# III. A.

## Memorandum Department of Planning

To: Planning and Public Works Committee

From: Shilpi Bharti, Planner

Date: May 23, 2024



RE: <u>P.Z. 02-2024 18009 and 18045 N. Outer 40 Rd. (Gumbo Flats</u> <u>Properties, LLC): A request for an ordinance amendment to create a new</u> "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).

#### <u>Summary</u>

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.

A Public Hearing was held on March 11, 2024 for this petition, during which the City of Chesterfield Planning Commission raised multiple issues regarding:

- Visual impact of the proposed parking area
- Concern regarding the amount of tree removal associated with the proposed improvements
- Consistency with Conservation land use designation

The petition was reviewed by Planning Commission on May 13, 2024. Planning Commission approved this petition, with two amendments. First amendment was to include a restriction within the Attachment A to limit 65 feet building height for lot D and 20 feet height restriction for rest of the parcel. Second amendment was to have setback requirement from the west property line of the Planned Industrial District. The amended motion was passed, by a vote of 9 to 0.

Attached to this report, please find the May 13, 2024 Staff Report, draft Attachment A, applicant response letter, narrative and Preliminary Development Plan.

Attachments: May 13, 2024 Staff Report Attachment A Applicant response Narrative, Attachment B – Preliminary Development Plan P.Z. 02-2024 18009 and 18045 N. Outer 40 Rd. (Gumbo Flats Properties, LLC)



Figure 1: Subject Site

### ATTACHMENT A

## All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

#### I. SPECIFIC CRITERIA

#### A. PERMITTED USES

- 1. The uses allowed in this "PI" Planned Industrial District shall be:
  - a. Batching plant.
  - b. Extraction & processing of raw materials from the earth and processing thereof
  - c. Parking area (stand-alone), including garages, for automobiles. Not including sales or storage of damaged vehicles for more than 72 hours.
- 2. The above uses in the "PI" Planned Industrial District shall be restricted as follows:
  - a. Manufacture of asphalt and storage of materials incident to such manufacturing is prohibited.
  - b. Permitted use "a" and "b" shall be restricted only to Lot D located on the north portion of the site as depicted in the Preliminary Development Plan
  - c. Parking "garages" shall not be permitted
  - d. Gravel parking within this "PI" District is allowed north of the Levee only if:
    - i. Parcels north of the Chesterfield-Monarch Levee are consolidated between this "PI" District and the adjacent parcel(s) to the east.
    - ii. A portion of gravel parking from the "PC" District immediately east of this development, as depicted on the Preliminary Development Plan, is relocated.
    - iii. The total gravel parking area for Lot C shall not exceed the area shown on the attached Preliminary Development Plan.
- 3. Hours of Operation.
  - a. Hours of operation for this "PI" District shall not be restricted.

4. Telecommunication siting permits may be issued for wireless telecommunications facilities per the requirements of the City Code.

## B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

- 1. Height
  - a. The maximum height of the building, exclusive of roof screening, shall not exceed sixty-five (65) feet for Lot D and twenty (20) feet for rest of the PI parcel.
  - b. The height of the sand and gravel stockpiles located on Lot D shall be limited to the level of the adjacent roadways.
- 2. Building Requirements
  - a. A minimum of thirty-five percent (35%) openspace is required for each lot within this development.

#### C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

- a. Thirty (30) feet from the west boundary of the Planned Industrial (PI) District.
- b. Zero (0) feet from the eastern boundary of the PI District.
- c. Zero (0) feet from the north boundary of the PI District.
- 2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Thirty (30) feet from the west boundary of the PI District.
- b. Zero (0) feet from the north boundary of the PI District.
- c. Zero (0) feet from the eastern boundary of the PI District.

#### D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
- 2. Parking lots shall not be used as streets.
- 3. Access to this development shall be permitted to utilize the existing gravel driveway.
- 4. The Monarch-Chesterfield Levee Trail crossing shall be continuously maintained free of dirt, gravel, and debris.
- 5. Parking and access roads, substantially conforming with the Preliminary Development Plan, may utilize gravel or other similar materials.
- 6. Water shall be applied to the unpaved road surface at least twice per day during any day of operation, or as frequently as deemed necessary by City Staff for dust suppression purposes. When additional water applications are directed by City Staff the application shall be initiated within two hours of the directive.

#### E. LANDSCAPE AND TREE REQUIREMENTS

The development shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

#### F. SIGN REQUIREMENTS

- 1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
- 2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic (or MoDOT), for sight distance considerations prior to installation or construction.

#### G. LIGHT REQUIREMENTS

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

#### H. ARCHITECTURAL

- 1. The development shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
- Trash enclosures: All exterior trash areas will be enclosed with a minimum six
  (6) foot high sight-proof enclosure complemented by adequate

landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

#### I. ACCESS/ACCESS MANAGEMENT

- 1. Access to the development shall be as shown on the Preliminary Development Plan and adequate sight distance shall be provided, as directed by the City of Chesterfield, the Missouri Department of Transportation and St. Louis County Department of Transportation, as applicable.
- 2. Cross access shall be provided to the adjoining properties as directed by the City of Chesterfield.
- 3. If adequate sight distance cannot be provided at the access location(s), acquisition of right-of-way, reconstruction of pavement and other off-site improvements may be required to provide the required sight distance as required by the City of Chesterfield and the agency in control of the right of way off which the access is proposed.
- 4. Access to Missouri Department of Transportation (MODOT) road right-of-way and improvements within MODOT road right-of-way (N. Outer 40 Road) shall be as directed by MODOT.

## J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

- 1. Obtain approvals from the City of Chesterfield and the Missouri Department of Transportation and other entities as necessary for locations of proposed curb cuts and access points, areas of new dedication, and roadway improvements.
- 2. Additional right-of-way and road improvements shall be provided, as required by Missouri Department of Transportation and the City of Chesterfield.
- 3. Any water or sanitary taps in MoDOT right of way will require a separate permit issued to the contractor/plumber doing the work as required by MoDOT.
- 4. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the Missouri Department of Transportation. No gate installation will be permitted on public right-of-way.
- 5. If a gate is installed on a street in this development, the streets within the development, or that portion of the development that is gated, shall be private and remain private forever.
- 6. If a gated access is installed, must meet all the requirements of City Code.

7. Pedestrian improvements and connections to and/or across the Levee Trail will require review and approval of the City of Chesterfield and Monarch Chesterfield Levee District.

#### K. TRAFFIC STUDY

- Provide a traffic study as directed by the City of Chesterfield and/or the Missouri Department of Transportation. The scope of the study shall include internal and external circulation and may be limited to site specific impacts, such as the need for additional lanes, entrance configuration, geometrics, sight distance, traffic signal modifications or other improvements required, as long as the density of the proposed development falls within the parameters of the City's traffic model. Should the density be other than the density assumed in the model, regional issues shall be addressed as directed by the City of Chesterfield.
- 2. Provide a sight distance evaluation report, as required by the City of Chesterfield, for the proposed entrance onto N. Outer 40 Rd. If adequate sight distance cannot be provided at the access location, acquisition of right-of-way, reconstruction of pavement, including correction to the vertical alignment, and/or other off-site improvements shall be required, as directed by the City of Chesterfield and/or the Missouri Department of Transportation.

#### L. POWER OF REVIEW

The development shall adhere to the Power of Review Requirements of the City of Chesterfield Code.

#### M. STORM WATER

- 1. Formal MSD review, approval, and permits are required.
- 2. Post-construction BMP's will be required. Stormwater Management facilities and site design strategies shall be applied such that the extents of the project's disturbed areas are managed. The site is considered new development; volume reducing BMP's will be required.
- Channel protection volume may be required for the portions of the project outside of the Monarch Chesterfield Levee District unless exempt by the MSD Rules and Regulations.
- 4. Culverts will not be maintained by MSD.
- 5. A flood plain study will be required for this project for any work performed outside of the Levee District Boundary.
- 6. Approval from the Monarch Chesterfield Levee District.

- 7. Note that projects that affect wetland or waters of the United States will likely be accompanied by an additional assessment of the feature as required by the U.S. Army Corp of Engineers and/or Missouri Department of Natural Resources under Clean Water Act section 401/ 404 permitting requirements. MSD may require documentation that the project has satisfied 401/404 permitting requirements prior to plan approval, or documentation that the activities are exempt.
- 8. The project is in the Caulks Creek Service area and is subject to the Caulks Creek Surcharge.
- 9. Sanitary flow estimates must be provided to MSD. These shall include the estimated average daily and peak flow rates. These estimates are needed to determine the sanitary requirements for the site. Sanitary improvements, including pump station upgrades may be required based on the flow rates provided.
- 10. A public sanitary sewer extension may be required as per MSD.
- 11. Sample manholes or tees may be required by MSD.
- 12. If sanitary service is proposed on the river side of the levee the system would need to be designed as to minimize infiltration during a high water event.
- 13. Easements will be required to allow for future public sewer extensions to adjacent tracts.
- 14. Offsite easements may be required as directed by MSD.

