PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
NOVEMBER 27, 2017

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner Wendy Geckeler	
Commissioner Allison Harris	
Commissioner Laura Lueking	
Commissioner John Marino	
Commissioner Debbie Midgley	
Commissioner Mary Monachella	
Commissioner James Rosenauer	
Commissioner Steven Wuennenberg	
Chair Merrell Hansen	

Councilmember Dan Hurt, Council Liaison *(joined the meeting at 8:45 p.m.)*
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning & Development Services
Ms. Jessica Henry, Senior Planner
Ms. Cecilia Dvorak, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen announced that the Council members were engaged in another meeting and that some may be joining the Planning Commission meeting later in the evening.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Wuennenberg read the "Opening Comments" for the Public Hearings.

A. P.Z. 14-2017 Larry Enterprises-Lynch Hummer (17401 N Outer 40 Rd) Ordinance Amendment: A request to amend the legal description and development conditions of an existing "PI" Planned Industrial District in Ordinance #2055, for a 15.4 acre tract of land located north of Highway 40/Interstate 64, west of Boone's Crossing (17U610139, 17U520258, 17U520269).

STAFF PRESENTATION:
Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Comprehensive Land Use Plan
The Comprehensive Land Use Plan designates the site as *Mixed Commercial* use.

Request
1. Legal Description Update
2. Permitted Uses Update
3. Allocation of 41,000 square feet to Parcel 1
4. Removal of four-building maximum
5. Change Greenspace requirement to Open Space requirement

Legal Description Update
When a Boundary Adjustment was approved in 2016 between the subject site and the site to the west, an inconsistency occurred between the two lots whereby one parcel had two governing ordinances. This request will clean up the boundaries to ensure that the ordinance boundaries match the property lines.

Permitted Uses
When the Unified Development Code (UDC) was adopted in 2014, the list of permitted uses was changed and new more well-defined uses were added. By updating the uses so that they align with the UDC, Staff can ensure that the more defined uses are used when reviewing plans and permits.

The following table provides a side-by-side match-up of the currently permitted uses with the aligned UDC permitted uses.

Currently Permitted Uses (Ord. #2055)	Aligned UDC Permitted Uses
j. Business, professional and technical training schools	a. Education Facility – Vocational School
k. Business Service Establishments	b. Commercial Service Facility
q. Financial Institutions	c. Financial Institution, no drive-through
~~y. Hotels and Motels~~	d. Hotel and motel use is not permitted in the PI district
dd. Mail order sale warehouses (excluding on-site sales)	e. Mail order sales warehouse
ii. Offices or office buildings	f. Office – dental g. Office – general h. Office - medical
mm. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities.	i. Plumbing, electrical, air conditioning, and heating equipment sales, warehouse, warehousing and repair facility
oo. Printing and duplicating services	*See Use "b" above*
ww. Restaurants, sit down	j. Restaurants, sit-down
uu. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith (excluding facilities that do not generate hazardous environmental waste, liquid, solid or gaseous)	k. Research laboratory and facility **Restriction**: Use "k" shall exclude uses which generate hazardous environmental waste, liquid, solid or gaseous.

