

MINUTES

CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

JANUARY 17, 2012

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m., Chairman Harold Sanger presiding. Upon roll call, the following responded:

Present:

Chairman Harold Sanger
Craig S. Owens, City Manager
Steve Lichtenfeld, Aldermanic Representative
Jim Liberman
Marc Lopata
Scott Wilson
Ron Reim

Absent:

None

Also Present:

Susan M. Istenes, AICP, Director of Planning & Development Services
Jason Jaggi, Senior Planner
Kevin O'Keefe, City Attorney

Chairman Sanger welcomed everyone to the meeting. He asked that all cell phone ringers be muted and that conversations take place outside the meeting room. He reminded everyone of the recording system and to please be sure that all microphones are turned on for proper recording.

MINUTES

The minutes of the December 19, 2011 meeting were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Sanger announced that Mark Mehlman has requested that he be allowed to speak to the Commission this evening. He then called Mr. Mehlman up to the podium.

Mr. Mehlman conveyed his disappointment with regard to the plaza signage at the office building he occupied at 50 North Bemiston which was bought by Sterling Bank in November, 2010. He indicated that there was a clear understanding that the name of the plaza, "Natalie Gayle", named after his daughter who passed away in 1999, would be maintained and that when the bank appeared before the ARB in March, 2011 for signage, it was indicated that the plaza name was to remain "Natalie Gayle" to only later find out that the sign was changed to "Sterling Bank Plaza". He indicated that when he called the bank, he was told that they meant to call him to tell him the plaza name was being changed. He informed the members that he hopes to present to them a new Natalie Gayle sign for the existing office building at 7745 Carondelet Avenue. He then thanked the City for listening and understanding.

Marc Lopata asked if the new sign is not in compliance with the Sign Ordinance.

Chairman Sanger indicated that there are two issues/two violations to what was approved: the square footage of the sign is too large and that the plaza name was to remain "Natalie Gayle". He informed the members that the bank took down the Natalie Gayle sign. He stated that he is very proud of Susan (Istenes) in the way she handled this situation.

LOT CONSOLIDATION/SUBDIVISION PLAT – 10 SOUTH BRENTWOOD BOULEVARD (MUNICIPAL FACILITY)

Mike Pratt, the City's Public Works Director, was in attendance at the meeting.

Susan Istenes explained that on January 9, 2012, an application for Subdivision Plat was filed by the City's Public Works Department. The 10 South Brentwood Boulevard Lot Consolidation and Boundary Adjustment Plat prepared by Clayton Engineering Company is a component of the approvals required for the redevelopment of the property at 10 South Brentwood Boulevard from a multi-tenant office building to a municipal police facility. On August 15, 2011, the Plan Commission recommended approval of the Conditional Use Permit for the municipal police building. Resolution No.11-29 passed by the Board of Aldermen on August 23, 2011 contained the following condition as recommended by the Plan Commission:

"That a subdivision plat and sidewalk easement be submitted and approved by the Plan Commission and Board of Aldermen showing the relocated property line along Carondelet Avenue providing a 10-foot setback between the building addition and property line."

Susan stated that the subject subdivision plat is submitted to satisfy this requirement. This project meets the requirements of a Major Subdivision in that it consolidates lots, creates a new lot, vacates portions of a right-of-way, and creates new public access easements. Under the Major Subdivision procedure of the City’s Subdivision Regulations, the Plan Commission is required to consider the plat and provide a recommendation to the Board of Aldermen. The proposed plat consolidates five (5) lots laid out in the original Town of Clayton plat into one (1) new lot, adjusts the boundaries of the consolidated lot and provides for public access and utility easements. The existing property contains five (5) lots which were part of the original Town of Clayton plat. The submitted plat will consolidate all five (5) lots into one new lot (shown as “Adjusted Lot A”). The plat shows an extension of the southern boundary of the property southward by 15-feet located near the curb line. This area (shown as “Original Parcel 1”) contains 3,136 square feet. This boundary adjustment is proposed in order to meet the 10-foot setback requirements as stipulated in the approved Conditional Use Permit and to provide for public sidewalk, streetscape, and utility access. Combined, the new lot measures 44,419 square feet. The land subject to the above boundary adjustment is currently Carondelet Avenue public-right-of-way used as a public sidewalk. Because this area is public right-of-way, a portion of the right-of-way will need to be vacated. Clayton Engineering has submitted a vacation plat which is a separate but related component of this subdivision plat. Approval of the vacation of this right-of-way is required in order to satisfy the setback and public sidewalk components of the project. Also shown on the plat are easement exhibits necessary to provide access for electrical and sewer facilities currently located in the right-of-way but, as a result of the boundary adjustment, will now be located on private property. An additional 10-foot wide easement granted to the City of Clayton is shown on the south side of the property for sidewalk and streetscape use and maintenance.

