PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
OCTOBER 26, 2016

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

I. ROLL CALL

PRESENT	**ABSENT**
Ms. Wendy Geckeler	Mr. Steven Wuennenberg
Ms. Merrell Hansen	
Ms. Allison Harris	
Ms. Laura Lueking	
Mr. John Marino	
Ms. Debbie Midgley	
Mr. Nathan Roach	
Chair Stanley Proctor	

Mayor Bob Nation
Councilmember Dan Hurt, Council Liaison
Mr. Christopher Graville, Interim City Attorney
Ms. Aimee Nassif, Planning & Development Services Director
Ms. Jessica Henry, Senior Planner
Mr. Mark Molyneaux, Project Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Proctor acknowledged the attendance of Mayor Bob Nation; Councilmember Dan Hurt, Council Liaison; and Councilmember Guy Tilman, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS –

Commissioner Midgley read the "Opening Comments" for the Public Hearing.

A. P.Z. 11-2016 Wild Horse Bluffs (17439 and 17455 Wild Horse Creek Road): A request for a zoning map amendment from the "E-1AC" Estate District with a "WH" Wildhorse Creek Road Overlay District to the "E-1/2AC" Estate District with a "WH" Wildhorse Creek Road Overlay District for a 4.89 acre tract of land located on the north side of Wild Horse Creek Road and west of Long Road (18V630027 and 18V640015).

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

Current Conditions
The subject site consists of two parcels, which are currently vacant with the exception of one small shed.

Request
The Petitioner is requesting the zoning map amendment in order to allow development of the site for eight single-family, attached dwelling units.

Zoning
The subject site is surrounded by many different land use designations with bluff and airport tracts to the north, "R-1" residential single-family to the south, and "NU" Non-Urban properties to the east and west.

Comprehensive Land Use Plan
The City's Land Use Plan shows that the two subject parcels are within the Wild Horse Creek Road Sub-Area.

Preliminary Plan
The Preliminary Plan shows eight proposed lots with each lot containing a single-family attached dwelling unit. The proposed lots vary in size from 15,008 sq. ft. to 32,115 sq. ft. which meets the minimum lot size regulation of 15,000 sq. ft.

The Plan shows 33% common ground which meets the minimum required 30%. The 30-foot required landscape buffer is shown around the entire perimeter of the site.

Due to the proposed use of attached units which will share a property line, the Petitioner is requesting a modification to the side yard setback from 15 feet to 0 feet. The Wildhorse Creek Road Overlay District allows certain development criteria to be modified by a two-thirds vote of City Council.

Approved Site Development Plan
The current site-specific ordinance approved in 2007 permits for the development of four single-family, detached dwelling units. A Site Development Plan corresponding to the ordinance was approved in 2015. The proposed Preliminary Plan maintains the general layout of the site and includes two access points.

Items under Review
1. Awaiting agency comments

A vote on the petition is not being requested at this time.

PETITIONER'S PRESENTATION:
1. Ms. Paula Hart, Hart Engineering, 5717 Mango Drive, St. Louis, MO.

Ms. Hart stated that the rezoning is being requested in order to increase the number of lots to be sold and to decrease the cost of the development. The approved Site Development Plan proposes large homes pushing back into the bluff, which requires a lot of retaining walls. Because MoDOT is not requiring a 15-foot dedication, they are able to place the homes closer to the road thereby reducing a lot of the retaining wall requirements at the back of the homes. By adding more units on the site, the project has become more financially feasible.

Discussion

Chair Proctor asked if the Petitioner has been in contact with the surrounding residential subdivisions. Ms. Hart replied that she has not and is not certain whether the residents have been contacted by the owners or developer. They have submitted plans to the neighboring railroad and Chesterfield Airport Authority and have received comments back.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:
1. Ms. Judi Hart, 17631 Bridgeway Circle Drive, Chesterfield, MO.

Ms. Hart stated that she is informally representing the Wild Horse Creek Road Association, which has worked diligently for years in an effort to maintain the semi-rural appearance of the area and she feels this has been accomplished despite the enormous increase in traffic.

Ms. Hart noted her concerns about the proposal:
- A lot of work and effort have gone into establishing an overlay for the bowtie area with respect to how it should be used and zoned and she does not see the merit in re-doing it.
- Of the site's 4.89 acres, a considerable amount of the acreage is "vertical" so the surface acreage is significantly less.
- Traffic is already dense in this area and adding 8 more units will only exacerbate the issue.

