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Planning Commission Public Hearing Report

Meeting Date: November 27, 2017

From: Cecilia Dvorak, Project Planner

Location: North of Highway 40/Interstate 64, west of Boone's Crossing.

Applicant: Stock & Associates Consulting Engineers, Inc. on behalf of Maryland Land Company

LLC, MCB Design LLC, and Scott Joe H Sr. Living Trust

Petition: P.Z. 14-2017 Larry Enterprises-Lynch Hummer (17401 N Outer 40 Rd) Ordinance

<u>Amendment:</u> A request to amend the legal description and development conditions of an existing "PI" Planned Industrial District in Ordinance #2055, for a 15.4 acre tract of land located north of Highway 40/Interstate 64, west of Boone's Crossing (17U610139,

17U520258, 17U520269)

SUMMARY

Stock & Associates Consulting Engineers, Inc. has submitted a request for an ordinance amendment to an existing "PI" Planned Industrial District. The request is for a 15.4 acre parcel located north of Highway 40/Interstate 64, west of Boone's Crossing.

The petitioner's narrative outlines the request, and includes the following requests:

- 1. An update to the legal description to ensure property lines are aligned with the ordinance;
- 2. An update to the permitted uses so that the current code uses are listed;
- 3. An additional allocation of 41,000 square feet for parcel 1;
- 4. The removal of the maximum of 4 buildings for the entire development; and
- 5. An update from the current Greenspace requirement to Open Space requirement as required by the City's current code.

No other development requirement changes are being requested through this ordinance amendment, including stormwater, access/access management, etc.

HISTORY OF SUBJECT SITE

The subject site was zoned "PI" Planned Industrial by the City in October of 2001 by ordinance number 1790. In January of 2004, a new "PI" district was established for the addition of outdoor storage and to change the property setbacks, and resulted in ordinance number 2055.

Additionally, a Boundary Adjustment Plat was approved in 2016 between the Larry Enterprises-Lynch Hummer subdivision and the new Beyond Self Storage facility. Due to this change, an inconsistency occurred between the two lots whereby one parcel has two governing ordinances. This petition will ensure the legal boundary of the governing ordinance aligns with the property-lines that exist today.

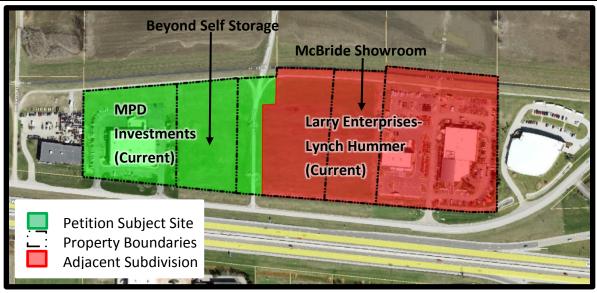


Figure 1: Aerial of Subject Site with current boundaries

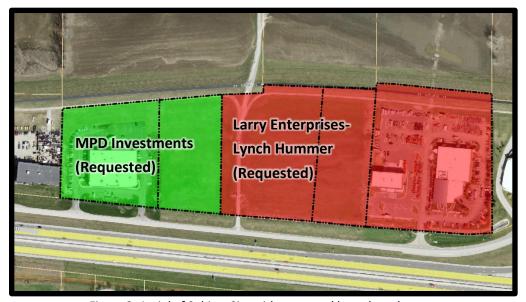


Figure 2: Aerial of Subject Site with requested boundary changes

LAND USE AND ZONING OF SURROUNDING PROPERTIES

Direction	Zoning	Land Use
North	"FPNU" Flood Plain Non-Urban District	Vacant
East	"PI" Planned Industrial District	Junior Achievement Office
South	"C8" Planned Commercial District	Chesterfield Commons Six, including Amini's
		Galleria and Courtyard Marriott Hotel
West	"PI" Planned Industrial District	MPD Investments Subdivision including
		Beyond Self Storage, Metro Lighting, and
		Midwest Veterinary Referral Center

