

1st Reading:  
2nd Reading:

**SPONSOR: MAURATH**

**ORDINANCE NO. \_\_\_\_\_**

**BILL NO. 22-24-B**

**AN ORDINANCE DENYING A REZONING OF AN 8.9-ACRE  
OF PROPERTY LOCATED AT 800 S. HIGHWAY DRIVE  
FROM “HP-1” HOSPITALITY PARK TO “BP-3” BUSINESS  
PARK.**

**WHEREAS**, Johnathan Fowler of Fowler Development Company LLC (“Petitioner”) submitted an application to rezone a 8.9-acre portion of 800 S. Highway Drive and legally described as being part of Lot 4 of Breck Industrial Court and part of Breck Industrial Plat No. 3 (the “Property”) from “HP-1” Hospitality Park to “BP-3” Business Park (the “Petition”); and

**WHEREAS**, 800 S. Highway Drive is currently developed as the former Stratford Hotel and is owned by Infinity Hospitality, LLC and FTN Investment, LLC (“Owner”); and

**WHEREAS**, Owner is under contract to sell the Property to Petitioner for Petitioner to demolish the current Stratford Hotel building and build a future office/warehouse building, which is a use not authorized in the “HP-1” Hospitality Park District but allowed in “BP-3” Business Park; and

**WHEREAS**, “[d]ue to the District's location to Interstate 44, the purpose of the "HP-1" District is to provide a variety of hospitality uses, such as Hotels, Restaurants, convenience uses, and entertainment establishments in a business park setting”; and

**WHEREAS**, “[t]he purpose of the "BP-3" District is to provide a mix of office, light industrial, retail, and service uses in a business park setting. Because portions of the "BP-3" District are adjacent to Residential Districts and Uses, the District provides for appropriate small-scale uses that complement and provide a Buffer Area to the surrounding Residential Uses. These regulations are supplemented and qualified by additional regulations appearing elsewhere in this Code; and

**WHEREAS**, the Planning & Zoning Commission held a duly noticed public meeting on April 6, 2022 regarding rezoning of the Property; and

**WHEREAS**, after reviewing the Petition, the submitted staff report, and hearing comment from the Petitioner and the public, the Commission declined to make a recommendation to the Board of Aldermen regarding the Petition (motion to recommend the Petition to the Board resulting in a tie vote with the Chair declining to break the tie); and

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**WHEREAS**, the Board of Aldermen held a duly noticed public hearing on April 28, 2022, in compliance with the City Code and Chapter 89 RSMo., to hear public comment on the Petition; and

**WHEREAS**, a requirement of the “HP-1” Hospitality Park District is that the District be a minimum of eight continuous acres and if the Property were rezoned, it would leave the adjacent “HP-1” Hospitality Park lot not contiguous to other “HP-1” Hospitality Park property and less than eight acres; and

**WHEREAS**, after consideration of the public hearing and the Petition, the Board of Aldermen finds that the current zoning of the Property is reasonable, that the Property is the City’s front door and proximity to Highway 44 makes it suited for the uses authorized in the “HP-1” Hospitality Park District, that the Property does not meet the purpose of the “BP-3” Business District as it is not a buffer from residential property and is not appropriate for warehouse and office use, and it is in the best interest of the City to preserve its “HP-1” Hospitality District.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, MISSOURI, AS FOLLOWS:**

**Section 1.** Including for the reasons stated above, the Board of Aldermen hereby denies the rezoning of the Property from “HP-1” Hospitality Park to “BP-3” Business Park.

**Section 2.** This ordinance shall be in full force and effect after the date of its passage and approval.

PASSED this 28<sup>th</sup> day of April, 2022.

\_\_\_\_\_  
JOE MAURATH, ACTING PRESIDENT OF  
THE BOARD OF ALDERMEN

APPROVED this 28<sup>th</sup> day of April, 2022.

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JOE MAURATH, ACTING PRESIDENT OF  
THE BOARD OF ALDERMEN

ATTEST:

\_\_\_\_\_  
Jane Hungler, City Clerk

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Motion to approve. Roll Call vote:

Ayes:

Nays:

Absent:

Abstain:

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