined the meeting in progress.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - None

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the December 13, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Marino and passed by a voice vote of 7 to 0.

VI. PUBLIC COMMENT

The following individuals, representing the Petitioners, were available for questions:

A. 15525 Olive Blvd. (Mellow Mushroom)

1. Ms. Kate Stock Gitto, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.
2. Mr. Michael J. Vienhage, Owner, Mellow Mushroom, 15525 Olive Blvd., Chesterfield, MO.
3. Mr. John Burke, Owner, Mellow Mushroom, 15525 Olive Blvd., Chesterfield, MO.

B. Chesterfield Commons Six, Lot 6 (Amini's)

4. Mr. Arash Amini, Amini's, 17377 Chesterfield Airport Road, Chesterfield, MO.
5. Ms. Kate Stock Gitto, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **15525 Olive Blvd. (Mellow Mushroom) ASDSP:** An Amended Site Development Section Plan, Landscape Plan, Tree Stand Delineation, Tree Preservation Plan, Architectural Elevations, and Architect's Statement of Design for a 1.54-acre tract of land zoned "C-8" Planned Commercial District located on the northeast portion of the intersection of Chesterfield Parkway West and Olive Blvd. (18S521120).

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of Mellow Mushroom's request, with the condition that a bike rack be added to the site. The motion was seconded by Commissioner Marino.

Discussion

Chair Hansen stated that the addition of a bike rack is included because the restaurant is located in the *Urban Center Character Area*, which calls for accommodations for pedestrians and cyclists. The Petitioners noted their agreement with this amendment.

Commissioner Wuennenberg noted that the previous Site Plan Committee Meeting included discussion about the Unified Development Code's requirement of landscape buffers along arterial roadways. The Committee agreed that the proposed landscaping is sufficient in that it does not obstruct the view of individuals entering or exiting the site.

Due to questions about the proposed changes to the exterior of the building, the Petitioners were asked how the "additions would be incorporated into one cohesive design with the existing structure." Mr. Vienhage of Mellow Mushroom provided

information from the architect stating that the color of the front entry is not as pure white as depicted in the rendering. It is more of a cream color complementary to the existing off-white mortar color of the building, and balances the white located on the canopy, columns, patio fencing, and low walls. It was also explained that while they did not make “drastic changes” to the building, they want customers to feel like they are entering a new restaurant and not the old *Charlie Gitto’s*. Commissioner Wuennenberg pointed out that the proposed changes were approved 5-0 by the Architectural Review Board who had material samples available to them.

The vote to approve passed by a voice vote of 7 to 0.

- B. **Chesterfield Commons Six, Lot 6 (Amini’s) Modification of Parking Standards:** A request to reduce the minimum parking requirement for a retail use on a 4.64-acre tract of land zoned “C-8” Planned Commercial District located northwest of the intersection of Chesterfield Airport Road and RHL Drive. (17U520115).

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the **Modification of Parking Standards for Chesterfield Commons Six, Lot 6 (Amini’s)**. The motion was seconded by Commissioner Marino and passed by a voice vote of 7 to 0.

VIII. UNFINISHED BUSINESS

- A. **P.Z. 16-2021 City of Chesterfield (Unified Development Code – Article 4 and Article 10):** An ordinance amending Article 4 and Article 10 of the Unified Development Code pertaining to signs.

Mr. Mike Knight, Assistant City Planner, stated that the purpose of this petition is to discuss potentially revising the regulations of the Unified Development Code (UDC) pertaining to signs in order to conform to recent legal decisions and to address changes in technology.

Content-based vs Content-neutral

Mr. Knight explained the difference between *content-based* and *content-neutral* regulations of speech:

Content-based regulations of speech target the content of a message, while *Content-neutral regulations* target the **time, place, and manner** that speech occurs.

Public Hearing

At the November 8th Public Hearing, Staff outlined issues in the City code regarding regulations based on message content; provided a methodology to address these issues; and received a general consensus to move forward.

Following up on discussions from the Public Hearing, Mr. Knight provided the following information.

Sign Definition

Any device, structure, fixture, or placard that uses any graphics, symbols, written copy, and/or illumination to advertise, direct, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Profanity

In consultation with the City Attorney, the regulation of defamatory conditions, including profanity as it relates to signs, would not be regulated through the UDC but through Title II of the City Ordinance: **Public Health, Safety and Welfare**.

Seasonal Displays on Residential Property

The City currently does not recognize **seasonal displays on residential properties as signs**.