#### N. SANITARY SEWER

1. Sanitary sewers shall be as approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.

#### **O. GEOTECHNICAL REPORT**

Prior to Site Development Plan approval, provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the Department of Public Services. The report shall verify the suitability of grading and proposed improvements with soil and geologic conditions and address the existence of any potential sinkhole, ponds, dams, septic fields, etc., and recommendations for treatment. A statement of compliance, signed and sealed by the geotechnical engineer preparing the report, shall be included on all Site Development Plans and Improvement Plans.

#### R. MISCELLANEOUS

- 1. Overhead electric service is permitted on the north side of the Levee.
- Any retaining wall along public right of way shall be private and remain private forever and shall be located such that it is not necessary to support any public improvements.
- 3. If any development in, or alteration of, the floodplain is proposed, the developer shall submit a Floodplain Development Permit Application to the City of Chesterfield for approval. The Floodplain Development Permit must be approved prior to the approval of a Grading Permit or Improvement Plans. Any proposed development in, or alteration of, the FEMA designated floodway shall require a No Rise Certification signed and sealed by a Missouri Professional Engineer. A Floodplain Study may also be required as directed by the City of Chesterfield.

If any change in the location of the Special Flood Hazard Area is proposed, the Developer shall be required to obtain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). The LOMR must be issued by FEMA prior to the approval of improvement plans. Elevation Certificates will be required for any structures within the Special Flood Hazard Area or the Supplemental Protection Area. All new roads within and adjacent to this site shall be constructed at least one (1) foot above the base flood elevation of the Special Flood Hazard Area. Improvements to existing roadways shall be required as necessary to provide at least one access route to each lot that is at least one (1) foot above the base flood elevation, except Lot D. Consult Article 05 of the Unified Development Code for specific requirements.

#### II. GENERAL CRITERIA

#### A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

- 1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
- 2. Outboundary plat and legal description of property.
- 3. Density calculations.
- 4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
- 5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.

- 6. Provide Floor Area Ratio (F.A.R.).
- 7. A note indicating all utilities will be installed underground.
- 8. A note indicating signage approval is separate process.
- 9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
- 10. Specific structure and parking setbacks along all roadways and property lines.
- 11. Indicate location of all existing and proposed freestanding monument signs.
- 12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
- 13. Floodplain boundaries.
- 14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site, significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.
- 15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
- 16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
- 17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
- 18. Address trees and landscaping in accordance with the City of Chesterfield Code.
- 19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
- 20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.

- 21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St. Louis Sewer District (MSD) and the Missouri Department of Transportation.
- 22. Compliance with Sky Exposure Plane.
- 23. Compliance with the current Metropolitan Sewer District Site Guidance as adopted by the City of Chesterfield.

#### **III. TRUST FUND CONTRIBUTION**

The developer shall be required to contribute to the Traffic Generation Assessment (TGA) to the Trust Fund Area E.

#### ROADS

The roadway improvement contribution is based on land and building use. The roadway contributions are necessary to help defray the cost of engineering, rightof-way acquisition, and major roadway construction. This contribution shall be established by the City of Chesterfield Trust Fund Rate Schedule effective at the time of development.

The Traffic Generation Assessment (TGA) contribution shall be made prior to the issuance of a Municipal Zoning Approval (MZA) by the City of Chesterfield.

Allowable credits for required improvements will be awarded as directed by the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area, any portion of the traffic generation assessment contribution which remains following completion of road improvements required by the development will be retained in the appropriate trust fund.

#### A. WATER MAIN

The primary water line contribution is based on gross acreage of the development land area. The contribution shall be a sum of \$1058.23 per acre for the total area as approved on the Site Development Plan to be used solely to help defray the cost of constructing the primary water line serving the Chesterfield Valley area.

The primary water line contribution shall be deposited with the Saint Louis County Department of Transportation. The deposit shall be made before Saint Louis County approval of the Site Development Plan unless otherwise directed by the Saint Louis County Department of Transportation. Funds shall be payable to Treasurer, Saint Louis County.

#### **B. STORM WATER**

The storm water contribution is based on gross acreage of the development land area. These funds are necessary to help defray the cost of engineering and construction improvements for the collection and disposal of storm water from the Chesterfield Valley in accordance with the Master Plan on file with and jointly approved by Saint Louis County and the Metropolitan Saint Louis Sewer District. The amount of the storm water contribution will be computed based on \$3,357.52 per acre for the total area as approved on the Site Development Plan.

The storm water contributions to the Trust Fund shall be deposited with the Saint Louis County Department of Transportation. The deposit shall be made prior to the issuance of a Special Use Permit (S.U.P.) by Saint Louis County Department of Transportation or prior to the issuance of building permits in the case where no Special Use Permit is required. Funds shall be payable to Treasurer, Saint Louis County.

#### C. SANITARY SEWER

The sanitary sewer contribution is collected as the Caulks Creek impact fee.

The sanitary sewer contribution within Chesterfield Valley area shall be deposited with the Metropolitan Saint Louis Sewer District as required by the District.

The amount of these required contributions for the storm water and primary water line improvements, if not submitted by January 1, 2025 shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accordance with the construction cost index as determined by the Saint Louis County Department of Transportation.

#### IV. RECORDING

Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require reapproval of a plan by the Planning Commission.

#### V. ENFORCEMENT

**A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.

- **B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- **C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- **D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- **E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.





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### **Planning Commission Staff Report**

Meeting Date: May 13, 2024

From: Shilpi Bharti, Planner 🥍

Location: North side of North Outer 40 Road.

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

#### **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 District. "PI" Industrial Planned Industrial District, and "NU" Non-Urban ordinance District parcels. The 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. The submittal includes a



Figure 1: Subject Site Aerial

Preliminary Development Plan, Narrative

Statement, Tree Stand Delineation, and Out boundary Survey. Different flood zones exist on the property and any development will be required to comply with the development requirements of the City's flood hazard regulations.

#### **SITE HISTORY**

The site is located in Ward 4 of 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 stock piling, 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 got approved by the City Council on April 16, 2024.



Figure 2: Updated Lot Configuration as approved in the Boundary Adjustment Plat

## SURROUNDING LAND

The subject site is "M-3" surrounded bv 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 "PC" zoned Planned Commercial and "NU" Non-Urban.



Figure 3: Zoning Map

#### **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.



Figure 4: Land use map

#### **PI - PLANNED INDUSTRIAL DISTRICT**

City of Chesterfield Unified Development Code regulations of the PI District offer a method for the industrial and selected commercial development of land in the City of Chesterfield that allows flexibility in applying certain zoning standards. The requirements are designed to offset the impact of changes in development standards allowed through these provisions. As per City Unified Development Code, the PI regulations should have the following outcomes:

- Ensure consistency with the Comprehensive Plan.
- Promote building and architectural styles that complement one another, as well as the surrounding area.
- Promote more efficient use of land.
- Incorporate site features; such as, topography, views, vegetation, water features, and other factors into the design so they become assets to the development.
- Promote the most efficient arrangement of circulation systems, land use, and buildings.
- Promote environmentally sensitive developments.
- Allow development, under a specifically approved design concept and site plan.

#### **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

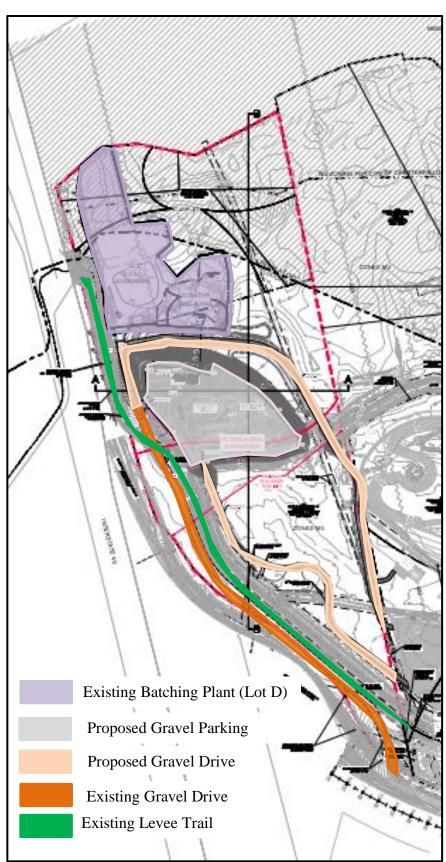


Figure 5: Preliminary Development Plan

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 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.

