

**PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
MEETING SUMMARY
NOVEMBER 23, 2020**

VIRTUAL MEETING VIA ZOOM

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 Dan Hurt, Council Liaison
Mr. Christopher Graville, City Attorney
Mr. Justin Wyse, Director of Planning
Mr. Chris Dietz, Planner
Ms. Annisa Kumerow, Planner
Ms. Mary Ann Madden, Recording Secretary

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

II. PLEDGE OF ALLEGIANCE

III. SILENT PRAYER

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

- A. P.Z. 07-2020 St. Louis Retirement (Conditional Use Permit Amendment):** A request to amend Conditional Use Permit 570 to permit two existing units for staff as resident living units at 14525 Clayton Rd (21R540724).

STAFF PRESENTATION:

Planner Annisa Kumerow gave a PowerPoint presentation showing photographs of the site and surrounding area. Ms. Kumerow then provided the following information about the subject site:

Background

In 1987, St. Louis County adopted Conditional Use Permit (CUP) 570 to allow a group home for the elderly. CUP 570 allows for 90 living units; however, 92 units were constructed at the initial development of the site. Of the 92 units, 90 were for residents and 2 were for employees.

Request

The request is to amend the CUP in order to increase the permitted number of living units from 90 to 92. No physical changes to the site are proposed. As part of the review process, Staff has revised the development criteria to update the use term.

Zoning

The subject site is zoned "R1" Residence District, which is a Single-Family Residence District; however *Group Residential Facility* is permitted in this district with a Conditional Use Permit.

Land Use Designation

The subject site falls under the *Suburban Neighborhood* land use designation, which encourages the preservation of existing residential neighborhoods' identities and reinforcing existing residential development patterns.

PETITIONER'S PRESENTATION:

1. Ms. Heather McKee, Kutak Rock, L.P., 180 California Street, Denver, CO

Ms. McKee stated that she was available for any questions relative to the petition.

Discussion

Chair Hansen asked for clarification on why 92 units were constructed when the Conditional Use Permit only allows for 90 living units. Ms. Kumerow replied that the existing St. Louis County CUP permitted 90 living units. For reasons unknown to the current owner, there were two additional units constructed at the time the building was built, which were intended for employees but have not been used by employees for quite some time. At this time, the Petitioner is seeking to bring everything into compliance by amending the CUP to allow for 92 resident living units.

SPEAKERS IN FAVOR: None**SPEAKERS IN OPPOSITION: None****SPEAKERS – NEUTRAL: None**

- B. **P.Z. 08-2020 Straub Lane Estates (14685 Clayton Road)**: A request for a change in zoning from 'NU' Non-Urban District to 'R-3' Residence District for an undeveloped 0.90-acre tract of land on the north side of Clayton Road, west of Straub Lane. (21R441513).

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:

Request

The request is for a Change of Zoning from "NU" Non-Urban District to "R-3" Residence District. The "R-3" zoning is a conventional zoning district, and as such, neither a Preliminary Development Plan nor an Attachment A is required. It was noted that any improvements to the site will be reviewed at a later date under a separate process.

Land Use Designation

The subject site falls under the *Suburban Neighborhood* land use designation, which encourages the preservation of existing residential neighborhoods' identities while reinforcing existing residential development patterns.

Development Criteria

As a conventional zoning district, the development criteria for the "R-3" Residence District is already established in the Unified Development Code. The *Permitted Uses* and *Structure Setbacks* are shown below.

Permitted Uses

Dwelling, single-family	Minimum Lot Area of 10,000 sq. ft.
Day-care Center	Minimum Lot Area of 30,000 sq. ft.
Group Home	Minimum Lot Area of 15,000 sq. ft.
Nursery School	Minimum Lot Area of 15,000 sq. ft.
Public Utility Facility	Minimum Lot Area of 10,000 sq. ft.

Structure Setbacks

Front: 20 feet from right-of-way
Side: 8 feet from property line
Rear: 15 feet from property line

Discussion

Density

Discussion took place regarding the number of homes that could potentially be built on the site. It was noted that because there are numerous design requirements that impact site design, the maximum number of lots that could be built on the site could not be determined at the present time. It is Staff's understanding that the applicant intends to build a single-family residence development of up to three homes, which would be restricted by the design requirements of the "R-3" district.

