

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
APRIL 26, 2021**

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 Nathan Roach
Commissioner Gene Schenberg
Commissioner Jane Staniforth
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

Mayor Bob Nation
Councilmember Mary Monachella, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning
Mr. Mike Knight, Assistant City Planner
Mr. Chris Dietz, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen introduced Councilmember Mary Monachella as the new City Council Liaison to the Planning Commission noting that she chairs the Planning & Public Works Committee and was a former member of the Planning Commission. Chair Hansen then welcomed Mayor Bob Nation and Councilmember Aaron Wahl, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - Commissioner Schenberg read the "Opening Comments" for the Public Hearing.

- A. P.Z. 02-2021 Conway Point Office (SMS Group):** An ordinance amendment to modify permitted uses for a tract of land totaling 1.492 acres zoned "PC" Planned Commercial District located at the southwest corner of the intersection of Chesterfield Parkway East and Conway Road (18S310557).

STAFF PRESENTATION:

Planner Chris Dietz gave a PowerPoint presentation showing photographs of the site and surrounding area. Mr. Dietz then provided the following information about the subject site:

Site History

In 2007, the site was rezoned to "PC" Planned Commercial District to accommodate a proposed financial institution building, but which never came to fruition. The governing ordinance was then amended in 2020 to modify development criteria for the site to accommodate a new commercial building.

Request

The current request is an Ordinance Amendment to add three permitted uses:

- Administrative Offices for Educational or Religious Institutions
- Church and Other Places of Worship
- Community Center

No other changes to the development criteria or preliminary plan are being requested. Staff is waiting for a few agency comments before the petition is ready for a vote by Planning Commission.

Discussion

Responding to questions from Commissioner Schenberg, Mr. Dietz provided the following information:

- The Preliminary Plan does not show any parking behind the proposed building.
- There are no curb cuts along Chesterfield Parkway from the subject site. All ingress/egress to and from the site will occur via a cross-access point with the property at 15320 Conway Road.

Community Center

Discussion ensued regarding the requested *community center* use, which is defined as follows:

A place, structure, area, or other facility used for and providing religious, fraternal, social or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Commissioner Tilman questioned why this particular use is being requested and whether the proposed 15,000 sq. ft. facility would accommodate what the user is contemplating in terms of parking and building size. Chair Hansen also brought up the concern about how traffic would be impacted in the area with vehicles exiting the site after a large event.

Mr. Justin Wyse, Director of Planning, explained that based on conversations with the applicant, Staff recommended that the *community center* use be included to accommodate how they envision the building will be utilized.

Commissioner Midgley pointed out that the preliminary plan shows approximately 50 parking spaces, and questioned whether this is adequate for the *community center* and *church and other places of worship* uses. Mr. Dietz replied that parking is reviewed at

the site plan stage of the development process to determine if the site can provide the required parking for the requested uses.

PETITIONER'S PRESENTATION:

Mr. Sean Sortor, 1717 Wilson Avenue, Chesterfield, MO.

Mr. Sortor stated that they are requesting the additional three uses in order to accommodate the potential user, the Chabad of Chesterfield, who is considering utilizing about 6,000 sq. ft. of the building as a house of worship. It is the applicant's intent to stay within the parameters of the footprint shown on the preliminary plan with no parking between the building and Highway 40.

Discussion

Discussion continued on whether *community center* is an appropriate use for this site. Given the intended use for the facility, Commissioner Tilman felt that the *church and other places of worship* use is all that is necessary, and that the *community center* use is not needed. Mr. Wyse confirmed that the potential user falls under the classification of *church or other house of worship*. But because of previous discussions with this user for another site on Clarkson, Staff felt *community center* should also be included as a use.

Commissioner Tilman suggested expanding the definition of *church and other places of worship* rather than allowing a *community center* use for a 15,000 sq. ft. building with only 50 parking spaces. Chair Hansen pointed out that if the *community center* use is approved for the site, it opens the potential of a future tenant utilizing it for meetings of larger-sized groups.

Because the potential user will only be using a portion of the building, question was raised as to whether multiple tenants will be using the building. Mr. Sortor responded that they are in the early stages of discussion with the Chabad, so it has not yet been determined whether the Chabad will be the sole tenant. It is anticipated that there will be clarity regarding the tenancy of the building at the site plan stage.

