

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
OCTOBER 11, 2021**

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

I. ROLL CALL

PRESENT

Commissioner Caryn Carlie
Commissioner Allison Harris
Commissioner John Marino
Commissioner Nathan Roach
Commissioner Jane Staniforth
Commissioner Guy Tilman
Commissioner Steven Wuennenberg
Chair Merrell Hansen

ABSENT

Commissioner Debbie Midgley

Mayor Bob Nation
Councilmember Mary Monachella, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning
Mr. Chris Dietz, Planner
Ms. Natalie Nye, Planner
Ms. Mary Ann Madden, Recording Secretary

Chair Hansen acknowledged the attendance of Mayor Bob Nation; Councilmember Mary Monachella, Council Liaison; and Councilmember Mary Ann Mastorakos, Ward II.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS - Commissioner Staniforth read the "Opening Comments" for the Public Hearings.

- A. **P.Z. 09-2021: 2272 Clarkson Road (SMS Group, LLC)**: – A request for a change in zoning from an "NU" Non-Urban District to a "PC"—Planned Commercial District for a 1.006-acre tract of land located at Clarkson Road and Wilson Avenue. (20T520103, 20T520394).

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 petition.

Request

The Applicant is requesting a change in zoning to the Planned Commercial District, which includes modifications to the permitted uses and setbacks to accommodate a 7,300 sq. ft. office building.

It was noted that the “PC” Planned Commercial District requires a minimum of 35% Open Space and a maximum of .55 FAR.

Site History

The site was zoned “NU” Non-Urban by St. Louis County prior to the City’s incorporation. In 1993, a Conditional Use Permit was issued for the adjacent mortuary site which required cross-access to the subject site. In 2021, the City approved a Boundary Adjustment Plat consolidating half of the vacated portion of Old Wilson Road right-of-way and the subject site into one parcel.

Comprehensive Plan

The subject site is located within the *Neighborhood Center Character Area*, which is defined primarily by small-scale commercial centers that provide goods and services to the surrounding neighborhoods.

Request #1 – Permitted Uses

Current Permitted Uses (“NU”)	Proposed Permitted Uses (“PC”)
1. Dwelling, single-family	1. Office—General 2. Office—Dental 3. Office—Medical 4. Retail—Neighborhood (4,000 sq. ft. or less) 5. Retail—Community (4,000 – 25,000 sq. ft.) 6. Animal Grooming 7. Barber or Beauty Shop 8. Veterinary Clinic 9. Financial Institution—No Drive Through

Request #2 – Setbacks

Current Structure Setbacks (“NU”)	Proposed Structure and Parking Setbacks (“PC”)	Adjacent Mortuary Site Structure and Parking Setbacks (C.U.P.)
Front (ROW): 50’ Side: 20’ Rear: 20’	Front (ROW): 30’ Side: 10’ Rear: 20’	Front (ROW): 30’ Side: 15’ Rear: 15’ (30’ Landscape Buffer—West)

Preliminary Development Plan

The Preliminary Development Plan shows a 7,300 sq. ft. office building with the existing curb cut from the mortuary site providing access to the subject site. A public art area is proposed, as well as a pedestrian bench area along Clarkson Road where a future sidewalk will be required.

Clarkson Valley

Because the subject site abuts the Clarkson Valley municipality, a public hearing notice was mailed to City of Clarkson Valley. It was also noted that the adjacent Clarkson Valley property is zoned *semi-rural residential*.

PETITIONER'S PRESENTATION:

Mr. Sean Sortor, 1717 Wilson Avenue, Chesterfield, MO – available for questions.

Chair Hansen asked if any plans are intended for the Old Wilson Avenue area that runs behind the subject site. Mr. Sortor explained that the road is in serious disrepair and only half of it belongs to the petitioner, with the other portions owned by the mortuary and farm ground. The applicant intends to provide a sidewalk along Clarkson Road with a bench area along the southern end of the property, which would be more visible, safer, and better maintained than trying to improve Old Wilson Avenue.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

ISSUES

Chair Hansen asked that there be a follow-up to determine whether there is a potential use of Old Wilson Avenue since so many people are currently using it, specifically students from Marquette High School.

Mr. Dietz indicated that he would also pursue getting additional clarification on the zoning of the Clarkson Valley property.

- B. **P.Z. 10-2021: Ordinance 1430 (City of Chesterfield)**: A request to bring a planned district ordinance into compliance with the City of Chesterfield Comprehensive Plan.

