

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
MAY 13, 2024**

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

I. ROLL CALL

PRESENT

ABSENT

Commissioner Walter Bilgram
Commissioner Gail Choate
Commissioner Khalid Chohan
Commissioner Allision Harris
Commissioner John Marino
Commissioner Debbie Midgley
Commissioner Jane Staniforth
Commissioner Steven Wuennenberg
Chair Guy Tilman

Councilmember Merrell Hansen, Council Liaison
Mr. Nathan Bruns, representing City Attorney Christopher Graville
Mr. Justin Wyse, Director of Planning
Mr. Isaak Simmers, Planner
Ms. Shilpi Bharti, Planner
Ms. Erica Blesener, Recording Secretary

Chair Tilman acknowledged the attendance of Councilmember Merrell Hansen, Council Liaison.

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

IV. PUBLIC HEARINGS – None

V. APPROVAL OF MEETING SUMMARY

Commissioner Choate made a motion to approve the Meeting Summary of the April 8, 2024 Planning Commission Meeting. The motion was seconded by Commissioner Staniforth and passed by a voice vote of 9 to 0.

VI. PUBLIC COMMENT

Mr. George Stock, Stock & Associates, 257 Chesterfield Business Pkwy, Chesterfield, MO – representing the Petitioner for P.Z. 02-2024 18009 and 18045 N. Outer 40 Rd. (Gumbo Flats Properties, LLC) – available for questions

DISCUSSION

Mr. George Stock mentioned that he was accompanied by Drew Dixon, Stock & Associates, and Steve Kling, a representative of Gumbo Flats Properties, LLC.

Mr. Stock commented on the feedback that was provided by the Planning Commission during the Public Hearing on March 11, 2024. He explained that Gumbo Flats Properties, LLC; which is an entity of Gateway Studios has been acquiring property over the last couple of years. They started acquiring property from the Levee District, the City of Chesterfield, and the subject site property. When the subject site properties were purchased, the agreement was for the (2) two leases to remain; Breckenridge Concrete and St. Charles Sand. Prior to the assemblage of all the properties, which formerly went through a Boundary Adjustment and were recorded with St. Louis County, Gumbo Flats Properties, LLC owned three (3) lots, 270 acres on the north side, and nine (9) acres on the south side of the protected levee. Gumbo Flats Properties, LLC intends to develop portions of the property but has a minimalistic approach relative to the conservation and preservation of trees and the open area. Approximately only 12% of trees will be removed to accommodate the amenities. The Preliminary Development Plan was resubmitted to include visual renderings to help assist the Planning Commission and to demonstrate that there will not be an adverse impact to the view corridors whether you're leaving the City of Chesterfield for St. Charles County or entering the City of Chesterfield from St. Charles County.

There is the desire to elevate the parking area for vehicles associated with Gateway Studios to have it above the 100-year high water elevation, while doing that it will be six (6) to eight (8) feet below the top of the levee trail. The area will be fenced and includes an extensive berm and landscaping to provide the buffering.

Commissioner Wuennenberg asked if the plantings that are intended to block the parking lot will be located on the levee. Mr. Stock explained they are east of the levee easement and not in the easement. Commissioner Choate commented on the renderings and asked if grass would be planted up to the landscape berm. She also questioned if gravel would be seen. Mr. Stock confirmed the area up to the berm will be seeded. He explained the gravel is the existing access that is located on the south side of the levee and goes over the top of the levee down into the Breckenridge Plant. The 3:1 slope will all be vegetative and the gravel will only be located on the flat surface. Commissioner Choate asked what the on-center planting would be for the Arborvitaes. She also asked what the average height would be of the vehicles and equipment that would be parked on the lot. Mr. Stock stated a tractor-trailer is predominantly the vehicle that will be parked, and the height will be less than 13 feet 6 inches. The Arborvitaes grow to be 12 feet tall and will be planted on 5 feet to 6 feet high berm, thus the total screen height will be nearly 18 feet. Commissioner Choate explained she was not in attendance during the original re-zoning of Gateway Studios which is under construction, and asked if Gumbo Flats Properties, LLC at that time anticipated the need for additional land for parking and storage of their vehicles. Mr. Stock stated they always intended to

have off-site storage for parking. Councilmember Hansen commented that she didn't recall the presentation of the original discussion of the tall building, the production studio, and the other facility. Mr. Stock explained that the Gateway Studio site was not rezoned, since it has the Art studio use permitted. . Since there was no rezoning of the site, there was no public hearing or presentation. Commissioner Marino questioned if there is a requirement or need for sanitation disposal at the parking lot for four buses. Mr. Stock stated RVs would not be parked in the lot, only tractor-trailers. Sanitary sewer service is being extended to the south side of the levee, but no sanitary potable water will be located on the north side.

