



**CITY OF CHESTERFIELD
BOARD OF ADJUSTMENT MEETING SUMMARY
Thursday, October 2, 2008**

The Board of Adjustment meeting was called to order at 7:03 p.m. on Thursday, October 2, 2008 by Ms. Laura Lueking, Acting Chair of the Board of Adjustment.

I. Introduction of Board and City Staff

The following individuals were in attendance:

Ms. Laura Lueking, Acting Chair
Ms. Marilyn Ainsworth
Mr. Bruce DeGroot
Mr. Richard Morris
Mr. Robert Tucker

Councilmember Bob Nation, Ward IV
Mr. Rob Heggie, City Attorney, City of Chesterfield
Ms. Annissa McCaskill-Clay, Lead Senior Planner, City of Chesterfield
Ms. Mara Perry, Senior Planner, City of Chesterfield
Ms. Mary Ann Madden, Recording Secretary, City of Chesterfield
Court Reporter, Midwest Litigation Services

Acting Chair Lueking acknowledged the attendance of Councilmember Barry Flachsbart, Ward I and Councilmember Bruce Geiger, Ward II.

II. Approval of August 7, 2008 Meeting Summary

Richard Morris made a motion to approve the Meeting Summary. The motion was seconded by Marilyn Ainsworth and passed by a voice vote of 5 to 0.

III. Request for Affidavit of Publication

The Chair noted that the Affidavits of Publication and exhibits for all Petitions had been placed on the dais.

IV. Public Hearing Items:

The Chair read the Opening Comments for the Public Hearings.

A. B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.):

A request for a variance from City of Chesterfield Ordinance #1617 to permit a parking structure in a "C8" Planned Commercial development to maintain a fifteen (15) foot setback in lieu of the required fifty (50) foot setback and a second variance to Section 1003.168c.2.2.f of the City of Chesterfield Zoning Ordinance to permit two subdivision identification signs at one main entrance to the subdivision. (18T340234)

Staff Presentation:

Ms. Mara Perry, Senior Planner for the City of Chesterfield, presented exhibits supporting the petition requesting a variance to allow the Petitioner to maintain a 15-foot setback in lieu of the required 50-foot setback for the construction of a parking structure; and to permit two subdivision identification signs at one main entrance. City Attorney Heggie noted receipt of Exhibits 1-8.

Ms. Perry then stated that the subject property is referred to as "Downtown Chesterfield, Phase One" and was zoned "C8" Planned Commercial prior to the incorporation of the City of Chesterfield. A smaller portion to the north of this property was also rezoned to "C8" Planned Commercial by the City of Chesterfield in 1997 and was then amended a second time. As a result, there are two ordinances governing the subject site.

During review of an Amended Site Development Concept Plan, a proposed setback change to a parking structure setback and additional project identification signage were found to not conform to ordinance regulations. It was noted that the Amended Site Development Concept Plan was being done, in part, to change the roadway system to connect to a park road that the City is constructing adjacent to the subject property.

Staff sent a letter to the Petitioner advising that the two variances could not be requested during the review of the Concept Plan. On August 11, 2008, the Planning Commission approved the Amended Site Development Concept Plan by a vote of 9-0 without the two requested items.

Variance Requests:

1. Parking Structure Setback: Ordinance 1617 requires a 50-foot setback for parking structures from the western boundary of this development. The western boundary of the site is adjacent to the City's future park. This 50-foot setback requirement does not match the setback requirement for the property governed by Ordinance 6815, which is immediately adjacent to the site and has a 15-foot parking structure setback.

2. Location of Signage: Section 1003.168.c2.2.f of the City's Sign Regulations allows developments that have a minimum of 10 lots to have one subdivision identification sign at each main entrance. The Sign Regulations do not permit two signs at one entrance. The subject property has 11 lots and two main entrances – one off Chesterfield Parkway and one connecting to Veterans' Place Drive, the road leading to the park. The Petitioner is requesting two signs at the Chesterfield Parkway entrance in lieu of one sign at each entrance.

Petitioner's Presentation:

Mr. Mike Doster, Attorney with the law firm of Doster Guin and representing the Petitioner, gave a PowerPoint presentation stating that the Petitioner is requesting two variances – one with respect to the parking setback and one with respect to the relocation of one of the permitted project identification signs. He requested a separate vote on each variance request.

Variance Requests:

1. Parking Structure Setback: - The Petitioner is requesting the following change in language to Ordinance 1617: ~~Fifty (50)~~ **Fifteen (15)** feet from the western property limits of this "C-8" District development.

It was noted that two ordinances govern the subject site – Ordinances 1617 and 6815 and the proposed parking structure falls in the middle of both ordinances. Ordinance 6815 has a 15-foot parking structure setback requirement while Ordinance 1617 has a 50-foot parking structure setback requirement. They are requesting that the setbacks be consistent to permit a 15-foot parking structure setback all along the western boundary of the subject project.

Veterans' Place Drive (also referred to as the "park road") will be the main access road into Central Park and was relocated at the request of the City. This variance request is the subject of a provision in the Road Dedication and Property Exchange Agreement entered into by the City and an affiliate of Sachs Properties in July, 2008. Parties to the Agreement include the City, the County Library District, the YMCA, and the Sachs affiliate – Central Parks Square, Inc. Under this Agreement, the obligations of Central Parks Square and the YMCA are contingent upon this variance being approved.

City Attorney Heggie stated that the Agreement, along with the gifts of the land to the City for the construction of the park road, is contingent upon this variance being granted.