Straub Road

Commissioner Tilman pointed out that Straub Road is labeled as "private" on the survey for this property, and asked for clarification as to its ownership. Mr. Dietz replied that the portion of Straub Road shown on the survey is owned by the property owner of the subject site.

Conditional Use Permit Property along Clayton Road

Councilmember Hurt questioned as to whether there are any Conditional Use Permits associated with nearby properties along Clayton Road. Mr. Dietz stated that the lot directly west of the subject site operates as an insurance agency. He further clarified that the applicant has not given any indication that the proposed homes for the subject site would seek conditional use permits to use as businesses.

Mr. Justin Wyse, Director of Planning, added that the property to the west was approved under a Residential Business Use procedure. If the applicant was interested in doing something similar, an additional zoning process would be necessary requiring another public hearing and ordinance approval. The requested "R-3" zoning would not permit a business use on the site without going through a subsequent process.

PETITIONER'S PRESENTATION:

1. Mr. Ryan Meeks, THD Design Group, 148 Chesterfield Industrial Boulevard, Chesterfield, MO.

Mr. Meeks stated that the petitioner most recently discussed the idea of constructing two single-family homes on the property. He pointed out that the property has been vacant for some time now, and feels that developing the site with single-family homes would be a welcome improvement along Clayton Road.

Discussion

Responding to questions from the Commission, Mr. Meeks provided the following information:

- They have not met with any of the neighbors in the area to explain their plans for the site.
- The petitioner is seeking "R-3" zoning vs. "R-2" zoning because they would like the option of building three homes on the site if at all possible. At this time, they are exploring access issues with the City and County to determine if three homes are possible.

Mr. Wyse stated that infrastructure improvements and road frontage requirements will dictate whether three or two homes are possible on the site. He explained that all residential lots must front on a street meeting public standards, and at this time, Clayton Road is the only street that meets those standards. If Straub Road were to be used as the access, it would have to be brought up to current City standards, and any such improvements would decrease the developable area of the site.

Lot Sizes

Commissioner Wuennenberg questioned whether the required 10,000 sq. ft. minimum lot size for the requested "R-3" zoning would be comparable to the lot sizes of the "R-5" development directly behind the subject site. It was noted that the approved PEU ordinance for the "R-5" subdivision authorizes 20 single-family, detached houses with a minimum lot size of 7,250 sq. ft. The smallest platted lot is 7,804 sq. ft.; the site is generally comprised of lots in the 9,000-10,000 sq. ft. range with the largest lots being 12,000-14,000 sq. ft.

Curb Cuts for Subject Site

It was confirmed that the site currently has a curb cut from both Clayton Road and Straub Road; however, the access off Clayton Road will be required to be removed with development of the site allowing access from Straub Road only.

Commissioner Schenberg asked if the developer would be allowed to share the driveway with the State Farm agent directly west of the subject site, or if the site is required to have ingress/egress off of Straub Road. Mr. Dietz confirmed that there is a cross-access easement between the two properties, but the City would be requesting comments from St. Louis County regarding access to the subject site. If access would be allowed through the cross-access easement, Commissioner Schenberg pointed out that three homes could possibly be built on the site and is something the Commission should take under consideration.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION:

1. Paul and Lorna Holmes, 14900 Jockey Club Drive, Chesterfield, MO.

Mrs. Lorna Holmes stated that their home is directly behind the subject site and expressed concerns about water issues. She explained that even with a small rainfall, their subdivision street is filled with water running down from the subject site. Before they invested in ways to control the water running into their yard, they consistently had standing water on their property. She also advised that Straub Road is owned by several different parties going from blacktop to all gravel.

Mr. Paul Holmes added that they are not opposed to one home being built on the site, but they are concerned with additional hardscape from multiple homes on the site that would cause additional water runoff into their yard.

