

# MEMORANDUM

TO: Mike Geisel, City Administrator  
FROM: Justin Wyse, Director of Planning  
James Eckrich, Director of Public Works/City Engineer  
SUBJECT: Planning & Public Works Committee Virtual Meeting  
Summary Thursday, September 10, 2020



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held virtually via Zoom on Thursday, September 10, 2020.

In attendance were: **Chair Dan Hurt**, (Ward III), **Councilmember Mary Monachella** (Ward I), **and Councilmember Mary Ann Mastorakos** (Ward II). Councilmember Michelle Ohley (Ward IV) was absent.

Also in attendance were: Mayor Bob Nation; Councilmember Michael Moore (Ward III); Planning Commission Chair Merrell Hansen; Jim Eckrich, Director of Public Works/City Engineer; Justin Wyse, Director of Planning; Annisa Kumerow, Planner; 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 August 20, 2020 Committee Meeting Summary

Councilmember Monachella made a motion to approve the Meeting Summary of August 20, 2020. The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 3-0**.

## II. UNFINISHED BUSINESS – None.

## III. NEW BUSINESS

### A. Planning Commission Nominee Interview

Chair Hurt introduced Planning Commission nominee Nathan Roach.

Mr. Roach stated that he is a marketing and management consultant for consumer product companies and retail chains. He previously served on the Planning Commission in 2016 and also the City Council in 2017.

### Discussion

In response to questions from the Committee, Mr. Roach stated that he served on the Planning Commission for approximately 7 to 8 months and then was appointed to the City Council to fill an existing vacancy. He stated that he is very interested in some of the City's current developments,

i.e., The District, Downtown Chesterfield and Chesterfield Mall. He believes the City is moving forward in a positive direction.

The Committee members were very pleased that Mr. Roach had experience working with the Planning Commission and were appreciative of his willingness to serve again.

**Councilmember Monachella made a motion to forward the Planning Commission nomination of Nathan Roach to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 3-0.**

## **B. Automobile Use Definitions**

### **STAFF PRESENTATION**

Annisa Kumerow, Planner, stated that the Planning Department received an inquiry into the definition of the term “automobile” and associated definitions within the Unified Development Code (UDC); and specifically, how these terms relate to motorcycles and the permissibility of the automobile dealership use within the “PI” Planned Industrial District.

Ms. Kumerow provided the following information pertaining to automobile use definitions within the Unified Development Code (UDC):

#### **Automobile dealership**

“a retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principle use of the site shall be the *marketing of new or used automobiles*, whether by sale, rent, lease, or other commercial or financial means”

#### **Automobile**

“passenger cars, motorcycles, vans, pickup trucks, boats, and recreational vehicles.”

These definitions are broad and consolidate vehicle categories that may be better served by separate definitions. The UDC includes vehicle categories that already have separately defined use terms, such as boat storage, charter, repair, and sale.

Prior to 2009, the Zoning Ordinance permitted “sales, rental, and leasing of new and used vehicles, including automobiles” within the “PI” Planned Industrial District. With the adoption of the 2009 UDC, the current automobile dealership use was permitted solely in the “PC” Planned Commercial District. However, there are existing automobile dealerships within the “PI” Planned Industrial District that permit the sales, rental and leasing of new and used vehicles use prior to the adoption of the UDC in 2009. The “automobile” use is not permitted in the particular Ordinance that the inquiry stemmed from (“PI” District) and, therefore, an Ordinance amendment would be necessary in order to allow for that use.

#### **Topics for further research**

1. Should the definition of the automobile use be subdivided into separate use terms for different vehicle categories?, and;
2. Should the sale of any vehicle categories be permitted within the “PI” Planned Industrial District?

Prior to commencement of a more detailed analysis by Staff and forwarding the item to the Planning Commission for discussion, Staff is seeking direction from the Committee in reviewing

the definition and associated districts where the various uses may be requested as part of a planned district ordinance. If direction is received to move forward with the evaluation, a Public Hearing will be held before the Planning Commission after which the Commission will provide a formal recommendation. Any changes would then be reviewed by the Planning & Public Works Committee and then forwarded to City Council for two readings.

### **Discussion**

There was discussion regarding whether or not automobile dealerships should be permitted in a "PI" district and whether the definition of an "automobile" should be further broken down into categories, such as motorcycle, ATV, boat, RV, golf cart, etc.