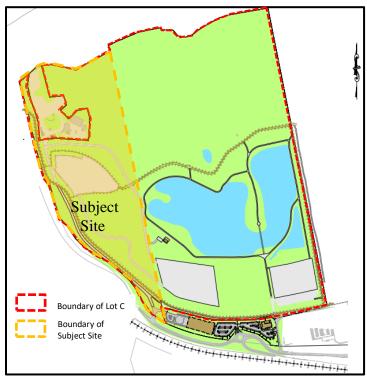


Figure 6: Site Development Plan proposed for Lots A, B, C, and D

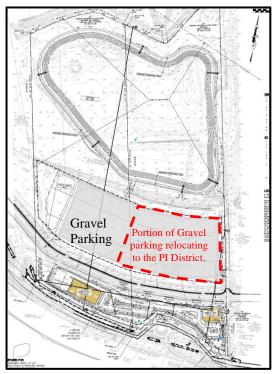


Figure 7: Preliminary Development Plan approved for east PC District

### **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 resubmission 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.

These items (landscaping and berming) are shown on the Preliminary Development Plan for the site and would become a requirement for the site if approved.



Figure 8: 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.

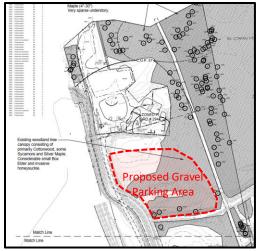


Figure 9: Tree Stand Delineation

#### 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.

The area north of the levee is proposed for three primary uses extraction, batching plant, and parking. There was concern about the additional parking to be located on the site. Screening and the visual impact of this parking was addressed in Issue 2 previously. The proposed Attachment 'A' includes requirements for this additional parking area to help prevent a proliferation of parking north of the levee. With these requirements, parking areas, not including garages, may be permitted on the site if the owner consolidates parcels within this proposed "PI" Planned Industrial District with parcels to the east. Parcels to the east already permit parking north of the levee. With the consolidation of parcels, parking within the "PI" Planned Industrial District would only be permitted if a similar size parking area is removed from an approved Site Development Plan which covers both properties. A Site Development Plan showing these changes has been submitted, is under review with Staff, and will be presented to the Planning Commission once all Staff comments have been addressed.

#### <u>Summary</u>

Staff has completed 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 "<u>limiting impervious surface</u>". 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 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.

Attachments

- 1. Attachment A
- 2. Issue Response Letter
- 3. Attachment B Preliminary Development Plan



### April 9, 2024

City of Chesterfield 690 Chesterfield Pkwy. W. Chesterfield, MO 63017

Attention: Ms. Shilpi Bharti, Planner (<u>sbharti@chesterfield.mo.us</u>)

RE: 18009 - 18045 N. Outer 40 Road P.Z. 02/2024 issue letter from Public Hearing held on 3/11/2024 for requested Ordinance Amendment (Stock Project No. 222-7282.1)

#### Dear Ms. Bharti,

We are pleased to offer the following written responses to your comments contained within your departmental letter, dated 3/13/2024.

#### **General Comments:**

- 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: Enclosed are 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. We have added a landscape berm and perimeter landscaping to further shield the view from eastbound I-64.
- 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.

- 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. They are constructing passive recreational amenities for their private use where borrow pits were previously dug and illegal dumping occurred. Attached are a series of aerial photos from 1990 – 2015 illustrating farming and borrow operations.



4. Please provide information on whether the property will be gated, or if parking lots or access drives will be fenced off.

#### **Response:** The parking lot will be fenced and gated.

5. Discussion was about the intentions of lease parcel after the lease expires. Please provide the information on what the applicant's intent is for the property once the lease expires.

## Response: The terms of the lease include extensions that could extend up to 27 years. No plans exist at this time for the property other than the lease operations.

#### **Preliminary Development Plan Comments:**

6. In the Preliminary Development Plan, remove sheet PDP 4.0.

#### **Response: Removed.**

7. If cut or fill slopes in excess of the standard maximum of 3:1 horizontal run to vertical rise is desired, approval for the steeper slopes must be obtained from the City of Chesterfield. Review of the proposed steep slope(s) will be concurrent with the review of the Site Development and/or Improvement Plans or the Grading Permit for the project.

#### **Response: Understood.**

8. The flood study and no rise certificate submitted are currently under review. Any comments will be provided separately.

#### **Response: Understood.**

9. Please clearly depict the limits of all flood zones and supplemental protection area in the plan.

#### **Response: Added to the plan.**

#### **Advisory/Warning Comments:**

10. US Survey corners located on or near the development site must be protected and shall be restored if disturbed due to the construction.

**Response: Understood.** 



As always, we appreciate your continued assistance and support for this project. Should you have any question or comments, please feel free to call.

Sincerely,

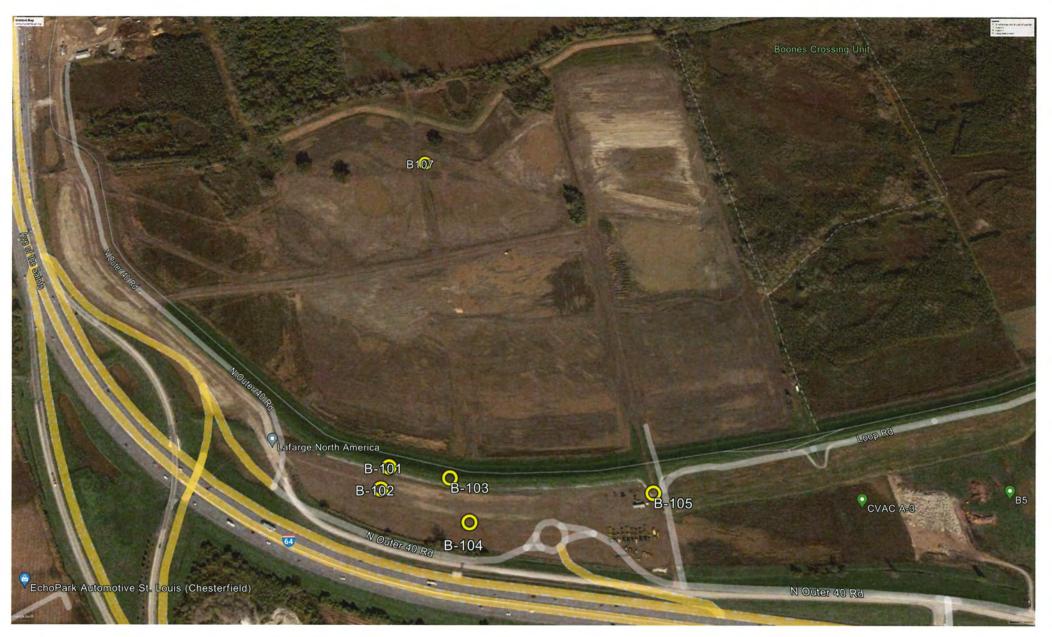
George M. Stock, P.E. President

Mr. Jerry Kerr, Gumbo Flats Properties, LLC (jerry.kerr@gsps.com)
 Mr. Stephen Kling, Jenkings & Kling, P.C. (skling@jenkinskling.com)
 Mr. Rich Obertino, TRi Architects (rich.obertino@triarchitects.com)
 Mr. Rusty Saunders, Loomis Associates (rsaunders@loomis-associates.com)
 Mr. Andrew Dixon, P.E., Senior Associate (adixon@stockassoc.com)
 Mr. Eric Fischer, P.E., Senior Associate (eric.fischer@stockassoc.com)





