

# MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning

JW

SUBJECT: Planning & Public Works Committee Meeting Summary  
Thursday, May 6, 2021



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held virtually via Zoom on Thursday, May 6, 2021.

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

Also in attendance were: Mayor Bob Nation; Councilmember Aaron Wahl (Ward II); Councilmember Michael Moore (Ward III); Chris Graville, City Attorney; Planning Commission Chair Merrell Hansen; Justin Wyse, Director of Planning; Chris Dietz, 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 February 18, 2021 Committee Meeting Summary

Councilmember Mastorakos made a motion to approve the Meeting Summary of February 18, 2021. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 3-0 with Councilmember DeCampi abstaining.

Councilmember Hurt made a motion to discuss New Business Items III.A, B, and C before Unfinished Business Item II.A. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.

## III. NEW BUSINESS

### A. Selection of Officers and Committee Assignments

Chair of Planning & Public Works Committee/Planning Commission Liaison  
Vice Chair of Planning & Public Works Committee  
Chesterfield Historic and Landmarks Preservation Committee  
Board of Adjustment

After brief discussion, Councilmember Hurt made a motion recommending the following appointments:

Chair of the Planning & Public Works Committee/Planning Commission Liaison –  
Councilmember Monachella  
Vice Chair of Planning & Public Works Committee – Councilmember Hurt

Chesterfield Historic & Landmark Preservation Committee – Councilmember Mastorakos  
Board of Adjustment – Councilmember DeCampi

The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4 to 0.

### **B. Architectural Review Board Nominee Interviews**

Chair Monachella introduced Kristopher Mehrtens.

Mr. Mehrtens stated that he is an architect and has been employed with ACI Boland Architects for almost 25 years. He is honored to have worked with both Bob Boland and Rick Clawson. ACI Boland is a commercial architectural firm that has been in business for almost 45 years. They have offices in Chesterfield Valley and they have done a lot of work in Chesterfield.

Councilmember Mastorakos stated that the City Council relies heavily on the Architectural Review Board's expertise. She stated that the City is at the cusp of major development especially in the Urban Core and asked Mr. Mehrtens if he was familiar with some of the upcoming projects in the City. Mr. Mehrtens acknowledged that he was and that he is aware of what the City expects in terms of new developments.

Chair Monachella then introduced Susan Lew.

Ms. Lew stated that she was previously married to an architect and she was intrigued by many of his projects. She has lived in the St. Louis area for 53 years, 20 years in Olivette, and after she remarried, she moved to Chesterfield Estates. Chesterfield is a nice suburban area. She personally has been looking for a mix of urban and suburban because there are elements of both that she would like to see in Chesterfield such as more walkability and preservation of greenspace. But she is also aware of the need for new development. She would like to see more underground parking and less surface parking and perhaps rooftop gardens on apartments for those residents wanting to downsize but not give up gardening.

There was some discussion regarding whether Ms. Lew would be better suited to serve on the Planning Commission rather than the Architectural Review Board (ARB) as ARB does not address greenspace or rooftop gardens. ARB provides feedback as to whether building materials and colors fit in with the surrounding area. Ms. Lew stated that she had observed a prior ARB meeting and this had occurred to her as well. However, she would love to be involved with the City whether on the ARB or the Planning Commission. It was recommended that Ms. Lew start with ARB and she could always move on to something that she felt was a better fit for her.

**Chair Monachella made a motion to forward the Architectural Review Board nominations of Kristopher Mehrtens and Susan Lew to City Council with a recommendation to approve.** The motion was seconded by Councilmember DeCampi and **passed** by a voice vote of 4-0.

### **C. Review of City of Chesterfield Ordinance 1430**

#### **STAFF PRESENTATION**

Justin Wyse, Director of Planning, stated that as part of the discussion associated with Power of Review on 18122 Chesterfield Airport Road, the Planning & Public Works Committee requested

that the Planning Commission review Ordinance 1430 to ensure that it is consistent with the Comprehensive Plan.

After a thorough review, the Planning Commission unanimously passed a recommendation that Ordinance 1430 is not consistent with the Comprehensive Plan. The Planning Commission's decision was based on the site plan ordinance that dates back to 1961 which allows for a 10-acre maximum retail commercial shopping center. However, the City's current Comprehensive Plan designates that area as Industrial which makes the retail portion incompatible. There was also concern regarding some of the details within that Ordinance such as the lack of open space and height requirements and there was a consensus that some of the permitted uses in the Ordinance are no longer permitted.

Mr. Wyse explained that historically the City has been reactive in terms of zoning. The City does not initiate zoning, only property owners can. There are advantages and disadvantages to that practice. One disadvantage is when a developer comes forward with an old ordinance that was approved by St. Louis County that allows for conditions that would not be approved today. In the past, the City has taken the stance that since it was allowed under the original ordinance, it should be approved.

There have been many discussions in the past on what the City's role should be in this process particularly during the development of the new Comprehensive Plan. Should the City continue this zoning practice as in the past or should the City proactively work through a process that would bring the City's regulations more in line with the current Comprehensive Plan? If Council wants to continue as in the past, then no further discussion is needed. However, if Council wants to become proactive, then the question is how do we go about it. The Committee can direct Staff to initiate the process or Staff can put together a framework of what this will entail. This project will take a considerable amount of time and effort with the Planning Commission who will ultimately provide a recommendation to City Council.

### **Potential Actions**

Mr. Wyse stated that there are several approaches that the Council may pursue in order to address the inconsistency of planned district ordinances, many of which stem from districts established prior to the incorporation of the city.

