

P-19-22

Title: Petition for a Conditional Use Permit, submitted by Randy Green, for a motor vehicle oriented business (MVOB) at 12852 Maurer Industrial Drive.

Owner:	Thomas & Toni Batsch	Petitioner:	Randy Green
	8710 Pardee Lane		1860 Larkin Williams Road
	St Louis, Missouri 63127		St Louis, Missouri 63026

Date: February 2023



*Maps are for informational use only; not a representation of the project.

Summary:

This Petition is for a Conditional Use Permit for the property at 12852 Maurer Industrial Drive. The property is located on the northeast corner of Highway 30 and Maurer Industrial Drive. The properties are currently zoned PD-LI Planned Development – Light Industrial. The properties to the west are also zoned PD-LI. The properties to the north, east and south are zoned R-1 Single Family Residential – 7,000 square foot minimum lot size.

Project overview:

- Site area: The project area consists of 1.889 acres;
- Existing zoning PD-LI Planned Development – Light Industrial;
- Proposal: MVOB (gas station/convenience store);
- Required Petitions: Boundary adjustment (P-18-22), conditional use permit and amended development plan (P-20-22).

Staff analysis:

The Petitioner is proposing to develop the western lot with a gas station and convenience store. Gas stations and convenience stores are both considered MVOB and are required to meet the requirements of Appendix B Zoning Regulations, Section 7: Conditional Use Procedures and Standards. No new development is proposed on the eastern lot.

Appendix B Zoning Regulations, Section 7.1 describes conditional uses as those types of uses which tend to be problematic because they:

1. Have a tendency to generate significant traffic volumes and/or turning movements,
2. Have operational characteristics that may have a detrimental impact on adjacent or nearby properties, or

Have other characteristics which may impact public health, safety, or welfare; but can be approved if such uses meet the criteria established herein. Conditional uses also include public and quasi-public uses affected with the public interest. In order to ensure that detrimental impacts are avoided or mitigated to a satisfactory level, conditional uses

must be reviewed, approved and issued a conditional use permit, in accordance with the provisions of this section.

Section 7 goes on to list the following:

7.3-1 Criteria: The board shall not approve any conditional use, which they determine to:

- A) Substantially increase traffic hazards or congestion.

A traffic study has been completed for this project and is attached.

- B) Substantially increase fire hazards.

Approval from Fenton Fire District will be required prior to issuance of an occupancy permit.

- C) Adversely affect the character of the neighborhood.

- D) Adversely affect the general welfare of the community.

This property is adjacent to property owned by the water company to the north, Highway 30 to the south and Maurer Industrial Park to the west. Based on the geographic location and information provided by the Petitioner, the proposed development should not adversely affect the character of the neighborhood nor general welfare of the community.

- E) Overtax public utilities.

Based on information provided by the Petitioner, the proposed development should not overtax public utilities.

- F) Conflict with standards contained in Subsection 7.3-3.

See below for discussion on Subsections 7.3-2 and 7.3.3.

- G) Conflict with the goals and objectives or proposed land use in the comprehensive plan.

These properties have a commercial designation in the Comprehensive Plan.

7.3-3 Standards for MVOB:

- A) MVOB may only be permitted as a conditional use in the C-1 Commercial District or in the PD Planned Development Districts. When approved as a conditional use, the MVOB must comply with all applicable requirements of Section 7. When approved in a Planned Development District, the MVOB must comply with all applicable regulations of Section 4.

Based on information provided by the Petitioner, all requirements of Section 7 would be met. Requirements of Section 4 are addressed in the Petition for an amended development plan (P-20-22).

B) Traffic requirements: All MVOB require a conditional use permit. Any existing MVOB that plans to modify the configuration of the site in any manner, will require an amended conditional use permit. Petitions for conditional use or amended conditional use permits will require the applicant to submit a traffic impact study (or analysis) and an access management plan, prepared by a traffic engineer and signed by a registered professional engineer. (See Definitions, Section 3). Such traffic impact study or analysis shall be performed by the City's contracted traffic engineer. The applicant shall deposit with the City an amount estimated by City staff to reimburse the City for the cost of such traffic impact study or analysis.

CBB has prepared a revised traffic study for this project (see attached).

C) Site design standards: The following site design standards shall be met for all MVOB:

1. Minimum lot area: Twenty thousand (20,000) square feet.

The site for this proposed development is 82,284 square feet (1.889 acres).