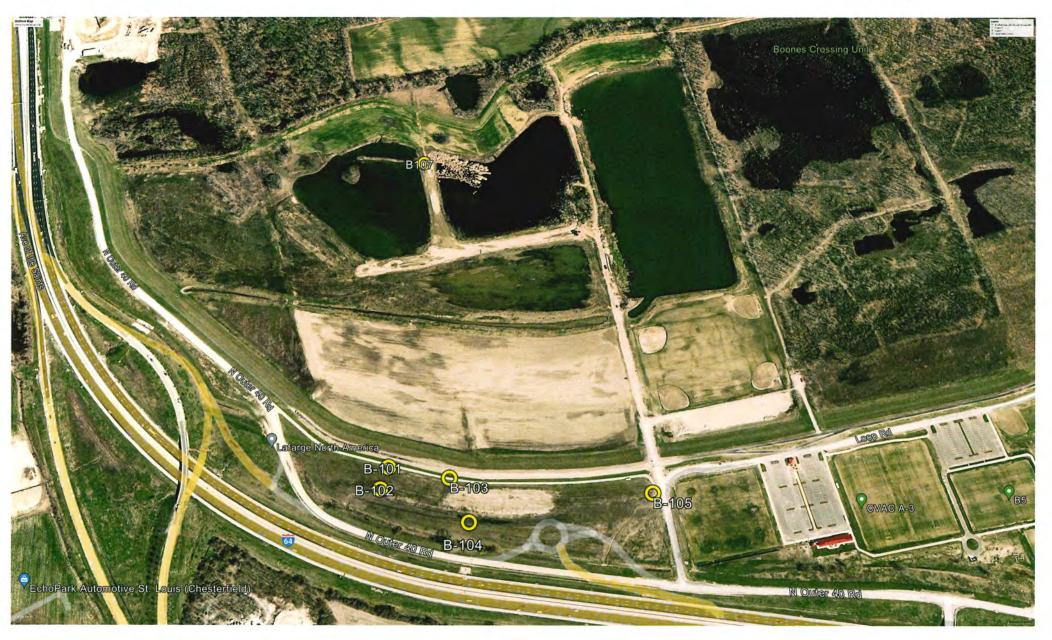


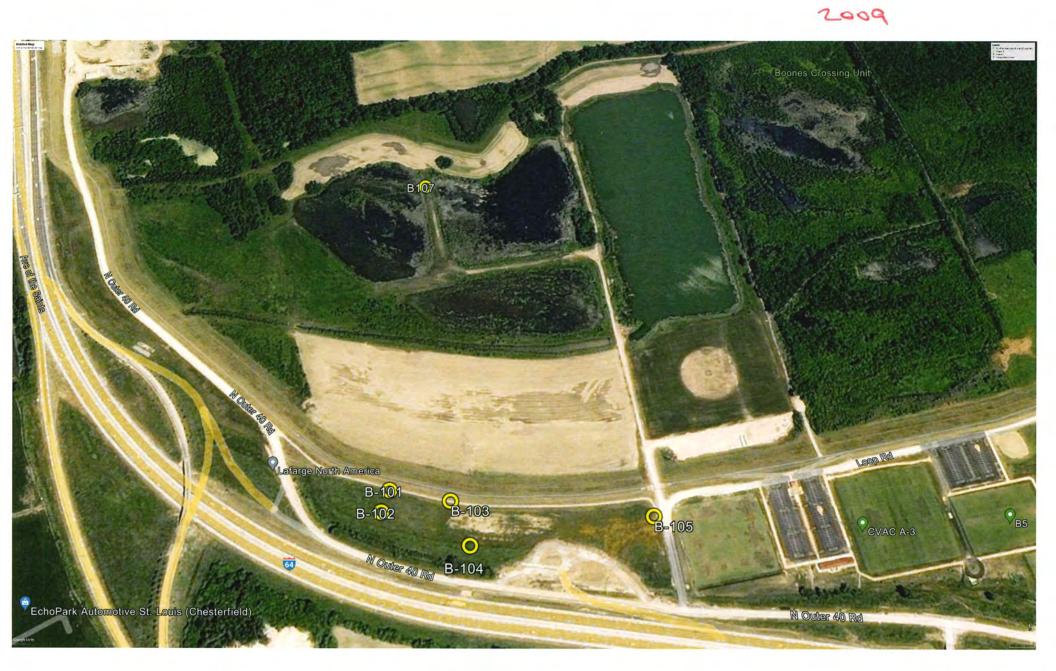














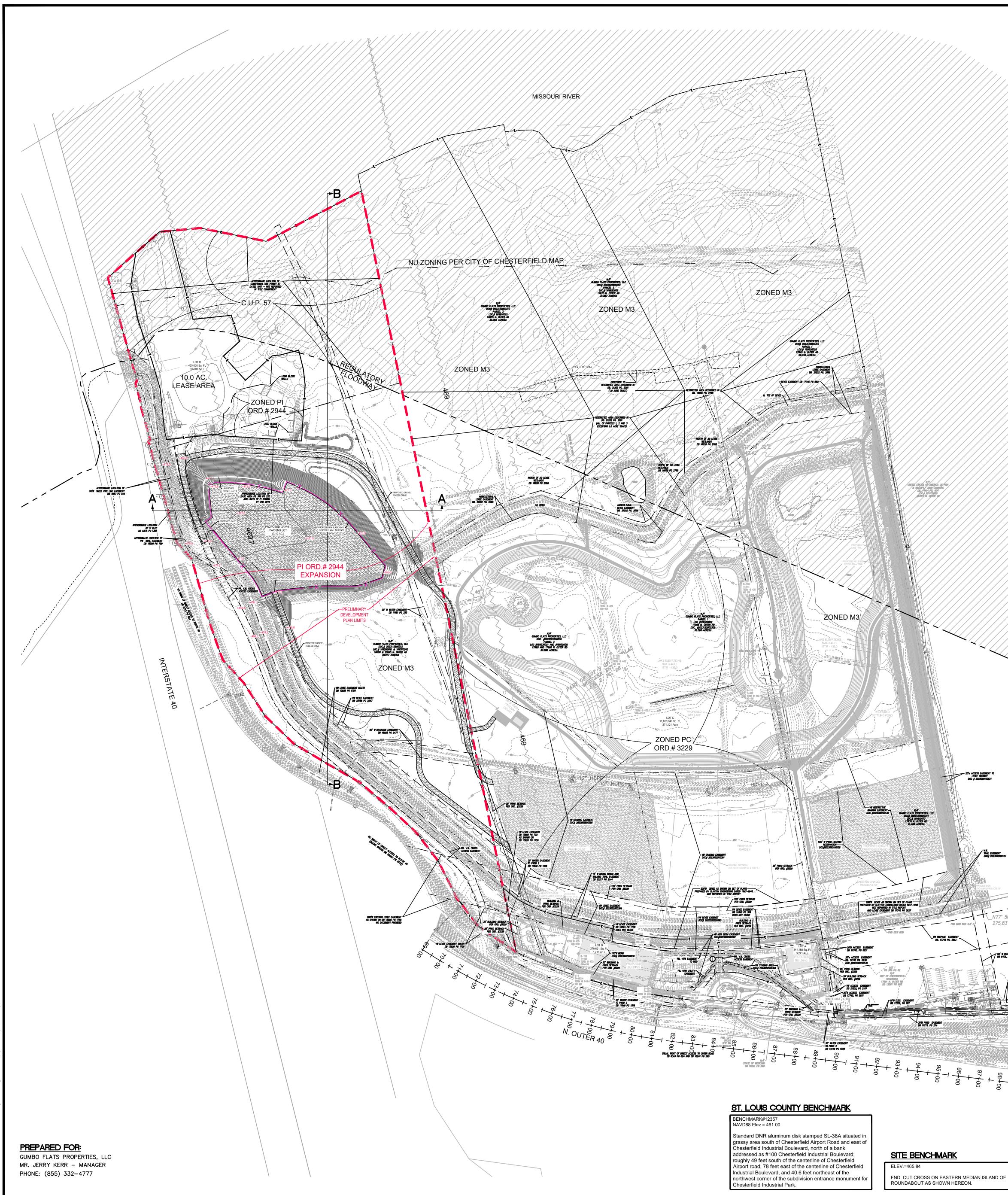






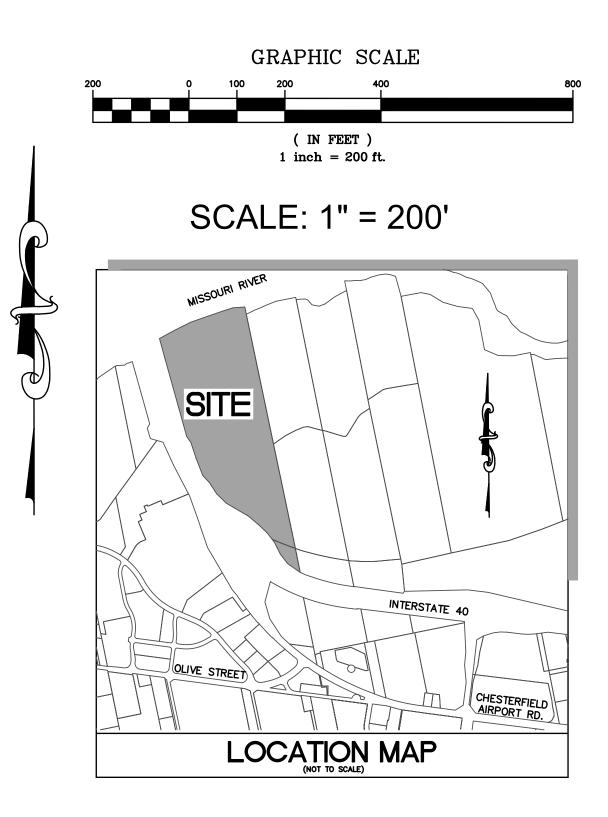






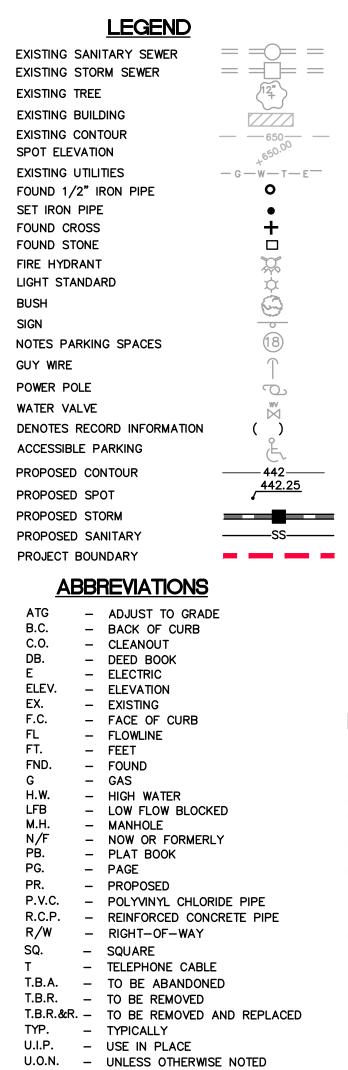
# PRELIMINARY DEVELOPMENT PLAN

A TRACT OF LAND BEING PART OF U.S. SURVEYS 368 AND 371, IN TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



PI PLANNED INDUSTRIAL DISTRICT ORD.# 2944 Structure and Parking setbacks: Zero feet.

