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Planning Commission Staff Report

Meeting Date: December 9, 2019

From: Andrew Stanislav, Planner AS

Location: 1 Wiegand Drive & 16905 Baxter Road

Petition: P.Z. 15-2019 Wiegand Studio (Wiegand Foundation): A request for a zoning map amendment from the "NU" Non-Urban District and "C-3" Shopping District to the "PC" Planned Commercial District with an existing "H" Historic Designation to remain for two tracts of land totaling 2.82 acres located on the east side of Baxter Road at its intersection with Edison Avenue (17T220942, 17T310335).

SUMMARY

The Wiegand Foundation, with Volz, Inc., is requesting a zoning map amendment from the "NU" Non-Urban District and "C-3" Shopping District to the "PC" Planned Commercial District with an existing "H" Historic Designation to remain for two tracts of land totaling 2.82 acres located on the east side of Baxter Road at its intersection with Edison Avenue. The new "PC" Planned Commercial District would allow for the property to resume use as an "Art Studio", and no physical improvements are proposed at this time.

A Public Hearing was held on November 25, 2019, at which time there were no issues raised by the Planning Commission.



Figure 1: Subject Site Aerial

SITE HISTORY

The original building was constructed as the Kroeger Slaughterhouse in 1926 by Andrew Kroeger, Edward Burkhardt, and Arthur Bierbauer. This property was used as a slaughterhouse, auction barn, and horse

shoeing school for approximately 40 years. Frank Wiegand purchased the property in the mid-1950s, with restoration work and additions to the property beginning in 1965 by Don Wiegand. A fourth phase of work began in 1985 to utilize the property an art studio. Restoration work again occurred to the site following the flood of 1993.

The current "NU" Non-Urban District zoning (1 Wiegand Drive) was established prior to the City's incorporation, and the "C-3" Shopping District zoning (16905 Baxter Road) was established in February 1997 via City of Chesterfield Ordinance 1228 in conjunction with the Chesterfield Grove development later amended in February 1998 via Ordinance 1371.

The existing "H" Historic Designation was established on June 16, 2008, via the passage of Ordinance 2461 as recommended by the former Landmarks Preservation Commission (now Chesterfield Historic and Landmark Preservation Committee, or CHLPC) to be included on the Chesterfield Historic Register. This designation provides regulations pertaining to the building's exterior architectural features and other features of the site which have historical significance.

LAND USE AND ZONING OF SURROUNDING PROPERTIES

The land use and zoning for the properties surrounding the subject property are as follows:

Direction	Zoning	Land Use
North	"C-3" Shopping District	Commercial/Retail
West	"M-1" Industrial District	Stone Supplier
South	"FPNU" Floodplain Non-Urban District	Levee Trail/Bonhomme Creek
East	"C-3" Shopping District	Commercial/Office

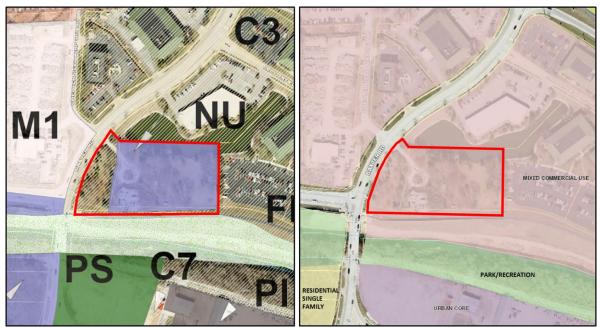


Figure 2: Zoning Map

Figure 3: Future Land Use Map

COMPREHENSIVE PLAN ANALYSIS

The subject site is located within Ward 2 of the City of Chesterfield. The City of Chesterfield Land Use Plan indicates this parcel is within the "Mixed Commercial Use" along with all adjacent properties. The Comprehensive Plan designates appropriate land uses of the "Mixed Commercial Use" designation as "retail, low-density office, and limited office/warehouse facilities."