Chair Hansen asked if the applicant is open to removing the *community center* use from its request. Mr. Sortor stated that they would consider having the use removed.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES

Mr. Dietz noted that the only issue raised was the possible removal of the *community center* use.

V. APPROVAL OF MEETING SUMMARY

Commissioner Schenberg made a motion to approve the Meeting Summary of the **March 22, 2021 Planning Commission Meeting**. The motion was seconded by Commissioner Harris and **passed by a voice vote of 9 to 0**.

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

- A. P.Z. 01-2021 City of Chesterfield (Unified Development Code—Article 4 and Article 10):** An ordinance amending Article 4 and Article 10 of the Unified Development Code to revise regulations pertaining to window signs.

STAFF REPORT

Mr. Mike Knight, Assistant City Planner, stated that the purpose of this petition is to discuss and potentially revise the Unified Development Code (UDC) regulations with respect to window signs

Upon direction of the Planning & Public Works Committee, Staff has researched the current regulations and brought forward potential updates to window sign regulations in the UDC based on concerns. A Public Hearing was held on March 22, 2021. At that time, a few items were brought up by the Commission for staff to research, clarify, and bring back before the Planning Commission. The Commission specifically requested the following:

- A table comparing the current code regulations to the proposed language for window signs;
- Information as to whether the City has the ability to regulate the distance interior signs are placed from external windows;
- Implementation of the new sign code; and
- Input from the Police Department regarding safety guidelines and the amount of signage covering windows.

Table Comparison

Below is a table reflecting a general comparison between the current and proposed language for window signs.

Window Sign Criteria	Current Regulation	Proposed Regulation
Number of signs	Unlimited	2 signs per tenant; 3 signs if tenant is the sole occupant of a building located on a corner lot or a lot with double frontage
Location	Every window on all floors	2 signs per tenant on the first 2 floors
Size	40% of any window on 1 st floor; 20% - 2 nd floor and up	40% of any window on 1 st & 2 nd floors
Permit Required	No	No

Interior Signs

At the Public Hearing, the Planning Commission discussed the potential regulation of signs inside the building but seen through a window. Question was raised as to whether the City has the ability to regulate a specific distance from a window in which signs can be placed. Although some municipalities do regulate interior signs seen through

windows, there does not appear to be a consistent distance or threshold to be applied. Furthermore, the ability to regulate by a certain distance may be difficult in practice. Staff does not recommend trying to regulate interior signage.

Implementation of the new window sign language

Currently, all codes changes are implemented through a new request, or new signs must meet the current regulation of code.

It was noted that the City has been intentionally relaxed on items such as temporary signage to promote business during the COVID 19 pandemic. This has corresponded to an abundance of additional site signage across the City, including temporary signs and attention-getting devices. It is anticipated that a mass communication to businesses will be needed regarding any changes to the window sign regulations, along with information about the suspension of temporary signage regulations allowed during the pandemic.

Input from the City of Chesterfield Police Department:

Staff was asked to contact the Police Department for any safety guidelines pertaining to how much of a window should not be covered by signage. From a crime prevention standpoint, the Police Department has noted that the more signs on a window, the more difficult it is to see inside the business. Such tips are provided to businesses within the community to help improve the security of their facility, but the Police Department does not see a direct need to regulate it from a safety perspective.

CONCERNS AND RECOMMENDATIONS

Concern #1

Window signs are currently permitted on multiple floors of buildings.

Currently there are very few window signs above the first floor of buildings. Although it may be unlikely in the current environment of Chesterfield, if a building did utilize window signs on a high floor, it could easily conflict with the Purpose delineated in City code, specifically *conforming to the character of the community and not overloading the public's capacity to receive information.*

Staff Recommendation

Staff proposes a minor adjustment to the code by ***solely permitting window signs on the first floor and second floor of a building.***

Currently there are not many, if any, businesses that have window signs above the first floor and none known above the second. Although this may have minimal impact on the current conditions, it will prevent a full-glass office building from having numerous signs on numerous tenant floors above the first and second level.