Height Requirements: Max Height of building, exclusive of roof screening shall not exceed 65 feet.



V.C.P. – VITRIFIED CLAY PIPE

(86'W) - RIGHT-OF-WAY WIDTH

W – WATER

#### FLOOD NOTE:

SUBJECT PROPERTY LIES WITHIN FLOOD ZONE ZONE AE (BASE FLOOD ELEVATIONS DETERMINED, ELEV.=469.13-469.95), FLOODWAY AREAS IN ZONE AE, FLOOD ZONE AH (FLOOD DEPTHS OF 1 TO 3 FEET, USUALLY AREAS OF PONDING; BASE FLOOD ELEVATIONS DETERMINED, ELEV.=460), AND FLOOD ZONE X SHADED (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 29189C0145K WITH AND EFFECTIVE DATE OF 02/04/2015 AND REVISED TO REFLECT LOMR NOV. 16, 2017 CASE NO. 17-07-0742P. BY GRAPHICALLY PLOTTING.



MoDOT LOCATE (314) 340-4100

#### SITE INFORMATION

OWNER:	GUMBO FLATS PROPERTIES, LLC
ADDRESS:	18009 & 18045 N. OUTER 40 RD
	CHESTERFIELD, MO 63005
ZONING:	"PI" PLANNED INDUSTRIAL – ORD. N
LOCATOR NO:	16W310045 & 16W240041
FIRE DISTRICT:	MONARCH FIRE PROTECTION DISTRIC
SCHOOL DISTRICT:	ROCKWOOD
SEWER DISTRICT:	METROPOLITAN ST. LOUIS SEWER DIS
WATER SHED:	MISSOURI RIVER
FEMA MAP:	29189C0145K (02/04/2015)
	W/ LOMR NOV. 16, 2017 CASE NO.
ELECTRIC COMPANY:	AMEREN UE
GAS COMPANY:	SPIRE INC.
PHONE COMPANY:	AT&T
WATER COMPANY:	MISSOURI AMERICAN WATER COMPAN

SHEET INDEX	
PDP 1.0	OVERALL SITE PLAN
PDP 2.0	SITE PLAN - TRAILER ACCESS N
PDP 3.0	SITE SECTIONS
TSD	TREE STAND DELINEATION
TPP	TREE PRESERVATION PROTECTION
L1.02	GRAVEL PARKING LOT LANDSCAP

PROPERTY DESCRIPTION

A tract of land located in U.S. Surveys 368 and 371, in Township 45 North, Range 3 East, of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri, and being more particularly described as follows:

Beginning at the intersection of the northeast right of way line of Interstate 64, also know as Highway 40, variable width, and the west line of Lot 3 of Nicholas Mueller Estate Plat Book 2 Page 25 of the St. Louis County records; thence the following course and distances along said northeast right of way line: North 55 degrees 11 minutes 06 seconds West, 225.12 feet; North 37 degrees 50 minutes 17 seconds West, 169.45 feet; North 26 degrees 25 minutes 51 seconds West, 199.71 feet; North 37 degrees 39 minutes 24 seconds West, 175.60 feet; North 46 degrees 48 minutes 55 seconds West, 169.60 feet; North 49 degrees 46 minutes 39 seconds West, 197.61 feet; North 60 degrees 07 minutes 09 seconds West, 187.51 feet; North 59 degrees 03 minutes 47 seconds West, 183.94 feet; North 45 degrees 52 minutes 41 seconds West, 193.99 feet; North 32 degrees 48 minutes 51 seconds West, 190.24 feet; North 42 degrees 30 minutes 56 seconds West, 148.45 feet to a curve to the right having a radius of 2,724.29 feet; along said curve an arc distance of 270.42 feet and a chord which bears North 18 degrees 31 minutes 12 seconds West, 270.31 feet; North 15 degrees 40 minutes 42 seconds West, 243.13 feet; North 41 degrees 19 minutes 10 seconds West, 110.92 feet; North 15 degrees 40 minutes 42 seconds West, 510.00 feet; North 74 degrees 19 minutes 18 seconds East, 10.00 feet; North 15 degrees 40 minutes 42 seconds West, 170.00 feet; North 74 degrees 19 minutes 18 seconds East, 5.00 feet; North 15 degrees 40 minutes 42 seconds West, 120.00 feet; North 74 degrees 19 minutes 18 seconds East, 10.00 feet; and North 15 degrees 40 minutes 42 seconds West, 525.24 feet, to the South Bank of the Missouri River as located by Stock and Associates Consulting Engineers in October 2023; thence the following courses and distances along the said south Bank of the Missouri River: North 48 degrees 31 minutes 28 seconds East, 335.26 feet; North 84 degrees 44 minutes 55 seconds East, 198.93 feet; South 78 degrees 34 minutes 46 seconds East, 325.04 feet; and North 62 degrees 10 minutes 34 seconds East, 523.22 feet, to the west line of above said Lot 3; thence along said west line, South 11 degrees 29 minutes 32 seconds East, 3,768.25 feet to the POINT OF BEGINNING. Containing 3,401,035 square feet or 78.077 acres, more or less.

#### GEOTECHNICAL NOTE CONTRACTOR SHALL READ THE GEOTECHNICAL FEASABILITY STUDY MWT JOB NO. 15545 TITLED NORTH OUTER 40, CHESTERFIELD,

MISSOURI AS PREPARED BY MIDWEST TESTING (DAN BARCZYKOWSKI, P.E.) DATED 11/09/2022. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FOLLOW ALL RECOMMENDATIONS AS OUTLINED IN THE GEOTECHNICAL REPORT THE GEOTECHNICAL REPORT, ANY ADDENDUMS OR ADDITIONAL RECOMMENDATIONS FROM THE GEOTECHNICAL ENGINEER ARE CONSIDERED PART OF THESE SPECIFICATIONS AND SHALL BE USED AS THE BASIS FOR CONSTRUCTION MEANS AND METHODS.

#### DISCLAIMER:

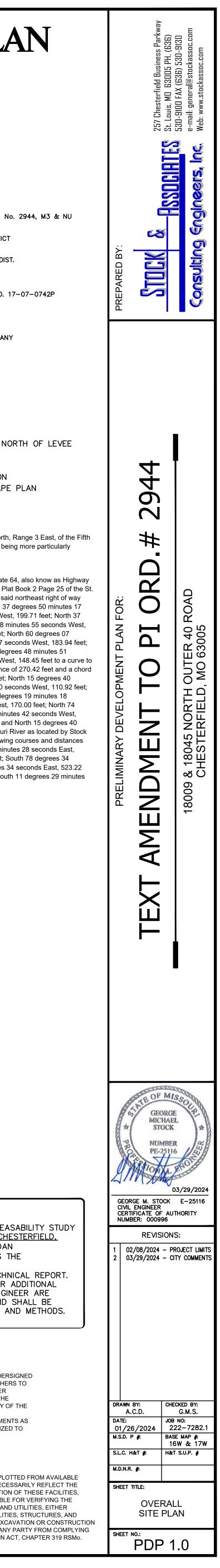
STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. AND THE UNDERSIGNED ENGINEER HAVE NO RESPONSIBILITY FOR SERVICES PROVIDED BY OTHERS TO IMPLEMENT THE IMPROVEMENTS SHOWN ON THIS PLAN AND ALL OTHER DRAWINGS WHERE THE UNDERSIGNED ENGINEER'S SEAL APPEARS. THE CONSTRUCTION MEANS AND METHODS ARE THE SOLE RESPONSIBILITY OF THE OWNER AND CONTRACTOR. STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC. HAS NO RESPONSIBILITY TO VERIFY FINAL IMPROVEMENTS AS SHOWN ON THIS PLAN UNLESS SPECIFICALLY ENGAGED AND AUTHORIZED TO DO SO BY THE OWNER OR CONTRACTOR.

