

APPLICATION CUP21-06

CONDITIONAL USE PERMIT AMENDMENT REQUEST - 5435 WESTWOOD DRIVE

Application No:	CUP21-06
Property Owner:	Weldon Spring Business Park, LLC
Applicant:	Joseph Weber, Owner and Organizer of Weldon Spring Business Park, LLC
Property Zoning:	C2, General Commercial District
Ordinance Amendment Request:	A request to amend Ordinance 07-098 for conditional use permit C682, to increase the size of the outdoor storage area
Parcel Size:	4.03 acres
Location:	On the north side of Westwood Drive, approximately 275 feet northeast of Jason Court; adjoining the City of Weldon Spring
County Council District:	3
Account No.:	A870004348

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- Surrounding Zoning Map
- 2030 Land Use Map
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 - ◆ Opposition - Arnie Dienoff



October 28, 2021

This communication summarizes the following application and bill to be introduced at the November 8, 2021 County Council meeting:

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The applicant requests a conditional use permit (CUP) amendment to expand an existing outdoor storage yard by a half an acre to encompass the western, undeveloped portion, of the property. To do so, amendment of Ordinance 07-098, granting CUP682, is requested.

The proposed use will not differ from the existing use, which has been in operation since 2007, other than occupying a larger area. The proposed storage yard is located behind what had been the Sk8 Galaxy skating rink and is adjacent to the Jason Court Business Park, meaning that the expansion area will largely be screened from Westwood Drive and adjoining the rear yards of commercial contractor/storage uses.

The Planning and Zoning Commission held a public hearing on this application at its October 20, 2021 meeting and received the following public input:

Speakers: 1 Support 1 Opposed 0 Concerns
 Letters on file: 0 Support 1 Opposed 0 Concerns

Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

7 Approval 0 Denial 0 Abstentions

Recommendation:

The Planning & Zoning Commission recommends that the County Council amend the conditions of Ordinance Ord. 07-098 for CUP No. 682 as provided in the attached draft ordinance. County staff concurs with this recommendation.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration
Rory O'Sullivan, Acting County Counselor

STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Mark Price Jr. AICP, CFM

Application No.: CUP21-06

Date: October 12, 2021

BACKGROUND:

Owner: Weldon Spring Business Park LLC / Joseph Weber

Requested Action: A conditional use permit to expand an outdoor storage yard for automobiles, boats, trucks, trailers, and recreational vehicles

Location: 5435 Westwood Drive, located on the north side of Westwood Drive, approximately 275 feet northeast of Jason Court; adjoining the City of Weldon Spring

Current Zoning: C2, General Commercial District

Current Land Use: Contractor storage (former Sk8 Galaxy) and a storage yard for automobiles, boats, trucks, trailers, and recreational vehicles.

Adjacent Land Uses and Zoning:

Direction	Zoning	Current Land Use
North	C-2, General Commercial District	Office and Warehouses
South	GC, General Commercial (Town of Weldon Spring)	Westwood Drive and Self Storage/Mini Warehouses
East	R1B, Single Family Residential District	Single Family Residential
West	C-2, General Commercial District	Office and Warehouses

2030 Master Plan: Recommends Low Density Residential uses (1 to 4 dwellings per acre)

Public Services: County Council District 3 – Mike Elam
School District – Francis Howell School District
Fire District – Cottleville Fire District

Utilities: Water –Missouri American Water
Sewer–Sewer District #2

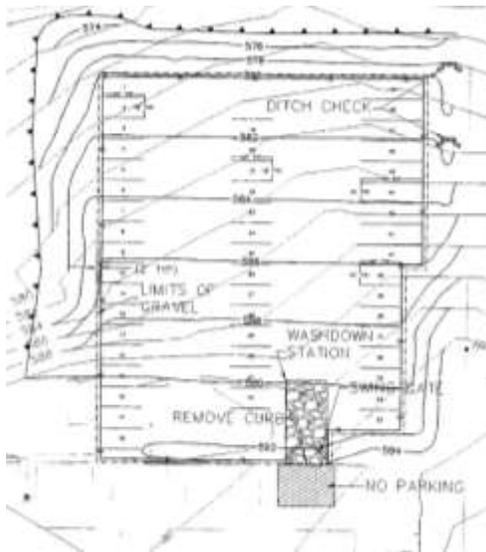
When County zoning was adopted, this property was zoned for R-1B, Single-Family Residential District. In 1986, this property, and several surrounding properties, were annexed into the City of St. Peters. At that time, the City rezoned the property to C-2 Community Commercial

District. The owner then proceeded to develop the property as a nursery and garden center. In April of 1990, the St. Charles County Circuit Court ruled that St. Peter's annexation of these properties were improper and invalid. As such, the property reverted to County jurisdiction and its previous R-1B, Single Family Residential District zoning, making the commercial use on the property non-conforming. In February of 1991, the owners applied to the County to rezone the property to C-2, General Commercial District, to resolve the non-conformity. On April 3, 1991, the rezoning was approved.

In July 1995, the owners requested a conditional use permit (CUP 461) for a dwelling in the C-2, General Commercial zoning district. This CUP was to convert the nursery office and storage facility back to its original use as a single-family dwelling unit. The application was approved November 1, 1995. This CUP expired when the home was converted to a dog grooming business.

