

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, September 22, 2022



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, September 22, 2022 in Conference Room 101.

In attendance were: **Chair Dan Hurt** (Ward III), **Councilmember Mary Monachella** (Ward I), **Councilmember Mary Ann Mastorakos** (Ward II), and **Councilmember Merrell Hansen** (Ward IV).

Also in attendance were: Councilmember Aaron Wahl (Ward II); Justin Wyse, Director of Planning; Shilpi Bharti, Planner; Alyssa Ahner, Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 8, 2022 Committee Meeting Summary

Councilmember Monachella made a motion to approve the Meeting Summary of September 8, 2022. The motion was seconded by Councilmember Hansen and **passed** by a voice vote of 3-0 with Councilmember Mastorakos abstaining.

II. UNFINISHED BUSINESS - None

III. NEW BUSINESS

- A. **P.Z. 05-2022 Gateway Golf Center (Gateway Studios, LLC)**: A request for a zoning map amendment from the "PC" Planned Commercial District to a new "PC" Planned Commercial District for 22.78 acres located on the north side of Outer 40 Road (17V630059). (Ward 4)

STAFF PRESENTATION

Shilpi Bharti, Planner, presented the request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District to allow for an additional 24 permitted uses and a modification to the building and parking setbacks on the western boundary.

Ms. Bharti presented the Preliminary Development Plan and stated that the Applicant will be developing 18.1 acres of land concentrated on the southern portion of the site. The remaining 4.68 acres will remain undeveloped. There is a 25' ingress/egress easement on the western

border and the levee trail runs north of the subject site. There are two proposed buildings with access points from an existing private road.

A Public Hearing was held on July 25, 2022, during which the Planning Commission raised multiple issues regarding the permitted uses and cross access easement.

At the September 12, 2022 Planning Commission meeting, the Applicant's response to each issue and the modification requests were discussed. The petition was unanimously approved by the Planning Commission.

DISCUSSION

The following topics were discussed at length.

Setbacks

In response to Councilmember Monachella's concern regarding the proposed 25' setback along the western boundary versus a required 35' setback next to park land, Justin Wyse, Director of Planning, explained that the Chesterfield Valley Athletic Complex (CVAC) currently has an easement that runs north through the middle of the baseball fields. The City is working with the Applicant to relocate this access drive so it would provide cross access for the CVAC, the Gateway Studios site, and to the parcel to the north of Gateway Studios, as well as the parcel north of the CVAC. The City would then be able to vacate the easement that runs through the middle of the CVAC. The purpose of the proposed reduction is not necessarily for the parking, but for the drive lane that would serve all four places.

Hours of Operation

Councilmember Monachella expressed concern that the hours are open-ended and several of the requested uses would normally have restricted hours. Councilmember Hansen stated that the film industry works all hours of the day and they have to provide food service for the people working there. So these services would be considered ancillary. However, if a future owner wanted to add a public restaurant, then they would be restricted to the hours of 6 a.m. to 11 p.m. which is typical for retail uses.

Zoning

Chair Hurt expressed his concern with the requested zoning district. Based upon the proposed use, he feels that a "PI" Planned Industrial District will be sufficient to meet the Applicant's needs. He questioned as to what can be done within a "PC" District that is not already permitted in a "PI" district. He noted that there are some limitations in a "PI" but those same limitations may also pertain to a "PC" district. He questioned whether the Applicant chose the correct zoning district.

Ms. Bharti replied that the Comprehensive Plan designates the subject site as a Regional Commercial Land Use, which is defined as serving regional commercial needs (emphasizing retail, dining, entertainment, hotel, and leisure components) and drawing visitors from both Chesterfield and the surrounding areas. Therefore, the Applicant is requesting Planned Commercial as they will be serving regional commercial needs. In addition, several of the requested uses are not permitted in the PI District.

Chair Hurt stated that there might be some confusion as to what is permitted in a "PC" which is not permitted in a "PI" - such as Art Studio and Art Gallery. The typical definition of an art gallery and art studio is not what Gateway Studios is proposing. This will be a production facility, not a retail operation. Office buildings are allowed in both "PC" and "PI" so they can both be considered Regional Commercial. A "PI" zoning does not rule out what they are trying to accomplish. He is

primarily concerned about the potential for future commercial use, therefore, he would prefer a “PI” district. Their primary function is a production facility. They can add a bar, bakery and coffee shop inside their facility for their employees and clients. These uses would not be intended for the general public but they would be considered ancillary to the primary function and not a primary function. However, if there is a change in ownership, then those uses could become a primary function, unless those uses are removed or the property can simply be rezoned to “PI and then those uses become an ancillary use. Mr. Wyse stated that Art Studio is the primary use and it is not allowed in a “PI” District.