The following provides a summary of the land area subject to the consolidation, vacation and boundary adjustment:

Original Lot 1	Original Lot 2	Original Lot 3	Original Lot 4	Original Lot 5	Vacated R-O-W	New Adjusted Lot A
8,688 SF	8,688 SF	8,688 SF	7,601 SF	7,618	3,136 SF	44,419 SF

The proposed plat will consolidate old remnant lots and provide a new single lot for the property. The plat also satisfies the conditional use permit requirement by providing a 10-foot front yard setback on both street frontages in compliance with the Zoning Regulations. The easements shown on the plat will allow a portion of the 10-foot setback area fronting Carondelet Avenue to continue to be used as a public sidewalk with the City’s streetscape. The plat also provides for the appropriate access for public utilities which will serve the building.

Susan stated that staff recommends approval of the Lot Consolidation and Boundary Adjustment Plat to the Board of Aldermen with the following conditions:

1. That the applicant provide a Mylar for the appropriate City of Clayton signatures per the Subdivision Ordinance requirements after Board of Aldermen approval;
2. That the applicant file the plat with the St. Louis County Recorder of Deeds office and submit proof of filing to the City within thirty (30) days of Board of Aldermen approval.

Chairman Sanger announced that Brentwood Boulevard was once called Coleman Avenue.

Mike Pratt stated that he believes the Plat conforms with the Conditional Use Permit requirement.

Chairman Sanger asked if there were any questions.

Steve Lichtenfeld asked if anyone knew why these lots were never previously consolidated.

Mike Pratt replied that he did not know, but believes this is the right thing to do.

Being no further questions or comments, Steve Lichtenfeld made a motion to recommend approval of the plat as presented to the Board of Aldermen per staff recommendations. The motion was seconded by Ron Reim and unanimously approved by the members.

Chairman Sanger asked how the building renovations are progressing.

Mike Pratt indicated that things are going well; however, they are not going as fast as he would like. He stated that the goal is to occupy by December of this year. He added that two of the projects (solar panels and energy efficient components) for which grants were received have to be completed by August.

Marc Lopata asked if an extension has been requested.

Mike Pratt indicated that he hopes to.

ARCHITECTURAL REVIEW – SCREENING – FONTBONNE – 6800 WYDOWN BOULEVARD

Elmer Schneider, with Fontbonne University, was in attendance at the meeting. Also in attendance was Scott Uhlig, project architect.

Susan Istenes explained that this is a request by Fontbonne University for review of the design and materials associated with the screening of a diesel generator recently installed on the west side of Ryan Hall. The generator was installed in November 2011 without the required mechanical permit as issued by the City. An inspector stopped work on the project and notified the University's contractor of the need to apply for a permit and to provide screening for the mechanical equipment. On November 21, 2011, Fontbonne's contractor applied for a mechanical permit. On December 16, 2011, an application for architectural review and plans were submitted for approval of the screening of the unit. The permit has not been issued pending the Architectural Review Board's approval of the screening. The plans show a 12-foot tall vinyl fence material placed in front of the generator with a stone look to mimic the natural cut stone appearance of the building. The fence will be constructed using two (2), six (6) foot tall panels stacked on top of one another. As shown, the height of the proposed fence will completely screen the unit. In front of the fence will be eight (8) Emerald Green Giant Arborvitaes with an as-planted height of six (6) to eight (8) feet. The color of the fence material is not specified; however, in conversations with the project architect, the intended color is gray/white to resemble limestone. Susan indicated that the generator is placed approximately 236-feet from Big Bend Boulevard and is visible from the street beyond the surface parking lot. Staff has reviewed the material specifications for the fence material and is of the opinion that the fence presents an acceptable appearance for the screening of a mechanical unit. Additionally, the proposed landscaping will soften the appearance of this tall fencing and will contribute to the overall screening effect. Staff has concerns with the proposed color of the fencing and believes that a tan/red color will more closely match the exterior stone of the building and recommends approval with the condition that the fence material be of a color (red/tan) to closely match the exterior of Ryan Hall for staff review and approval prior to issuing the mechanical permit.