SPEAKERS – NEUTRAL: None

- C. P.Z. 10-2020 City of Chesterfield (Unified Development Code - Articles 3 and 10): An ordinance amending Article 3 and Article 10 of the Unified Development Code pertaining to uses and definitions.

STAFF PRESENTATION:

Planner Annisa Kumerow provided the following information about the petition:

Overview

After the City was approached about a potential motorcycle dealership within the Chesterfield Valley, Staff determined that the *automobile* use would not be permitted in a new Planned Industrial district, resulting in internal discussions on whether the use was appropriate. Staff then researched the issue and brought forward the notion of a potential code change specifically in regards to the *automobile dealership* use and applicable zoning districts.

At the direction of the Planning & Public Works Committee, Staff drafted several uses pertaining to automobile dealerships, and identified the associated zoning districts in which they are permitted.

History

Prior to 2009, the City of Chesterfield permitted *sales, rental, and leasing of new and used vehicles, including automobiles* within the "PI" Planned Industrial District. With the adoption of the Unified Development Code in 2009, the *automobile dealership* use was omitted from permissible uses in the "PI" District and solely permitted in the "PC" Planned Commercial District. Because the use was permitted prior to 2009, there are existing automobile dealerships in existing "PI" districts. It was also noted that there are certain criteria, such as form, function, and design, that distinguish the sale of one vehicle category from another.

Permitted Uses

The table below compares the Existing Uses to the Proposed Uses, with changes only proposed for the *automobile dealership* use, which will be divided into three separate uses.

Existing	Proposed (<i>shown in red</i>)
Automobile Dealership	Automobile Dealership Motorcycle, ATV, and All Other Dealership Recreational Vehicle Dealership
Boat (and Marine Supply) Storage, Charter, Repair Sale	Same as Existing
Trucks, Trailers, Construction Equipment, Agricultural Equipment Sales, Rental, Leasing, Outdoor Storage	Same as Existing with a revised definition

Automobile Definition

The *automobile* use definition has been revised to strictly clarify that the use is for the sale of standard, four-wheeled passenger vehicles only.

Existing Definition	Proposed Definition (<i>changes shown in red</i>)
A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.	A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used four-wheeled motor vehicles designed for passenger transport, including passenger cars and light-duty trucks (such as pickup trucks, sport utility vehicles, vans, and minivans) . Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas."

ATV and RV Definitions

Two new *automobile dealership* use terms are being proposed:

Motorcycles, ATVs, and All Other Motor Vehicles Dealership; and
Recreational Vehicle Dealership

The definitions for these uses closely resemble the existing *automobile dealership* use but include additional clarification to clearly specify what vehicles they are applicable to.

Definitions:

Motorcycle, ATV, and All Other Motor Vehicles Dealership (proposed in red)

A retail business primarily engaged in the marketing of **new or used motorcycles, motor scooters, motorbikes, mopeds, off-road all-terrain vehicles (ATV), jet skis, and other motor vehicles (except passenger cars, trucks, recreational vehicles, and boats).** Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.

Recreational Vehicle Dealership (proposed in red)

A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the **“marketing of new or used recreational vehicles, commonly referred to as RVs.** Secondary supporting uses may also exist upon the same site, such as maintenance, repair, and service areas, parts storage areas, and financial service areas.”

Trucks, Trailers, Construction Equipment Definition

Ms. Kumerow noted that the Planning Commission had previously directed Staff to review the definition for *trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage* and to ensure that there is a distinction between this use and the *automobile dealership* use. The definition has been revised to strictly clarify that the sale pertains to medium and heavy-duty trucks only, as shown below (*proposed changes in red*):

The use of any building, land area, or other premises or portion thereof used for the sale, rental, leasing, or outdoor storage of **medium and heavy-duty trucks**, trailers, construction equipment, or agricultural equipment.

Non-Residential Use Table

As part of the review process, Staff has updated the Non-Residential Use Table to indicate in which zoning districts the various uses are permitted (*updates shown in red*).