VII. SITE PLANS, BUILDING ELEVATIONS, PLATS, AND SIGNS

- A. Chesterfield Elementary School and Park (17700 WHCR):** A sign package or an Electronic Message Center for a 22.37-acre tract of land located on the south side of Wild Horse Creek Road, west of Greystone Manor Parkway (Ward 4).

Commissioner Wuennenberg, representing the Site Plan Committee, made a motion recommending approval of the sign package or an Electronic Message Center for Chesterfield Elementary School and Park (17700 WHCR). The motion was seconded by Commissioner Midgley with the following amendment:

- Sign Package Regulations 1 A. (b.) should be six feet (6'), not six feet three inches.

Commissioner Wuennenberg stated this was a Standard Unified Development Code and no adjustments were made.

The motion to approve as amended, **passed by a voice vote of 9 to 0.**

VIII. UNFINISHED BUSINESS

- A. P.Z. 02-2024 18009 and 18045 N. Outer 40 Rd. (Gumbo Flats Properties, LLC):** A request for an ordinance amendment to create a new "PI" Planned Industrial District for two parcels zoned "M3" Planned Industrial District, "NU" Non-Urban District and "PI" Planned Industrial District, and totaling 78.07 acres located on the north side of Outer 40 Road (16W310045 and 16W240041)

Mr. Justin Wyse, Director of Planning stated to help provide more clarity and to get a better understanding of the long-term vision of what the property owner and petitioner are proposing the applicant was asked to submit additional exhibits showing the parcels to the east. Initially, the thought was to amend the PC District to the east and to expand it to cover the parcel to the west. The existing uses on this property; excavation on the river, and the Breckenridge plant are not permitted in the PC District and they are choosing to respect and honor the leases which is why they are not choosing to amend the PC District.

Ms. Shilpi Bharti, Planner provided the following information about the subject petition:

Request Summary

Stock & Associates Consulting Engineers, Inc., on behalf of Gumbo Flats Properties, LLC has submitted a request for an ordinance amendment to create a new "PI" Planned Industrial District by including the "M3" Planned Industrial District, "PI" Planned Industrial District, and "NU" Non-Urban District Parcels. The ordinance amendment will modify the specific criteria and legal description in the existing ordinance of the "PI" district, Ordinance 2944, and expand the legal description to consolidate one zoning over the area.

Site History

The site is located in Ward 4 of the City of Chesterfield. The site was zoned "M3" – Planned Industrial District prior to the City's incorporation. A Conditional Use Permit "CUP" was granted by St. Louis County in 1967 covering the 29 acres of land located at the northern portion of the site, also north of the Levee Trail. The CUP provided approval for the extraction of raw materials from the Missouri River via dredging and stockpiling, and outdoor storage of such materials by a conveyor belt system. In 2016, some portion (totaling 2.68 acres) of the existing CUP area was zoned "PI" - Planned Industrial District to allow the "Batching Plant" as a permitted use. The 2.68 acre "PI" parcel is governed by the Ordinance 2944. Most recently in 2024, the Boundary Adjustment Plat was submitted by the applicant which re-platted the existing ten lots located north of North Outer 40 Road into four lots. The Boundary Adjustment Plat was approved by the City Council on April 16, 2024.

Surrounding Land Use and Zoning

The subject site is surrounded by "M-3" Planned Industrial zoning districts, and "PC" Planned Commercial District on the east. North Outer 40 Road and Interstate 64 run south and west of the subject site. The property on the west is zoned "PC" Planned Commercial and "NU" Non-Urban.

Comprehensive Plan

The subject site is located within Ward 4 of the City of Chesterfield. The City of Chesterfield Comprehensive Plan contains the City of Chesterfield Land Use Plan, which is helpful in determining the future use of the site. As per the City of Chesterfield Land Use Plan, the subject sites are within the Conservation land use. Conservation areas are undeveloped and/or preserved land dedicated for passive recreation or conservation purposes. Undisturbed land is reserved to protect natural beauty or serve environment and wildlife management purposes. Below are the development policies for Conservation Land Use as described in the City of Chesterfield Comprehensive Plan.

- Focus on preservation.
- Limit impervious surface or encourage the use of stormwater BMPs.