**Councilmember Mastorakos made a motion to direct Staff to further research automobile use definitions.** The motion was seconded by Councilmember Monachella.

### **Discussion after the Motion**

There was further discussion regarding automobile dealerships being allowed in a "PI" District. Justin Wyse, Director of Planning, explained that the inquirer is a motorcycle dealership looking to relocate in Wings Corporate Estates because they would like to be located further west by the winding roads through western Chesterfield and Wildwood. As these Districts are further defined, perhaps a Caterpillar dealership or motorcycle dealership could be allowed in a "PI" district, whereas another car dealership would not be allowed.

**The above motion was passed by a voice vote of 3-0.**

At the request of Chair Hurt, Item III.D was discussed next.

### **D. Section 40502.040.E. (Time Extensions)**

#### **STAFF PRESENTATION**

Justin Wyse, Director of Planning, stated that at the direction of the Planning & Public Works Committee, Staff was asked to confer with the City Attorney regarding approving or denying Time Extensions. After such discussion, Staff is proposing to repeal Section 405.02.040.E thereby eliminating the need for time extensions.

To date, the City has not utilized this Section of Code that allows the City to initiate a change in zoning. The City cannot simply revert zoning as it is a legislative action and appropriate procedural requirements apply. The City would have to follow the same procedures that developers must follow in rezoning a property.

If City Council does not approve a time extension, they are in effect directing Staff to initiate a zoning petition on the property. This is further complicated because the majority of land in Chesterfield is not zoned from a straight zoning district, such as a "C-2" Commercial District to a "PC" Planned Commercial District. Properties are typically rezoned from an "NU" Non-Urban District or another inactive zoning district to a "PC" Planned Commercial District.

Mr. Wyse noted that even though the City would not be following the time extension process with the repeal of Section 405-02.040.E, there is a section in the proposed ordinance that allows the City to retain this right as granted to it in Section 405.02.030.3 of the City Code and as is also permitted under State law.

### Discussion

In response to Chair Hurt's question, Mr. Wyse replied that any time the City initiates zoning, there has to be a public policy justification for why the City is taking that action. Inactivity on the petitioner's part, is not a justifiable action. Property owners have the legal right to obtain a reasonable land use classification under Missouri Law. Removing those rights due to lack of development, would not be a justification.

**Councilmember Monachella made a motion to forward an ordinance amending section 405-02-020.E, to City Council with a recommendation to approve.** The motion was seconded by Councilmember Mastorakos and **passed by a voice vote of 3-0.**

**Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the September 21, 2020 City Council Meeting. See Bill #**

**[Please see the attached report prepared by Justin Wyse, Director of Planning, for additional information on Section 40502.040.E. (Time Extensions).]**

### C. Architectural Review Design Standards

#### **STAFF PRESENTATION**

Justin Wyse, Director of Planning, stated that at the last Architectural Review Board (ARB) meeting, Staff was asked to look into the potential for including additional language into Section 04-01 Architectural Review Design Standards to address modifications for re-use and redevelopment of existing buildings. ARB believes they have the necessary tools to evaluate new developments, however, they are requesting additional guidelines for older buildings that may not have been approved under today's guidelines.

Prior to commencement of a more detailed analysis by Staff and forwarding the item to the Architectural Review Board for discussion, Staff is seeking direction from the Committee in reviewing the Architectural Review Design Standards. If direction is received to move forward, Staff will complete the requested research and analysis and place the item on an upcoming meeting of ARB. If ARB recommends changes to the Code, a Public Hearing will be held and the Planning Commission will provide a formal recommendation on proposed changes to City Council. These changes would then be reviewed by this Committee and then forwarded to City Council for two readings.

### Discussion

The Committee was agreeable to the idea, but also discussed whether or not to go beyond existing structures and include additional items such as the location and composition of mechanical equipment.

The Committee agreed that ARB members provide an element of expertise and professionalism and the Council values their opinion.

Ultimately the Committee directed Staff to begin the analysis and to consider additional items.

Mr. Wyse stated that no motion was required as he just wanted feedback from the Committee before proceeding.

## **IV. OTHER**

**V. ADJOURNMENT**

The meeting adjourned at 6:27 p.m.

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