xx. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage.	l. Automobile dealership m. Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage **Restriction**: Outdoor storage associated with Uses "l" and "m" shall only be permitted in areas delineated on the preliminary plan.
yy. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture (excluding necessary outdoor storage)	n. Vehicle repair and services facility **Restriction**: Any outdoor storage associated with Use "n" shall be prohibited.
~~eee. Permitted signs (See Section 1003.168 "sign regulations")~~	*This is an accessory use*
iii. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.	o. Retail sales establishment – community p. Retail sales establishment – neighborhood q. Industrial sales, service, and storage **Restriction**: Uses "o" and "p" listed above are considered retail uses and retail sales, with respect to those uses, will be subject to hours of operation from 6:00 am to 11:00 pm. Hours of operation for said uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) days in advance of said holiday.
ooo. Vehicle repair facilities.	*See Use" n" above*
ppp. Vehicle service centers.	*See Use "n" above*
qqq. Vehicle washing facilities.	r. Car wash
rrr. Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).	s. Warehouse, general **Restriction**: Use "s" above shall exclude live animals
~~g. Automatic vending facilities for:~~ ~~i. Ice and solid carbon dioxide (dry ice);~~ ~~ii. Beverages;~~ ~~iii. Confections.~~	*This is an accessory use*
~~l. Cafeterias for employees and guests only.~~	*This is an accessory use*
ll. Parking areas, including garages, for automobiles, but not including any sales of automobiles or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours (excluding for a period in excess of seventy-two (72) hours).	t. Parking area (stand-alone), garages, for automobiles; not including sales or storage of damaged vehicles for more than seventy-two (72) hours

Allocation of Square Feet

The request allocates 41,000 square feet for Parcel 1 of the development, which is the current site of the McBride showroom now under construction. The current ordinance allows 224,000 square feet within the development with no allocation for each lot.

Currently, two of the lots are either under construction or fully developed with one lot remaining to be developed.

Staff would like to work with the applicant to propose that an FAR of 0.36 be allocated across all lots. This is an average FAR that was allocated when 224,000 square feet was placed as the maximum square footage for the site when ordinance #2055 was adopted. By providing a maximum FAR per lot, the City can ensure even development across the entire site which will allow for growth and flexibility within each lot.

Removal of Four-Building Maximum from Development Requirements
Given the existing restrictions on square footage and height of three stories, as well as a potential FAR being imposed, Staff has no concerns with this request.

Greenspace to Open Space
The current ordinance requires 31% greenspace; this request would change the requirement to 31% open space. This is an update simply in nomenclature as the City now regulates this as open space, which allows a developer to include paved pedestrian amenities such as plazas, patios, sidewalks, etc.

Staff agrees that updating this language would make an easier administration of the code and ensure consistency. Additionally, the current ordinance is inconsistent with the greenspace requirement as to whether it is required by lot or by development. Staff will clean up the Attachment A to ensure consistency, and that open space will be required by lot.

Because this request is below the required 35% open space requirement of PI districts, it will require a separate two-thirds vote of Planning Commission.

Proposed Preliminary Plan
The Preliminary Plan shows three access points from North Outer 40 Road. The westernmost entrance currently exists and will be shared with Beyond Self Storage. A cross access will remain along the frontage and provide internal connectivity. Additionally, it shows the existing limits of the outdoor storage on Lot B on the easternmost lot, and the proposed limits of the outdoor storage for Parcel 2 on the westernmost parcel. No outdoor storage is shown on Parcel 1 located in the middle of the site.

Existing Preliminary Plan
In looking at the storage areas on the easternmost parcel, it was found that the property owners were out of compliance. The applicant made the property owners aware of the issue and they have since come into compliance. The property owners have also been informed that the site must remain in compliance to avoid being issued any violations.

Issues:
1. Agency Comments
2. Minor preliminary plan comments
3. FAR of 0.36

Discussion

Permitted Uses

Considerable discussion took place regarding outdoor storage uses and their impact on the adjacent levee trail. It was noted that the City has invested considerable money in constructing a pathway atop the levee and there is concern that outdoor storage on the sites below the levee could negatively impact the enjoyment of those using the trail.

Other uses of concern included *warehouses, parking area including garages, storage of damaged vehicles for more than 72 hours, research laboratory*, and *vehicle repair and services facility*.

It was clarified that the *warehouse* use excludes storage of live animals, explosives, flammable gases, and liquids; the *research laboratory* use excludes uses which generate hazardous environmental waste, liquid, solid or gaseous; and the *vehicle repair and services facility* prohibits any outdoor storage.

It was also noted that because of the elevation height of the levee trail, fences would not provide adequate screening of outdoor storage. In addition, landscape buffers cannot be used as a screening device because planting is prohibited within the levee's seepage berm.