Request

The applicant has submitted a Preliminary Development Plan and a Narrative Statement for review. As per the approved Boundary Adjustment Plat, the applicant is requesting to amend the Ordinance 2944 of existing parcel D to include some portion of Lot C in the "PI" ordinance. The proposed site will be used for stand-alone parking and an existing Batching Plant. As shown in the Preliminary Development Plan, the applicant is proposing gravel parking spaces on the north side of the existing levee trail, and a roadway that will connect to the east property. The private gravel parking will be used for the Gateway Studios facility located south of Interstate 64. The site will be accessed

from the existing gravel drive from the N Outer 40 Road. There is also a proposed gravel drive that will connect to the east property. The permitted uses proposed for the development will be as follows:

- Batching Plant
- Parking area (stand-alone), including garages, for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours

Additionally, the applicant is requesting that parking and access roads shall be gravel with appropriate dust control measures (spray water). This treatment of a non-paved surface is approved for the existing gravel drive into the site. The gravel parking would allow moving the portion of previously approved parking east of the subject site to this location. The applicant has also submitted the overall site plan for Lots A, B, C, and D to show the proposed layout of the site. The plan layout of Lot C shows the portion of gravel parking that will be relocated from the east "PC" District to the proposed "PI" District. The site section plan submitted by the applicant shows the height of the proposed gravel parking in respect to existing levee trail. As per the section plan, proposed parking will be nearly eight feet lower in height than the existing Levee trail.

PUBLIC HEARING

A Public Hearing for this request was held on March 11, 2024, at which time, the Planning Commission raised a number of issues. Since the Public Hearing, the applicant has updated their proposal, provided a re-submission to the City of Chesterfield, and provided a formal response to each issue raised at the Public Hearing. A full copy of the applicant's response has been included in the Planning Commission packet.

ISSUES RAISED

The following is a list of items/concerns discussed at the Public Hearing which were formally addressed in writing by the applicant. Below is every issue identified followed by the applicant's response summarized in *italics*. The full response from the applicant is attached to this report.

Issue 1:

Concerns were raised regarding the visual impact of the proposed parking area. Provide information on how the development team will be addressing this concern.

- **Response:** *Applicant provided architectural renderings/perspectives from the north and the south. These depict the proposed perimeter landscaping around the perimeter of the parking area and the elevation of the parking area as seen from the highway entering and exiting the City. The parking area is constructed 6'-8' below the top of the levee trail and not visible from westbound I-64. Applicant has added a landscape berm and perimeter landscaping to further shield the view from eastbound I-64.*

Issue 2: Concern was raised regarding the amount of tree removal associated with the proposed improvements. Please provide information on how the development team will be addressing this concern.

- **Response:** *Tree removal is limited, 11.6% being removed and 88.4% retained of the overall Gumbo Flats Property LLC. Assemblage.*

Issue 3:

The City of Chesterfield Comprehensive Plan designates the subject site as "Conservation" and indicates properties within this designation should, "focus on preservation." Provide information on how the development team will have consistency with Conservation land use designation.

- **Response:** *Previous discussions with the City determined that the City's Master Plan consultant was not asked to study this property because of City and Levee District ownership at the time of the comprehensive plan. Gumbo Flats Properties LLC / Gateway Studios is enhancing the existing openspace of the land assemblage. Currently a Site Development Plan is being processed through the City demonstrating the overall enhancement and improvements to the previously disturbed areas.*

SUMMARY

Staff has completed the review of this petition and has provided the following points for the Planning Commission's consideration:

- The Future Land Use Plan designates the area for conservation. The proposed plan seeks to allow for the consolidation of parcels in the area for a north campus for Gateway Studios. The proposal seeks to maintain existing uses on the property (extraction and batching plant) while creating a new parking area and then improving conditions on the remaining property that is not levee protected for a natural area with a private lake and trail system.
- The applicant's request to rezone the parcel to a "PI" Planned Industrial District is not consistent with the future Land Use Plan of the City of Chesterfield which designates the subject site as "Conservation". The Land Use Map was developed when the subject site was owned by St. Charles Sand Company, whose work was limited to the northern portion operating as a Batching Plant. The proposal includes development of the levee protected portion of the site with parking and a gravel drive on the unprotected portion of the site.
- The draft Attachment A does not allow "parking garage" in the proposed "PI" District.
- In the draft Attachment A, use "Batching Plant" is allowed only for Lot D as depicted in the Preliminary Development Plan.
- The north side property of the existing levee trail falls under flood zone and any activity in this area will be required to comply with the City's floodplain development regulations.
- The current Land Use Plan designates the north side of the property as "Conservation" which encourages "limiting impervious surface". The applicant is proposing gravel parking on the north side of the Levee trail. The proposed parking will be a relocation to a portion of previously approved gravel parking from the eastern parcel. Hence, this will reduce the size of gravel parking on the adjoining east "PC" District. A draft Attachment A has imposed the condition for proposed gravel parking in this "PI" District, i.e. "the gravel parking is allowed only if it is a portion of parking relocated from the eastern parcel and the area of proposed parking needs to comply with the submitted Preliminary Development Plan".

