

1st Reading:
2nd Reading:

SPONSOR: HARRELL

ORDINANCE NO. ____

BILL NO. 22-51

AN ORDINANCE AMENDING ORDINANCE 4002, AS AMENDED, TO ALLOW FOR ADDITIONAL USES FOR LOTS LOCATED IN AREA A OF THE CONCEPT PLAN FOR FENTON LOGISTICS PARK.

WHEREAS, the City passed Ordinance 3081 on October 22, 2009 (“Ordinance 3081”), in which the Board of Aldermen amended the City’s Official Zone District Map by rezoning a parcel of real property comprising of approximately 280 acres located along Interstate 44 in the City, known and numbered as 1050 Dodge Drive, Fenton, Missouri 63026 (the “Property”) from “IP-1” Industrial Park – Light, Medium, Industry, Distribution, Assembly Warehousing District to “PID” Planned Industrial Development District; and

WHEREAS, Ordinance 3081 approved the rezoning to “PID” Planned Industrial Development District, but did not establish the permitted uses in the conditions of Ordinance 3081 nor was a site plan approved by the Board of Aldermen as envisioned by the “PID” District regulations; and

WHEREAS, Fenton Land Investors, LLC (the “Developer”) is the owner of the Property and approached the City regarding developing the Property; and

WHEREAS, on July 24, 2014, the Board of Aldermen amended Ordinance 3081, via Ordinance 3445, to: (1) include the authorized permitted uses within the development, (2) rezone and add the parcels addressed as 2295 and 2300 Hitzert Court, containing 15.2-acres, from “IP-1” to “PID,” (3) approve a site plan (concept plan) for the development, and (4) attached conditions of approval for the PID; and

WHEREAS, on October 23, 2014, the Board of Aldermen approved an amendment to Ordinance 3445, via Ordinance 3469, that: (1) rezoned 2295 and 2300 Hitzert Court back to “IP-1” and removing such 15.2-acres from the “PID” development, (2) approved a revised concept plan for the development, and (3) established alternative street, drainage, and sidewalk standards for the development; and

WHEREAS, on August 13, 2015, the Board of Aldermen approved an amendment to Ordinance 3445, via Ordinance 3535, to add Hotel and General Offices (not including Medical) as permitted uses in “Area A” of the “PID” with the condition that said uses shall not exceed 13 acres of the total land area of “Area A;” and

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WHEREAS, on November 19, 2018, the Board of Aldermen approved an amendment to Ordinance 3445, via Ordinance 3874, to adjust the required front, rear, and side setbacks (buffer areas) when adjacent to property zoned “IP-1” and BP-2; and

WHEREAS, on January 23, 2020, the Board repealed Ordinances 3445, 3469, 3535, and 3874 and amended Ordinance 3081 to consolidate all previous zoning amendments into a Master Zoning Ordinance and added “Emergency Service Facility” as a use allowed by Special Use Permit in Area B; and

WHEREAS, on March 19, 2020, via Ordinance 4017, the Board approved rezoning a piece of property along Larkin Williams Road known as MoDOT Excess Parcel to “PID” and amending Ordinance 4002 to reflect the same and amending Ordinance 3955 to amend the Preliminary Plat Five to create three new lots; and

WHEREAS, on October 28, 2021, via Ordinance 4170, the Board approved amending Ordinance 4002, as amended by Ordinance 4017, related to bulk requirements, uses, and approved Concept Plan for Area A and Area B of Fenton Logistics Park; and

WHEREAS, on May 26, 2022, via Ordinance 4227, the Board of Aldermen approved amending Ordinance 4002, as amended by Ordinances 4017 and 4170, for changes related to the permitted uses in Area A of the Concept Plan related to Lot E-3 of Fenton Logistics Park Plat 7; and

WHEREAS, the Developer has now approached requesting further amendments to the Master Zoning Ordinance regarding the uses allowed in Area A; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public meeting on June 7, 2022, in compliance with the City Code and Chapter 89 RSMo. regarding Developer’s requested amendments to Ordinance 4002, as amended by Ordinances 4017, 4170, and 4227; and

WHEREAS, the Commission made a recommendation to the Board of Aldermen that Ordinance 4002, as amended by Ordinance 4017, 4170 and 4227, be further amended to allow for additional uses on Area A of the Concept Plan for Fenton Logistics Park; and

WHEREAS, the Board of Aldermen held a duly noticed public hearing on June 23, 2022, in compliance with the City Code and Chapter 89 RSMo., to hear public comment on the proposed amendments to the Master Zoning Ordinance; and

WHEREAS, the Board of Aldermen discussed the Planning and Zoning Commission’s recommendations and after public hearing finds that amendments to Ordinance 4002, as amended by Ordinance 4017, 4170, and 4227, are in the best interest of the City.