Commissioner Lueking pointed out that there is already an Attachment A on the property which spells out all the permitted uses. She recalled that the Commission spent time reviewing all the uses and specifically eliminated those that were not appropriate for the site considering its location along the pathway. She has concerns that the updated uses may not exactly match the intent of the uses originally approved for the site.

Question was then raised as to what avenues are available to the Commission to ensure that the backs of buildings along the levee are aesthetically pleasing to those using the adjacent trail. Mr. Justin Wyse, Director of Planning and Development Services suggested that (1) specific uses could be prohibited through the governing ordinance; or (2) desired design elements for projects along the entire levee corridor could be addressed through the Comprehensive Plan or through design guidelines within the architectural standards. He also pointed out that by allowing outdoor storage in this area, the property owners have the benefit of visibility from the highway. If the outdoor storage capability is removed, there will be a change in the use type which would most probably include larger buildings with an increased intensity of uses.

Commissioner Wuennenberg stated that his primary focus has always been to restrict uses adjacent to residential areas. Because the subject site is not near any residential homes, he noted his agreement with allowing the requested uses. Commissioner Geckeler also indicated that she felt the City would want to keep outdoor storage uses and felt this was the appropriate area for them.

Commissioners Wuennenberg and Geckeler pointed out that the levee trail is used mainly by bikers and rollerbladers who are looking forward, moving quickly, and not focusing on the buildings below the levee. It was also noted that walkers tend to utilize other, more scenic trails around the City rather than the levee trail. Commissioner Marino noted the fact that the primary purpose of the levee was to allow the Valley to be developed and to maintain businesses in the area.

Greenspace to Open Space
Commissioner Lueking expressed concern about allowing impervious areas to be included in open space calculations. It was clarified that open space does not include parking areas, streets, or building footprint areas; it does include desirable hardscape features such as plazas, patios, and sidewalks.

While the standard is 35% open space, it was noted that the Petitioner is requesting 31% open space, which matches the 31% greenspace currently approved for the site.

PETITIONER'S PRESENTATION:
Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that he was there on behalf of three property owners – (1) St. Louis Business Bank, owner of the remaining undeveloped parcel; (2) McBride & Son Companies; and (3) Scott Properties, owner of the two existing buildings on site.

Legal Description Update
Their request is to amend the legal description to align it with the boundary adjustment that took place in 2016. Mr. Stock then provided background history on the boundary adjustment explaining that Larry Enterprises acquired property in the late 1990s as a speculative developer. It was his intention to develop the property as mixed use with an emphasis on industrial uses through four service center buildings totaling 224,000 sq. ft. The property was purchased prior to the levee trail and subsequently sold without being developed. During the downturn in the economy, St. Louis Business Bank foreclosed on the property. Since then Beyond Self-Storage came forward, but they did not need the entire site, so a boundary adjustment was requested and approved resulting in one parcel having two governing ordinances.

Allocation of Square Footage
McBride & Son is currently developing the site as a showroom with the intention of adding their corporate offices at a future date. The ordinance is currently written allowing 224,000 sq. ft. but does not specify upon which property the square footage can be constructed. Staff's proposal of allowing 0.36 FAR on the three lots as a way of allocating square footage gives McBride certainty that the square footage will be available when they are ready to build their offices.

Permitted Uses
Regarding the permitted uses, they have tried to match the current uses with the newly-defined uses of the UDC to ensure that the existing businesses retain their entitlements. For example, Scott Properties currently has outdoor storage for its equipment. Additionally, the bank wants as much flexibility on uses as exists today for the remaining undeveloped parcel.

Open Space
Mr. Stock pointed out that if 35% open space is required, Scott properties would fall short - making them non-compliant. In addition, a 35% open space requirement would have a negative impact on the McBride concept plan, which includes their showroom and office building to the north.