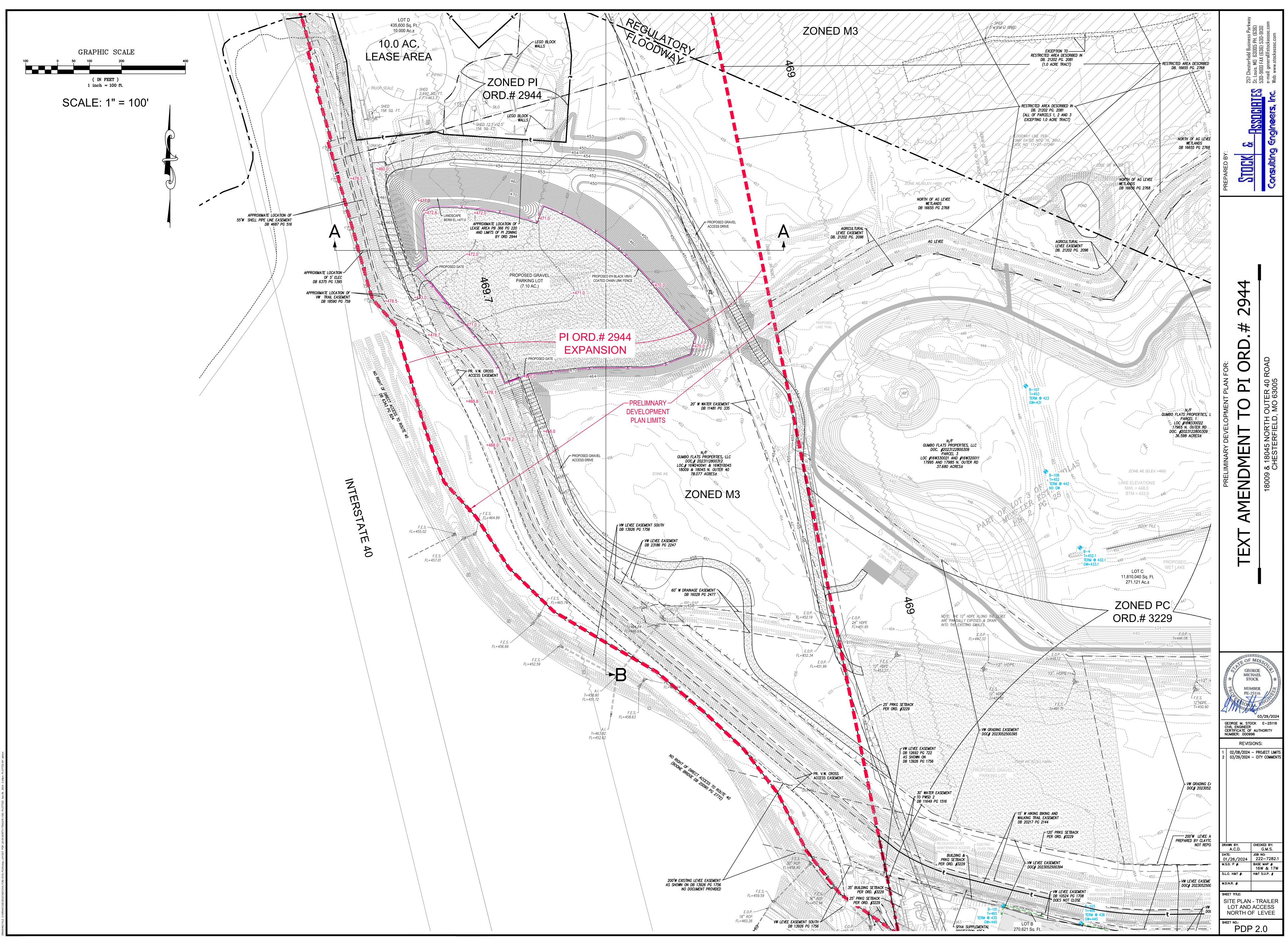
#### UTILITY NOTE:

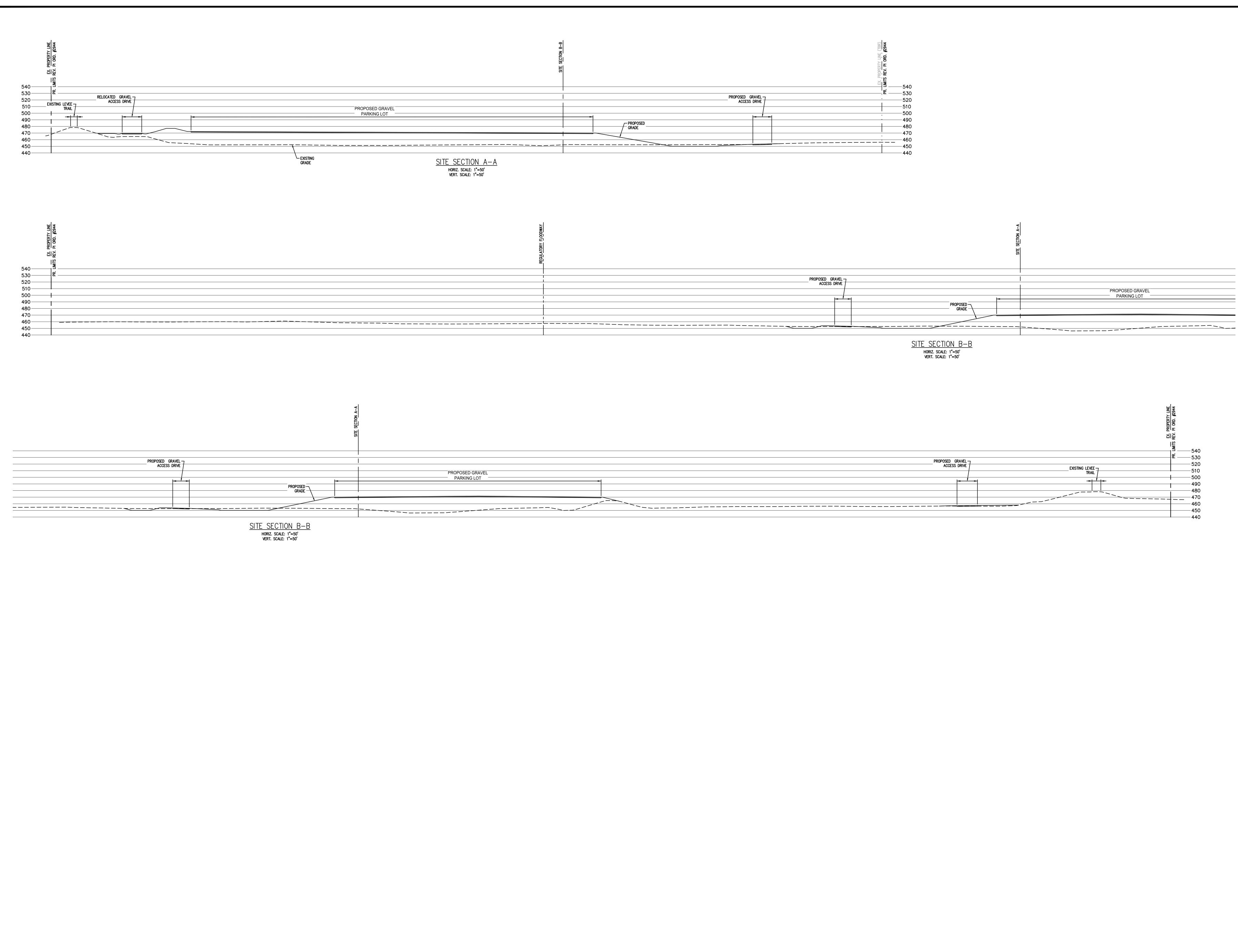
UNDERGROUND FACILITIES. STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS AND INFORMATION, AND, THEREFORE DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NON-EXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE FACILITIES, STRUCTURES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES, EITHER SHOWN OR NOT SHOWN ON THESE PLANS. THE UNDERGROUND FACILITIES, STRUCTURES, AND UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING. EXCAVATION OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319 RSMo.