Mr. Uhlig indicated that he brought along three color samples, which were passed around for the members to review.

Chairman Sanger asked if the building is brick or stone.

Jason Jaggi indicated that the building is granite.

Steve Lichtenfeld asked if the material is similar to the sound walls used along highways.

Mr. Uhlig replied "yes".

Steve Lichtenfeld commented that he thought it was a solid material. He asked if it has been used in Clayton before.

Jason Jaggi replied “no”.

Mr. Schneider informed the members that the generator will only run for ½ hour every Monday morning unless the power goes out.

Chairman Sanger asked the other members what their color preference is.

Steve Lichtenfeld stated that he prefers the grayish color as the other two seem too orange.

Marc Lopata stated he prefers the gray as well.

Jim Liberman commented that it is not pretty, but he thinks it will do.

Mr. Uhlig reminded the members that there will be landscaping in front of the wall.

Being no further questions or comments, Steve Lichtenfeld made a motion to approve per staff recommendation with the use of the gray (specifically “brown granite”) color as presented this evening. The motion was seconded by Marc Lopata and unanimously approved by the Board.

PUBLIC HEARING – ZONING ORDINANCE (CHAPTER 405) TEXT AMENDMENTS - RENEWABLE ENERGY SYSTEMS REGULATIONS

Jim Liberman made a motion to open the public hearing. The motion was seconded by Scott Wilson and unanimously approved by the members.

Jason Jaggi began a PowerPoint presentation. The first slide outlined the purpose of the new code section; provide standards for Renewable Energy Systems, further the City’s goals for sustainable development, encourage the use of Renewable Energy Systems and provide a measure of predictability for property owners contemplating the use of these systems. Slides depicting background information and the process to date were presented. Jason explained that to date, five solar panel installations have been approved by the ARB, that the City expects to receive additional requests and that there is increasing governmental interest. He stated that in April, 2011, the initial draft regulations were presented to and reviewed by the Plan Commission; in May, 2011, a second draft was reviewed by the Plan Commission with a directive to proceed with public input, which took place during November and December. Jason indicated that public outreach included a direct e-mail to the design and construction industry,

subdivision trustees and the individuals that are on the e-subscribed list as well as a listing in the City Views Newsletter, weekly e-blast and the establishment of a web page under “pending legislation”. Jason then provided (and a slide depicted) the components of the proposed regulations (a new Article XXVIII “Renewable Energy Systems”) which define two types of energy systems (defined as accessory uses): solar and wind, the three various installation methods (building-mounted, building-integrated and ground-mounted) and the classifications. He indicated that all applications will require Architectural Review Board approval; some will require a conditional use permit via Board of Aldermen approval as well. Slides depicting specific requirements of each installation method, whether residential or commercial, were shown.

Marc Lopata asked about the permitted and conditional aspects of the regulations.

Jason Jaggi indicated that within each zoning district, of which there are seven residential zoning districts and four commercial zoning districts, there are uses that are permitted by right and uses that are permitted by a conditional use permit so as to minimize potential impacts.

Marc Lopata asked if air conditioning condenser units are assigned a conditional use permit.

Jason Jaggi replied “no”. He stated that renewable energy systems would have a greater impact than an A/C condensing unit.

Marc Lopata stated that there are challenges to that approach throughout the country and the problem in applying zoning. He stated that these systems are personal property.