Discussion

Open Space
Commissioner Wuennenberg asked Staff to provide information on the impact of requiring 35% open space.

Permitted Uses
Chair Hansen asked that Mr. Stock take into consideration the concerns raised by the Commission.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES:
Ms. Dvorak summarized the issues raised during the Public Hearing as follows:
1. Outdoor storage of derelict vehicles or items that may be considered "unsightly"
2. Review uses
3. Impact of open space/maximizing open space
4. Impact of uses on the levee trail and aesthetics from the rear of the property

B. P.Z. 15-2017 MPD Investments (14781 N Outer 40 Rd) Ordinance Amendment: A request to amend the legal description and development conditions of an existing "PI" Planned Industrial District in Ordinance #2411, for an 8.3 acre tract of land located north of Highway 40/Interstate 64, west of Boone's Crossing (17U520269, 17U520247, 17U520148)

STAFF PRESENTATION
Project Planner Cecilia Dvorak gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Dvorak then provided the following information about the subject site:

Comprehensive Land Use Plan:
The Comprehensive Land Use Plan designates the site as *Mixed Commercial* use.

Request
1. Legal Description Update

This petition is intended to run concurrently with the previously-discussed petition, P.Z.14-2017, and will clean up the boundaries to ensure that the ordinance boundaries match the property lines.

Issues
1. Agency Comments

Commissioner Lueking inquired as to why agency comments are being requested on this particular petition. Mr. Wyse explained that comments are sought from agencies in an effort to obtain information about issues of which Staff may not be aware.

PETITIONER'S PRESENTATION:
Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock stated that he is here on behalf of St. Louis Business Bank and NorthPoint Development. He noted that the third property owner is the ownership of the Metro Lighting building; however, he is not representing them because they did not sign a consent form for this petition. It was explained that any property owner within the district can file an application and that the other property owners are notified of the petition. Mr. Stock confirmed that the third property owner was non-responsive after being contacted about the petition.

Their request is to simply adjust the legal description between the subject governing ordinance and the prior public hearing.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

C. P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 1, 4, 6, and 10): An ordinance amending Articles 1, 4, 6, and 10 of the Unified Development Code to revise regulations pertaining to the composition of the Architectural Review Board, architectural specialty lighting, telecommunications facilities siting, and various definitions.

STAFF PRESENTATION
Senior Planner Jessica Henry stated that this petition is a City-driven request to amend several Articles of the Unified Development Code. Ms. Henry then provided the following information:

Article 1: Architectural Review Board (ARB) Composition
A minor text change is being proposed to allow for greater flexibility in appointing individuals to the ARB. The proposed changes are shown in red below:

> Composition of the ARB. The Chesterfield ARB shall consist of seven (7) members, ~~which shall be made up~~ and the desired composition of the Board is ~~of~~ two (2) commercial architects, ~~one (1)~~ two (2) residential architects, ~~one (1)~~ two (2) landscape architects and one (1) ~~member from the Board of Chesterfield Arts, Inc. The remaining members shall be two (2) other professionals~~ affiliate in a related field ~~selected for their expertise in these or related fields~~. Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning

Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.

This text change is as proposed by the Planning and Public Works Committee and is now ready to move forward for City Council action.

Article 4: Specialty Lighting Package
Ms. Henry stated that this amendment is being proposed because the City is seeing an increase in the specialty lighting applications and there is a desire on the part of City Council to provide a framework for reviewing and regulating lighting applications.

Staff has utilized ARB's input, expertise, and guidance to draft new regulations that would serve to create a Specialty Lighting Package for lighting applications that go beyond traditional architectural lighting. A Specialty Lighting Package would entail a separate application and review process; would be reviewed by ARB and Planning Commission; and would be subject to Power of Review.

The proposed draft is included in the meeting packet and Staff is requesting input from the Planning Commission. No vote on Article 4 is being requested at this time as it is still a working document. Input received from the Planning Commission will be incorporated into the draft and brought back for discussion and vote.

