PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
OCTOBER 24, 2022

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

I. ROLL CALL

PRESENT	**ABSENT**
Commissioner Gail Choate	Commissioner Debbie Midgley
Commissioner Khalid Chohan	
Commissioner Allison Harris	
Commissioner John Marino	
Commissioner Nathan Roach	
Commissioner Jane Staniforth	
Commissioner Steven Wuennenberg	
Chair Guy Tilman	

Mayor Bob Nation
Councilmember Merrell Hansen, 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 Tilman acknowledged the attendance of Mayor Bob Nation; Councilmember Merrell Hansen, Council Liaison; Councilmember Mary Monachella, Ward I; Councilmember Mary Ann Mastorakos, Ward II; Councilmember Aaron Wahl, Ward II; and Councilmember Dan Hurt, Ward III.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

Commissioner Staniforth made a motion to change the agenda order by moving **Item VI. Public Comment** and **Item VII. Site Plans, Building Elevations, Plats, and Signs** ahead of the Public Hearing. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 8 to 0.**

VI. PUBLIC COMMENT

Mr. Bill VanGels, First Community Credit Union, 17151 Chesterfield Airport Road, Chesterfield, MO, representing the Petitioner for **Chesterfield Commons North Sign Package.**

Mr. VanGels provided background about First Community Credit Union noting that it is the largest credit union in the State of Missouri servicing 6 counties in Missouri and 3 counties in Illinois. With its growth over the past few years, it has been able to expand its corporate campus in Chesterfield. They would like to "clearly and tastefully brand the building" so their members, as well as the community, know what services are located within each building.

VII. SITE PLANS, BUILDING ELEVATIONS, PLATS, AND SIGNS

A. Chesterfield Commons North (17107 Chesterfield Airport Road) Sign Package: A Sign package request for Chesterfield Commons North located on 9.50 acres of land zoned C8 – Planned Commercial District.

Commissioner Staniforth, representing the Site Plan Committee, made a motion recommending approval of the Sign Package for Chesterfield Commons North (17107 Chesterfield Airport Road) with the following amendments:

- **Wall Signs solely permitted on the north and south facades**
- **No more than 4 total signs between the north and the south facades;**
- **No more than 3 signs shall be installed on any one façade; and**
- **No façade shall have more than 300 sq. ft. of total sign area.**

The motion was seconded by Commissioner Wuennenberg.

Discussion

Commissioner Marino asked Mr. VanGels if the proposed amendments will allow First Community Credit Union to accomplish their plans for signage noting that they have been a great corporate citizen of Chesterfield.

Mr. VanGels indicated that the amendments are acceptable adding that they want to brand the building for clarity purposes so patrons don't mistakenly go into the branch building for realty or investment services.

Commissioner Harris stated that while recently traveling along the highway, she observed the signage for a number of buildings, and feels that it is more advantageous to have "one large, eye-catching sign on the highway side" because the small signs are difficult to read. Mr. VanGels explained that because their building is longer, they feel it may be easier to see separate signs with different logos for First Community Realty and First Community Investment Services.

Commissioner Staniforth pointed out that the Site Plan Committee members felt that separate signage would be more advantageous on the Chesterfield Airport Road side where individuals would be closer to them and able to read them easier than if they were placed on the highway side of the building.

The motion to approve, as amended, passed by a voice vote of 8 to 0.

B. **Steve W. Wallace, Sign Package:** A Sign Package for a 2.8-acre tract of land zoned "C8"–Planned Commercial District located south of Chesterfield Airport Road and east of Long Road.

Commissioner Staniforth, representing the Site Plan Committee, made a motion recommending approval of the Sign Package, as presented, for Steve W. Wallace. The motion was seconded by Commissioner Wuennenberg and **passed by a voice vote of 8 to 0**.

It was the consensus of the Commission to next vote on Agenda Item V.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the October 12, 2022 Planning Commission Meeting. The motion was seconded by Commissioner Staniforth.

Commissioner Choate pointed out the need for a correction on page 3 as noted below in red:

> Commissioner Choate noted that at the September 28th Public Hearing, the applicant stated that there ~~in~~ is no *cultivation of plant crops* currently being done on the site.

The motion to approve, as corrected, passed by a voice vote of 6 to 0. *(Commissioners Harris and Tilman abstained.)*

IV. PUBLIC HEARINGS

- Commissioner Wuennenberg read the "Opening Comments" for the Public Hearing.

A. **P.Z. 10-2022 City of Chesterfield (Unified Development Code-Article 4):** An ordinance amending Article 4 of the Unified Development Code to revise regulations pertaining to Home Occupations.

STAFF PRESENTATION:
Mr. Mike Knight, Assistant City Planner, provided the following information about the petition:

Summary
The City's Unified Development Code (UDC) contains regulations pertaining to *Home Occupations*. On August 28, 2022, HB 1662 became law, which amended the jurisdiction of municipalities in establishing regulations for Home Occupations. Consequently, Article 04 of the City's UDC is in potential conflict with the new State regulations.

Updated Language to Chapter 89.500 of the Missouri Revised Statutes
As used in this section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not:

1) Prohibit mail order or telephone sales for home-based work;
2) Prohibit service by appointment within the home or accessory structure;
3) Prohibit or require structural modifications to the home or accessory structure;
4) Restrict the hours of operation for home-based work; or
5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.