2. Ms. Kathy Ziha, 17424 Windridge Estates Court, Chesterfield, MO.

Ms. Ziha stated that her home is across from the proposed development and noted the following concerns.
- She understands that the retaining walls are an issue for the developer but would like to see homes built that are more in keeping with the integrity of the area.
- The traffic along Wild Horse Creek Road is very congested making it quite difficult to get in and out of her subdivision.
- Because of the increased traffic, she has concerns about the safety of bicyclists who ride along Wild Horse Creek Road. She was hit and injured last year by a motorist as she cycled along Wild Horse Creek Road.

- She has concerns about the close proximity of the proposed homes to Wild Horse Creek Road and questioned why MoDOT has waived the 15-foot dedication.
- She feels four homes on the site, rather than eight, would better fit the area.
- No one from the development team has contacted the homeowners about the proposed development.

Discussion

Councilmember Hurt asked why MoDOT has waived the 15-foot dedication. Ms. Henry stated she was not given any specific reason as to why MoDOT no longer needs this dedication. The City has received agency comments from MoDOT and a dedication was not requested to be incorporated into the Attachment A.

SPEAKERS – NEUTRAL:

1. Ms. Kara Suter, Trustee for Windridge Estates Subdivision, 17412 Windridge Estates Court, Chesterfield, MO.

Ms. Suter noted the following concerns:

- Traffic is their biggest concern considering that a new development of 48 homes is being constructed next to their subdivision, which will add traffic to the area along with the proposed 8 units. She has personally been involved in a five-car traffic accident while waiting to turn left into Windridge Estates and explained that cars coming from Long Road increase speed coming up the hill.
- She feels that it will be difficult for cars from the new development to exit their subdivision because of the traffic.
- She has concerns about the value of the proposed multi-family homes and how they will fit in with the current homes in the area.

Discussion

Councilmember Hurt noted that Ms. Suter was speaking from a Neutral position and because of the concerns raised, asked if she was now in opposition to the project. Ms. Suter replied that she was speaking from a neutral position because she was not sure if plans are being made to address the traffic concerns and just wanted to let the Commission know the concerns of the neighborhood.

Chair Proctor asked if there have been any discussions between Windridge Estates and the developer. Ms. Hart replied that there have not.

During continued discussion, the following points were noted and clarified as necessary:

- There are two ½ acre density developments in the area – one on each side of the proposed site.
- There are no attached residential homes anywhere along Wild Horse Creek Road within the City of Chesterfield, nor are there any attached residential homes along the five-mile stretch from Highway 109 to Baxter Road.
- The developer is defining the preserved area of the common ground as a nature preservation area.

Commissioner Geckeler stated that the proposed development appears to be non-compliant with the way the overlay has developed on Wild Horse Creek Road.

Commissioner Hansen stated she does not feel the developer's designation of common ground as a community amenity fulfills the overlay's requirement for community amenities.

Commissioner Lueking stated that during the site plan stage for the four homes for the subject site, there were extensive discussions about how the site should be developed including such things as requiring matching materials on all four sides of the homes. She explained that the bowtie area has been under review and discussion since the early 2000s. In addition, extensive review was involved during the approval process for the Site Development Plan approved in 2015.

Commissioner Geckeler stated she has petitions from 1995 from the West Area Study asking that the beautiful, rural nature of Wild Horse Creek Road be maintained. She also referred to the minimum standards of design for the overlay area which include community amenities such as a community center, nature preserve areas, parks, lakes, and recreation areas. She noted that the developer is designating the common ground to serve as a community amenity.

Mayor Nation stated that he understands everyone's concerns but acknowledged that the site is a very difficult piece of land to develop because of the bluffs and narrowness of the property. He added that he does not want to see residences right up against Wild Horse Creek Road and suggested that smaller homes could be pushed back further towards the bluff without infringing on the 20% grade restrictions.

Commissioner Lueking agreed that the site is a challenging one to develop but noted that financial concerns are not to be considered by the Planning Commission when reviewing a proposal. She has concern that approving attached homes on this site will set a precedent along Wild Horse Creek Road.

ISSUES:
Ms. Nassif summarized the issues raised during the Public Hearing:

- Density
- Traffic and safety concerns along Wild Horse Creek Road
- Continuity of the home types; appropriateness of attached homes in areas where there are none
- Lack of community amenities
- Developer to meet with neighboring subdivisions

Commissioner Midgley read the Closing Comments for the Public Hearing.

