

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
JUNE 24, 2019**

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

I. ROLL CALL

PRESENT

ABSENT

Commissioner Allison Harris
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner James Rosenauer
Commissioner Gene Schenberg
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

Councilmember Mary Ann Mastorakos, Council Liaison
Mr. Michael Lindgren, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning & Development Services
Mr. Chris Dietz, Planner
Mr. Andrew Stanislav, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Councilmember Mary Ann Mastorakos, Council Liaison; Councilmember Dan Hurt, Ward III; Councilmember Michael Moore, Ward III; and Councilmember Michelle Ohley, Ward IV.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – Commissioner Schenberg read the “Opening Comments” for the Public Hearing.

- A. P.Z. 08-2019 City of Chesterfield (Unified Development Code—Article 4):**
An ordinance amending Article 4 of the Unified Development Code to revise regulations pertaining to Sign Packages as established in Section 31-04-05 Sign Requirements.

STAFF PRESENTATION:

Planner Andrew Stanislav stated that Staff has been looking at revisions to the sign code to include Electronic Message Centers (EMCs), and the Planning Commission has expressed a desire for standards to regulate EMCs. Through feedback from the

Ordinance Review Committee, a draft set of standards was presented for review at the Planning Commission's June 12th Work Session where further discussion was held.

Mr. Stanislav then presented the following nine standards being proposed for Electronic Message Centers:

- (1) Duration of image display: Each image displayed shall have a minimum duration of 10 seconds.
- (2) Presentation: The image shall be a static display. No portion of the image shall flash, scintillate, fade in or fade out, scroll, twirl, change color, or in any manner imitate movement.
- (3) Transition: When the image or any portion thereof changes, the change sequence shall only be accomplished by means of instantaneous re-pixelization.
- (4) Dimmer control: The electronic message center shall be equipped with an automatic dimmer control to automatically produce a distinct illumination change from a higher illumination level to a lower level according to ambient light conditions and for the time period between sundown and sunrise.
- (5) Brightness: The electronic message center shall not exceed a maximum of 7,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 600 nits (candelas per square meter) between sundown and sunrise measured from the sign's face at maximum brightness.
- (6) Fluctuating or flashing illumination: No portion of the electronic message center may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.
- (7) Malfunction and noncompliance: In the case of malfunction, digitally-illuminated signs are required to contain a default design to freeze the sign message in one position.
- (8) Resolution and pixel spacing: The electronic message center shall not have a pixel pitch larger than 16 mm.
- (9) Angle: When the interior angle formed by the faces of a V-shaped sign is less than 180 degrees, both faces of the sign must display the same image.

Since the June 12th Work Session meeting, items (8) and (9) have been added to the standards; and the *malfunction language* has been revised, as shown below:

~~(7) Malfunction and noncompliance. The electronic message center shall be designed and equipped to freeze the device in one position if a malfunction occurs. The electronic message center shall be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this code.~~

(7) Malfunction and noncompliance. In the case of malfunction, digitally-illuminated signs are required to contain a default design to freeze the sign message in one position.

This change is necessary because research has shown that the technical capabilities of Electronic Message Centers are not able to comply with the previously-proposed language. It was noted that this modification needs to be included in a motion at the time a vote is taken.

Below are proposed review criteria for the Planning Commission when considering a Sign Package that includes an Electronic Message Center:

- (1) Proximity of the proposed Electronic Message Center to other similar signs;
- (2) Proximity and impact on adjacent land uses with particular consideration given to residential properties and uses;
- (3) Impact of the total amount of signage on the site in conjunction with the use of the Electronic Message Center;
- (4) Nature and character of the roadway on which the project is located;
- (5) Nature and character of the proposed use and area within which the project is located;
- (6) Size of the project and roadway frontage; and
- (7) Resolution of proposed sign accounting for size of sign, roadway characteristics, and other relevant features.

Since the June 12th Work Session meeting, item (7) has been added.

Discussion

Commissioner Rosenauer asked how the *minimum duration of 10 seconds* for the display of each image had been determined. Mr. Justin Wyse, Director of Planning & Development Services, explained that research involving drive times and sight distance creates a formula with the most common results determining 8-10 seconds to be the optimal minimum display duration.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Commissioner Schenberg read the Closing Comments for the Public Hearings.