The first question that must be addressed is whether the City wants to proactively create a strategy to bring the zoning districts in line with the recently approved Comprehensive Plan. If no action is taken, then older rules and regulations of the property will remain inconsistent with the Plan, and it will increase the likelihood of additional properties having separate rules and regulations.

If the City elects to proactively review zoning requirements for consistency with the Comprehensive Plan, then one of the following four steps can be taken:

1. **Area of Ordinance 1430** –
  - a. Update a specific area bound by one planned district ordinance in which regulation does not reflect the intent of the current Comprehensive Plan.
  - b. The conventional Industrial zoning district may be re-examined or updated to align with Industrial Land Use designation of the Comprehensive Plan.
2. **Industrial Land Use Designation** –
  - a. Update entire Industrial Land Use designation to align with the Comprehensive Plan which is largely made up of Ordinance 1430.

- b. Industrial zoning district may be re-examined or updated to align with Industrial land use designation of the Comprehensive Plan.
- 3. **Entire Chesterfield Valley**
  - a. Update the entire Chesterfield Valley to align with the four land use designations that exist in the Valley (Industrial, Regional Commercial, Conservation, Parks and Recreation).
  - b. Increase the consistency of rules and regulations throughout the Chesterfield Valley.
  - c. Clarity for residents and businesses.
- 4. **Entire City of Chesterfield**
  - a. This would incur all the same outcomes as the entire Chesterfield Valley but would be implemented throughout the whole City. The length of time to achieve this would be much greater potentially in reviewing every zoning district in conjunction to the associated land use designation.

Staff believes that any of these efforts should be undertaken with the ultimate goal of reviewing all of our districts, procedures, and general requirements to ensure that they are appropriately tailored so that the outcome is in accordance with the Comprehensive Plan. However, as a first step, Staff recommends that we move forward with implementing zoning to comply with the Comprehensive Plan within Chesterfield Valley for the following reasons:

1. There is no planned residential within the Valley. While there are still a few homes that have been there for a long time, they would not be impacted. Regulatory standards of residential neighborhoods do not change much over time. However, there is constant change with retail businesses as they evolve to stay marketable, therefore, the uses are constantly changing.
2. There are several instances of inconsistencies; such as Home Depot and Lowes having different hours of operation while located across the street from one another. There is currently a fragmented system of regulations that has occurred throughout the use of all the planned districts which can be consolidated to establish a set of rules that apply equally to all businesses.
3. To identify ways to provide the level of review that Council desires over developments while also ensuring that the City is not infringing on anyone's legal rights.

#### **DISCUSSION**

Planning Commission Chair Merrill Hansen commented that before her involvement with the Planning Commission, she was not aware that there were 350 different sets of rules, which makes it very difficult for developers. She is in favor of beginning this process with the Planning Commission and then presenting a recommendation to City Council for review.

City Attorney Chris Graville explained that the purpose of a Comprehensive Plan is to delineate the City's vision of how development exists and how the future should look. Chesterfield is very unique with all the planned districts which make up individual dots for one development and then loosely tied together with the Comprehensive Plan. The Valley has grown so much and it is difficult to tie 50-60-year-old ordinances together with current ordinances. As you drive through the Valley, you would not realize that you are going through different zoning districts each with different regulations. The Comprehensive Plan does not happen unless all of the other elements are implemented in the zoning code. Statutorily, the Comprehensive Plan is a product of planning and zoning and this discussion should originate through the Planning Commission and ultimately be presented to City Council.

**Councilmember Hurt made a motion to direct Staff to work with the Planning Commission to review and modify the zoning within the Chesterfield Valley to reduce reliance on discretionary reviews and align the regulations of the Unified Development Code with the Comprehensive Plan. The motion was seconded by Councilmember Mastorakos and **passed** by a voice vote of 4-0.**

## **II. UNFINISHED BUSINESS**

- A. POWER OF REVIEW - 18122 Chesterfield Airport Rd. (Scott Properties) SDP: A Site Development Plan, Landscape Plan, Lighting Plan, Tree Stand Delineation, Tree Preservation Plan, Architectural Elevations and Architect's Statement of Design for a 12.04-acre tract of land zoned "M-3" - Planned Industrial District located at the southeast corner of the intersection of Chesterfield Airport Road and Spirit of Saint Louis Boulevard (17V420157). (Ward 4)**

At the February 18, 2021 Planning and Public Works Committee meeting, the Committee voted to place a hold on reviewing the project until the Planning Commission could provide a recommendation on whether the governing ordinance (Ordinance 1430) reflects the vision and goals of the City's Comprehensive Plan.

At the March 22, 2021 Planning Commission meeting, the Commission unanimously determined that Ordinance 1430 was not consistent with the Comprehensive Plan.

### **DISCUSSION**

Since the current Site Development Plan was designed to meet all the requirements of Ordinance 1430 and now that Ordinance 1430 has been declared noncompliant with the Comprehensive Plan, the Committee did not have a clear direction as to how to proceed. Options were discussed including the City's legal rights. It was ultimately decided to hold the project until the next meeting in order to reach a consensus on how to move forward.

**Councilmember Hurt made a motion to hold 18122 Chesterfield Airport Rd. (Scott Properties) SDP until the May 20, 2021 Planning & Public Works Committee meeting. The motion was seconded by Chair Monachella and **passed** by a voice vote of 4-0.**

## **IV. OTHER**

Justin Wyse, Director of Planning, informed the Committee that the next meeting will be held in person at City Hall.

## **V. ADJOURNMENT**

The meeting adjourned at 7:00 p.m.