Chair Proctor announced that the next meeting on this petition will be an Issues Meeting at which time the Commission will determine if the issues raised have been satisfied.

V. APPROVAL OF MEETING SUMMARY

Commissioner Midgley made a motion to approve the Meeting Summary of the October 10, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Hansen and **passed by a voice vote of 6 to 0** with 2 abstentions from Commissioners Harris and Lueking.

VI. PUBLIC COMMENT

A. Monarch Center, Sign Package

Petitioners:

1. Mr. Ben Abel, McArthur's Bakery, 923N. Geyer Road, Kirkwood, MO.

Mr. Abel stated that a larger preview menu board is being requested because it is anticipated that a lot of customers will not be familiar with McArthur's menu. The preview board would prevent back-ups by at least 30% during peak hours by helping customers determine what they want while waiting in the queue line to place their order. He noted that the menu boards will be screened by shrubbery.

While the McArthur's sign for the front façade is somewhat larger, they feel the size is offset by the large amount of window space.

2. Dr. Mace Nosovitch, Developer, 358 Shetland Valley Court, Chesterfield, MO.

Dr. Nosovitch stated that the site has been under construction since January/February with numerous rain-related delays. The Sign Package was submitted in April and they are close to opening with no approved signage. They are willing to compromise on items of concern, but he prefers a decision be made this evening in order to prevent having a completed building without signage.

Temporary Signage was requested for the car wash side of the site in order to have Appreciation Days supporting teachers, EMTs, police officers, etc. wherein they would be given a car wash discount. If this is a concern, he is agreeable to removing them from the Sign Package.

Regarding the concern about the Wildhorse Dental sign not being consistent with the rest of the signage, he noted that Dr. Larson is agreeable to changing the box-lit sign to a channel-letter sign that would match the two existing channel-letter wall signs. Dr. Larson lost a freestanding monument sign when his parking lot was sold to Dr. Nosovitch so his practice needs signage on the brick façade for motorists traveling south.

The request includes a secondary reduced Edison Express sign on the right column of the building to provide balance on the front façade.

The directional signs are being requested in order to make the site safe and to help with traffic flow.

LED lights are being requested for the monument sign for gas prices only. The prices will be solidly lit with no flashing or blinking lights. This allows employees to change the prices from inside the building addressing a safety concern by preventing them from changing the prices manually in a busy traffic area.

3. Mr. Bob Williams, Bill Yount Signs, 2002 Woodson Road, St. Louis, MO.

Mr. Williams advised that Dr. Larson agreed to change the cabinet sign to individual letters but there was not enough time to make this change in the Sign Package so it was submitted as is.

The LED monument sign is not a typical gas station sign as it was designed to conform to the City's aesthetic standards with stone and brick. The lighted letters give the sign more visibility for customers traveling along Long Road.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

A. Monarch Center, Sign Package: A request for a Sign Package to establish sign criteria for the Monarch Center development located north of Edison Avenue and east of Long Road.

Chair Proctor stated that the Site Plan Committee had not concluded their discussion in its earlier meeting on the Sign Package for Monarch Center. The Commission then proceeded to discuss the various signage submitted for review.

Commissioner Lueking expressed concern that each request exceeds the City Code. For example, the Unified Development Code permits three monument signs and the Petitioners are requesting four with requests for allowances on three of those signs.

Temporary Signs
Commissioner Hansen noted that the Petitioners have indicated a willingness to have the Temporary Signs meet City Code. Commissioner Midgley stated that she did not have any concerns with temporary signage being used to honor particular segments of the community.

Freestanding Monument Sign with LED Lighting
Commissioner Hansen stated she still has a concern about the use of LED lighting. Commissioner Midgley stated she likes the LED lighting on the gas sign prices because this center is a more progressive development compared to the other gas stations in that area of the City. She feels the LED signage is an updated sign giving customers current information on the price of gasoline. Commissioner Lueking has concerns that approving LED lighting will set a precedent. Commissioner Harris stated she finds the LED lighting acceptable as it looks more modern and noted that it addresses a safety concern by allowing employees to change the gas pricing internally rather than manually changing it in a busy center.

Gas Canopy Signs

Commissioner Geckeler asked for clarification as to whether or not the canopy signs would be lit. Ms. Aimee Nassif, Planning & Development Services Director replied that the lighting of the canopy signs is not part of the Sign Package; the Commission is only reviewing the signage on the canopy. Ms. Jessica Henry added that the amended architectural elevations for the gas station canopy were recently approved, as shown with the LED strip lighting, after receiving a positive recommendation from the Architectural Review Board.