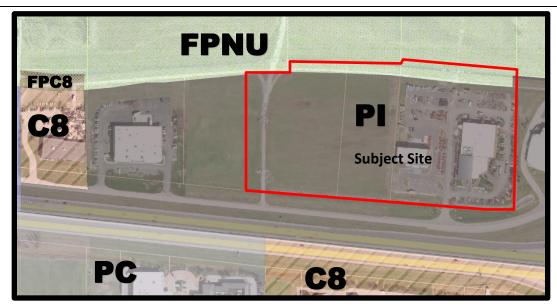


Figure 3: Zoning Map

COMPREHENSIVE PLAN ANALYSIS

The subject site is located in the Chesterfield Valley and is designated as Mixed Commercial Use.



Figure 4: Future Land Use Plan

STAFF ANALYSIS

The following is a discussion of each of the individual requests under consideration:

- 1. An update to the legal description to ensure property lines are aligned with the ordinance
 As previously discussed in the history section above, the legal description is changing to ensure
 that no single property has two different governing ordinances.
- 2. An update to the permitted uses so that the current code uses are listed

 The applicant is not requesting any new uses be permitted, rather, they are aligning the already permitted uses with our current code.

When the Unified Development Code (UDC) was adopted in 2014, it changed the language of the permitted uses, as well as adding well-defined use definitions. By updating the uses so that they align with our UDC, staff can ensure that those, more defined uses are used when reviewing plans and permits.

The following table provides a side-by-side comparison of the current language used in governing Ordinance #2055, with those aligned uses of our Unified Development Code. The column on the left being the language used in Ordinance #2055, and the column on the right being the use as it is currently listed and defined in the UDC.

is currently listed and defined in the UDC.	
Currently Permitted Uses (Ord. #2055)	Aligned UDC Permitted Uses
j. Business, professional and technical training schools	a. Education Facility – Vocational School
k. Business Service Establishments	b. Commercial Service Facility
q. Financial Institutions	c. Financial Institution, no drive- through
y. Hotels and Motels	Hotel and motel use is not permitted in the PI district
dd. Mail order sale warehouses (excluding on-site sales)	d. Mail order sales warehouse
ii. Offices or office buildings	e. Office – dental f. Office – general g. Office - medical
mm. Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities.	h. Plumbing, electrical, air conditioning, and heating equipment sales, warehouse, warehousing and repair facility
oo. Printing and duplicating services	i. Commercial Service Facility
ww. Restaurants, sit down	j. Restaurants, sit-down
uu. Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith (excluding facilities that do not generate hazardous environmental waste, liquid, solid or gaseous)	k. Research laboratory and facility

 xx. Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage. yy. Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture 	I. Automobile dealership m. Trucks, trailers, construction equipment, agricultural equipment sales, rental, leasing, outdoor storage n. Vehicle repair and services facility
(excluding necessary outdoor storage) eee. Permitted signs (See Section 1003.168 "sign regulations")	This is an accessory use
iii. Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.	 o. Retail sales establishment – community p. Retail sales establishment – neighborhood q. Industrial sales, service, and storage
ooo. Vehicle repair facilities.	See Use n above
ppp. Vehicle service centers.	See Use n above
qqq. Vehicle washing facilities.	r. Car wash
rrr. Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).	s. Warehouse, general
g. Automatic vending facilities for: i. Ice and solid carbon dioxide (dry ice); ii. Beverages; iii. Confections.	This is an accessory use
I. Cafeterias for employees and guests only.	This is an accessory use
II. Parking areas, including garages, for automobiles, but not including any sales of automobiles or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours (excluding for a period in excess of seventy-two (72) hours).	t. Parking area (stand-alone), garages, for automobiles; not including sales or storage of damaged vehicles for more than seventy-two (72) hours
	Restrictions:
	Use "k" shall exclude uses which generate hazardous environmental waste, liquid, solid or gaseous.

a.	Outdoor storage associated with Uses "I" and "m" shall only be permitted in areas delineated on the preliminary plan.
b.	Any outdoor storage associated with Use "n" shall be prohibited.
	Uses "o" and "p" listed above are considered retail uses and retail sales, with respect to those uses, will be subject to hours of operation from 6:00 am to 11:00 pm. Hours of operation for said uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) days in advance of said holiday.
d.	Use "s" above shall exclude live animals

3. An additional allocation of 41,000 square feet for parcel 1

This request does not increase the overall density of the development. The overall density of this development as is currently written, allows the entire development to build an overall FAR of 0.36 (224,000 square feet over 14.11 acres). With the additional square footage of the development being added due to request #1 above, the overall FAR would change to 0.33 (224,000 square feet over 15.45 acres).

