



**CITY OF VALLEY PARK
LEGISLATIVE COMMITTEE MEETING
VIA VIDEO CONFERENCING (Zoom)
AT 7:00 P.M. ON MAY 14, 2020
VALLEY PARK CITY HALL, 320 BENTON
STREET, VALLEY PARK, MISSOURI 63088**

****** AGENDA ******

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. NEW BUSINESS**
 - a. Approval of the April 9, 2020 Legislative Committee Meeting Minutes**
 - b. Medical Marijuana Ordinance Discussion**
 - c. Shared Parking Discussion**
 - d. Excavation Permit Discussion**
 - e. Outdoor Storage Regulations Discussion**
- 4. ADJOURNMENT**

AN ORDINANCE AMENDING APPENDIX A OF THE ZONING ORDINANCE TO
CHANGE MEDICAL CHEMICALS, INCLUDE MEDICAL MARIJUANA DISPENSARIES,
AND INCLUDE MEDICAL MARIJUANA GROWING OPERATIONS AND AMENDING
ARTICLE X OF THE ZONING ORDINANCE TO INCLUDE AN ADDITIONAL BURDEN
OF PROOF FOR
CONDITIONAL USE PERMITS

WHEREAS, the City of Valley Park desires to update its Zoning Ordinance and Zoning Ordinance Appendix A: Listing of Permitted and Conditional Zoning District Uses to adapt to newly permitted medical marijuana activities under Missouri state law;

WHEREAS, the City of Valley Park desires to establish what zoning districts can include Medical Marijuana Dispensaries and Medical Marijuana Growing Operations;

WHEREAS, the City of Valley Park desires to add criteria of consideration for the Burden of Proof for Conditional Use Permit Procedures as found in Section 405.610 of the Zoning Ordinance;

WHEREAS, the Board of Aldermen of the City of Valley Park desire that Medical Chemicals shall be modified to exclude medical marijuana and allow Permitted Uses in I-1 and PD-I zones, Medical Marijuana Dispensaries (not including growing operations) shall be added and allow Conditional Uses in C-1, C-2, I-1, PD-C, and PD-I zones, Medical Marijuana Growing Operations shall be added and allow Conditional Uses in C-1, C-2, PD-C and PD-I zones; and

WHEREAS, the Board of Aldermen of the City of Valley Park desire for the Zoning Ordinance to be amended with the addition of an additional burden of proof for the conditional use permit procedure section (h).

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

Section One

1. The Board of Aldermen hereby amends the Appendix A: Listing of Permitted and Conditional Zoning District Uses to include Medical Marijuana Dispensaries and Growers.

2. Appendix A shall be amended as follows:

Medical chemicals – manufacturing (except medical marijuana) shall be coded 325411 and allow permitted uses in I-1 and PD-I zones.

Medical marijuana dispensaries (not including growing operations) shall be added and coded 446110 and allow conditional uses in C-1, C-2, I-1, PD-C, and PD-I zones.

Medical marijuana growing operations shall be added and coded 111998 C-2, I-1, PD-I, and PD-MX.

2. Said Appendix A: Listing of Permitted and Conditional Zoning District Uses is attached and incorporated by reference as Exhibit A.

Section Two

1. The Board of Aldermen hereby adds subsection 405.610(B)(3)(h) to Section 405.610 of the Zoning Ordinance to include

h. The proposed uses are deemed consistent with good planning practice and are not inconsistent with the goals, objectives, and policies of the Comprehensive Plan; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City.

Section Three

This Ordinance shall become effective from and after its passage and approval by the Mayor.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN THIS 4 DAY OF February, 2019.


Mayor Chandra Webster

To approve Bill #2809

Motioned: Walker
Seconded: Reynolds

	Aye	Nay		Aye	Nay
Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Halker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Drake	<input checked="" type="checkbox"/>	<input type="checkbox"/>
White	<input type="checkbox"/>	<input type="checkbox"/>			

Absent: White

ATTEST: William C. Hanks
William C. Hanks, City Clerk

MEMORANDUM

Re: Outdoor Storage Regulations
Date: March 10, 2020

To: Dusty Hosna
From: Anna Krane, AICP
CC: John Brancaglione

Introduction

The City has seen an increase in questions about outdoor storage options in commercial and industrial zoning districts from existing businesses and from potential property developers. Based on some of the existing conditions of outdoor storage in the City and the operations proposed recently, PGAV has been approached by staff to draft a new set of regulations specifically geared toward outdoor or open storage.

Background

We started with an analysis of the existing regulations pertaining to storage. The existing regulations that cover open or outdoor storage include the Land Use Definitions and provisions from the Light Industrial District Performance Standards.

The City Code includes a definition of open storage as the “storage of materials or goods on the ground or platforms outside of a building.” Open storage is not listed as a Land Use Category in **Appendix A Listing of Permitted and Conditional Zoning District Uses**. “Storage and warehousing of non-hazardous products” and “Storage and warehousing of household goods” are both listed in Appendix A as permitted land uses in the I-1, PD-I, and PD-MX zoning districts. While specific definitions for the listed permitted uses are not listed in the Definitions Section of the City Code, **Appendix A** does provide a NAICS Code for both uses.