Mr. Stock stated that Gateway’s campus on the south side of Interstate 40 is zoned Regional Commercial and they see this site as a similar campus. Of the 109 permitted uses, they have already whittled the uses down to 24 uses. Primarily, this will be for film production. The south site is music production. Originally the former jail site was going encompass both music and film, but now the south site will only be for music production with a hotel and spa. Thus, this site will be for film production only. Every parcel from the Sports Complex to the east is Regional Commercial. The industrial designation is all on the south side. There is not any industrial on the north other than “M3”. Mr. Stock also pointed out that Art Studio is a broad category. The performers are considered artists.

Mr. Wyse stated that the main issue with a “PI” designation is that the Art Studio is the primary use and it is not allowed in a “PI” district.

Requested Uses

Councilmember Monachella expressed concerned with the Auditorium and Theater uses. She would not want that traffic to interfere with activities being held at the CVAC. Mr. Wyse indicated that these uses are intended for the studio and not open to the public.

Councilmember Wahl expressed his concern with the Bakery, Bar, Brewpub, Coffee Shop, Restaurants and Retail Sales uses as those uses are intended for The District.

Councilmember Mastorakos inquired as to which five uses were removed. Ms. Bharti provided the following information:

- Arena and Stadium
- Grocery- Community
- Grocery- Neighborhood
- Financial Institution, Drive-Thru
- Restaurant- Fast Food, Drive-Thru

Councilmember Hansen questioned the need for the Film Drop-Off and Pick Up Stations and the Film Processing Plant uses as with the current digital technology, film processing has become obsolete. Representing the Applicant, George Stock, Stock & Associates, stated that he will discuss this with the owner but they specifically requested these uses.

Councilmember Mastorakos expressed her concern regarding the uses of Bar and Brewpub especially in close proximity to the CVAC.

Councilmember Monachella made a motion to modify the hours of operation to restrict public retail uses between the hours of 6 a.m. and 11 p.m. The motion was seconded by Chair Hurt.

Discussion after the Motion

Councilmember Monachella inquired if the subject site would be fully enclosed with fencing. Mr. Wyse stated that it would be fully enclosed. The site will be a private facility that is not open to the general public. The restricted hours would only pertain to future public uses.

The above motion passed by a voice vote of 4-0.

Councilmember Mastorakos made a motion to designate Bar and Brewpub uses as ancillary uses only. The motion was seconded by Councilmember Monachella and passed by a voice vote of 4-0.

Councilmember Hansen made a motion to forward P.Z. 05-2022 Gateway Golf Center (Gateway Studios, LLC), as amended, to City Council with a recommendation to approve. The motion was seconded by Councilmember Mastorakos and passed by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the October 3, 2022 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 05-2022 Gateway Golf Center (Gateway Studios, LLC.)]

- B. P.Z. 06-2022 17733 N. Outer Forty Road (Gateway Studios, LLC):** A request for a zoning map amendment from a “M3” Planned Industrial District to a “PC” Planned Commercial District for 34.02 acres located on the north side of Outer 40 Road (16V320056). (Ward 4)

Councilmember Monachella made a motion to forward P.Z. 06-2022 Gateway Golf Center (Gateway Studios, LLC) to City Council with a recommendation to approve with the following amendments: (1) modify the hours of operation to restrict public retail uses between the hours of 6 a.m. and 11 p.m., and (2) designate Bar and Brewpub uses as ancillary uses only. The motion was seconded by Councilmember Mastorakos and passed by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning and Public Works Committee, will be needed for the October 3, 2022 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 06-2022 17733 N. Outer Forty Road (Gateway Studios, LLC.)]

At the request of Councilmember Wahl, item D was moved before item III.C.

- D. Replacement Construction and Maintenance Deposit Agreements and Sureties for the Alexander Woods Subdivision:** An ordinance amending City of Chesterfield Ordinance 3015 to authorize replacement construction and maintenance deposit agreements and sureties for the Alexander Woods Subdivision. (Ward 2)

STAFF PRESENTATION

Justin Wyse, Director of Planning, stated that Alexander Woods is a single-family subdivision that is located on Nardin Drive off of Swingley Ridge Road. Construction has been ongoing and the development team is now requesting to replace the original construction and maintenance agreements and sureties.

In accordance with the UDC, the replacement construction and maintenance escrows and agreements are being presented to the Planning & Public Works Committee for review and recommendation prior to proceeding to City Council. After reviewing the request and the existing construction activities, Staff has no concerns with the replacement.

DISCUSSION

In response to Councilmember Wahl's questions, Mr. Wyse explained that there is an existing subdivision adjacent to this new section. He further explained the purpose of maintaining construction and maintenance deposit agreements and sureties and the disbursement process.

Councilmember Mastorakos made a motion to forward Replacement Construction and Maintenance Deposit Agreements and Sureties for the Alexander Woods Subdivision to City Council with a recommendation to approve. The motion was seconded by Councilmember Hansen and **passed by a voice vote of 4-0.**

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Replacement Construction and Maintenance Deposit Agreements and Sureties for the Alexander Woods Subdivision.]