There are limited Plan Policies applicable to this request considering there are no physical improvements proposed for this site and the request is solely to resume use of the property as an art studio:

<u>3.6.8 Historic Preservation</u> – Historic structures, districts, and sites should be preserved and protected and the City's historical heritage should be promoted where appropriate.

The proposed use to resume the use of an art studio at the subject property aligns with the above stated policy, as well as the intent to preserve the existing building and site conditions. Retaining the "H" Historic Designation for this property also follows this intention.

ISSUES

During the Public Hearing held on November 25, 2019, there were no speakers in opposition of the request and no issues were raised by the Planning Commission. It was recognized by the Petitioner that the request is focused on preserving the existing state of the property and resuming use as an art studio as a permitted use.

STAFF ANALYSIS

The Petitioner is requesting a change of zoning from the "NU" Non-Urban District and "C-3" Shopping District to the "PC" Planned Commercial District with an existing "H" Historic Designation to remain, with the purpose of resuming use of the property as an art studio.

Art Studio Use

The petitioner is requesting "art studio" as the sole permitted use for this development. The Unified Development Code (UDC) defines art studio as the following: *"Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft."*

This property was formerly utilized as an art studio as a legal non-conforming use in the "NU" Non-Urban District, which has subsequently expired as this use was discontinued for greater than a twelve month period in accordance with the City's Code. In order to resume use of this property as an art studio, a change of zoning is required to an active zoning district that allows art studio as a permitted use.

Preliminary Development Plan

A zoning map amendment to a planned zoning district, such as "PC" Planned Commercial District, requires a Preliminary Development Plan which has been included in the Planning Commission's packet. The subject property is an existing development, and the applicant is not proposing any physical improvements at this time. All existing structures and site conditions are to remain unchanged as

depicted in the attached Preliminary Development Plan. Any future improvements to the property would be required to follow the necessary review and approval process by the City.

REQUEST

Attached please find a copy of the draft Attachment A, narrative statement, and Preliminary Development Plan.

Staff has no concerns or issues with this petition, and no issues were raised at the Public Hearing. This petition has met all filing requirements and procedures of the City of Chesterfield. Staff recommends action from Planning Commission on the change of zoning request and proposed conditions in the Attachment A.

Attachments: Draft Attachment A Narrative Statement Preliminary Development Plan Packet

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 use allowed in this "PC" Planned Commercial District, with an "H" Historic Designation, shall be Art Studio.
- 2. Hours of Operation.
 - a. Hours of operation for this "PC" District, with an "H" Historic Designation, shall not be restricted.
- 3. 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 45 feet.
- 2. Building Requirements
 - a. A minimum of thirty-five percent (35%) openspace is required for this development.
 - b. This development shall have a maximum F.A.R. of 0.55.

C. SETBACKS

1. Structure Setbacks

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

- a. Thirty (30) feet from the right-of-way of Baxter Road.
- b. Fifteen (15) feet from the north boundary of this "PC" District.

- c. Fifteen (15) feet from the east boundary of this "PC" District.
- d. Ten (10) feet from the south boundary of this "PC" 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 right-of-way of Baxter Road.
- b. Fifteen (15) feet from the north boundary of this "PC" District.
- c. Fifteen (15) feet from the east boundary of this "PC" District.
- d. Ten (10) feet from the south boundary of this "PC" District.

D. PARKING AND LOADING REQUIREMENTS

- 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code. The existing gravel parking area may remain until such time as improvements or modifications are proposed at which time the parking area will need to comply with City of Chesterfield Code.
- 2. No construction related parking shall be permitted within right of way or on any existing roadways. All construction related parking shall be confined to the development.
- 3. Parking lots shall not be used as streets.

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 Transportation, 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.
- 2. 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.
- 3. Any modification to the site shall be in compliance with the regulations and guidelines established by the property's "H" Historic Designation.