STAFF PRESENTATION:

Planner Chris Dietz provided the following information about the subject petition:

History

In 1961, St. Louis County rezoned 1,037.5 acres to “Planned Industrial” District to accommodate a proposed airport and industrial activity in the west end of Chesterfield Valley. Between 1980 and 1994, the Ordinance was amended several times to add/modify uses, but leaving much of the original ordinance intact.

In 1996, an Ordinance was approved by the City to include additional land south, east, and west of the original boundary area, bringing the total acreage to 1,325.62. This was followed by the Ordinance being amended three times between 1997 and 1998; each specific amendment was tailored to individual parcels. The most recent being Ordinance 1430.

In 2021, the Planning Commission formally recommended that Ordinance 1430 does not promote the vision and goals of the Comprehensive Plan; and Resolution #471 was adopted by Council to initiate rezoning of the area to address some of the non-conformities and inconsistencies with the Comprehensive Plan.

Zoning

The subject area is zoned “M3” Planned Industrial, and is surrounded by multiple zoning districts, some of which are now inactive.

Petition Overview

In accordance with City Council’s adoption of Resolution #471 to initiate rezoning of the “M3” District governed by Ordinance 1430, Staff proposes three options:

1. Keep Ordinance 1430 but revise its language;
2. Rezone the area to “LI” Light Industrial District, wherein the criteria would be established in the Unified Development Code; or
3. Rezone the area to “PI” Planned Industrial District resulting in a new planned district with site-specific development criteria.

Option 1 – Revise Ordinance 1430

Staff noted that revising Ordinance 1430 is the “least invasive” option, and then pointed out the following about the ordinance:

- Some development criteria, such as *height restrictions, open space, floor area ratio, lot area, and lot width*, are not established within Ordinance 1430.
- It permits industrial and commercial uses—including retail while the City’s current industrial districts do not permit retail.
- Other uses within Ordinance 1430 may be inconsistent with the Comprehensive Plan (*e.g. nightclubs, filling stations*).

It was also noted that the area is zoned “M3”, an inactive district, and that the City does not typically amend the permitted uses of inactive districts, but requires a new rezoning to an active district.

Option 2 – Rezone to Light Industrial District

Staff provided the following information about the Light Industrial District:

- Provides a variety of light industrial services that may be compatible with abutting commercial/industrial uses.
- Its development criteria is established in the Unified Development Code so a site-specific ordinance is not needed.
- The list of permitted uses is more restrictive.
- Because of the size of the area under consideration, rezoning to Light Industrial could cause numerous non-conformities throughout the district.

Option 3 – Rezone to Planned Industrial District

Staff pointed out that rezoning to Planned Industrial is the most intensive option.

- Would create a new planned district, with site specific ordinance.
- Has more customizable uses compared to the “LI” district.
- Allows flexibility but requires the City to provide a Preliminary Plan and Narrative Statement for the entire district.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

Mr. Mike Doster, 16150 Main Circle Drive, Chesterfield, MO.

Mr. Doster stated that he is representing two property owners subject to this petition - Greenberg-Blatt Management, LP and Spirit STL Holdings, LLC,

- Greenberg-Blatt Management, LP owns 7.8 acres located at Chesterfield Airport Road and Goddard Avenue, which were zoned "PC" Planned Commercial by Ordinance 2330 in 2007, and replaced by Ordinance 2593 in 2010. Consequently, this site is not zoned "M3" and not subject to Ordinance 1430, and should therefore be taken out of the subject rezoning process.
- Spirit STL Holdings, LLC is a developed property, zoned "M3", located at 620 Spirit of St. Louis Boulevard, and subject to Ordinance 1430. However, the certified mailing was sent to the previous property owner.

In reviewing the City's certified mailing list, Mr. Doster determined that public hearing notices were mailed to a number of individuals who are no longer the current property owner. He noted that this information has been shared with the Director of Planning for any future mailings.

He also pointed out that the public hearing notice does not provide much information resulting in many of the property owners not understanding the implications of what the City is considering. Mr. Doster then addressed the option of rezoning to a planned district and the concerns it raises:

Preliminary Plan

He stated that City Code requires a Preliminary Plan when rezoning to a planned district, and questioned how this can be accomplished when the owner is not involved – and questioned how the City can develop a plan that would include both undeveloped and developed parcels.

Legal Non-Conformities

Rezoning would result in numerous legal non-conformities for many property owners, which presents an issue for buyers, lenders, and insurers.

- The City's *legal non-conformity use* prohibits expansion and alterations.
- If an owner experiences a casualty loss for a *legal non-conformity use*, there are ordinance limitations for restoring the property.

Mr. Doster summarized that he is opposed to rezoning an entire area that is primarily developed, instead of taking developments and redevelopments on a case-by-case basis.