V. APPROVAL OF MEETING SUMMARY

Commissioner Wuennenberg made a motion to approve the Meeting Summary of the June 12, 2019 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed by a voice vote of 6 to 0.** (*Commissioners Midgley and Rosenauer abstained.*)

VI. PUBLIC COMMENT

A. P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes)

Petitioner:

1. Mr. George Stock, Stock & Associates, 257 Chesterfield Business Parkway, Chesterfield, MO.

Mr. Stock summarized the changes made to the Preliminary Plan, as shown below:

- The location of the Marathon pipeline has been updated on the Preliminary Plan, which shows it to be approximately 41 feet from the proposed building.
- The proposed building has been moved an additional 10 feet to the east, which gives a separation of 160 feet from the existing home to the west; and 189 feet from the existing home to the east.
- The height of the building has been reduced from 65 feet to 40 feet for 22 of the requested uses; 65 feet is being requested for a hotel use.

Mr. Stock stated that the requested *Commercial Service Facility* use is consistent with the uses allowed within the ordinances of the properties to the east and south. Language has been added to the Attachment A that *prohibits all outdoor storage, outdoor sales activity, and overnight parking of commercial vehicles.*

2. Mr. Mike Daming, Wasinger Daming, LC, 1401 S. Brentwood, St. Louis, MO.

Mr. Daming stated that he represents Herman and Connie Grimes and noted that the Grimes have the subject property under contract. The current owners of the property are Kurt and Scott Rombach, who have submitted letters in support of the rezoning.

Mr. Daming stated that the Grimes are considering locating their corporate headquarters for their drain cleaning business to the subject site, which falls under the *Commercial Service Facility* use. The other potential use being considered for the site is the *hotel* use. He also pointed out that the only issue under consideration at this time is the requested rezoning to 'PC' Planned Commercial. Further in the process, the Commission will have the opportunity to review the site plan for whatever use is decided upon.

He then provided information about the headquarters proposal in the event the Grimes decide to move forward with a relocation to the subject site:

- Every aspect of the construction of the building will be 'first-class, consistent with the adjacent architecture'.
- The corporate headquarters would be an administrative-type building with only administrative staff taking calls and dispatching service techs.
- Service techs would be dispatched from their homes retrieving any needed equipment from the subject site.
- Work trucks would not be maintained or cleaned on site.
- No retail sales would occur on the property.
- No repair work would be done on site.

At this time, they request rezoning to the 'PC' Planned Commercial District, consistent with the City's Comprehensive Plan.

In Favor:

1. Mr. Charles 'Skip' Dufour, Attorney representing Scott and Kurt Robmbach, 8011 Clayton Road, St. Louis, MO.

Mr. Dufour stated that Scott and Kurt Rombach are the owners and sellers under contract, and are in favor of the rezoning petition.

He then provided clarification on the ownership of the subject property, as noted below:

- The three parcels were originally owned by the Rombach family consisting of two brothers and one sister.
- Scott, Kurt, and Chip Rombach inherited the residential parcel to the west from their parents.
- Chip Rombach also inherited the property to the east from his aunt.
- All three also inherited 27 acres to the north, of which they are all joint owners.

In Opposition:

1. Mr. Norman 'Chip' Rombach, 18639 & 18627 Olive Street Road, Chesterfield, MO.

Mr. Rombach stated that he owns the two houses on either side of the subject site, and has been a business owner and resident in Chesterfield Valley for nearly 65 years. His two properties have been residential homes for 75 years and the proposed business is a sewer cleaning company.

Mr. Rombach then noted his concerns as follows:

- Odors, noise, and lights from a 24-hour operation would making living in the homes 'unbearable'.
- The proposed road is within 50 feet from his bedroom window.
- The proposed building would dwarf the two houses in size.

Speaker stated that he is not opposed to having the property developed with a 'sensible plan', such as a bakery, brew pub, or restaurant but not a 'sanitary warehouse'.

2. Mr. Dean Wolfe, 8011 Clayton Road, Clayton, MO.

Mr. Wolfe stated that on both November 14, 2018 and April 22, 2019 he provided letters to be included in the record of those Planning Commission meetings. He then noted that there are complex issues relating to: (1) the extension of road;, and (2) the drainage ditch. He suggested that the land use plan be completed with a lay-out of the roads and ditches; and that potential buyers be given a cost projection of what they will incur in relation to rezoning.