I. ACCESS/ACCESS MANAGEMENT

- 1. Access to this development from Baxter Road shall be restricted to one (1) commercial entrance as directed by St. Louis County Department of Transportation and the City of Chesterfield.
- 2. 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.
- 3. A cross access easement shall be provided to all adjacent properties.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

- 1. Any request to install a gate at the entrance to this development must be approved by the City of Chesterfield and the agency in control of the right of way off of which the entrance is constructed. No gate installation will be permitted on public right-of-way.
- 2. 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.
- 3. Provide a 5 foot wide sidewalk, conforming to ADA standards, along the project frontage of Baxter Road. The sidewalk shall provide for future

connectivity to adjacent developments and/or roadway projects. The sidewalk may be located within right-of-way controlled by another agency, if permitted by that agency or on private property within a 6 foot wide sidewalk, maintenance and utility easement dedicated to the City of Chesterfield.

- 4. Obtain applicable permits from the City of Chesterfield and the St. Louis County Department of Transportation as necessary for locations of proposed and removals of existing access points, and roadway improvements.
- 5. Additional right-of-way and road improvements shall be provided, as required by the Saint Louis County Department of Transportation and the City of Chesterfield.

K. TRAFFIC STUDY

- 1. Provide a traffic study as directed by the City of Chesterfield and/or St. Louis County 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 public right of way. 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 St. Louis County Department of Transportation.

L. POWER OF REVIEW

City Council Review of Planning Commission Decisions (Power of Review) shall apply to this development in accordance with Section 31-02-20 of the Unified Development Code.

M. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or an adequate piped system. Offsite storm water shall be picked up and piped to an adequate natural discharge point. Such bypass systems must be adequately designed.

- 2. Water Quality Features are to be provided as required by the Metropolitan Saint Louis Sewer District. The location and types of storm water management facilities shall be identified on all Site Development Plans and Improvement Plans and must be approved by the City of Chesterfield and the Metropolitan Saint Louis Sewer District.
- 3. Emergency overflow drainage ways to accommodate runoff from the 100-year storm event shall be provided for all storm sewers, as directed by the City of Chesterfield.
- 4. Locations of site features such as lakes and detention ponds must be approved by the City of Chesterfield and the Metropolitan St. Louis Sewer District.
- 5. The developer shall be responsible for construction of any required storm water improvements per the Chesterfield Valley Master Storm Water Plan, as applicable, and shall coordinate with the owners of the properties affected by construction of the required improvements. In the event that the ultimate required improvements cannot be constructed concurrently with this development, the developer shall provide interim drainage facilities and establish sufficient escrows as guarantee of future construction of the required improvements, including removal of interim facilities. Interim facilities shall be sized to handle runoff from the 100-year, 24-hour storm event as produced by the Master Storm Water Plan model. The interim facilities shall provide positive drainage and may include a temporary pump station, if necessary. Interim facilities shall be removed promptly after the permanent storm water improvements are constructed.
- 6. The developer may elect to propose alternate geometry, size and/or type of storm water improvements that are functionally equivalent to the required improvements per the Chesterfield Valley Master Storm Water Plan. Functional equivalence is said to be achieved when, as determined by the Public Works Director, the alternate proposal provides the same hydraulic function, connectivity, and system-wide benefits without adversely affecting any of the following: water surface profiles at any location outside the development; future capital expenditures; maintenance obligations; equipment needs; frequency of maintenance; and probability of malfunction. The City will consider, but is not obligated to accept, the developer's alternate plans. If the Public Works Director determines that the developer's proposal may be functionally equivalent to the Chesterfield Valley

Master Storm Water Plan improvements, hydraulic routing calculations will be performed to make a final determination of functional equivalence. The Director will consider the developer's proposal, but is not obligated to have the hydraulic analysis performed if any of the other criteria regarding functional equivalence will not be met. The hydraulic routing calculations regarding functional equivalence may be performed by a consultant retained by the City of Chesterfield. The developer shall be responsible for all costs related to consideration of an alternate proposal, which shall include any costs related to work performed by the consultant.