- C. P.Z. 08-2022 TSG Chesterfield Airport Road (Stock & Associates Consulting Engineers Inc.):** A request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District for 13 acres located north of Chesterfield Airport Road. (Ward 4)

STAFF PRESENTATION

Alyssa Ahner, Planner, presented the request for a zoning map amendment from a "PC" Planned Commercial District to a new "PC" Planned Commercial District to allow for one additional permitted use and to revise the open space language.

There are three aspects to this request:

- Add "car wash" as a permitted use.
- Clarify the open space language from a minimum of 35% for development, to a minimum of 35% for each lot.
- Staff recommends removal of the public art requirement. In the most recent Comprehensive Plan update, incorporating public art into new construction and re-development projects is focused within the City Center Land Use Designation. However, this requirement is not included in the Regional Commercial Land Use designation which encompasses the entire subject site.

A Public Hearing was held for this petition on August 22, 2022. At that time the Planning Commission requested that the Applicant review the existing permitted uses to determine if any could be removed.

At the September 12, 2022 Planning Commission meeting, the Applicant requested that 12 permitted uses be removed and the Planning Commission unanimously approved the petition as presented.

DISCUSSION

Chair Hurt asked if any changes were made to the access. Mr. Wyse, Director of Planning, explained that there is one minor shift in access. Originally, the north-south road that runs along

the western edge of this site was to be removed whenever Arnage was extended. This has been revised and it will be removed once Arnage is extended to Caprice Drive.

Councilmember Hansen made a motion to forward P.Z. 08-2022 TSG Chesterfield Airport Road (Stock & Associates Consulting Engineers, Inc) to City Council with a recommendation to approve. The motion was seconded by Councilmember Monachella and **passed** by a voice vote of 4-0.

Note: One Bill, as recommended by the Planning Commission, will be needed for the October 3, 2022 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on P.Z. 08-2022 TSG Chesterfield Airport Road (Stock & Associates Consulting Engineers, Inc).]

- E. Traffic Generation Assessment (TGA) Trust Funds:** An ordinance establishing five Traffic Generation Assessment (TGA) trust funds in the City of Chesterfield, Missouri.
- F. Traffic Generation Assessment (TGA) Trust Fund Rate Schedule:** An ordinance establishing an annual rate schedule for the five Traffic Generation Assessment (TGA) trust funds in the City of Chesterfield, Missouri.

STAFF PRESENTATION

TGA Trust Funds

Justin Wyse, Director of Planning, stated that the City utilizes Traffic Generation Assessment (TGA) trust funds. Typically, a site specific ordinance within a planned district embodies the trust fund contribution requirement. The developer of a proposed development is required to contribute to a TGA to a specific trust fund that is defined in the Saint Louis County and Public Works Design Criteria Manual.

The first proposed ordinance continues to utilize the TGA, but establishes five specific trust funds authorized and embodied with a City Ordinance.

The trust funds are delineated by City limits, the major roadways of Interstate 64 and Olive Boulevard/Clarkson Road, and the Chesterfield Valley. The five Trust Fund accounts and their limits are described as follows:

TGA Trust Fund Area A – Eastern boundary of Olive Boulevard, southern boundary of Interstate 64, western and northern boundary of the Chesterfield Valley.

TGA Trust Fund Area B – Eastern boundary of the City limit, southern boundary of Interstate 64, western and northern boundary of Olive Boulevard.

TGA Trust Fund Area C – Eastern and southern boundary of the City limit, western boundary of Clarkson Road, and northern boundary of Interstate 64.

TGA Trust Fund Area D – Eastern boundary of Clarkson Road, southern boundary of the City limit, western boundary of the Chesterfield Valley, and northern boundary of the Chesterfield Valley and Interstate 64.

TGA Trust Fund Area E – Encompasses the entire Chesterfield Valley.

TGA Rate Schedule

Mr. Wyse continued to explain that the TGA rate is calculated by a dollar amount per measurable unit, typically per parking/loading space. The number of parking/loading spaces is determined by the City's Unified Development Code (UDC) and the rate is defined in the Saint Louis County Transportation and Public Works Design Criteria Manual.

Saint Louis County annually reviews the TGA rates to determine if the rates need to be increased or decreased to account for changes in construction costs.

The second proposed ordinance establishes the rate schedule within a City ordinance.

DISCUSSION

There was some general discussion regarding the origination of the TGA and how the rates are calculated.

Councilmember Monachella made a motion to forward to City Council an ordinance establishing five Traffic Generation Assessment (TGA) Trust Funds and an ordinance to establish a Traffic Generation Assessment Trust Fund Rate Schedule. The motion was seconded by Councilmember Mastorakos and passed by a voice vote of 4-0.

Note: Two bills, as recommended by the Planning & Public Works Committee, will be needed for the October 3, 2022 City Council Meeting. See Bill # and #

[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on the TGA Ordinances.]

IV. OTHER

V. ADJOURNMENT

The meeting adjourned at 6:45 p.m.