Mr. Wolfe also stated that he thinks it is inappropriate to have industrial use on the site and suggested removing item A.1.w. *Warehouse, general* as a permitted use.

3. Mr. Tim Hayes, Attorney representing Mr. Chip Rombach, 14643 Chermoore Drive, Chesterfield, MO.

Mr. Hayes displayed pictures of the Grimes' current headquarters in Union, MO, which showed outdoor storage of trucks, trailers, and old sewer pipes. He pointed out that the company's website refers to a fleet of vacuum trucks available 24/7 for pumping out

septic tanks and for use on construction sites. Speaker does not believe that the proposed business is a *Commercial Service Facility*, but rather is an industrial use and fits within the definition of *yard for storage of contractor's equipment, materials, and supplies, which includes contractor's storage of large equipment and vehicles*. The definition also includes *buildings or structures for uses such as offices and repair facilities for a contractor*.

Mr. Hayes had questions about where vehicles will be parked during the day; and about obnoxious odors from emptying of the trucks;

He also suggested that a 24-hour operation is not appropriate for the site and feels that the hours should be restricted to 9:00am-11:00pm.

4. Mr. Daniel Hayes, NAI DESCO and Spirit Valley Business Park, 101 S. Hanley Road, St. Louis, MO.

Mr. Hayes noted his concerns regarding storm water:

- Storm water was previously shown going across Chip Rombach's property without any discussion with him, which was then been pulled back.
- It is Speaker's understanding that Marathon Oil's property was looked at as a means of handling storm water; but it is Speaker's understanding that Marathon will not allow storm water to cross its property.
- Storm water is now shown crossing Chip Rombach's property again but with 'something to be reconciled after the fact'.
- He and his partners have developed 80 acres to the south, which was very specifically developed with a storm water ditch system and capacity for known plans. Now there seems to be a change of pathway of bringing additional storm water to the ditch completed by Mr. Wolf, and will flow down, around, and past Speaker's development.
- He has questions as to whether what was designed for his site was the appropriate amount of expenditure of land and expense with respect to developing the ditches, or whether they overbuilt for unknown changes, such as the proposed plan.
- An easement not being in place to handle storm water is a serious concern, along with the pathway of it flowing to the east rather than to the west.

He also noted that no one in the surrounding area has any interest in seeing this project moving forward. He then requested that the following be removed from the list of permitted uses:

- Commercial service facility
- Laboratory-professional, scientific
- Research laboratory and facility
- Warehouse, general

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

- A. **P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes)**: A request for a zoning map amendment from an “NU” Non-Urban District to the “PC” Planned Commercial District for a 3.1 acre tract of land located on the north side of Olive Street Road west of its intersection with Premium Way (17W530101).

Planner Andrew Stanislav stated that the Public Hearing for this petition was held on November 14, 2018 followed by an Issues Meeting on April 22, 2019 at which time concerns were raised and the vote postponed until May 29th. At the May 29th meeting, a motion was passed to postpone this item until tonight’s meeting per the applicant’s request. The applicant has since responded to the concerns raised and Staff has provided a revised draft Attachment A incorporating these adjustments.

The revised Preliminary Plan shows the following:

- An increase in the west property line setback from 5 feet to 15 feet. This resulted in decreases to:
 - (1) the parking and structure setbacks from the north/south right of way from 15 feet to 10 feet; and
 - (2) the building footprint of approximately 1,200 sq. ft. – from 17,500 sq. ft. to 16,250 sq. ft.
- The location of the gas pipeline, which has been more thoroughly surveyed and accurately depicted.
- The distance between the proposed building and the existing residences to the west and east.
- A reduction in the requested height from 65 feet to 40 feet, with a request for a 65 foot maximum height specific to the hotel/motel use.

Mr. Stanislav stated that the petition has met all filing requirements and the Planning Commission has the option to vote on it at this time.

Discussion

During discussion, the following items were reviewed and clarified, as necessary:

Use – Commercial Service Facility

Referring to the Petitioner’s description of the proposed building as an administrative building, Commissioner Wuennenberg questioned whether such a structure would fall under the Permitted Use of *Office, general*. Mr. Wyse explained that the information provided by the Petitioner regarding the proposed use of the building makes it fall within the *Commercial service facility* use. It was noted that while this use does not specifically call out indoor storage of vehicles, it is allowed.