USE GROUP	ZONING DISTRICTS						
	PS	AG	PC	NB	PI	LI	MU
COMMERCIAL/SALES							
Automobile dealership			P		P		
Boat (and marine supply) storage, charter, repair, sale					P		
Motorcycle, ATV, and all other motor vehicles dealership			P		P		
Recreational vehicle dealership			P				
Trucks, trailers, construction equipment, etc.					P		

Ms. Kumerow pointed out that the changes are only applicable to new districts or amendments. Furthermore, each ordinance is site-specific so when a project is requesting any of these uses, additional regulations can be added to the use during the rezoning or ordinance amendment process.

Next steps

The Planning Commission will vote on the proposed changes at an upcoming meeting. After that, the petition will be forwarded to the Planning & Public Works Committee followed by City Council for two readings.

SPEAKERS IN FAVOR: None

SPEAKERS IN OPPOSITION: None

SPEAKERS – NEUTRAL: None

Discussion

Automobile Dealership

Ms. Kumerow stated that the proposed *automobile dealership* use is only applicable to four-wheeled passenger vehicles and permitted in both the “PC” and “PI” districts.

During discussion, it was clarified that **electric cars** would be classified under the *automobile dealership* use.

Since there are no requirements dealing with the number of parking spaces that can be allocated for new car sales, Chair Hansen questioned whether automobile dealerships should be confined to only the PI districts. Ms. Kumerow explained that most of the automobile dealerships in the PI districts tend to be small, boutique-type dealerships compared to the large-scale commercial dealerships in the PC districts. The large dealerships want the arterial visibility off of Chesterfield Airport Road or I-64. It was noted that decisions can be made for each specific site when a dealership use is requested.

Mr. Wyse, Director Planning, stated that there are small dealerships in the PI districts near the airport that operate differently than the large dealerships. Typically, these smaller, boutique-type dealerships sell vehicles out of warehouses. Larger dealerships will not want to be in PI districts where they have zero visibility from any of the arterial roadways.

Chair Hansen stated that dealerships placed in the PC districts would be reviewed more closely with respect to the architectural style of the building, which may not be as critical if placed in a PI district.

Boat Use

Ms. Kumerow stated that Staff is not proposing any changes to the existing *boat* use.

Commissioner Wuennenberg felt there should be a separate use category for *boat storage* to prevent a boat dealership from storing privately-owned boats. He suggested that a marina would be an appropriate place for private boat storage.

Mayor Nation questioned whether boat storage could be excluded as a land use. Mr. Wyse replied that, according to the City Attorney, such a land use can be excluded as it is not a protected form of speech. He added that the Commission may want to allow boat storage in specific areas of the City with appropriate mitigation measures for screening and location included in the ordinance.

After a poll of the Commission, there was a consensus to have Staff review these recommendations.

Motorcycle, ATV, and All Other Motor Vehicles Dealership

Ms. Kumerow stated that these types of vehicles are currently included within the *automobile dealership* use. Staff proposes that these types of vehicles be removed from the *automobile dealership* use and incorporated as a separate use permitted within both the PC and PI districts. She also clarified that this use must be requested as it is not a use granted by right.

Commissioner Schenberg felt the wording of '*All Other Motor Vehicles*' is too broad, which could potentially include vehicles that are much larger than motorcycles, scooters, jet skis, etc. Ms. Kumerow indicated that the intent of the definition is to categorize small-sized vehicles, such as mopeds and golf carts.

After further discussion, it was agreed to change the use name to *Motorcycle, ATV, and Similar Motor Vehicles Dealership*.

Recreational Vehicle Dealership

Ms. Kumerow stated that *Recreational Vehicle Dealership* is a proposed use, which takes it out of the *automobile dealership* use. The *RV Dealership* use is proposed to be permitted in the PC district only.

In response to Commissioner Marino, it was confirmed the definition of *RV* includes both non-motorized trailers and self-propelled vehicles.

Mayor Nation suggested allowing the *RV Dealership* use in PI districts. Commissioners Wuennenberg and Tilman agreed with including the use in PI, but possibly removing it from PC districts.

Ms. Kumerow explained that *RV Dealerships* were included in the PC district because it was thought that such dealerships would want arterial visibility. In other municipalities, RV dealerships are generally seen along highways and large arterial roads. She then asked the Commission for clarification as to which districts RV dealerships should be allowed.