- Section 405.04.040 (K) of the Unified Development Code states, "In all zoning districts, all parking and loading areas, including driveways, shall be paved, except in the FP, PS, NU, AG, LLR, E-A, E-2 and R-1 Districts, where the City of Chesterfield may approve an alternate dustproofing method". The applicant's request, as included in the draft Attachment 'A', would permit the use of gravel for a parking surface in this area north of the levee with appropriate dust control measures.

- The submitted Tree Stand Delineation is for the entire "Gumbo Flats" properties totaling 290.58 acres. As per the submitted plan, the applicant will be preserving 88.4% of the trees on site. The Tree Stand Delineation also depicts that the trees existing on the proposed gravel parking area are primarily Cottonwood, some Sycamore and Silver Maple, and considerable small Box Elder and invasive honeysuckle.

Commissioner Marino made a motion to approve P.Z. 02-2024 18009 and 18045 N. Outer 40 Rd. (Gumbo Flats Properties, LLC). The motion was seconded by Commissioner Wuennenberg.

DISCUSSION

Chair Tilman suggested the verbiage on Attachment A., Section B. (1.) a. should be more specific to ensure there are no future issues with development on Lot C. The modification will enable the area to remain preserved for conservation purposes. Ms. Bharti explained there are no future building plans on Lot C and the verbiage refers to the Batching Plant on Lot D. Justin Wyse, Director of Planning proposed the following amendment:

- Lot D, no structure shall exceed sixty-five (65) feet.
- For the remainder of Lot C, no structure shall exceed twenty (20) feet.

Commissioner Choate asked if special language should be included in Section E., regarding the twelve (12) feet tall Arborvitaes. Mr. Wyse indicated that the height and location of the Arborvitaes were included in the Preliminary Development Plan (PDP) and staff was fine with enforcing the height and location of the landscape using the PDP.

Commissioner Chohan requested clarification on Attachment A, Section K., Traffic Study. He was concerned about the potential impact of increased traffic over the overpass and the effect on the roundabout with the nearby athletic complex. Mr. Wyse said as it pertains to the western part, he did not envision any traffic impact on the area. He indicated that the developer representing Lots A and B to the east were already in talks with the Missouri Department of Transportation about access to those areas.

Commissioner Marino expressed concerns about "blindly" limiting the height when they don't know what will be developed in the future. He said he did not want the Board to limit development potential out of fear. He spoke about his conservation concerns and what it means to responsibly develop the property. Chair Tillman said he understood Commissioner Marino's concern but thought the Board should consider the development requests when they go through the City's review process as opposed to leaving the development criteria open. His concern was the potential impact on the complete vision of the City moving forward. The control he would like to maintain has more to do with the Comprehensive Plan and what the intended plan is for large areas of the City. The

Comprehensive Plan can be amended as needed, but they need to take a high-level and long term look before they make changes.

Mr. Wyse proposed the setback restriction of thirty (30) feet from the western property line of the "PI" district. The setback restrictions will not impact the existing gravel drive but if the drive is relocated in the future, the recommendation would be to move it to the extent within the constraints of the Levee District.

Steven Kling, Gumbo Flats Properties, LLC., explained the reason behind depicting Lot D was to define the area for the existing Batching Plant. He is concerned that if the area is overly restricted it could cause a violation of the preexisting lease. Commissioner Choate asked if they have any interest in sunsetting the lease sooner. Mr. Kling explained there is no economic incentive to sunset the lease.

Commissioner Staniforth made a motion to amend Attachment A to include the setback restriction from the western boundary of the "PI" District. The motion was seconded by Commissioner Choate.

Commissioner Wuennenberg made a motion to amend Attachment A, Section B. (1.) a. to limit the sixty-five (65) feet height restriction for Lot D. and twenty (20) feet height restriction for the rest of the parcel. The motion was seconded by Commissioner Midgley.

Upon roll call, the vote was as follows:

**Aye: Commissioner Bilgram, Commissioner Choate
Commissioner Chohan, Commissioner Harris,
Commissioner Marino, Commissioner Midgley,
Commissioner Staniforth, Commissioner Wuennenberg,
Chair Tilman**

Nay: None

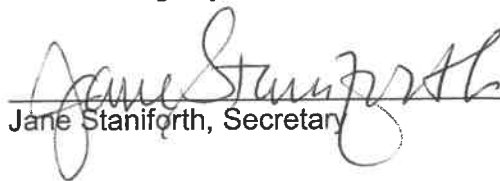
The motion passed by a vote of 9 to 0.

IX. NEW BUSINESS – None

X. COMMITTEE REPORTS – None

XI. ADJOURNMENT

The meeting adjourned at 7:46 p.m.



Jane Staniforth, Secretary