Land Use/Improvements

It was explained that as properties are developed, the City references its land use plans to ensure that developers aren’t encroaching in areas where streets and sidewalks are foreseen. In addition, the City requires a developer to install the necessary improvements for a site, or can require escrow monies for improvements to be built at a future time. With respect to this petition, Mr. Wyse pointed out that the draft Attachment A includes a requirement that *the proposed right of way located within this development*

shall be privately maintained until a connection to Blue Valley Avenue is constructed and approved by the City of Chesterfield.

Drainage

Commissioner Tilman inquired as to who is responsible for appropriate drainage planning for this property and the entire area, and also questioned as to where the responsible parties are within the planning process. If the zoning is approved for its intended use, he has concerns that it may put properties at risk because the drainage plans have not been addressed. Mr. Wyse replied that the City has a Chesterfield Valley Storm Water Master Plan, and the City is responsible for administering it. The Attachment A for this petition includes several requirements for addressing storm water, including providing *for the positive drainage of storm water*. The developer is responsible for providing the ultimate facility on their site, and providing all necessary easements for the construction of it. If there is not a logical connection for storm water, the developer must provide an interim analysis of how the storm water will be handled.

Commissioner Tilman made a motion to approve P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes). The motion was seconded by Commissioner Rosenauer.

Commissioner Schenberg made a motion to amend the motion to remove item I.A.1.d. Commercial service facility from the list of Permitted Uses. The motion was seconded by Commissioner Midgley.

Discussion on the Amended Motion

Commissioner Wuennenberg noted that there are two Planned Commercial-zoned properties to the east of the subject site (*Lot 4A-B and Lot 4C*), and asked if the *Commercial service facility* use is permitted within their ordinances. Mr. Wyse confirmed that the use is permitted.

Commissioner Tilman pointed out that the Petitioner has indicated that they are only interested in a few permitted uses – *Hotel and motel; Office, general; and Professional and technical service facility* – and asked if this is correct. Mr. Stock replied that the Grimes have requested, and want, 23 uses. He compared the requested 23 uses to Blue Valley's list of 104 permitted uses; and the property to the south with 40 permitted uses.

Commissioner Schenberg explained that he motioned to remove *Commercial service facility* from the list of permitted uses because it specifically pertains to the sewer cleaning business being contemplated for the site, which he feels is inappropriate considering the nature of the surrounding developments.

Commissioner Midgley stated that when the Petitioner described the building as an "administrative building", she did not think it would involve trucks being parked on the site with equipment going in and out of the property. Mr. Daming, Attorney for the Petitioner, replied that the Grimes are amenable with restrictions that trucks cannot be stored or cleaned outside. He confirmed that the site will be a predominantly administrative use with service technicians retrieving equipment from the site, which will be stored inside. Trucks will be stored off site at the technicians' homes.

Commissioner Harris asked for clarification on: (1) the number of trucks owned by the business; (2) the average number of daily service calls; and (3) where the waste is dumped at the end of a shift.

Mrs. Connie Grimes, 129 North Outer Road, Union, MO – Mrs. Grimes stated that they own 15-20 trucks with approximately 35 service calls per day. Waste is disposed of at either MSD or Merrell Brothers and the trucks are also cleaned at these sites.

She then explained the operating process for responding to incoming calls from customers:

- Upon receiving a call at the office, a service technician would be dispatched from his home.
- Service techs generally go from call-to-call without coming to the office site.
- A service tech would possibly visit the site to retrieve equipment to handle a large or unusual job.
- Night dispatching is done through the use of cell phones; it would not be done from the administrative building.

Mrs. Grimes indicated that there are days when no service techs come to the office site as their trucks are fully-equipped to handle most assignments. She also confirmed that they own three large pump trucks, which would be stored on-site inside the building. The stored pump trucks are clean and empty in order to be ready for the next call. Since the vehicles are expensive, care is taken to properly maintain them which necessitates indoor heated/cooled facilities.

Chair Hansen noted that she is not comfortable with the expansive list of 23 permitted uses, and is specifically opposed to the *Commercial service facility* use. Mrs. Grimes pointed out that the *Commercial service facility* use is necessary for the Drain Surgeon's uses and does not want to see it removed from the list of permitted uses.