Article 6: Telecommunications Siting Permits
These amendments are driven by the Missouri State Legislature as there have been a number of proposals regarding telecommunications siting facilities and the regulating of those facilities. The proposed Article repeals and replaces the existing Article 6 in its entirety in order to bring the City's regulations into compliance with State Law. Staff worked closely with the City Attorney to draft the updated Article. It was noted that the City will continue to regulate items still within the City's purview.

Staff was directed by the Planning and Public Works Committee to pursue these revisions, and this item is ready to move forward for City Council action.

Article 10: Definitions
This amendment introduces the following two new definitions in conjunction with the Specialty Lighting Package:

- SEC. 10-07 LIGHTING TERMS
  - Specialty architectural lighting: Lighting applications located on the exterior or interior of a building that highlight and accentuate certain areas, portions, or features of the building or structure and that utilize non-traditional colors, motion, animation, graphics, or other similar features. The use of such lighting transforms the architecture rather than simply embellishing it; architectural elements may be designed specifically for the specialty lighting application.

  - Traditional architectural lighting: Traditional white or neutral colored lighting applications that illuminate the architecture of a building without changing the building's character.

These definitions were drafted with input from the Architectural Review Board. Any input received from Planning Commission will be incorporated into the draft and brought back for discussion and vote.

Discussion

ARTICLE 1: Architectural Review Board (ARB) Composition

Discussion was held on the proposed amendments shown below:

> Composition of the ARB. The Chesterfield ARB shall consist of seven (7) members, ~~which shall be made up~~ and the desired composition of the Board is ~~of~~ two (2) commercial architects, ~~one (1)~~ two (2) residential architects, ~~one (1)~~ two (2) landscape architects and one (1) ~~member from the Board of Chesterfield Arts, Inc. The remaining members shall be two (2) other professionals~~ affiliate in a related field ~~selected for their expertise in these or related fields~~. Preference in the selection shall be given to members who are residents of the City of Chesterfield or whose business is located in the City of Chesterfield, all of whom shall be appointed by the Mayor with the consent of the City Council. The Chair of the Planning Commission shall appoint a member to act as Liaison to the ARB, as provided for in the Planning Commission By-Laws. Said Liaison may be rotated between interested members of the Planning Commission at the discretion of the Planning Commission Chair. The Planning Commission Liaison representative shall not vote and may not serve as an ARB officer.

Residency

Staff confirmed that preference will be given to residents and businesses located in Chesterfield, but residency within the City limits is not required.

Commissioner Lueking noted her concern that non-residents may not understand the degree of detail that the Commission undertakes when reviewing a project. Staff explained that not requiring residency allows for greater ease in filling vacancies. Currently there are two open vacancies on the ARB resulting in just five members now serving on the Board. With a quorum requirement of four, it is difficult at times to get a quorum for scheduled meetings.

Composition of the ARB

Commissioner Marino suggested changing the wording from "***affiliate" in a related field*** to "***experience" in a related field***. It was explained that the word *affiliate* provides more flexibility when seeking candidates to fill vacancies.

ARTICLE 6: Telecommunications Siting Permits

No concerns were raised regarding the draft Article 6.

ARTICLE 10: Definitions

Discussion was held on the following proposed definitions:

- Specialty architectural lighting: Lighting applications located on the exterior or interior of a building that highlight and accentuate certain areas, portions, or

features of the building or structure and that utilize non-traditional colors, motion, animation, graphics, or other similar features. The use of such lighting transforms the architecture rather than simply embellishing it; architectural elements may be designed specifically for the specialty lighting application.

- Traditional architectural lighting: Traditional white or neutral colored lighting applications that illuminate the architecture of a building without changing the building's character.