The Petitioners confirmed that the LED strips along the canopy will be lit but the "hockey puck" dot lighting will not.

Ms. Henry also noted that the Phillips 66 cabinet signs are internally lit. The code allows two such signs up to 10 sq. ft. on two elevations; the Petitioners are requesting signs on three elevations at 6.25 sq. ft. each. While the request is for one additional sign, the overall total square footage requested is under what would be allowed base line.

Discussion followed as to whether Staff should work further with the Petitioners on the proposed signage and bring it back for a vote at a future meeting or to review it this evening. Noting that the Petitioners will need signage at the time of anticipated opening in mid-December, the Commission agreed to review some of the more critical signage necessary for opening.

Dr. Nosovitch informed the Commission that the freestanding gas station monument sign and the Tidal Wave car wash monument sign are absolutely necessary for opening. He also pointed out that the gas station sign is the most time-intensive with respect to construction. They would also like approval of Dr. Larson's signage. He added that the two Plaza Tenant signs will not be built at this time so they are agreeable with postponing approval.

Ms. Henry pointed out that the ordinance for Monarch Center requires that a Sign Package be in place so they do not have the option of base line code allowances or any type of signage until something is formalized through the Sign Package process.

Gasoline Monument Sign with LED Lighting

Discussion included:

- Recognition that safety issues would be addressed by allowing the gas prices to be changed internally rather than manually;
- The streamlined, modern appearance of the sign and how it may, or may not, fit in with the surrounding commercial area;
- The improved technology of such a sign for gas stations; and
- Concerns about setting a precedent for LED lighting.

Commissioner Marino asked if the colored lighting for the gas prices could be monochromatic rather than using three different colors, as proposed. Dr. Nosovitch replied that the three colors are an industry standard and he would like to be consistent with the industry as the different colors are helpful to the customer.

Several Commission members indicated their acceptance of the LED lighting in this instance but looked for guidance on how to restrict its use on future requests. Interim City Attorney Chris Graville pointed out that the proposed sign will not have any rotating messages but will only have stationary gas pricing amounts utilizing the LED lighting. Consequently, he recommended that approval include wording that the LED lighting will be stationary, will be no larger than a specific size, and will not be used for rotating messages.

Commissioner Hurt asked if LED lighting could be restricted by use – such as for gas stations only, in an effort to restrict its use from other retail developments. Mr. Graville indicated that approval could not be restricted to a specific use, or be content regulated – such as allowing LED lighting for fuel prices only.

Mr. Graville then stated that he would need additional time to craft appropriate, content neutral language for approving the monument sign with LED lighting taking into consideration the Commission's concern about precedent setting. It was noted that he could have it available for the November 14th meeting. Dr. Nosovitch requested that the Commission consider approving the size of the monument sign so that construction of it could begin.

Commissioner Marino questioned whether the gas station sign exceeds the permitted size usage as currently proposed. Ms. Henry replied that the proposed sign is 7.5 feet tall and 93 sq. ft. in outline area compared to the base code allowance of 6 feet tall and 50 sq. ft. in outline area. The code includes an allowance for Planning Commission approval of freestanding signs that are up to 20 feet in height and 100 sq. ft. in outline area.

Commissioner Marino made a motion to approve the current size of the gas station monument sign as presented, minus the LED lighting. The motion was seconded by Commissioner Hansen and **passed by a voice vote of 8 to 0**.

Tidal Wave Car Wash Monument Sign

Ms. Henry stated that the proposed sign is under the base code allowance.

Commissioner Marino made a motion to approve the Tidal Wave Car Wash Monument Sign, as presented. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0**.

Temporary Signs

Ms. Nassif informed the Commission that the Unified Development Code allows temporary signs for 30 days every calendar year with no restriction on the number. However, restrictions have been placed on temporary signage in commercial developments in the areas surrounding the subject site. The only temporary signage allowed in those areas are *Grand Opening* and *Now Hiring* signs.

Commissioner Marino made a motion to approve Temporary Signs to be in compliance with the Unified Development Code but limited to *Grand Opening* and *Now Hiring* signs only. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0**.

Attached Wall Signs

The Petitioners are proposing three wall signs for the front façade, which include one sign for McArthur's, and two for Edison Express.

Commissioner Lueking made a motion to approve the three wall signs for the west building elevation (front façade) of Lot A. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0**.