Commissioner Wuennenberg again pointed out that the *Commercial service facility* use is permitted on the adjacent Lots 4A-B and 4-C. Commissioner Schenberg stated that if he had been involved in the zoning of those lots, he would have recommended removing it as a permitted use; however, he understands that the property owners want to keep their options open with a list of permitted uses as broad as possible.

Upon roll call on the amended motion to remove *Commercial service facility* from the list of permitted uses, the vote was as follows:

Aye: Commissioner Schenberg, Commissioner Midgley, Chair Hansen

**Nay: Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Commissioner Rosenauer**

The motion failed by a vote of 3 to 5. Chair Hansen stated that *Commercial service facility* remains as a permitted use.

Commissioner Tilman inquired as to the consequences involved if the site is not maintained as stipulated in the Attachment A. Mr. Wyse explained that the property

owner would be issued a Notice of Violation and given a specific timeframe to correct the violation. If not corrected, the violation would be taken through the City's municipal court system which could result in State-mandated fines being imposed by the judge.

Chair Hansen also pointed out that all the conditions of the Attachment A would pass on to any future property owner and uses on the site.

Upon roll call on the original motion to approve P.Z. 09-2018 18633 Olive Street Rd (Herman & Connie Grimes), the vote was as follows:

**Aye: Commissioner Rosenauer, Commissioner Tilman,
Commissioner Wuennenberg, Commissioner Harris,
Commissioner Marino**

**Nay: Commissioner Midgley, Commissioner Schenberg,
Chair Hansen**

The motion passed by a vote of 5 to 3.

- B. P.Z. 08-2019 City of Chesterfield (Unified Development Code—Article 4):**
An ordinance amending Article 4 of the Unified Development Code to revise regulations pertaining to Sign Packages as established in Section 31-04-05 Sign Requirements.

Planner Andrew Stanislav stated that the Planning Commission may vote on this petition at this time, if so desired.

Commissioner Tilman made a motion to approve P.Z. 08-2019 City of Chesterfield (Unified Development Code—Article 4). The motion was seconded by Commissioner Wuennenberg.

Discussion

Commissioner Schenberg noted that the recommended standard concerning 'Brightness' refers to the 'nits' of the sign but does not address the nits at any particular wave length. He explained that the human eye is sensitive to different wave lengths and is asking for clarification as to whether a wave length needs to be specified along with the number of nits.

Commissioner Rosenauer expressed concern that allowing a minimum duration of 10 seconds for an image display is too short as it may be too distracting. Mr. Wyse explained that Staff had looked at several different standards and recommendations for physically seeing the sign off in the distance, along with legibility of the sign. This is a function of design speed of the roadway, sight distance, and setbacks. Utilizing design speeds, traffic studies, and sight distances at a number of locations, the results for each site had a recommended value between 8 and 10 seconds.

Commissioner Tilman asked whether Staff had worked with sign vendors on the proposed language. Mr. Wyse confirmed that they did work with sign vendors, which resulted in revised language for the standard dealing with *Malfunction and noncompliance*.

It was the consensus of the Commission that more research is needed regarding whether language pertaining to *wave lengths* should be included in the standard for *Brightness*. Discussion followed on the proper way to proceed considering that a motion to approve was on the floor and needed to be voted upon. Attorney Mike Doster offered his advice that a vote be taken so the petition can move forward with the understanding that the issue will be researched and addressed by Council.

Commissioner Tilman made a motion to amend the motion to correct the language of item 'd.5.a.(7) *Malfunction and noncompliance*, as presented by Staff. The motion was seconded by Commissioner Wuennenberg.

Upon roll call, the vote was as follows:

**Aye: Commissioner Harris, Commissioner Marino,
Commissioner Midgley, Commissioner Rosenauer,
Commissioner Schenberg, Commissioner Tilman,
Commissioner Wuennenberg, Chair Hansen**

Nay: None

The motion passed by a vote of 8 to 0.

Upon roll call, the vote to approve P.Z. 08-2019 City of Chesterfield (Unified Development Code—Article 4), as amended, was as follows:

**Aye: Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Commissioner Midgley, Commissioner Rosenauer,
Commissioner Schenberg, Chair Hansen**

Nay: None

The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Gene Schenberg, Secretary