Interior Lighting
It was suggested that the following language be included as part of the definition of Specialty Architectural Lighting:

… *interior lighting that is visible from the exterior*

Non-traditional Colors
City Attorney Graville suggested the following change to the definition of Specialty Architectural Lighting:

… *that **may** utilize non-traditional colors,*

Highlighting and Accentuating
Commissioner Rosenauer suggested the following change to the definition of Specialty Architectural Lighting:

… highlight and accentuate certain areas, portions, or features of the building or structure or the entire building

Lighting as Signage
Commissioner Marino suggested that the following language be removed from point 6 of *Article 4-Lighting Standards*, and be included in the definition of Specialty Architectural Lighting:

…lighting that projects logos, text, animations, and holograms shall be classified as signage

ARTICLE 4: Specialty Lighting Package
Discussion took place on particular language in various sections of Article 4.

Sec. 04-03 A.1. - Seasonal Holiday Displays

Seasonal holiday displays are exempt from the architectural specialty lighting package regulations

Commissioner Marino questioned whether *seasonal holiday* needs to be better defined.

Ms. Henry stated that this term is used in other places in the Code. She also clarified that seasonal holiday displays would not pertain to residential use such as Christmas lighting.

Mr. Wyse suggested that the language be clarified to note that it is for *non-residential applications.*

Discussion ensued as to what qualifies as a *holiday.* Mr. Wyse pointed out that the term *holiday* will be better defined at a later date as part of signage.

Sec. 04-03 A.3. - Color Temperature

> The color temperature of architectural specialty lighting should underscore the building materials and character.

Commissioner Marino suggested that the definition of *color temperature* mirror the final language used for traditional architectural lighting. He feels that the intent of the color temperature is for it to be neutral.

Ms. Henry responded that *color temperature* is not necessarily neutral – rather it's picking the appropriate hue within a range of colors for the building materials as some materials absorb more light while some are reflective, and the color temperature plays a role. She asked the ARB specifically about this term and they felt comfortable with their understanding of how it would be applied. Commissioner Marino indicated his agreement with allowing ARB to interpret its usage.

Sec. 04-03.A.1

> In addition, developments of a *certain size, quality, or mix of uses* may require special architectural accent lighting consideration.

Commissioner Geckeler asked for clarification on the verbiage shown in *italics* above. Ms. Henry replied that this language refers to uses that may be entertainment-related – such as TopGolf – which may have more of a need for specialty lighting vs. a retail strip center.

Sec. 04-03.A.6

> Architectural specialty lighting should be subdued in intensity and should not turn a building into an attention-getting device or blanket signage. Accordingly, lighting that projects logos, text, animations, and holograms shall be classified as signage.

Chair Hansen questioned why the word *subdued* is necessary noting, as an example, that if the Cardinals are in the World Series, a bright red color may want to be used by some companies, which is not "subdued". She also felt that the wording *should not turn a building into an attention-getting device* is not practical because such lighting is "attention-getting" – she suggested changing the wording to *should not turn a building into an ad.*

Ms. Henry explained that the proposed language is an endeavor to put into words the sentiments that Staff has heard throughout this process – such as Chesterfield is subdued and not attention-getting compared to a "Las Vegas" atmosphere.

Commissioner Lueking indicated her agreement with the proposed language in #6 because it sets out the City's intention of how lighting should be used. She felt that the language would keep applicants from submitting requests that are "attention-getting".

Commissioner Marino suggested that the first sentence be shortened to read: *Architectural specialty lighting should be subdued in intensity.* He explained that architects design buildings so they are "attention-getting" and used as a marketing tool.

Commissioner Marino also repeated his earlier comment that the second sentence - *Accordingly, lighting that projects logos, text, animations, and holograms shall be classified as signage* – should be removed and moved to the definition of Specialty Architectural Lighting with additional language added stating: *and subject to the applicable signage ordinances*.

Sec. 04-03.A.7

> Architectural specialty lighting shall not interfere with or obscure the public's capacity to receive information, or cause visual confusion by interfering with pedestrian or vehicular traffic. Architectural specialty lighting shall conform to the character of the community, enhance the visual harmony of development, and preserve the public health, convenience, welfare and/or safety within the City of Chesterfield by maintaining the high aesthetic quality of the community.