A zoning ordinance or regulation adopted pursuant to this chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.

The application of this section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.

Updated Language to Chapter 71.990 of the Missouri Revised Statutes
A political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business.

A home-based business qualifies as a no impact, home-based business if the activities of the business:

- Are limited to the sale of lawful goods and services;
- May involve having more than one client on the property at one time;
- Do not cause a substantial increase in traffic through the residential area;
- Do not violate any parking regulations established by the political subdivision;
- Occur inside the residential dwelling or in the yard of the residential dwelling;
- Are not visible from the street

Unified Development Code
The City's Unified Development Code (UDC) currently states that both a business license and a home occupation permit shall be required for a home occupation.

The UDC also includes a table of defined *Development Criteria* to which a home occupation shall adhere – such as:

- Types of Uses
- Hours of Operation
- Percent of home to be used
- Maximum number of patrons
- Maximum number of children for childcare

Potential Conflicts

- Requiring a home occupation permit; and

- Specific *Development Criteria* within the UDC that is considered *no-impact* according to the new Missouri statutes.

Proposed Action

- Remove the requirement for a license and permit for a Home Occupation.

- Remove the development criteria subsection 18 and Table 1 of Section 405.04.140 in their entirety from the City of Chesterfield Municipal Code.

- Adjust the definition of *Home Occupation* to match what is in Statute.

Companion Bill – Chapter 625

Mr. Knight explained that while there will only be a definition for *Home Occupation* left in the UDC, a new chapter of Municipal Code (Chapter 625) will be created pertaining to Home Occupations.

The Companion Bill includes items such as the qualifications that make a "no-impact" business, the process for a potential violation of the "no-impact" regulations, and the appellate process after a decision is made.

Qualifications for a 'no-impact' home occupation

Chapter 625 would include language used in the State Statute

Process for a Violation

The Director of Planning makes a determination and issues a warning. If a hearing is warranted, the City Administrator, or his designee, will serve as the Hearing Officer.

Appellate Process after a Decision Is Made

The decision of the hearing officer may be appealed to the City Council within ten days of the posting of the hearing officer's notice on the property.

Discussion

The following items were discussed and clarified as necessary.

Home Occupation Requirement

In order to qualify as a *home occupation*, the homeowner must reside in the home. The definition states that a *home occupation is a lawful operation performed by a resident within a residential home or accessory structure which is clearly incidental and secondary to the use of the dwelling unit for residential purposes*.

Residential Business Use

A *Residential Business Use* is different than a home occupation business. Businesses operating under a *Residential Business Use* zoning will still be required to obtain a business license to operate within Chesterfield.

Home Occupation Concerns
Additional discussion included concerns about childcare facilities, the sale of liquor, firearms, or recreational marijuana *(if legalized)* and whether such businesses would qualify as a home occupation. It was felt that, in most instances, such activities would not meet the *no-impact* qualification for a home occupation.

With respect to excessive or loud noise being generated from a home occupation, it was noted such activity would be in violation of Chapter 215 regarding nuisances, which includes noise.

With respect to excessive trash being generated from a home occupation, it was noted that the proposed Chapter 625 includes specific language stating that *home occupations may not generate trash or refuse that exceeds normal residential trash and refuse.*

Question was raised as to whether business signs would be allowed for a home occupation. Mr. Bruns stated that a business sign would be an impact on neighbors, and would therefore not be allowed.

Commissioner Choate referred to the proposed language in Chapter 625, which states that *the total number of employees and clients on-site at one time does not exceed the occupancy limit for the residential dwelling*, and questioned how that would be determined since the City does not have occupancy permits for single-family homes. Mr. Wyse, Director of Planning, replied that it would be determined through building and/or fire codes, and added that he would bring it to the attention of legal counsel for further review.

Commissioner Marino pointed out that while the City needs to protect the integrity of its neighborhoods, it also wants to encourage potential new growth and small businesses.

HOA Involvement
It was suggested that the City set up a workshop for Subdivision Trustees regarding the new home occupation regulations so that subdivision indentures can be updated, if necessary.

Conciliation Process
Commissioner Marino suggested that Chapter 625 include a conciliation process to bring differing parties together to try and work out a solution when an issue with a home occupation arises. Mr. Bruns stated that they would look at this suggestion, but added that he is unsure of how the City would enforce it. Mr. Wyse agreed that this is a good practice that could be encouraged, but noted that by the time the City gets involved, the parties are usually already adversarial, especially when it relates to a nuisance complaint.

VIII. UNFINISHED BUSINESS

A. P.Z. 10-2022 City of Chesterfield (Unified Development Code-Article 4): An ordinance amending Article 4 of the Unified Development Code to revise regulations pertaining to Home Occupations.

Commissioner Wuennenberg made a motion to approve P.Z. 10-2022 City of Chesterfield (Unified Development Code-Article 4), as submitted. The motion was seconded by Commissioner Marino.

Upon roll call, the vote was as follows:

Aye: Commissioner Roach, Commissioner Staniforth, Commissioner Wuennenberg, Commissioner Choate, Commissioner Chohan, Commissioner Harris, Commissioner Marino, Chair Tilman

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS

It was agreed that Staff would schedule a Comprehensive Plan meeting before year's end.

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 7:47 p.m.

Jane Staniforth, Secretary