

PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
MARCH 23, 1992



=====

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

PRESENT

Ms. Mary Brown
Mr. Jamie Cannon
Mr. Bill Kirchoff
Ms. Barbara McGuinness
Ms. Pat O'Brien - arrived later
Mr. Walter Scruggs
Ms. Victoria Sherman
Chairman Mary Domahidy
Mr. Doug Beach, City Attorney
Councilmember Betty Hathaway, Ward I
Mayor Jack Leonard - arrived later
Mr. Jerry Duepner, Director of Planning
Ms. Sandra Lohman, Executive Secretary

ABSENT

Mr. Dave Dalton

INVOCATION: City Attorney Doug Beach

PLEDGE OF ALLEGIANCE - All

PUBLIC HEARINGS - Commissioner Kirchoff read the opening comments.

- A. P.Z. 3-92 City of Chesterfield Planning Commission; Proposal to amend Section 1003.165 Off-Street Parking and Loading Requirements of the City of Chesterfield Zoning Ordinance by amending provisions concerning Nursing Home Off-Street Parking Requirements.

Director Duepner spoke on behalf of the proposed amendment, noting the following:

- This petition proposes to amend the Zoning Ordinance of the City of Chesterfield, specifically Section 1003.165 relative to Off-Street Parking Requirements for Nursing Homes.

- Currently, this Section of the Zoning Ordinance requires that nursing homes, and associated self-care nursing facilities, provide one (1) parking space for every five (5) beds; one (1) space for every two (2) employees on the maximum shift; and one (1) space for each self-care unit.
- The current City Zoning Ordinance makes provision for parking for elderly housing developments in residential districts. Although we do not have this type of facility at this time, our Zoning Ordinance does allow that, in lieu of the normal one and one-half (1 1/2) spaces provided for a multiple-family development, if a development is designated for elderly housing, it is required to provide only .75 spaces per dwelling unit. The Department believes that a similar standard should be applied to the self-care units, as they are constructed in conjunction with nursing homes, where a transportation system is provided.

COMMENTS/DISCUSSION BY COMMISSION

- Research has indicated that, after a period of time, residents utilize the transportation provided by the operator of the facility.

SPEAKERS - None

REBUTTAL - Waived

SHOW OF HANDS

IN FAVOR 0

IN OPPOSITION 0

- B. P.Z. 4-92 City of Chesterfield Planning Commission; Proposal to amend Sections 1003.020 Definitions and 1003.167 Miscellaneous Regulations of the City of Chesterfield Zoning Ordinance by amending provisions relative to Satellite Dishes.

Director Duepner spoke on behalf of the proposed amendment, noting the following:

- This petition proposes to amend the Zoning Ordinance of the City of Chesterfield, specifically Sections 1003.020 and 1003.167 addressing the issue of Satellite Dishes.

- On November 19, 1990, the City adopted Ordinance No. 520 which established requirements governing satellite dishes within the City. The Ordinance established that satellite dishes may be erected either on the roof or be ground-mounted on property in the City of Chesterfield. In residential districts, satellite dishes may only be mounted on the ground. The dishes could not be mounted as an appurtenance to any chimney, a tower, or a pool deck.
- The Planning Commission's Ordinance Review Committee reviewed an alternative to the conventional ground-mounted type satellite dish. It could be basically described as an umbrella, covering a solid satellite dish, with an accessory table and chairs. The Ordinance Review Committee saw the potential of this type of satellite dish in residential zoning districts, and recommended that an amendment to the Zoning Ordinance be considered.
- The amendment proposed to the Zoning Ordinance would allow, as an alternative in residential zoning districts, these umbrella-type satellite dishes. It would require a solid dish to have an umbrella cover, and would allow for their installation on a pool deck, or on a deck. The dish would still have to maintain the appropriate setbacks of the zoning district and, if the dish with the accompanying umbrella cover also has tables and chairs, the current Ordinance provision for landscape screening would not be required.
- One additional item before the Commission for consideration is review of the size of satellite dishes and the need for requiring a Conditional Use Permit. The Ordinance has dealt primarily in the commercial districts with larger satellite dishes, up to ten (10) feet in diameter. A thirty (30) inch diameter would be considerably smaller. The Department would suggest that the Commission may wish to consider allowing these satellite dishes to be reviewed by the Department.

Mayor Jack Leonard arrived at this time.

COMMENTS/DISCUSSION BY COMMISSION

- The proposed umbrella type dishes apply only to residential districts.

SPEAKERS - Neutral

1. Mr. Steven Rahn, 2337 Wengler Avenue, St. Louis, MO 63114, on behalf of a group.

Mr. Rahn, a Satellite Television Specialist and Custom Systems Designer for the Sound Room located at Chesterfield Crossing, made the following comments.