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

Section 1. Ordinance 4002, as amended by Ordinance 4017, 4170, and 4227, is hereby further amended to amend Section IV, Development Uses, Section 2(A) and Section 3 to include the underlined words and delete the struck-through words to read as follows:

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2. *Permitted Land Uses Within the Development.* Terms are defined in Section 400.030 of the Zoning Code.

A. Within Area A, as identified on the Concept Plan, the following Permitted Uses are approved for the Development, subject to the limitations of this Ordinance:

- ~~1. Automotive Convenience Store.~~
- ~~2. Retail (Small, Medium, or Large).~~
- ~~3. Wholesale Establishment.~~
- ~~4. Restaurant, which may include Drive-Through Services.~~
- ~~5. Grocery Store (General and Convenience).~~
- ~~6. Hotel or Extended Stay Hotel, not including hotels providing access to each guestroom directly through an exterior door or by an entrance connected to a covered hallway or walkway on the exterior of the building.~~
- ~~7. Office, General.~~
- ~~8. Day Care Facility.~~
- ~~9. Health Club.~~
- ~~10. Warehouse Showroom Sales.~~
- ~~11. Accessory Uses, as defined in Section 400.030 of the Zoning Code and related to the above uses.~~

1. Automotive Convenience Store.
2. Business Service Shop.
3. Day Care Facility.
4. Entertainment Facility or Theater.
5. Financial Institution.
6. Fitness Instruction Studio.
7. Grocery Store (General and Convenience).
8. Health Club.
9. Hotel or Extended Stay Hotel, not including Hotels providing access to each guestroom directly through an exterior door or by an entrance connected to a covered hallway or walkway on the exterior of the building.
10. Office, General.
11. Personal Service Shop.
12. Pet Daycare and Training Facility.
13. Per Grooming Facility.
14. Pet Supply Store.
15. Pharmacy.
16. Restaurant, which may include Drive-Through Services.
17. Retail (Small, Medium, or Large).
18. Warehouse Showroom Sales.
19. Wholesale Establishment.
20. Accessory Uses, as defined in Section 400.030 of the Zoning Code and related to the above uses.

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Notwithstanding the foregoing, the property within Area A of the Development used for General Office and or/Hotel uses shall not exceed 6 acres of the total land area of Area A. For purposes of this limitation, the “property” shall be defined to include the entire parcel of land used for such use.

Furthermore, Lot E-3 of Plat 7 (attached hereto as Exhibit C) located in Area A of the Concept Plan may be developed with a flex use building, with Area B uses of Warehouse and Distribution only permitted but such uses not to exceed sixty-five percent (65%) of the gross floor area and the flex use building must contain at least thirty-five percent (35%) of the gross floor area of Area A permitted uses.

3. *Uses Allowed by Special Use Permit Within The Development.* Terms are defined in Section 400.030 of the Zoning Code. ~~Within Area B, as identified in the Concept Plan, the following uses are permissible in the Development only after consideration by the Planning and Zoning Commission and granting of a special use permit by the Board of Aldermen:~~

- ~~1. Outdoor Storage Areas and Bins in compliance with Chapter 461 of the Zoning Code.~~
- ~~2. Emergency Service Facility.~~

A. Within Area A, as identified in the Concept Plan, the following uses are permitted in the Development only after consideration by the Planning and Zoning Commission and granting of a Special Use Permit by the Board of Aldermen:

1. ATM Facility
2. Automotive Washing Facility.
3. Healing Arts Establishment.
4. Liquor Store.
5. Medical Facility, not to exceed 5,000 square feet in floor area.
6. Medical Marijuana Dispensary Facility, as defined in and when in compliance with Chapter 430, Article IX of the Zoning Code.
7. Recreation Facility, Indoor Limited.
8. Recreational Vehicle Sales.
9. Tavern.

B. Within Area B, as identified in the Concept Plan, the following are permitted in the Development only after consideration by the Planning and Zoning Commission and granting of a Special Use Permit by the Board of Aldermen:

1. Emergency Service Facility.
2. Outdoor Storage Areas and Bins, when in compliance with Chapter 425, Article IV, of the Zoning Code.

All other provisions and terms within Ordinance 4002, as amended by Ordinances 4017, 4170, and 4227, not specifically amended herein shall remain in full force and effect.

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Section 2. Notwithstanding anything to the contrary, in the event the provisions of this Ordinance conflict with the provisions of Section 475.080 of the Zoning Code, the provisions of this Ordinance shall govern as to this Development. Any subject matter not addressed herein shall continue to be governed by Section 475.080 of the Zoning Code.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED this 23rd day of June, 2022.

JOE MAURATH, MAYOR

APPROVED this 23rd day of June, 2022.

JOE MAURATH, MAYOR

ATTEST:

Jane Hungler, City Clerk

Motion to approve. Roll Call vote:

Absent:

Ayes:

Nays:

Absent:

Abstain:

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