2. Location of Signage: The Petitioner is requesting that the two permitted project identification signs both be allowed at the Park Circle Drive entrance

rather than one sign at the Park Circle Drive entrance and one sign at the Main Circle Drive entrance.

The Petitioner feels a sign at Main Circle Drive and Veterans' Place Drive is unnecessary and not helpful to the identification of Downtown Chesterfield or the retail tenants that will be located in this area. This entrance is the primary entrance to the park and may be used by employees working in the retail/office developments. This entrance also serves a purpose with respect to the Fire District's requirements – but the Petitioner does not feel a sign at this location serves much of a purpose in advertising Downtown Chesterfield to the public.

It was noted that the size and design of the project identification signs would be reviewed by the Planning Commission. The Petitioner is asking the Board of Adjustment to approve the relocation of one sign so that two signs would be permitted at the Park Circle Drive entrance.

The proposed signs would be canted so that they would not be directly facing the street. It was noted that Park Circle Drive intersects with Chesterfield Parkway West, which is a wide parkway and has a landscaped median running down the middle of it. If there was only one canted project identification sign, it would only be seen by traffic proceeding towards the sign – the sign would not be visible to traffic moving in the opposite direction. The Petitioner feels it is important to announce, in both directions, that this site is the main entrance into downtown and that particular retailers are located in this part of downtown.

Mr. Doster presented the following “practical difficulties” for the Board’s consideration:

- Setback Variance Request: The practical difficulty is created by the disparity between the two zoning ordinances. There is a zoning line which splits the proposed location of the parking structure resulting in two different setback requirements. It was noted that “absent the requested relocation of the park road”, the Petitioner would be in compliance with the existing setbacks. But with the relocation of the park road, the Petitioner needs the variance from 50 feet to 15 feet in order to place the parking structure in the proposed location.
- Relocation of Project Identification Sign: A project identification sign at the intersection of Main Circle Drive and the park road is of no use to the Petitioner. A sign would be more useful placed at the intersection of Chesterfield Parkway West and Park Circle Drive so as to allow traffic moving in both directions on Chesterfield Parkway West to observe that this is a major entrance into Downtown Chesterfield. Chesterfield Parkway West will be the main road used by vehicular traffic to access Downtown Chesterfield.

Mr. Doster stated that in granting the variance request, the Petitioner would be agreeable to a condition that would not permit a project identification sign at the intersection of Main Circle Drive and the park road.

Noting that Lydia Hill has the only signalized light in the area, Laura Lueking asked if any additional signalized lights are contemplated. It was noted that there will not be a signalized light at Park Circle Drive and Chesterfield Parkway West and no plans are being made at this time for a light at Burkhardt Place.

Speakers in Favor:

1. Mr. Barry Flachsbart, 347 Ridgemoor Drive, Chesterfield MO stated he was speaking as a private citizen but noted that he is a member of City Council and serves as Chair of the Parks & Recreation Committee of Council. Near the proposed parking structure will be a future amphitheater constructed by the City. Since there is not much parking along the street for the amphitheater, it is realistic to assume that citizens will use Sach's parking structure when visiting the amphitheater, which will serve the City's needs for parking. He supports the variance to decrease the parking structure setback.

Regarding the Petitioner's request for two signs at one entrance, Mr. Flachsbart noted that it is being contemplated to include monuments to veterans in the area adjacent to Veterans' Place Drive. It is his feeling that to have a project identification sign in this area would detract from the atmosphere of the area being dedicated to veterans. He supports the request to relocate the project identification sign from this area to the Park Circle Drive entrance.

2. Mr. Bruce Geiger, 14787 Greenloch Court, Chesterfield, MO stated that he is a Councilmember for the City of Chesterfield and he is in favor of granting the two variance requests. Mr. Geiger added that he is in agreement with the comments made by Mr. Flachsbart.

There were no speakers present to speak in opposition to the variance request.

CONCLUSION:

Richard Morris made a motion to approve the variance request to permit two subdivision identification signs at one main entrance to the subdivision as requested under B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.) The motion was seconded by Marilyn Ainsworth.

Bruce DeGroot moved to amend the motion to stipulate that no project identification sign is permitted at the intersection of Main Circle Drive and Veterans' Place Drive. The amendment was accepted by both Mr. Morris and Ms. Ainsworth.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	Yes
Richard Morris	Yes
Robert Tucker	Yes
Bruce DeGroot	Yes
Laura Lueking	Yes

The motion, as amended, passed 5 to 0.

Richard Morris made a motion to approve the variance request to permit the parking structure to maintain a fifteen (15) foot setback in lieu of the required fifty (50) foot setback as requested under **B.A. 09-2008 Downtown Chesterfield (Chesterfield Village Inc.)**. The motion was seconded by Marilyn Ainsworth.

Discussion

Laura Lueking inquired as to the height of the parking structure. It was noted that plans have not yet been submitted, but that a garage with two levels above ground will be proposed.

Upon roll call, the vote was as follows:

Marilyn Ainsworth	Yes
Richard Morris	Yes
Robert Tucker	Yes
Bruce DeGroot	Yes
Laura Lueking	Yes

The motion passed 5 to 0.

B. Election of Officers

City Attorney Heggie recommended that, at its next meeting, the Board elect a permanent Chair and Vice-Chair. It was the consensus of the Board to have "Election of Officers" placed on the next meeting agenda.

V. Adjournment

The meeting adjourned at 7:40 p.m.