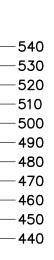
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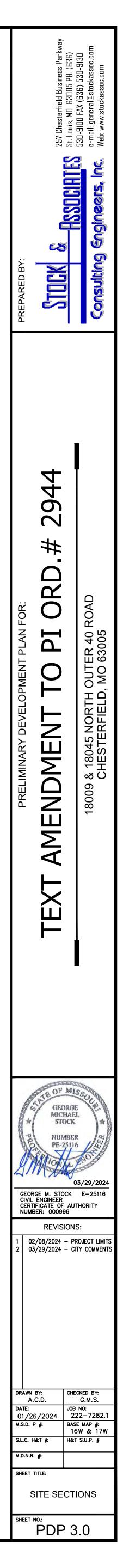
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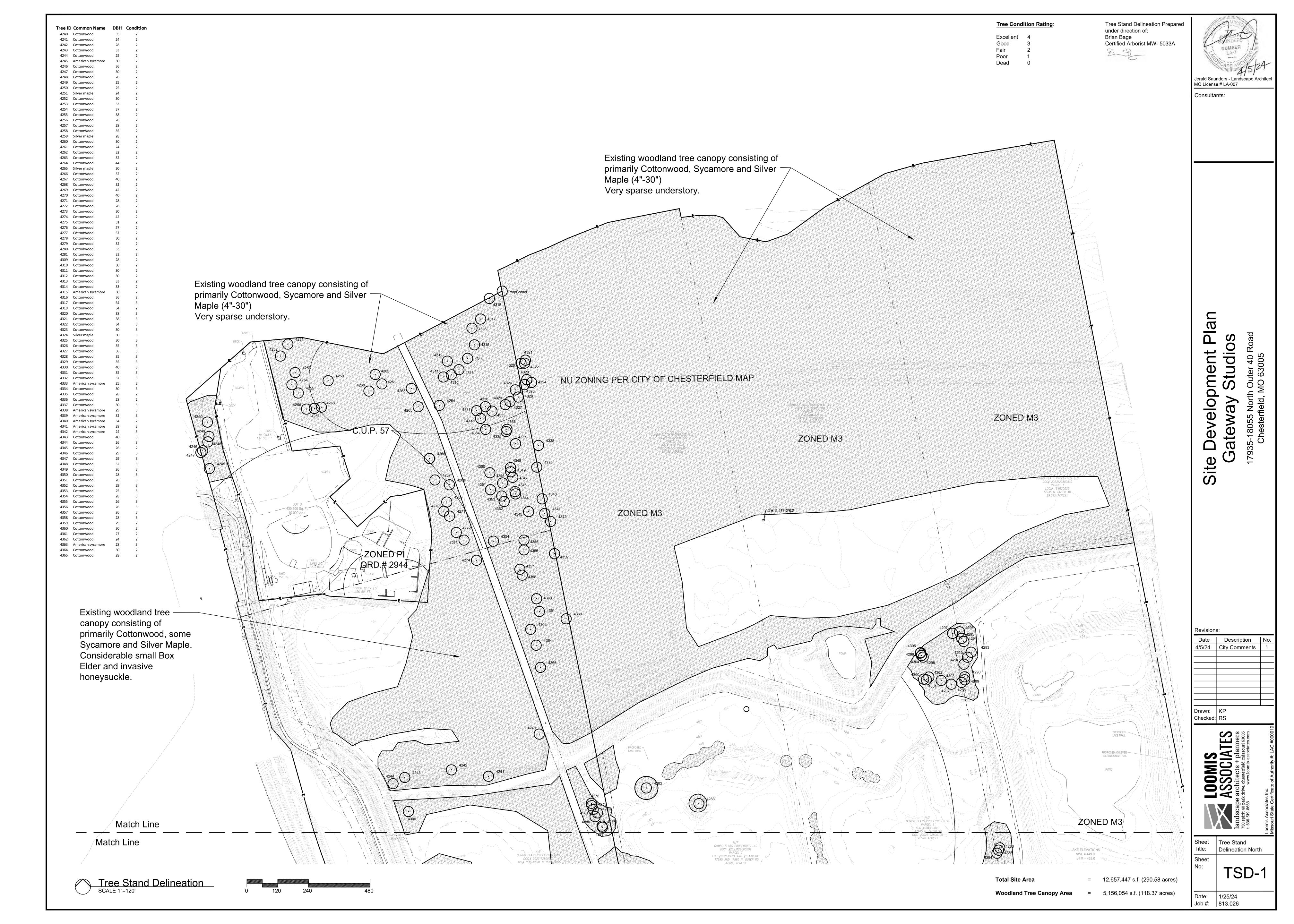