2. Minimum lot frontage: One hundred fifty (150) feet. On corner lots, the frontage requirements shall apply to only one (1) side.

The site for this proposed development has 328.72 feet of frontage on Highway 30 and 423.32 feet of frontage on Maurer Industrial Drive.

3. Limit of pump islands with convenience stores: Convenience stores with fuel pumps shall be limited to the maximum number of pump islands that can be accommodated without jeopardizing traffic safety. A general guideline shall be one (1) pump island per minimum seven thousand five hundred (7,500) square feet of site area. Square feet of site area is calculated by subtracting out the area designated for the convenience store. A pump island is the raised concrete platform that the MPDs (multiple petroleum product

dispensers) sit atop. Each MPD shall allow no more than two (2) vehicles to fuel simultaneously.

This site could accommodate ten (10) MPDs. Eight (8) MPDs are proposed.

4. Setbacks: From public streets and property lines shall be as follows:
 - a. Front yard: There shall be a front yard having a depth of not less than thirty (30) feet. Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall not be reduced to less than thirty (30) feet in which latter event the board of aldermen may waive this requirement to the street which will least affect other property values. No accessory building, service islands, and other service or pick-up facilities shall project beyond the front building setback line.
 - b. Side yard: There shall be a side yard on each side of the building of not less than fifteen (15) feet. Side yard requirements shall be seventy-five (75) feet where abutting any residential district.
 - c. Rear yard: There shall be a rear yard having a depth of not less than fifteen (15) feet. Rear yard requirements shall be seventy-five (75) feet, where abutting any residential district.

All required setbacks would be met by this proposed project.

- D) Used oil storage: All used oils and other similar materials and products shall be stored only in underground or inside areas.

Information provided by the Petitioner indicates that no used oils are planned to be stored on site.

- E) Vehicular areas:
 1. The entire area used by vehicles for parking, storage, and service, etc., shall be paved with asphaltic concrete, concrete, or other material approved by the director of public works.

Information provided by the Petitioner indicates that the site will be paved using concrete.

2. A raised curb shall be placed at the edge of all pavements.

This is indicated on the plans submitted by the Petitioner.

3. All hydraulic hoists, pits, lubrication, washing, repair, and service not of an emergency nature or unusual short-term minor work shall be conducted entirely within a building.

No service areas are currently proposed.

F) Ingress and egress:

1. The minimum width of driveways at the property line shall be twenty-four (24) feet, and the maximum shall be fifty (50) feet.

The two (2) proposed driveways meet this requirement.

2. The minimum distance of any driveway to any side property line shall be twenty-four (24) feet. This distance shall be measured from the side property line to the intersection of the street right-of-way and the edge of the driveway.

The two (2) proposed driveways meet this requirement.

3. Driveway openings shall be limited to one (1) drive per one hundred (100) feet of lot frontage. For parcels with frontage on more than one street the number of driveway openings shall be based on the frontage length on each street individually.

The two (2) proposed driveways meet this requirement.

4. The minimum distance a driveway into the site from a street intersection shall be thirty (30) feet measured from the intersection of the street rights-of-way to the nearest end of the curb radius of the proposed driveway.

The two (2) proposed driveways meet this requirement. The north driveway is across from Maurer Industrial Drive. The south driveway is approximately 165 feet north of the intersection of Highway 30 and Maurer Industrial Drive.

5. The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the director of public works.

The two (2) proposed driveways meet this requirement.

6. MVOB adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.

This requirement does not apply to this project.

- G) Screening: All MVOB shall provide for screening and buffer areas in a manner which conforms with the regulations set forth in Section 5.13 of this ordinance.

The proposed development meets this requirement.

- H) Storage of flammable materials: Flammable materials used in the conduct of MVOB when stored above ground, shall be stored within the building setback lines. All storage of flammable materials shall be subject to the approval of the appropriate fire district.

Based on information provided by the Petitioner, any flammable materials will be stored within the building setback lines and approved by Fenton Fire District.

Staff recommendation:

Based on information provided by the Petitioner, staff recommends approval of this Petition with the following conditions:

1. Recommendations called out in the traffic study are implemented.
2. Related Petitions P-18-22 and P-20-22 are approved.

Update:

At the January 4, 2023 meeting, the Planning & Zoning Commission voted to recommend approval of this Petition to the Board of Aldermen with the conditions listed above.

The Petitioner applied to the Board of Adjustment to vary the level of service on a street (Maurer Industrial Drive) from level of service D to level of service E. That application was denied at the January 26, 2023 meeting.