SPEAKERS – NEUTRAL:

Mr. Daniel Hayes, Commercial Real Estate Developer and Broker, 19120 Babler Forest Road, Wildwood, MO.

Mr. Hayes stated that he has been approached by a number of property owners who do not understand what the City is proposing. It is his recommendation that the City bring property owners into the process.

He feels the current process works whereby each property owner is allowed to come forward with their particular requests. He agrees that a new process could work for the

far west end of the Valley where there are hundreds of acres of undeveloped property. However, he has concerns with trying to rezone the entire area because of its diversity in size, uses, etc. He also pointed out that this could impact peripheral property owners.

He asked that the Commission provide ample opportunity and fairness to the people who have invested in the community.

Discussion

Chair Hansen requested a summary on how Ordinance 1430 does not align with the Comprehensive Plan. Mr. Dietz stated that there are inconsistencies between the permitted uses of Ordinance 1430 and the Unified Development Code. The ordinance includes different types of uses that are not conducive to the Comprehensive Plan with respect to industrial activity. The retail use is geographically specific and not well-defined, along with other uses not being well-defined. Development criteria, such as *height restrictions, open space, floor area ratio, lot area, and lot width*, are also not established within Ordinance 1430.

Prior to discussion on how to proceed, it was noted that there are 106 different sets of regulations within the Valley governing properties of varying sizes.

Commission members were then asked for their input:

Commissioner Wuennenberg felt the area should be zoned Planned Industrial.

Commissioner Staniforth pointed out that all the different ordinances for the area results in inconsistencies from one property to the next.

Commissioner Harris stated that there have been businesses operating in the area for a long time and the City needs to support them. She suggested that they be grandfathered in until a new project is brought forward at which time they would need to meet the current standards.

Commissioner Marino referred to Mr. Doster's comments regarding legal non-conformities and the issues they bring up for property owners.

City Attorney Chris Graville stated that he and Mr. Wyse have had extensive conversations about how to deal with non-conformities – by not taking away any vested uses from property owners, but also trying to get to a point where there is some consistency with the Comprehensive Plan.

Mr. Wyse noted that zoning to the Light Industrial District would create a lot of non-conformities. He also pointed out that there have only been a few properties rezoned to Light Industrial, but no one has ever built under it because it is too restrictive.

Commissioner Tilman stated he would like to see the Commission strive to create a planned district for the area with the assistance and input from the existing property owners. This would provide transparency as to the intent of the district so current property owners have good information on how to proceed with any expansion plans. He also expressed concern that the City has not had any input from the Airport, which is a major occupant of the area.

Commissioner Marino stated that if the area is to be rezoned, it should be stripped down to the common elements and the guidelines of the Comprehensive Plan should be utilized.

Commissioner Wuennenberg stated that he understands the Speakers' concerns of how property owners' sites could be impacted by a rezoning. He suggested bringing all the concerned parties into the discussion through a less formal format than a public hearing. He repeated his feeling that the area should be zoned to planned industrial, pointing out that the uses permitted within the light industrial district are too restrictive.

Commissioner Carlie suggested that a revision be prepared and then the property owners allowed to review it in an open format.

Mayor Nation expressed his concern that "this is a solution looking for a problem that does not exist – or may not be solvable at this point in time". He noted that this sector of the City is predominantly owned by the Airport with established uses. He does not believe that anything has been zoned inappropriately, and feels that this process is contrary to the way the City has done things.

From the comments made, Mr. Wyse summarized that the intent is to preserve what has already been constructed, and to refine specific items that have been included, or have not been included, within Ordinance 1430.

As a first step, it was suggested that Staff should meet with property owners to determine the potential impacts of rezoning. This could be done through an open house format similar to what was done for the Comprehensive Plan, or a roundtable discussion to identify specific issues.

Mr. Doster was then recognized and allowed to address the Commission. He stated that from the property owners' perspective, there has not been a clear articulation of the problem the Commission is trying to solve. If there is a well-defined statement of what the problem is, he feels the property owners could be of assistance.

Chair Hansen asked Mr. Wyse to organize a discussion among the Commission members and Staff to define the problem. This will be followed by meetings with property owners to get their perspective prior to a second public hearing.

V. APPROVAL OF MEETING SUMMARY

Commissioner Roach made a motion to approve the Meeting Summary of the September 27, 2021 Planning Commission Meeting. The motion was seconded by Commissioner Tilman and **passed** by a voice vote of 8 to 0. (*Commissioner Marino abstained.*)

VI. PUBLIC COMMENT

The following individuals, representing the Petitioner for **P.Z. 05-2021 Chesterfield Airport Service (17909 & 17947 Chesterfield Airport Road)**, were available for questions on behalf of Enterprise:

1. Mr. George Stock, Stock & Associates Consulting Engineers, 257 Chesterfield Business Parkway, Chesterfield, MO.
2. Mr. Randy Phillips, local Enterprise Rent-a-Car, 10144 Page Avenue, St. Louis, MO.