Commissioner Midgley noted her agreement with the proposed language in both #6 and #7 requiring lighting to be subdued and not causing *visual confusion.* She stated that if one is driving along Highway 40 at night, there should not be any distractions from lighting that would pull one's eyes away from the roadway.

Establishment of Baselines

Commissioner Rosenauer asked if it any guidelines would be established as to how often color changes would be permitted and as to how many different colors would be allowed.

Ms. Henry explained that applicants would have to address such requests in their narratives. Permissions would be granted on a case-by-case basis and each application would be reviewed on its merits.

Commissioner Marino stated his feeling that minimum baselines are necessary for moving, rotating, and flashing lights to provide some guidance to applicants. He suggested that the language mirror whatever language will be utilized in the sign package relative to these same issues.

Commissioner Wuennenberg voiced his agreement with Commissioner Marino's statement noting that the Commission had come to a consensus on a previous project that lighting color could change from day to day but not during the day.

Commissioner Geckeler referred to a former building in Illinois that utilized soft, subtle moving lights that changed color at the top of the building only which was tasteful and not distracting. She questioned whether not allowing moving lights, under all circumstances, is appropriate.

City Attorney Graville agreed with establishing standards to avoid having numerous specialty lighting packages with different hours and different rotations. He then asked Staff if it would be possible to establish a baseline.

Ms. Henry stated that it is very difficult to explain and perceive such things as "brightness, movement, color change, hues, and saturation".

Sec. 04-03.A.9

> Consideration of flexibility in architectural specialty lighting criteria is based on a number of review factors including, but not limited to, the physical impact of the proposed architectural specialty lighting package, the quality of the proposed architectural specialty lighting package, and mitigation of unfavorable conditions such as excessive lighting, light spillover, height, and other related conditions and potentially negative impacts. However, in no instance shall architectural specialty lighting applications result in light trespass at the property line.

Chair Hansen asked for clarification on the language used in #9. Ms. Henry explained that the language implies that the Commission would need to consider such things as whether the proposed lighting would negatively impact neighboring businesses, or perhaps physically overpower the building.

Sec. 04-03.A.10

Ms. Henry explained that Points 1-9 are laid out as the Purpose Statement and guiding principles – but should not be viewed as hard and fast requirements. Point #10 lists all the items that are required to be submitted with an application.

Chair Hansen asked if there is any reference made to acceptable foot-candle levels. Ms. Henry responded that it is nearly impossible to establish a specific baseline noting that lighting is measured in various ways – such as lumens, lux, foot-candles, and nits. With the emerging LED technologies, even professionals are finding it difficult to measure lighting in meaningful, quantifiable ways.

Commissioner Wuennenberg expressed concern about not having a definition established for "brightness". Mr. Wyse noted that different color schemes can produce different levels of brightness – a lower level of nits does not necessarily mean it would be less bright than a color scheme measuring at a higher level of nits.

To address this concern, Ms. Henry pointed out that applicants will have to provide high-quality renderings of the proposed lighting. If what is constructed differs vastly from the rendering, they will be in violation of their approval and will be required to come into compliance with what was approved.

Commissioner Marino suggested adding language that states;

> Static lighting shall be preferred; however, non-static lighting consistent with the lighting standards shall be considered on a case-by-case basis.

Discussion ensued on establishing baselines. Points were made that if baselines are set out in the Code, it makes reviewing applications easier. On the other hand, if a baseline is established and a proposal comes in that the Commission finds appropriate but some element of it goes against Code, it would have to be denied.

Commissioner Rosenauer suggested that if baselines are established, language could be added that would require a two-thirds affirmative vote to approve a variance to the baseline.

(Councilmember Hurt joined the meeting at this point.)