It was noted that this recommendation is in line with Purpose of the code, and does not prevent ordinance amendments or sign package submittals.

Concern #2

There is no maximum on the total number of window signs.

Staff Recommendation

Each tenant will be allowed one window sign on any two windows of a building or particular tenant space, unless the tenant business is the sole occupant of a

building located on a corner lot or double frontage, then the business may have one window sign on any three windows.

Below is a red-line version of the Unified Development Code incorporating the recommendations above.

Section 405.04.050 F.8.c.

Window Signs.

- 1) Subject to the specific regulations set out below, each business occupying a tenant space or being the sole occupant of a freestanding building shall have no more than one (1) window sign on any two (2) windows of a building that are exterior windows of the particular building or tenant space solely on the ground/ first floor or second floor of the building. Window signs may be in addition to other permitted signs.
- 2) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) window sign on any three (3) windows of a building.
- 3) The outline area of said signs, whether temporary or permanent, shall occupy no more than forty percent (40%) of the outline area of any window on the ground/ first or second floor level of the building.
- 4) A sign permit shall not be required for any window sign.

SIGN, WINDOW

Any sign, including paint, placed ~~inside a window or~~ upon ~~the window~~ a single pane ~~or~~ of glass that is visible from the exterior of the window.

Mr. Knight then brought the Commission's attention to the following:

- When considering the regulations of window signs, items such as hours of operation, open/closed, and other messages that cannot be understood from a position off-site are considered "incidental" and are exempt signs in the City's Unified Development Code.
- Items propped up inside the window area, but not on the window, are not considered window signs.
- The City of Chesterfield approved Ordinance 3124, which acknowledges the economic impact on business due to the COVID 19 pandemic and allows the reasonable temporary suspension for various development criteria, including regulation on temporary signs. The potential updates to code would in no way prohibit or retract from the intent of Ordinance 3124.

Staff is requesting that the Planning Commission vote on these amendments in order for them to move forward to the Planning and Public Works Committee.

Discussion

Commissioners Schenberg and Tilman voiced concern that the proposed regulations are too restrictive in that they hinder retail from promoting their businesses. They indicated a

desire for allowing retail businesses to utilize more window space for advertising than what is being proposed.

Chair Hansen referred to the purpose of the sign ordinance which states, in part:

Signs shall conform to the character of the community, enhance the visual harmony of development, and preserve the public health, convenience, welfare and/or safety within the City of Chesterfield by maintaining the high aesthetic quality of the community.

She noted that the purpose seems to be in conflict with the concerns being raised about regulations being too restrictive.

Staff then provided clarification on the following:

- With respect to shopping malls, the sign regulations for wall and window signs do not pertain to internal mall areas.
- Retail spaces in areas such as Chesterfield Valley would need to comply with any new sign regulations.
- Businesses are allowed to change their signs seasonally without getting a new permit, but are only allowed two signs.
- Most municipalities within St. Louis County have window sign regulations.
- Under the proposed regulations, only tenants on the first or second floor of a building would be allowed to use window signs for their business only – a business on a higher floor would not be allowed to advertise in the window of a first or second-floor business.

Discussion continued on trying to find a balance between the purpose of the sign ordinance (*maintaining the high aesthetic quality of the community*) and not being overly-restrictive.

Councilmember Monachella explained that after one applicant recently requested signs on all windows of a building, City Council realized that the current window sign regulations are too open and need to be reviewed. She noted that the ordinance allows temporary signs, which are meant to be read face-to-face requiring someone to be on the first or second floor. However, the current regulations would allow temporary signage on all windows of a building, which is what the Council wants to avoid.

Mr. Wyse added that under the current regulations, businesses have the ability to use windows as wall signs of a magnitude that have not ever been approved within the City.

Commissioner Wuennenberg suggested utilizing a specific percentage of window area for signage on the first and second floors of a building. Commissioner Tilman stated that he still feels that retail businesses should not be limited on the amount of window signage.

After additional discussion, the Commission directed staff to bring forth proposed regulations referencing a percentage of window area for signage on the first and second floors of a building. It was also noted that 40% is considered too much.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Gene Schenberg, Secretary