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS

- A. **Chesterfield Commons, Outlot 4 (Sonic Drive-In) Amended Lighting Plan**: A Lighting Plan for a 1.22-acre tract of land known as Outlot 4 of the Chesterfield Commons development, zoned "C8" Planned Commercial District, located on the south side of Chesterfield Airport Rd. and east of Chesterfield Commons Crossing.

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the **Amended Lighting Plan for Chesterfield Commons, Outlot 4 (Sonic Drive-In)**. The motion was seconded by Commissioner Tilman and **passed by a voice vote of 7 to 1.** (*Commissioner Carlie voted "no".*)

VIII. UNFINISHED BUSINESS

- A. **P.Z. 05-2021 Chesterfield Airport Service (17909 & 17947 Chesterfield Airport Road)**: A request for a zoning change from "M3" Planned Industrial District and "PI" Planned Industrial District to a new "PI" Planned Industrial District for a tract of land totaling 1.005 acres located north of the intersection of Chesterfield Airport Road and Cepi Drive (17V520082, 17V520071).

Planner Natalie Nye stated that the Public Hearing for this petition was held on June 28, 2021 at which time three issues were raised:

1. **Refine requested Permitted Uses and eliminate those that may not be applicable to Applicant's request.**
The Applicant has removed 12 uses; 18 requested permitted uses remain.
A complete list of all 18 permitted uses is included in the draft Attachment A.
2. **Revise the Preliminary Development Plan to accommodate future access to Sentrus Place.**
The Applicant has revised the Preliminary Development Plan which includes a cross access easement that connects to Sentrus Place. Once the Sentrus Place development is constructed, along with the public roadway, the connection will be required.
Language reflecting cross access requirement is included in the draft Attachment A, as well as language that the Chesterfield Airport Road access will be required to be closed at that time.
3. **Verify the usage of gasoline dispensing and storage on the site.**
The proposed user, Enterprise, intends to have gasoline storage and dispensing on site strictly for company vehicles and not for public use.
Staff has not included language in the draft Attachment "A" regarding gasoline dispensing or storage due to the fact that it would be a permitted accessory use to the proposed permitted use for the site.

Revised Preliminary Development Plan

Currently there are two access points to the site on Chesterfield Airport Road. One of these will be closed immediately, and the second one will be closed if, and when, the Sentrus Place connection is made.

Design Criteria Summary

- 18 Permitted Uses
- Meets 35% Open Space requirement
- Structure and Parking Setbacks to accommodate existing building and parking lot
- Landscape Buffer along Chesterfield Airport Road has been expanded to 9 feet from the existing 4 feet. *(It was noted that landscape buffers typically are required to be 30 feet but because of the existing configuration of the parking lot and the required access drive, 30 feet is not possible.)* Any future redevelopment of the site will require a 30' buffer.
- Access to Sentrus Place required – once constructed, Chesterfield Airport Road access will be eliminated

Commissioner Wuennenberg made a motion to approve P.Z. 05-2021 Chesterfield Airport Service (17909 & 17947 Chesterfield Airport Road). The motion was seconded by Commissioner Tilman.

Discussion

Since it is a hazardous material, Commissioner Tilman felt that the storage of gasoline on site should be noted somewhere. It was pointed out that the storage tanks will be documented on the Site Development Plan.

For the record, Chair Hansen stated that this petition is in compliance with the Comprehensive Plan.

Upon roll call, the vote to approve was as follows:

**Aye: Commissioner Wuennenberg, Commissioner Carlie,
Commissioner Harris, Commissioner Marino,
Commissioner Roach, Commissioner Staniforth,
Commissioner Tilman, Chair Hansen**

Nay: None

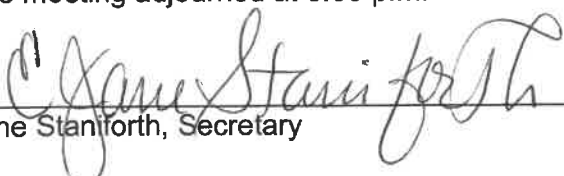
The motion passed by a vote of 8 to 0.

IX. NEW BUSINESS - None

X. COMMITTEE REPORTS - None

XI. ADJOURNMENT

The meeting adjourned at 8:35 p.m.



Jane Staniforth, Secretary