- 7. The developer shall provide all necessary Chesterfield Valley Storm Water Easements to accommodate future construction of the Chesterfield Valley Master Storm Water Plan improvements, and depict any and all Chesterfield Valley Master Storm Water Plan improvements on the Site Development Plan(s) and Improvement Plans. Maintenance of the required storm water improvements shall be the responsibility of the property owner unless otherwise noted.
- 8. All Chesterfield Valley Master Storm Water Plan improvements, as applicable, shall be operational prior to the paving of any driveways or parking areas unless otherwise approved.

N. SANITARY SEWER

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, the developer shall provide a geotechnical report, prepared by a registered professional engineer licensed to practice in the State of Missouri, as directed by the City of Chesterfield. 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.

P. MISCELLANEOUS

1. Any improvements proposed for this site shall be in compliance with the City of Chesterfield Code and the property's "H" Historic Designation.

- 2. All utilities will be installed underground. The development of this parcel will coordinate the installation of all utilities in conjunction with the construction of any roadway on site.
- 3. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City Code shall be required where applicable.
- 4. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, rightof-way dedication, and access requirements for each phase of development as directed by the City of Chesterfield and Saint Louis County Department of Transportation. Delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
- 5. Prior to final release of subdivision construction deposits, the developer shall provide certification by a registered land surveyor that all monumentation depicted on the record plat has been installed and United States Public Land Survey Corners have not been disturbed during construction activities or that they have been reestablished and the appropriate documents filed with the Missouri Department of Natural Resources Land Survey Program, as necessary.
- 6. If any development in, or alteration of, the floodplain or the existing structure is proposed, the developer shall submit a Floodplain Development Permit/Application to the City of Chesterfield for The Floodplain Study must be approved by the City of approval. Chesterfield prior to the approval of the Site Development Plan, as directed. The Floodplain Development Permit must be approved prior to the approval of a grading permit or improvement plans. 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. The LOMR must be issued by FEMA prior to the final release of any escrow held by the City of Chesterfield for improvements in the development. 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. Consult Article 5 of the Unified Development Code for specific requirements 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. 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 re-approval of a plan by the Planning Commission.

IV.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.



September 26, 2019

Wiegand Foundation

The project located at 1 Wiegand drive is an existing Art Studio with a "H" Historical designation recently purchased by the Wiegand Foundation it is their desire to rezone the site which is currently zoned "C3" and "NU" to "PC" Planned Commercial. There are no improvements planned at this time and the use will remain "Artist Studio".

Setbacks:

30' Building & Parking setback from Baxter Road

- 15' Building & Parking setback from the northern property line & from the Lake easement.
- 10' Building & Parking setback from the southern property line
- 15' Building & Parking setback from the eastern property line

16905 Baxter Rd – Locator # 17T220942 "C3"

1 Wiegand Dr – Locator # 17T310335 "NU"

Studio History

- The original part of the building (brick structure) is the restored Andy Kroeger slaughter house constructed in 1926;
- Restoration and expansion for art studio begun in 1965 by sculptor, Don Wiegand;
- Recipient of Excellent Adaptive Reuse award, St. Louis County Historic Buildings Commission, 1985;
- Restoration and renovation of structure begun in 1993 after the great flood, concluded in 1997 and inspected and approved by St. Louis County;
- City Council of Chesterfield, MO, in association with the Landmarks Preservation Commission of Chesterfield, recognized the building and property as an historical site in 2008;
- U.S. Army Corps of Engineers constructed flood wall on the property's southern boundary, 2009-2011;
- Mr. Wiegand holds three copyrights on the structure, registered with the Library of Congress, Washington, DC: an architectural copyright on the design and construction of the building itself and two copyrights for embellishments within the structure;
- Mr. Wiegand considers the studio his largest sculpture. The surrounding grounds were designed and maintained as Land Art;