- The Sound Room recently completed the process of acquiring approval of a Master Plan from St. Louis County for the installation of satellite television dishes, thereby making them fully qualified, in terms of licensing, insurance, and permit authority to install satellite dishes properly.
- He suggested that a clear definition of a satellite dish be included in the ordinance.
- The ordinance should more clearly define a health, safety or aesthetic objective.
- The proposed ordinance makes no provision for a roof mount, or other type of mounting, in residential areas. This would not be a problem so long as a resident desiring a satellite dish has an open yard with a clear view of a satellite orbit.
- The ordinance should have some provision for a non-standard mounting scheme, as necessary for a clear site of the satellite orbit.
- The Commission and City Council need to be aware of possible constitutional issues which could result in blockage of enforcement of the ordinance as it reads now, or in the future.

COMMENTS/DISCUSSION BY COMMISSION

- The current ordinance requires that a construction permit be secured from St. Louis County. This requires an engineer's seal on the drawings.
- All residents/contractors have to file for a building permit before installing a satellite dish. Any contractor may file a Master Plan with the County.

SPEAKERS - In Opposition

1. Mr. Jeff Snitzer, 5 Rimby Court, Chesterfield, Missouri 63017, as an individual.
- The Stonebriar Subdivision Indentures do not address satellite dishes.
- He noted his objections to the two (2) existing dishes in Stonebriar Subdivision.

COMMENTS/DISCUSSION BY COMMISSION

- The satellite dish cited for a violation has been up for approximately three (3) months.
- The satellite dish in his neighbor's back yard is the umbrella type, approximately eight (8) feet in diameter.

Commissioner O'Brien arrived at this time.

REBUTTAL/RESPONSE

- Neither of the two (2) dishes Mr. Snitzer refers to have been issued permits either by the City of Chesterfield or by St. Louis County. Both have been cited for violations.
- The amendment before the Planning Commission was generated by discussion which revolved around an application for use behind the Sound Room. This proposal was generated by the Ordinance Review Committee, and was forwarded to the Planning Commission.
- Private Deed Restrictions can restrict the erection of satellite dishes within a subdivision.

COMMENTS/DISCUSSION BY COMMISSION

- The process for violations was explained by Director Duepner and City Attorney Doug Beach.

SHOW OF HANDS

IN FAVOR 1

IN OPPOSITION 1

APPROVAL OF THE MINUTES

The Minutes were approved from March 9, 1992.

OLD BUSINESS - None

NEW BUSINESS

- A. Memorandum from the Director of Planning regarding a requested amendment to Section 1003.168 Sign Regulations of the City of Chesterfield Zoning Ordinance.

Director Duepner stated the request of Roosevelt Bank to amend the Zoning Ordinance of the City of Chesterfield to allow two (2) attached business signs on office buildings located on corner lots. He stated that, since the Ordinance Review Committee is still actively involved in review of the Sign Ordinance, the Department recommends that this matter be referred to the Committee for further consideration.

A motion to refer this matter to the Ordinance Review Committee was made by Commissioner Cannon and seconded by Commissioner Scruggs. **The motion passed by a voice vote of 8 to 0.**

- B. P.C. 129-86 Greenberg Development, et. al.; a request for an extension of time to submit a Site Development Plan for a "C-8" Planned Commercial District; north side of Chesterfield Airport Road, west of Chesterfield Parkway South.

Director Duepner stated the request and the Department's recommendation to approve the extension of time to April 30, 1993, for submittal of a site development plan, subject to conditions elucidated in its report.

A motion to approve the extension, as recommended in the Department's report, was made by Commissioner McGuinness and seconded by Commissioner Scruggs.

COMMENTS/DISCUSSION BY COMMISSION

- To date, the Commission has yet to established a policy on how many extensions of time it may grant.

- The only instance where there is an automatic mechanism to end extensions is in Planned Environment Unit developments.
- The Commission has never denied an extension.

Commissioner O'Brien requested that Department staff add a legend to the bottom of maps attached to reports being submitted to Commission for review.

The motion to approve the extension passed by a voice vote of 8 to 0.

- C. Correspondence from the Director of Planning regarding revision of the Escrow Agreement Form.

Director Duepner reported that, at the direction of the Public Works Parks Committee of the City Council, the Department of Planning and City Attorney have been reviewing, for revision, our standard Escrow Agreement Form. Several revisions, noted in italics and underlined, have been made to the form submitted with the Department's correspondence. Therefore, the revised Escrow Form is submitted for Commission review and recommendation to the City Council. The Public Works Parks Committee believes a City Ordinance would be appropriate relative to this revision.

COMMENTS/DISCUSSION BY COMMISSION

- City Attorney Beach noted the reasons for looking into revisions of the Escrow Agreement Form. The main reason being to eliminate possible loop-holes.
- City Attorney Beach requested the language in paragraph 7, second sentence, be modified to read: "The City may perform, or have performed, the necessary maintenance work, after the failure of the developer to perform the work within two (2) weeks, or which, in the opinion of the Director of the Department of Public Works, constitutes a hazardous condition."