This request is simply to ensure that 41,000 square feet remain allocated to parcel 1 and ensure that none of the other lots build to the 224,000 square feet maximum prior to parcel 1 being fully built out.

Currently, the development has built and been approved to build 60,000 square feet (as shown in Figure 5 below).



Figure 5: Current Development Condition

Staff would like to work with the applicant to propose that in lieu of allocating 41,000 square feet to one particular lot, that a maximum FAR for each lot be imposed in addition to the maximum square footage of 224,000 square feet. Figure 6 below provides two examples how allocating FAR would impact the square footage of each lot. Additionally, the maximum FAR for each lot ensures that no single lot can claim more than its share of square footage and thus restricting another lot in the development.



Figure 6: Implications of Maximum FAR Examples

Staff chose to use 0.36 FAR because 0.36 was the average FAR that was essentially allocated when 224,000 square feet was placed as the maximum square footage for the site when ordinance 2055 was adopted.

4. The removal of the maximum of 4 buildings for the entire development

The current ordinance has a maximum of 4 buildings for the entire development. To date, 3 of those 4 buildings have been approved. Initially, McBride & Son has proposed a concept plan for their lot, whereby they would essentially have 2 buildings connected by a hallway or corridor on their lot, as shown in figure 7 below. Since the approval of this plan, McBride & Son has decided that they would like to have the option of removing that corridor, should in the future they wish to lease one of those buildings to another user but not wish to have the corridor connection (circled in red below).

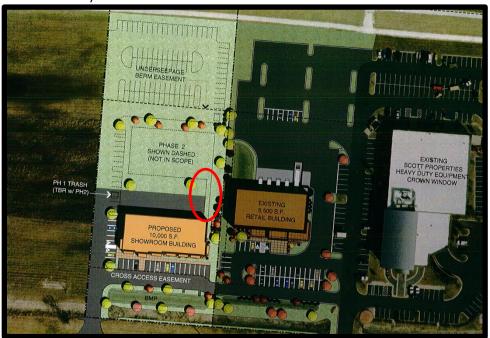


Figure 7: McBride & Son Color Site Plan

Given the restrictions on square footage already imposed, and FAR potentially to be imposed, staff has no concerns with this request. This would also provide flexibility for the potential user of the lot to the west to use their property in a similar manner, if desired.

5. An update from the current Greenspace requirement to Open Space requirement as required by the City's current code

The current ordinance requires 31% greenspace be provided, and this request would change the requirement to 31% open space. This is an update simply in nomenclature as the City now regulates this as open space and allows a developer to include paved pedestrian amenities such as plazas, patios, sidewalks, etc.

No other development requirement changes are being requested through this ordinance amendment, including stormwater, access, etc.

A public hearing further addressing the request will be held at the November 27, 2017 City of Chesterfield Planning Commission meeting. Attached, please find a copy of the Public Hearing Notice, Applicant Narrative Statement, and the Preliminary Plan for this petition.

Attachments

- 1. Public Hearing Notice
- 2. Petitioner's Narrative Statement
- 3. Preliminary Plan



NOTICE OF PUBLIC HEARING CITY OF CHESTERFIELD PLANNING COMMISSION

NNOTICE IS HEREBY GIVEN that the Planning Commission of the City of Chesterfield will hold a Public Hearing on November 27, 2017 at 7:00 p.m. in the Council Chambers at Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield Missouri 63017.