Menu Board Signs

The Petitioners are requesting thee drive-thru menu board signs – one 50 sq. ft. wall sign and two freestanding 50 sq. ft. signs. Staff takes no exception to the attached wall sign but it was pointed out that City code permits only one freestanding sign at 32 sq. ft.

Commissioner Marino asked whether any of the other restaurants in the area exceed the current code regulations for similar signage. Ms. Nassif responded that some of the more recent restaurant signs exceed code and while most have only two signs, a few restaurants have three signs.

In accordance with Staff's recommendation, Commissioner Hansen made a motion to permit one 50 sq. ft. menu board wall sign, one 50 sq. ft. freestanding menu board sign, and one 32 sq. ft. freestanding menu board sign. The motion was seconded by Commissioner Geckeler.

Discussion on the Motion

Councilmember Hurt asked for clarification about the typical menu board signage for other restaurants in this area. Ms. Henry stated that Chick-fil-a and Culver's both have two. The pre-order menu sign is usually smaller and is the first menu board encountered by the customer.

During further discussion, it was clarified that most of the restaurants in Chesterfield Valley have only two menu board signs, and the site's configuration dictates whether one is a wall sign or both are freestanding signs. More recent trends show restaurants having three menu board signs. It was suggested that a subsidiary motion could be made in order to amend the original motion to allow only two menu board signs.

Mr. Abel, representing McArthur's, then informed the Commission that because of the site's configuration, there will not be a menu board wall sign – only two freestanding signs.

Commissioner Hansen moved to amend the original motion to permit two freestanding menu board signs both at 50 sq. ft. The motion was seconded by Commissioner Geckeler.

As the owner of the site, Dr. Nosovitch expressed his preference of allowing one wall sign for any future tenant.

For information purposes, Councilmember Hurt stated that the original concept for signs was to allow an aggregate of 100 sq. ft. – either two 50 sq. ft. signs or three 32 sq. ft. signs.

The vote on the subsidiary motion amending the original motion to allow two 50 sq. ft. menu board signs passed by a voice vote of 8 to 0.

The vote on the original motion, as amended by the subsidiary motion to allow two 50 sq. ft. menu board signs, passed by a voice vote of 8 to 0.

Wildhorse Dental Signage

The request was to maintain the two existing wall signs and add a new cabinet sign. The Petitioner has since indicated they are willing to withdraw their request for the cabinet sign in exchange for a third wall sign.

Commissioner Hansen made a motion to approve the two existing attached wall signs and a third new attached wall sign for Wildhorse Dental with the condition that the new sign match the other existing wall signs. The motion was seconded by Commissioner Geckeler and **passed by a voice vote of 8 to 0**.

Incidental Signage

Ms. Nassif explained that all incidental signage is reviewed by Staff rather than the Commission, but since it was included in the Sign Package, she requested a motion that all incidental signs for the gas station be reviewed administratively.

Commissioner Marino made a motion that all incidental signage in the proposed Sign Package be administratively reviewed. The motion was seconded by Commissioner Midgley and **passed by a voice vote of 8 to 0.**

Car Wash Wall Signs and Awning Signage

The request is for two Tidal Wave car wash wall signs (one each above the garage doors on the north and south elevations) and signage on the awnings. Staff noted that these all meet code and has no concerns with any of this signage.

Commissioner Geckeler made a motion to approve all other remaining attached wall signs. The motion was seconded by Commissioner Harris and **passed by a voice vote of 8 to 0.**

Menu Board Signs for the Car Wash

The request is for two 8'x3'4" menu boards and one 4'x3' menu board. Staff takes no exception to these three proposed signs. ***No vote was taken.***

Directional Signs

Commissioner Hansen questioned the necessity for all the directional signs. Dr. Nosovitch replied that directional signs are needed to help with the flow of the site

noting that McArthur's drive-thru has its own entrance lane and the entrance lane to the car wash is off the internal access road.

Ms. Henry advised that the code does not fix the number of directional signage that is allowed but specifies height for signage within the building setback. Directional signage should be geared toward safe vehicular circulation patterns. ***No vote was taken.***

Commissioner Geckeler made a motion to defer review of the remaining signage until the November 14th Planning Commission meeting. The motion was seconded by Commissioner Lueking and **passed by a voice vote of 8 to 0**.

Dr. Nosovitch was advised to provide any additional information on the requested signage that could be included in the Commission's meeting packet to assist with their review.

VIII. UNFINISHED BUSINESS - None

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 9:05 p.m.

Steve Wuennenberg, Secretary