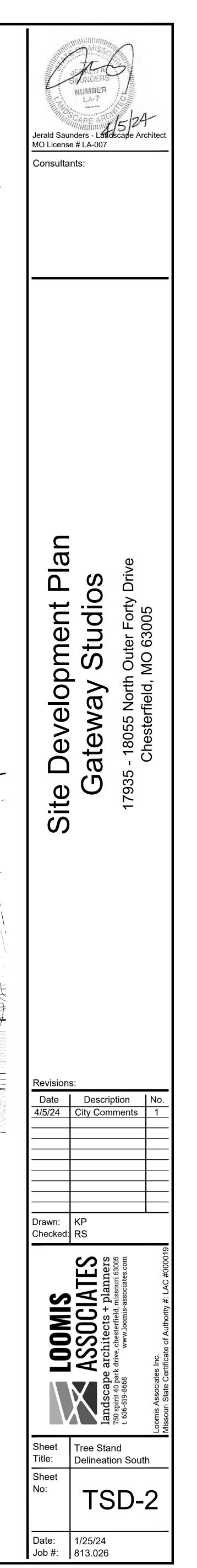


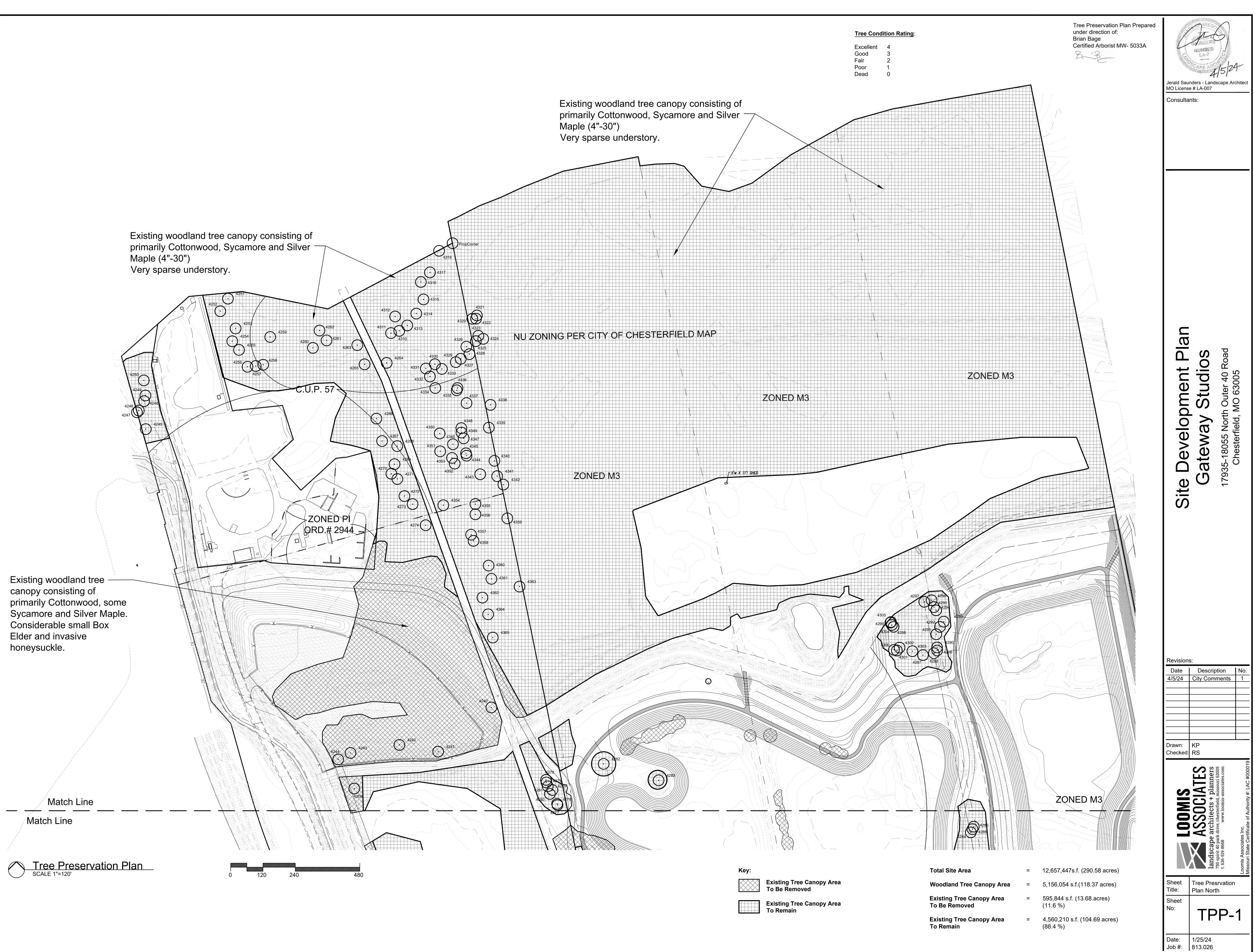


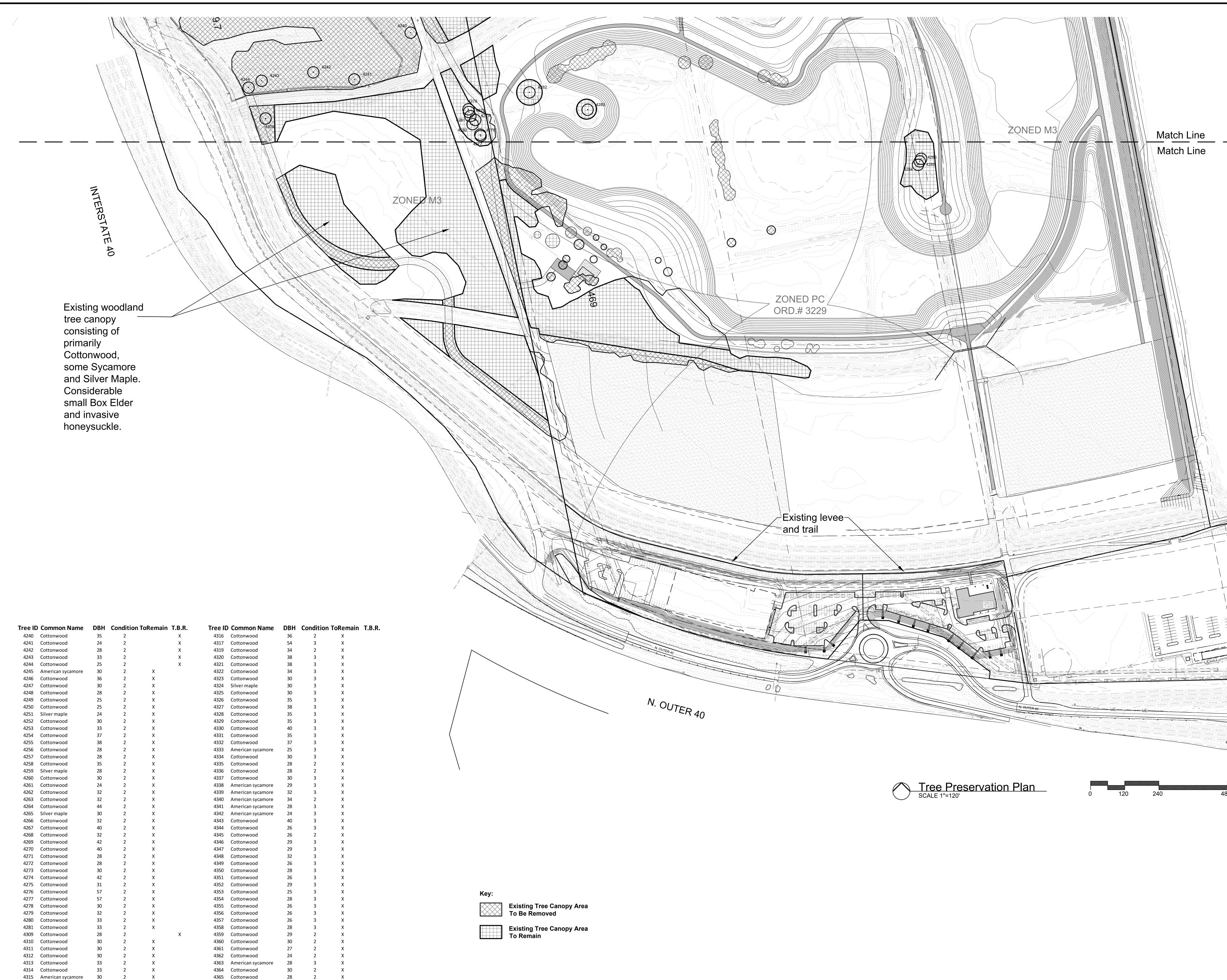


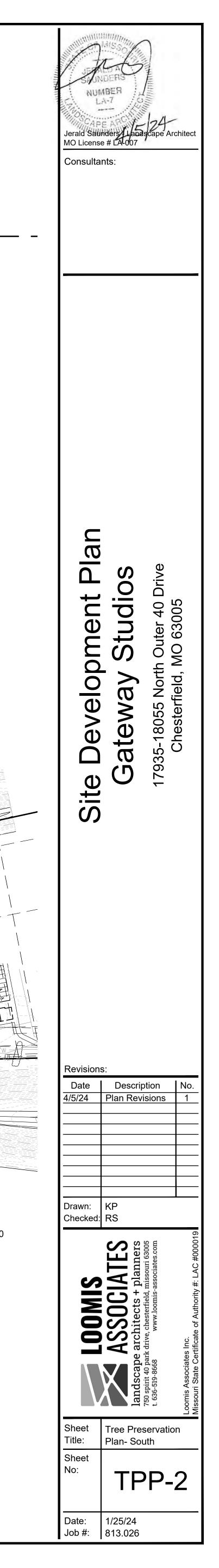


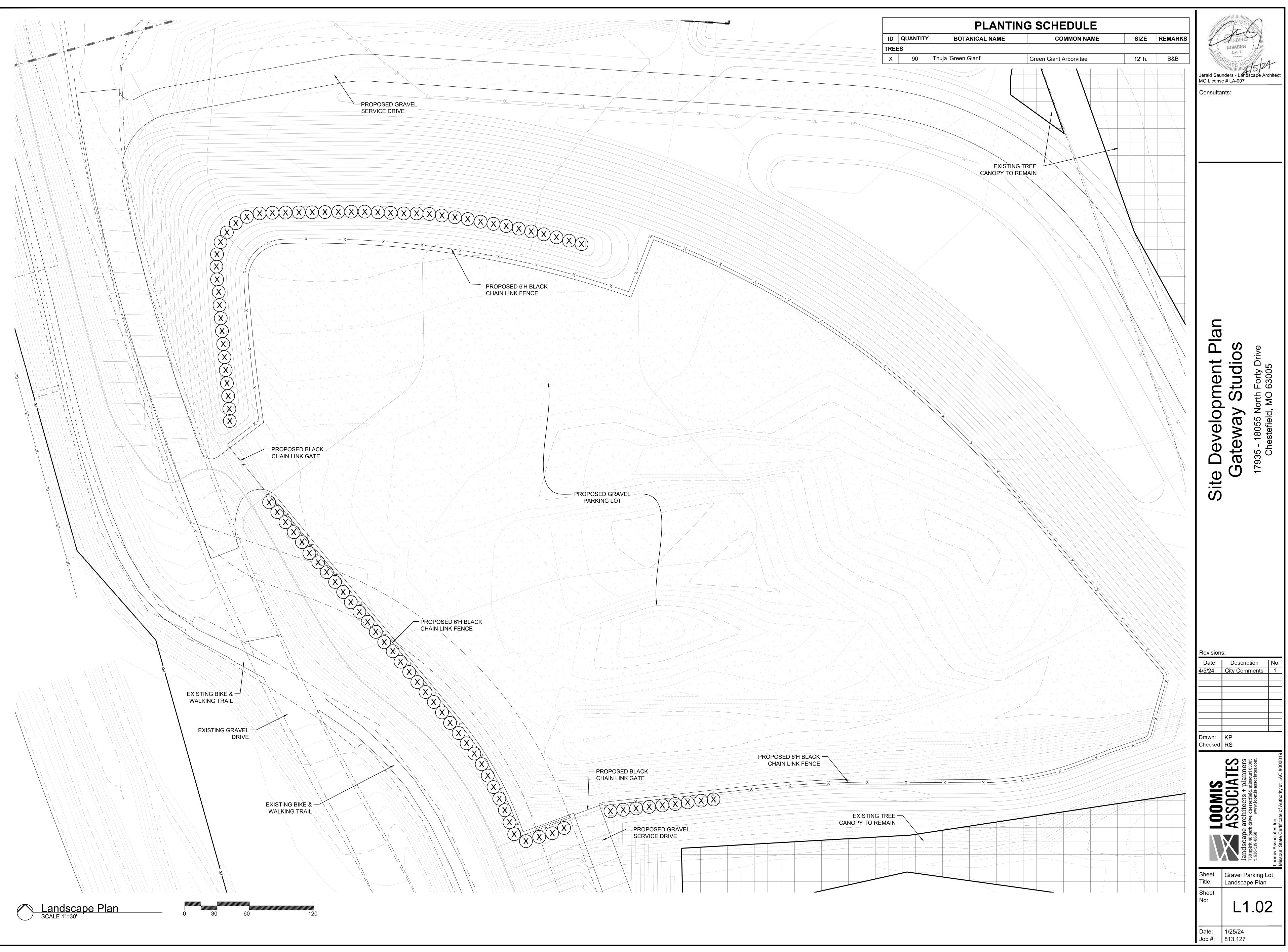










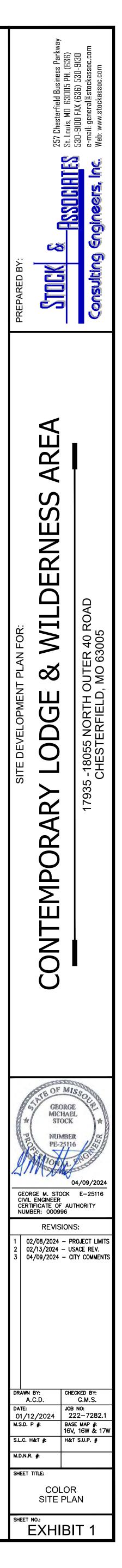


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## VIEW EASTBOUND FROM BRIDGE

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MALLAND MALLANDER STOR ADDRESS (1994)



### VIEW EASTBOUND FROM I-64

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VIEW LOOKING EAST FROM LEVEE TRAIL

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# VIEW WESTBOUND FROM I-64

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