Land Use Category	NAICS Code	NAICS Definition
Storage and warehousing of non-hazardous products	493190	This industry comprises establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage).
Storage and warehousing of household goods	493110	This industry comprises establishments primarily engaged in operating merchandise warehousing and storage facilities. These establishments generally handle goods in containers, such as boxes, barrels, and/or drums, using equipment, such as forklifts, pallets, and racks. They are not specialized in handling bulk products of any particular type, size, or quantity of goods or products.

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Section 405.170.D.10 “I-1” Light Industrial District – Performance Standards states the following regarding businesses in the I-1 District:

- a. All industrial operations shall be conducted within a fully enclosed building.
- b. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick or decorative masonry walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street, or at the nearest property lines.

The existing regulations are not very clear when addressing open storage as a primary use versus as an accessory use. In both cases, open storage facilities can have negative impacts on adjacent property and surrounding communities based on the items being stored and the associated operations. Since the adoption of the existing code, there have also been changes in the storage industry. Self-storage operations in different forms have become a more popular business practice, which has been a source of the increased inquiries fielded by the City. The self-storage operations, like open storage facilities, are also not clearly addressed in the existing code.

Overview of Recommendations

Based on our evaluation of the City’s existing regulations and the type of storage operations that have inquired about locations in the City, we have made several recommendations for text amendments to the City’s Land Use Code. Below is an overview of the main recommendations.

1. *Modify Appendix A Listing of Permitted and Conditional Zoning District Uses.*

Both storage related uses currently listed in Appendix A relate to warehouse type facilities, which are most frequently housed completely inside of a structure, and which do not include the self-storage variation as specified in NAICS. We recommend adding “lessors of mini-warehouses and self-storage units” as a land use category listed in Appendix A. This category covers more of the storage operations that the City is currently fielding questions about. We also recommend differentiating the open storage from indoor storage on the table.

2. *Require a Conditional Use Permit for storage uses.*

We recommend modifying Appendix A to show the storage uses (“storage and warehousing of non-hazardous products,” “storage and warehousing of household goods,” and “lessors of mini-warehouses and self-storage units”) as allowed with a Conditional Use Permit when the business operation includes open or outdoor storage. Given the many ways that sites can be arranged and used for indoor and outdoor storage, it is important for the City to have control and a firm understanding of each specific case proposed. The Conditional Use Permit process allows the City to analyze a proposed business more in-depth and understand potential impacts given the

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context, scope and plan for the specific business. This process also allows the City an opportunity to place conditions on the operation and maintenance of the specific business.

Breaking apart indoor and open storage and warehousing uses allows the standard indoor warehousing facilities to continue to operate inside of building without the additional process of a Conditional Use Permit. This recommended modification also eliminates some of the past confusion on indoor versus outdoor facilities.

3. *Modify the definition of open storage.*

Edit the definition to say “outdoor/open storage.” This definition will come into play when understanding the new designations in the land use category of Appendix A. In the land use table, specifying “indoor” and “outdoor” is more intuitive than “indoor” and “open.” Adding “outdoor” will then link the existing definition of “open storage” to the modification made to Appendix A.

4. *Add Regulations to Chapter 405, Article X Special Procedures and Regulations.*

Article X contains special regulations pertaining to uses that “require particular consideration in each case because of the nature of the use and its effect on its surroundings...” In the case of open storage uses, adding special regulations will allow the City to set a minimum standard for operation guidelines. Through these special regulations, the City can pre-emptively mitigate potential impacts and call attention to areas of concern for the business to address prior to obtaining a Conditional Use Permit. We propose referencing the new regulations placed in Article X in the zoning district code sections to ensure that readers see the additional regulations.

The proposed regulations cover site design and layout, the types of storage operations allowed, and operations standards. Currently, the regulations only allow for exterior storage as an accessory use. The City Code definition of accessory use is “a use incidental and subordinate to the principal use of the premises.” The proposed regulations go further to state that the principal use must be primarily operated from inside of a structure. The intention of these regulations is to limit the amount of exterior storage and therefore, mitigate some of the potential negative impacts including, but not limited to, environmental, visual, noise, and odor.

Next Steps

We recommend that the City reviews the proposed regulations and specifically evaluates the difference between open storage only as an accessory use versus allowing open storage as a primary use. The use of the Lakehill/Speedway site as previously proposed would represent a primary use of open storage. Given the number of inquiries related to businesses with a primary use of open storage, the City should decide if they would like to create specific condition, under which they would accept

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and permit a primary use of open storage or if they would prefer to prevent the primary use of open storage.

Adopting the proposed regulations and modifications will require a Text Amendment and follow the procedures as required by **Chapter 405, Article XII Amendments**. City staff may also choose to present the proposed regulations to the Legislative Committee. This may be done prior to the Planning and Zoning Commission meeting or between the Planning and Zoning Commission meeting and the Board of Aldermen meeting. The Legislative Committee is an advising body and does not have decision making authority. Per the code referenced above, public hearings will be required before both the Planning and Zoning Commission and the Board of Aldermen for the text amendment process.