In 1997, an indoor roller skating rink (Sk8 Galaxy) and parking lot were constructed on the property and which operated until about 2014. Today the building is used for building contractor storage.

In May 2007, the property owner (SEB Facilities LLC) requested a conditional use permit (CUP 682) for Automobile, Boat, and Recreational Vehicle storage. This was proposed for the northwest corner of the site, behind Sk8 Galaxy. Staff, at the time, recommended the preservation of a 30-foot wide vegetated buffer that existed on site on the eastern property line. That application was approved. It currently consists of a graveled lot with 49 spaces for storage secured by a 6-foot-tall chain link fence.



CUP Concept Plan (2007)



Storage area as built (2020)

In July 2019, the County issued a demolition permit for removal of the pet grooming/residence building.

Current Application

The property owner (Weldon Spring Business Park LLC) has requested a conditional use permit to expand the existing storage lot for automobiles, boats, trucks, trailers and recreational vehicles. The expansion area would encompass the western, undeveloped portion, of the property behind the existing Sk8 Galaxy building. This would involve approximately 4.13 acres of land. Below is the applicants' narrative statement:

“We plan to extend the existing fenced-in gravel parking lot to the west by approximately 110'. We plan to attach the proposed area to the existing lot and use the same entrance for access. In addition we will construct a 6' tall galvanized chain link fence around new perimeter to match existing fence line. The proposed grading limits on the west side of the property do not extend to the property line, but stop some 30' short, however the existing scrub vegetation will be removed to allow for this new additional gravel parking. Vegetation will remain to within 10' of the northern property line. We seek to be allowed to park the same items that are allowed in the SUP#C682 which would include automobiles, boats, trucks, trailers and recreational vehicles.”

ANALYSIS

Conditional use permits are evaluated based on criteria established within the Unified Development Ordinance. Section 405.510.B of the Unified Development Ordinance specifies the following factors in considering and reporting on Conditional Use Permit applications:

1. Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?

The requested use is an expansion of an already existing storage use on the property. The proposed use will not differ from the existing use, other than it would occupy a larger area. Additionally, the commercial/warehouse uses in the Jason Court Business Park adjoin the western and northern property lines meaning that the use will not cause land use conflicts. It should not be detrimental to or endanger the public health, safety, or general welfare.

2. Would the conditional use injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?

This proposal would be an expansion of the existing use. The expansion would be towards the existing commercial and warehouse land uses to the north and west along Jason Court. The proposed storage lot would largely be screened from Westwood Drive by the existing Sk8 Galaxy building. The proposed use would not adjoin any residences. County staff does not foresee any additional impact to the use and enjoyment of other property.

3. Would the conditional use injure the aesthetic and/or scenic values of the vicinity?

The owner is proposing to expand the storage lot and maintain the existing type of development on the property. The proposed use would be screened from Westwood Drive by the existing Sk8 Galaxy building and adjoin commercial/warehouse/storage uses to the

west, north, and east. Staff does not see evidence of injury to the aesthetic or scenic values of the vicinity.

4. Would the conditional use substantially diminish or impair property values within the neighborhood?

Staff does not see any evidence that the use would diminish or impair property values. This use is existing and would be an expansion of that use.

5. Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?

The applicant is requesting approval to expand the current use on the property into the western undeveloped portion of the property. This expansion should not create additional impacts to the community as they intend on expanding towards the existing commercial on the neighboring property.

Typical land use impacts for properly maintained automobile, boat, truck, and recreational vehicle storage yards include aesthetics, light and glare, stormwater runoff, noise, and dust from gravel parking surfaces. These items are addressed by the applicant.

To insure that the proposed uses would be screened from Westwood Drive, County staff recommends a condition that the proposed 6-foot tall chain link fence include slats.

The lighting for this site has not been addressed by the applicant. To mitigate the potential light spillage of any future lighting, the use of full cut-off light fixtures is recommended.

For permission to install a gravel-surface parking lot rather than asphalt or concrete pavement, the applicant may make such a request to the Planning and Zoning Division Director as part of the County's site plan approval process. The County typically requires that approved site plans for gravel parking lots include a provision requiring treatment of gravel surfaces to suppress dust should it become a problem.

STAFF RECOMMENDATION

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend that the County Council approve the conditional use permit application with the following conditions, per Section 405.510.B of the County Code, in order to address anticipated land use impacts:

- 1. A site plan in conformance with the concept plan attached as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.**
- 2. All trees illustrated on the approved site plan shall be maintained in a healthy condition with diseased or dead trees replaced.**
- 3. All items stored must be maintained in a highway ready state.**

4. All exterior lighting on site shall utilize full cutoff light fixtures.
5. Proposed fencing as viewed from Westwood Drive shall be screened or made opaque.
6. A vegetated buffer of 10 feet shall be maintained or installed to the west and the existing 30-foot wide buffer to the east shall be maintained.
7. No conditional use shall become active until all conditions of approval have been met.



Looking east on Westwood Drive from the property's entrance



Looking west on Westwood Drive from the property's entrance