Sec. 04-03.A.10.a.)
Commissioner Marino suggested the following change:

> A narrative detailing the reasoning for the specialty architectural specialty lighting package request and ~~why~~ how it will enhance the proposed development above what would be permitted through the City of Chesterfield UDC.

Sec. 04-03.A.10.b.)

> The narrative shall include a description of the location, illumination level, color, dimensions, mounting height, construction material, hours of use, nature (static, shifting, flashing, blinking, animation, graphics, light patterns, etc.), frequency and duration of lighting shifts/changes, brightness, and type of all proposed architectural accent lighting fixtures.

Commissioner Marino suggested adding "number of lights" to the above paragraph.

Sec. 04-03.A.10.k.)
Commissioner Marino suggested the following change:

> Other information as ~~required~~ requested by the City of Chesterfield.

Ms. Henry explained that the word "required" was used so that if Staff does not receive particular information, the application will be considered incomplete and will not be placed on a meeting agenda. Commissioner Marino indicated his agreement with Ms. Henry's explanation.

Councilmember Hurt complimented Ms. Henry's work on the proposed UDC amendments. He then requested that as the document moves forward that it start with the original wording with any changes by ARB and Planning Commission shown in

different colors. He felt this would aid the Council in seeing the thought process as it moves from one group to the next. Chair Hansen added that "side comments" may need to be included explaining why specific recommendations were made.

Ms. Henry thanked the Commission for all their input and stated that the revisions will be brought back to the Commission for further review.

SPEAKERS IN FAVOR:
Mr. Matt Ament, 35 Apostle Court, Fenton, MO.

Mr. Ament addressed the Commission with respect to Article 6: Telecommunications Siting Permits. He stated that he works for the company, Mobility, which deals with wireless solutions. He explained that Mobility is rolling out a nationwide project of establishing small cells in rights-of-way. They have reviewed the proposed document and are in agreement with the majority of it. They are asking that the City consider a height of up to 40 feet for new wireless structures in the right-of-way vs. the proposed language of 35 feet.

Discussion

City Attorney Graville asked whether any of these facilities had been constructed within the City of Chesterfield. Mr. Ament confirmed that none have been but some have been constructed within St. Louis County.

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Wuennenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Midgley made a motion to approve the Meeting Summary of the November 13, 2017 Planning Commission Meeting. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 7 to 0** with Commissioners Harris and Lueking abstaining.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS – None

VIII. UNFINISHED BUSINESS

A. P.Z. 20-2017 City of Chesterfield (Unified Development Code-Articles 1, 4, 6, and 10): An ordinance amending Articles 1, 4, 6, and 10 of the Unified Development Code to revise regulations pertaining to the composition of the Architectural Review Board, architectural specialty lighting, telecommunications facilities siting, and various definitions.

It was agreed that Staff would bring back draft amendments for Article 4 "Lighting Standards - Architectural Specialty Lighting Package", and draft amendments for Article 10 "Definitions".

Commissioner Wuennenberg made a motion to approve the amendments to Article 1 of the Unified Development Code, as written. The motion was seconded by Commissioner Lueking.

Ms. Henry questioned whether the Commission wanted to include the earlier suggestion made by Commissioner Marino of changing the word "affiliate" to "experience". Commissioner Marino indicated he was satisfied with Staff's explanation of why "affiliate" was chosen in that it provides City Council with a greater flexibility in filling vacancies and that he does not see a need to change it.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

Commissioner Wuennenberg made a motion to approve Article 6 of the Unified Development Code, as written. The motion was seconded by Commissioner Geckeler.

Commissioner Rosenauer asked whether there was any reason for the 35 foot limitation on structure height. Mr. Wyse replied that the 35-foot limitation is to encourage co-location and to discourage the construction of new poles.

Upon roll call, the vote was as follows:

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

Nay: None

The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS

Chair Hansen announced that former Planning Commission Chair Stanley Proctor's family has suffered a tragic loss and noted that the Commission is keeping them in their thoughts and prayers.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Steve Wuennenberg, Secretary