Councilmember Hurt recommended that RV dealerships be allowed in both the PC and PI districts. He noted that the PC district would support activity where RVs are being sold and rented. The PI district would support activity such as custom fabricators who would have a different type of infrastructure with lifts, compressed air systems, and mechanical systems.

It was the consensus of the Commission to allow RV Dealerships in both the PC and PI districts.

Vehicle Storage

After considerable discussion regarding third-party vehicle storage, it was the consensus of the Commission that storage should not be part of the dealership use. It was agreed that there should be separate use categories for *boat storage*, *ATV storage*, *RV storage*, and *truck/trailer storage* to be permitted within the PI districts.

Trucks, Trailers, Construction Equipment, etc.

Mr. Kumerow stated that this is an existing use with a revised definition to specify **medium and heavy-duty trucks** to distinguish it from the automobile use which includes **light-duty trucks**, such as pick-up trucks.

The Commission agreed with the revised definition and its permitted use in the PI district.

Aircraft

Questions were raised as to whether aircraft sales needs to be considered, and whether the City has zoning authority on airport property and/or the land surrounding it.

Mr. Wyse stated that the City does not have zoning authorization over the airport property, which is a County operation. However, any ground leases that the County has with private companies fall under the City's zoning requirements.

Staff will review the issue to determine if the City has a separate category dealing with aircraft.

Commissioner Tilman complimented Ms. Kumerow's thorough work and research on the uses and definitions pertaining to vehicles.

V. APPROVAL OF MEETING SUMMARY

Commissioner Schenberg made a motion to approve the Meeting Summary of the November 9, 2020 Planning Commission Meeting. The motion was seconded by Commissioner Midgley and passed by a voice vote of 8 to 0. (Commissioner Harris abstained.)

VI. PUBLIC COMMENT - None

VII. SITE PLANS, BUILDING ELEVATIONS AND PLATS - None

VIII. UNFINISHED BUSINESS

- A. **P.Z. 07-2020 St. Louis Retirement (Conditional Use Permit Amendment):** A request to amend Conditional Use Permit 570 to permit two existing units for staff as resident living units at 14525 Clayton Rd (21R540724).

Commissioner Wuennenberg made a motion to approve P.Z. 07-2020 St. Louis Retirement (Conditional Use Permit Amendment). The motion was seconded by Commissioner Schenberg.

Upon roll call, the vote was as follows:

Aye: Commissioner Midgley, Commissioner Roach,
Commissioner Schenberg, Commissioner Staniforth,
Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Chair Hansen

Nay: None

The motion passed by a vote of 9 to 0.

B. P.Z. 08-2020 Straub Lane Estates (14685 Clayton Road): A request for a change in zoning from 'NU' Non-Urban District to 'R-3' Residence District for an undeveloped 0.90-acre tract of land on the north side of Clayton Road, west of Straub Lane. (21R441513).

Commissioner Wuennenberg made a motion to approve P.Z. 08-2020 Straub Lane Estates (14685 Clayton Road). The motion was seconded by Commissioner Schenberg.

Discussion

Commissioner Wuennenberg stated his preference for having the site developed with only two homes vs. three homes, and asked whether there is a different zoning category that would allow only two homes.

Mr. Dietz stated that the Petitioner has requested "R-3" zoning which requires a minimum of 10,000 sq. ft. per lot. The "R-2" district requires a minimum lot size of 15,000 sq. ft.

Commissioner Wuennenberg made a motion to amend the original motion to amend the zoning for P.Z. 08-2020 from "R-3" Residence District to "R-2" Residence District. The motion was seconded by Commissioner Tilman.

Upon roll call, the vote was as follows:

Aye: Commissioner Schenberg, Commissioner Staniforth,
Commissioner Tilman, Commissioner Wuennenberg,
Commissioner Harris, Commissioner Marino,
Commissioner Midgley, Commissioner Roach,
Chair Hansen

Nay: None

The motion passed by a vote of 9 to 0.

Upon roll call, the motion to approve, as amended, was as follows:

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

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 8:57 p.m.

Gene Schenberg, Secretary