Said Hearing will be as follows:

P.Z. 14-2017 Larry Enterprises-Lynch Hummer (17401 N Outer 40 Rd) Ordinance Amendment: A request to amend the legal description and development conditions of an existing "PI" Planned Industrial District in Ordinance #2055, for a 15.4 acre tract of land located north of Highway 40/Interstate 64, west of Boone's Crossing (17U610139, 17U520258, 17U520269).

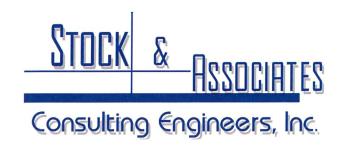
PROPERTY DESCRIPTION

A tract of land being Lot B of "Larry Enterprises and Lynch Hummer Subdivision" according to the plat thereof recorded in Plat Book 352, Page 135, and Parcels 1 and 2 of the "Lot Split Plat of Adjusted Lot A1 of the Boundary Adjustment Plat of Lot 2 of Amended Outdoor Equipment Subdivision and Lot A1 of the Resubdivision of Larry Enterprises and Lynch Hummer, PB 364, PG 369" a subdivision filed for record in Plat Book 365, Page 262 of the St. Louis County Records, located in U.S. Survey 125, Township 45 North, Range 4 East of the Fifth Principal Meridian, City of Chesterfield, St. Louis County, Missouri.





Information on this Public Hearing may be found on the City's website at http://www.chesterfield.mo.us/public-notice.html or by contacting Project Planner Cecilia Dvorak at 636.537.4738 or via e-mail at Cdvorak@chesterfield.mo.us. All interested parties will be given an opportunity to be heard at the Public Hearing.



PROJECT NARRATIVE ASSOCIATED WITH A REQUEST FOR TEXT AMENDMENTS TO ORDINANCE #2055

Date: November 15, 2017 (Stock Project No. 217-6006.1)

There are three primary purposes for our request for changes to Ordinance #2055:

- (1) We are requesting to adjust the Legal Descriptions of both Ordinances 2055 & 2411, in a manner that their Common Boundary Line matches the Boundary Line of Adjusted Lot A1 and Adjusted Lot 2 of the Boundary Adjustment Plat recorded in Plat Book 364, Page 369 (Adjusted Lot A1 was split into Parcel 12 and Parcel 2 by a Lot Split Plat recorded in Plat Book 365, Page 262);
- (2) Since the parcels within Ordinance #2055 have been subdivided, we think it is beneficial for the City the owners to clarify regulations as they apply to individual parcels; and
- (3) Finally, the text within Ordinance #2055 should be amended to align with certain performance and use criteria contained within the City's Unified Development Code.

In connection with the above-stated purposes, in addition to the change to legal descriptions, we respectfully request the following specific revisions/clarifications:

The first change is to convert the 'Permitted Uses" in Section I. to align with the Permitted Uses outlined in The Unified Development Code (UDC) and the previously approved plans.

October 11, 2017 PROJECT NARRATIVE – TEXT AMENDMENT TO ORDINANCES Page 2

1 490 2					
I.	Permitted Uses:	Aligned Permitted Uses (UDC Uses which incorporate permitted uses from Ordinance #2055 and uses previously approved for the Property)			
(j)	Business, professional and technical training schools.	Professional and technical service facility			
(k)	Business Service Establishments.	Commercial Service Facility			
(q)	Financial institutions.	Financial Institution, no drive-through			
(dd)	Mail order sale warehouses (excluding on-site sales)	Mail order sales warehouse			
(i)	Offices or office buildings	Office-dental Office-general Office-medical			
(mm)	Plumbing, electrical, air conditioning and heating equipment sales, warehousing and repair facilities.	Plumbing, electrical, air conditioning, and heating equipment sales, warehousing and repair facility.			
(00)	Printing and duplicating services	Commercial Service Facility			
(ww)	Restaurants, sit-down.	Restaurants, sit-down			
(uu)	Research facilities, professional and scientific laboratories, including photographic processing laboratories used in conjunction therewith (excluding facilities that do not generate hazardous, environmental waste, liquid, solid, or gaseous).	Research laboratory and facility			
(xx)	Sales, rental, and leasing of new and used vehicles, including automobiles, trucks, trailers, construction equipment, agricultural equipment, and boats, as well as associated repairs and necessary outdoor storage of said.	Automobile dealership Automobile detailing shop Retail sales establishment-community Retail sales establishment-neighborhood			
(уу)	Sales, servicing, repairing, cleaning, renting, leasing, and necessary outdoor storage of equipment and vehicles used by business, industry, and agriculture (excluding necessary outdoor storage).	Vehicle repair and services facility			