Communication

During the Public Hearing, it was acknowledged that communication of sign regulation as it relates to City Code updates and information relative to content-neutrality would be beneficial for subdivision trustees as a bridge of communication to Home Owner's Associations. Staff is working towards adding this item to an upcoming Subdivision Trustee Symposium agenda and developing a comprehensive list of e-mail addresses to potentially formulate an informational mass-communication.

Sign Code Regulations / Proposed Updates

Mr. Knight provided a chart outlining the different types of signage currently regulated by the City, which encompass 40 pages of code. He explained that once the code is updated, it will be reduced to 22 pages by eliminating specific regulations.

Permanent Signs

Types of signage that will be regulated under *Permanent Signs*:

- Freestanding Signs
- Wall Signs
- Billboards
- Residential Subdivision Signs

Examples of regulations to be removed concerning the following signs:

- Directional
- Informational
- Church
- Hospitals, parks, schools, libraries, and other institutions for public assembly
- Restaurant, Drive-thru
- Financial Institution with ATM
- Service Station with Canopy
- Movie Theater
- Time/Temp/Stock Ticker

Temporary Signs

Examples of types of signage that will be regulated under *Temporary Signs*:

- Non-Commercial Messages
- Commercial Messages
- Development-Related (Construction)
- Window Signs
- Attention-Getting Devices (Grand Opening)

Examples of regulations to be removed concerning the following signs:

- Banners
- Flags
- Garage Sale
- Public Information
- Political
- Sandwich Boards
- Live or Human Signs
- Future Use of Site
- Subdivision Promotion
- Subdivision Direction
- Display House

Exempt and Prohibited Signs

There are minor changes being made to *Exempt and Prohibited Signs* that include the following:

- Incidental Signs will have an enhanced definition.
- Real Estate Signs will be eliminated.

Real Estates Signs

The entire section related to *Real Estate Signs* will be removed as they are considered *temporary signs* and will be regulated as such.

Non-Commercial Messages & Commercial Messages

The following table depicts how *Non-Commercial Messages* and *Commercial Messages* will be regulated in Residential and Non-Residential zoning districts.

	Residential Zoning District		Non-Residential Zoning District	
	Non-Commercial	Commercial	Non-Commercial	Commercial
Size	8 SF	8 SF	24 SF	24 SF
Quantity	NA	2	NA	NA
Total Signage	NA	16 SF	NA	24 SF

Mr. Knight then noted the following:

- Political signs are considered *non-commercial* messages. As such, there is no limitation to the number of political signs permitted on a residential property.
- Real estate signs are considered *commercial* messages. As such, there is a limit of two real estate signs on a residential property.

Next Steps

No action is being requested at the January 10th Planning Commission meeting. Once the implementation strategy is confirmed by the Planning Commission, the item will join a Planning Commission Agenda for vote. After a vote is taken by the Planning Commission, this project will be presented before the Planning and Public Works Committee for a recommendation to the City Council with a projected completion date of March 2022.

Mr. Justin Wyse, Director of Planning, explained that signage has been separated into commercial and non-commercial messaging, which is allowed under current law. However, there is now a case before the Supreme Court challenging this distinction so changes may have to be made later in the year if this case is won.

Discussion

Commissioner Marino commended Mr. Knight on his presentation noting the incredible amount of work put into this project and the concise manner in which it was presented.

He, along with Commissioners Roach and Carlie, agreed with the methodology proposed.

Commissioner Carlie asked for clarification on why there is no limitation on the number of non-commercial signage in residential districts vs. a limitation of 16 SF of commercial signage. Staff explained that it is difficult to support a compelling governmental interest for setting limitations on non-commercial messages. It was also noted that the courts generally do not rule in favor when regulations pertaining to political and protected speech are challenged.

Political Signs

Responding to questions, Staff provided the following information.

- There are no regulations restricting the number of political signs on a residential property even if they are all the same sign and for the same candidate.
- In the event there is a violation of the regulations, the property owner is cited. Any sign on a property should have the property owner's permission.

Mayor Nation expressed concern about political signs being posted on property without the owner's permission and having the owner cited rather than the candidate. Commissioner Wuennenberg pointed out that code enforcement allows a property owner 10 days to contact them at which time they make arrangements to correct the problem before a citation is issued. Both Mayor Nation and Councilmember Monachella recommended that a period shorter than 10 days be enforced for political signs. Mr. Wyse indicated that he would look into the matter.

The Commission then gave its consensus for Staff to move forward with the methodology outlined.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:50 p.m.


Jane Staniforth, Secretary