

**MINUTES OF THE CITY OF FRONTENAC**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, JULY 24, 2007, 7:00 P.M.**

**A. CALL TO ORDER:** The regular meeting of the Planning and Zoning Commission was called to order at 7:05 p.m. by Chairman Patrick Donelan.

**B. SWEARING IN OF NEWLY ELECTED MEMBERS:**

Mayor Murray swore in Ms. Kathy Smith, Ms. Nancy Schnoebelen, Dr. Tom Moran and Mr. George Purviance.

**C. ROLL CALL:** The members present were:

|                   |                  |
|-------------------|------------------|
| Bob Bauer         | Patrick Donelan  |
| Tom Moran         | George Purviance |
| Mark Richert      | Dina Rinder      |
| Nancy Schnoebelen | Kathy Smith      |

The absent members were:

|                 |                         |
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| Nancy Sauerhoff | Alderwoman Susan Durbin |
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Also in attendance were Building Commissioner & Zoning Administrator, Jeff Wappelhorst; City Clerk, Leesa Ross; and City Attorney, Kevin O'Keefe.

Also in attendance were Mayor Murray, Alderman Hizar, Alderman Wynne and Alderwoman Margot Martin.

**D. APPROVAL OF AGENDA:** Mr. Donelan asked for a motion to approve the agenda.

**MOTION:** Mr. Richert motioned and Mr. Purviance seconded to approve the agenda. All Commissioners present voted "Aye". There were no "Nay" votes. **MOTION PASSED.**

**E. APPROVAL OF MINUTES:** Mr. Donelan asked for a motion to approve the Regular Meeting minutes from Tuesday, June 26, 2007.

**MOTION:** Mr. Purviance motioned and Mr. Bauer seconded the approval of the Tuesday, June 26, 2007, regular meeting minutes. All Commissioners present voted "Aye". There were no "Nay" votes. **MOTION PASSED.**

**F. PUBLIC FORUM (PRESENTATION OF REMARKS AND/OR PETITIONS):**

No one made any comments at this time.

**G. CHAIRMAN'S COMMENTS:**

Mr. Donelan welcomed the new members to the commission.

**H. COMMENTS BY COMMISSION MEMBERS:**

The newly appointed members of the Commission were welcomed by the existing members.

**I. ADMINISTRATOR'S REPORT:**

There was no report.

**I. OLD BUSINESS:**

There was no old business.

**J. NEW BUSINESS:**

**1) Grade Elevations.**

Mr. Wappelhorst stated a memo was written in response to a request from Alderman Hizar concerning the height of homes and grade of the elevations. Alderman Hizar stated he was mistaken when thinking height restrictions were based on existing grade, not on how high they grade the area. The current situation often leaves neighbors with storm water runoff problems and he asked if the Planning & Zoning Commission would consider a change.

Mr. Wappelhorst stated his department takes the finish grade but does not allow houses to exceed 35 feet. All plans are also reviewed by the City's Design Review Commissioners, Mr. Higginbotham and Mr. Thaman. He stated builders are putting in six feet of fill with walkout basements and there is no mechanism to give legal teeth to control the grade elevations. He also stated MSD has set regulations not to increase over or under a percentage of grade which is 2 feet. The County regulations regarding grade are the average of the two adjoining lots.

Mayor Murray stated a constituent of Frontenac who works for the County stated the grade should be either the greater of existing grade or the average of the two. The County regulations are greater of the average of the two homes plus or minus 2 feet.

Mr. Purviance questioned the height of the basement ceiling and stated it could also increase the grade. Mr. Wappelhorst stated it is not based on the depth of foundation, but on the height of the house, which must stay under 35 feet.

Mr. Higginbotham stated it is difficult to legislate height. Mr. Donelan stated we do require some control for preventing a developer from putting in fill and stated the City is without an ordinance. Mr. Higginbotham stated the sewer line should dictate the height. Mr. Richert stated the developers are building homes to the restrictions however the problem is raising the regulations and stated storm water review should catch a lot of these.

Mr. Wappelhorst stated there are lots on Chipper and Holiday which needed to be filled to comply with storm water mitigation. He said a lot of the issue is trustee education, which falls back to him, Mr. Higginbotham and Mr. Thaman. Mayor Murray stated all contractors who deal with demolition and construction must prove they will not create more runoff, but it does not say grading. Mr. O'Keefe stated the most simple way to view this ordinance is the current definition is post development height of the grade, and the proposal is to regulate height, of the grade to existing conditions of the building lot or neighboring lots. Dr. Moran stated we should be dealing with curb height of grade and the house above the curb.

Mr. Thaman gave a presentation regarding residential building height and presented alternative solutions to include the review of grade as part of the design review process, and to legislate authority for design review to say no to inappropriate design, including improper grade. Many commission members felt that the suggestion was subjective and a very gray area and wanted to just deal with the issue of the grade. Mr. Thaman suggested bringing the architectural review to another level and stated that he and Mr. Higginbotham were just an advisory committee to the Planning & Zoning Commission, the Board of Aldermen and the Building Department.

Ms. Schnoebelen stated it is a gray area without guidelines. How can they maintain integrity and character style with this type of ordinance. She feels setting something in place is more important. Ms. Rinder stated there should be an ordinance in place. Mr. Wappelhorst stated if something is rejected by him the builder or homeowner still would go to the Board of Adjustment for a hardship. Mr. Thaman disagrees stating we could create a much larger work load for the Board of Adjustment. He suggested they set the general guidelines of the general grade with leeway.

Alderman Hizar stated they don't need regulations but are trying to set directions for the builders early, so they would know before there is a problem, and stated this proposal would fit most regulations. He also said this proposal gives three alternatives, original grade; average grade and adjustment for MSD. Mr. Donelan stated if the City has clear restrictions you will have better builders. Mr. Purviance stated Mr. Thaman's outline is clear and needed. Mr. Richert stated the crux is adding fill, then building on top. He asked if we can say, you can't fill the lot, but work on existing elevations or average. Dr. Moran stated this should not be a final draft and feels the two feet is not a good idea.

Mr. Donelan stated the Commission is generally moving in favor of this idea, but this draft is not enough. He said the Board of Aldermen are not scheduled to meet for a regular meeting until September and stated he wishes they would reconsider the issue at the August 28<sup>th</sup> meeting and have Mr. Wappelhorst continue to gather information and asked him to present a new ordinance at the next meeting. Mr. Higginbotham stated the Design Review Commissioners need more authority because presently they can only make a recommendation.

Dr. Moran stated he has a problem with the draft and would like to include within the 35 feet the towers, cupolas, domes, spires, etc. Mr. Richert suggested Mr. Wappelhorst bring our ordinance and include St. Louis County's regulations, as well as Ladue's and Town & Country's. Mr. Purviance asked to include some storm water plan.

**K. ANNOUNCEMENT OF NEXT MEETING:** Tuesday, August 28, 2007, 7:00 p.m.

**L. ADJOURNMENT:**

Mr. Donelan asked for a motion and second to adjourn the meeting.

**MOTION:** Dr. Moran motioned and Mr. Bauer seconded the meeting be adjourned. All Commissioners present voted "Aye". The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 8:20 p.m.

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