October 11, 2017 PROJECT NARRATIVE - TEXT AMENDMENT TO ORDINANCES Page 3

(eee) Permitted signs (See Section 1003.168 "Sign Regulations).

This is an accessory use

(iii) Stores, shops, markets, service facilities, and automatic vending facilities in which goods or services of any kind, including indoor sale of motor vehicles, are being offered for sale or hire to the general public on the premises.

Retail sales establishment- community Retail sales establishment - neighborhood Industrial sales, service, and storage

(ooo) Vehicle repair facilities.

See use (yy)

(ppp) Vehicle service centers.

See use (yy)

(qqq) Vehicle washing facilities.

Car wash, industrial Car wash, self-service

(rrr) Warehousing, storage, or wholesaling of manufactured commodities, live animals, explosives, or flammable gases and liquids (excluding live animals, explosives, or flammable gases and liquids).

Warehouse, wholesale or storage of live animals, explosives, or flammable gases and liquids

Ancillary Uses:

- (g) Automatic vending facilities for:
 - (i) Ice and solid carbon dioxide (dry ice);
 - (ii) Beverages;
 - (iii) Confections.

This is an accessory use

(l) Cafeterias for employees and guests only. This is an accessory use

(II)Parking areas, including garages, for automobiles, but not including any sales of automobiles, or the storage of wrecked or otherwise damaged and immobilized automotive vehicles for a period in excess of seventy-two (72) hours (excluding for a period in excess of seventy (72) hours).

Parking area (stand-alone), including garages, for automobiles; not including sales or storage of damaged vehicles for more than 72 hours

B. Outdoor storage referenced above in item (xx) shall be limited to proposed Lot B as delineated on the preliminary plan.

Refer to Preliminary Plan for permitted location of Outdoor Storage. Any outdoor outdoor storage on Parcel 2 of the Adjusted Lot A1 Lot Split Plat, PB. 364, PG. 369, is required behind the building footprint. Any

October 11, 2017
PROJECT NARRATIVE – TEXT AMENDMENT TO ORDINANCES
Page 4

changes to this should be requested at either Site Development Concept or Site Development Section Plan for this parcel.

The Second Change is to Section II.A5.

Section II.A5 shall be deleted in its entirety and replaced with the following:

The total square footage of all buildings in the District shall not exceed 224,000 square feet: Parcel 1 shall have no more than 41,000 square feet. (Refer to Exhibit for Existing Building Areas on Lot "B". Parcel 2 is Future Building.)

The Third Change is to Section II.A6.

Section II.A6 shall be deleted in its entirety for the following reason:

The existing uses have utilized smaller building footprints than originally intended to meet the Conditions of the ordinance. The deletion of this condition does not increase the overall density in the area, as that is controlled by the above mentioned Section II.A5. This change allows for flexibility in design while not exceeding density and continues to control access to the parcels.

October 11, 2017 PROJECT NARRATIVE – TEXT AMENDMENT TO ORDINANCES Page 5

The Fourth Change is to Section II.A8:

Delete -

The District shall contain a minimum of thirty-one percent (31%) Greenspace, excluding Stormwater Drainage Structures. Greenspace is calculated by combining all green area and non-paved surfaces, and dividing by the total area of the site.

Add -

"Open space shall be a minimum of thirty-one percent (31%)."

Throughout the entire Ordinance #2055, any time the word "greenspace" is used, it shall be replaced with the term "open space".

The Fifth Change is to Section V.A.

Delete -

Provide the greenspace percentage for each lot on the plan. Greenspace is calculated by dividing the pervious surfaces by the site area (excluding right-of-ways).