Jason Jaggi indicated that the City has the right to regulate land use and can impose regulations.

Kevin O’Keefe commented that there are placement and screening requirements associated with A/C condenser units.

Marc Lopata agreed, stating, however, that there is no use assignment associated with them. He reiterated that they are personal property.

Kevin O’Keefe stated that A/C condenser units are a single unit installation and that solar arrays will have a visual impact, a reflective possibility as well as a variety of unforeseen circumstances.

Marc Lopata stated that generators only require the issuance of a mechanical permit.

Chairman Sanger indicated that this is a new situation for us (Clayton), that the process needs to be understood and the importance of having control over these systems.

Marc Lopata agreed, stating that however, they cannot be treated contrary to the law.

Marc Lopata then brought up the issue of permit fees. He stated that the City's Building Official (Steve Askins) wants to treat these as building permits rather than mechanical permits.

Jason Jaggi commented that the permit fees will not be that high.

Chairman Sanger stated that the City Attorney will advise if there are any legal issues.

Jason Jaggi indicated that the permit fee will be very small in comparison to the project fee.

Marc Lopata stated that a commercial project permit fee could cost several thousands of dollars. He then stated that the City of St. Louis only requires an electrical permit.

Kevin O'Keefe informed Marc that this ordinance does not set the fee structure.

Marc Lopata stated that it does set it up for that.

Susan Istenes indicated that staff did look at fees and concurred that this ordinance does not cover fees.

Chairman Sanger asked Jason to continue with his presentation.

Jason Jaggi continued with details regarding specific components of the code.

Chairman Sanger asked for clarification that panels on front facing roofs are not permitted.

Jason Jaggi clarified that he was correct; stating that it is hoped there would be another option available.

Chairman Sanger asked if solar panels could be installed on the front facing roof of an accessory structure if they were not visible from the street.

Jason Jaggi replied “yes”, provided they are not visible from the street.

Chairman Sanger asked if there is any type of relief if a rooftop solar panel installation could not permit a 2-foot setback all the way around.

Jason Jaggi replied “no”; not as currently written. He indicated that there is a fire code provision for access.

Marc Lopata asked if the fire department personnel would get on the roof of a burning building.

Jason Jaggi indicated that he did not know the answer to that, but that they (the fire department) may need to vent the roof.

Kevin O’Keefe mentioned that a variance from these regulations could be sought from the City’s Board of Adjustment.

Marc Lopata suggested re-visiting the regulations as time progresses and the City gains experience with these systems.

Jason Jaggi agreed. A slide depicting other requirements was shown, such as the requirement for a building permit (noting that this code does not amend building or fire codes), abandonment restrictions and alternative compliance, which defines a procedure for consideration of site-specific alternatives that are equal to or superior to the standards. Jason indicated that the next step, once the public hearing/Plan Commission consideration is concluded, is to provide a recommendation to the Board of Aldermen who will also hold a public hearing (which could take place on February 14th if approved by this Commission this evening).

Chairman Sanger asked if Enterprise would only be allowed to install one ground pole wind turbine on their campus.

Jason Jaggi replied “yes”. He stated that they could, however, add rooftop systems.

Chairman Sanger commented that he predicts that in not too many years, solar energy systems will be a status symbol and that eventually, the prohibition of front exposure will be eliminated. He then referred to the long list of concerns that was e-mailed by Marc Lopata. He suggested closing the public hearing at this time.

On motion by Steve Lichtenfeld, seconded by Scott Wilson and unanimously approved, the public hearing was closed.

Marc Lopata stated that he would like to have his concerns discussed.

Chairman Sanger suggested continuing the discussion to the next meeting.

Susan Istenes asked Chairman Sanger if he would like her to e-mail staff's responses in advance of the meeting.

Chairman Sanger replied "yes, please".

Scott Wilson stated that this is a work in progress and that the regulations will likely look different in 5 years.

Jim Liberman asked the status of the martial arts studio on Hanley Road that was recently approved.

Susan Istenes indicated that staff has not heard anything.

Being no further business for the Plan Commission/Architectural Review Board, this meeting adjourned at 6:40 p.m.

Recording Secretary