A motion to approve the revised Escrow Agreement Form, as amended, was made by Commissioner Scruggs and seconded by Commissioner Cannon. The motion passed by a voice vote of 8 to 0.

SITE PLANS, BUILDING ELEVATIONS, AND SIGNS

- A. P.Z. 1-92 Krieger's Pub and Grill; Conditional Use Permit Roof-Top Mechanical Screening (Satellite Dish); east side of Clarkson Road, north of Baxter Road.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to approve the Plan, as recommended by the Department. The motion was seconded by Commissioner Sherman.

COMMENTS/DISCUSSION BY COMMISSION

- The satellite dish at JJ's is still mounted and the City does not have ability to require its removal. A new tenant could use the existing dish.
- It was suggested that the City Ordinance could be amended to place an expiration time on such structures in the future.
- Under the current provisions of our Zoning Ordinance, the Conditional Use Permit runs in perpetuity unless there is a time limit placed on it when it is originally issued.
- Commission was reminded that the issue being decided this evening was only the screening of the dish, since the Conditional Use Permit has already been approved.

Upon a roll call the vote was as follows: Commissioner Brown, yes; Commissioner Cannon, yes; Commissioner Kirchoff, yes; Commissioner McGuinness, yes; Commissioner O'Brien, yes; Commissioner Scruggs, yes; Commissioner Sherman, yes; Chairman Domahidy, yes.

The motion passed by a vote of 8 to 0.

- City Attorney Beach stated that the Commission could put a time limit on Conditional Use Permits to coincide with the lease. This could be very costly.
- Concern was expressed over the proliferation of such structures.

The Commission decided to look at this issue when making its decision on the proposed amendment to the Zoning Ordinance relative to satellite dishes, as discussed earlier this evening.

- B. Bull Moose Tube Executive Center; "C-8" Planned Commercial District Boundary Adjustment Plat; west side of Clarkson Road, south of Baxter Road.

On behalf of the Site Plan Committee, Commissioner Kirchoff made a motion to approve the Boundary Adjustment Plat, as recommended by the Department. The motion was seconded by Commissioner Sherman.

COMMENTS/DISCUSSION BY COMMISSION

- When the next office building is built (Lot 1), they will be entitled to a business sign. At present, there is no minimum distance required between signs.
- If another sign request is submitted at some future date, the Commission would have the opportunity to review and determine the spacing of the sign.

The motion passed by a voice vote of 8 to 0.

COMMITTEE REPORTS

- A. Ordinance Review Committee

Committee Chair Brown reported that the Ordinance Review Committee met on March 10th to discuss possible amendment to the Zoning Ordinance to allow churches as a conditional use within an industrial district. The Committee felt that the issue of permitting churches as a conditional use was worthy of consideration by the full Commission. Committee Chair Brown made a motion to direct the Planning Commission to schedule a public hearing. The motion was seconded by Commissioner Sherman and passed by a voice vote of 8 to 0.

A public hearing will be scheduled on this item.

B. Architectural Review Committee

Committee Chair O'Brien reported that the next meeting of the Committee will be Thursday, April 2, 1992, at 4:30 p.m.

- The Mayor informed the Commission that there will be an informational meeting at Spirit of St. Louis Airport, in the Executive Beechcraft Building, on April 2, 1992, at 7:00 p.m.

Committee Chair O'Brien referred to the enclosure provided on the San Bernardino Development Code, noting her agreement with the opinion of Director Duepner that we consider this information for adoption.

C. Site Plan/Landscape Committee

Committee Chair Kirchoff reported that the summary of the March 12, 1992 Meeting is included with the packet. The next meeting will be April 9th, 4 p.m. After that meeting the Committee hopes to have a policy to submit to the Planning Commission by the last meeting in April or the first meeting in May.

Ordinance Review Committee Chair Brown reminded the members that there will be an Ordinance Review Committee Meeting tomorrow, March 24, 1992, 4:30 p.m., at City Hall.

D. Comprehensive Plan Committee

Committee Chair McGuinness reported that the packets include information regarding the action to be taken by the Committee on March 30th.

E. Procedures Committee - No Report

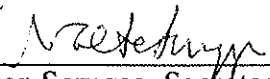
Commission Chair Domahidy noted the Quarterly Meeting scheduled for March 30, 1992. She further noted that Public Works Director, Bill Hawn, is scheduled to speak to the Commission, and inquired whether the Commission would like additional items added to the agenda for this meeting.

No additional items were added.

Chairman Domahidy requested Commissioners to advise her, in advance of the March 30th Meeting, should they wish additional items added to the agenda.

Comprehensive Planning Committee Chair McGuinness noted that the Vision Statement developed during the City Council Retreat will be discussed at the upcoming Comprehensive Plan Committee Meeting.

The meeting adjourned at 8:20 P.M.



Walter Scruggs, Secretary

[MIN3-23]