

MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MARCH 24, 2009, 7:00 P.M.

A. **CALL TO ORDER:** The regular meeting of the Planning and Zoning Commission was called to order at 7:00 p.m. by Chairman Patrick Donelan.

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

Chairman Patrick Donelan

Dina Rinder

Elizabeth Barbieri

George Purviance

Dr. Tom Moran

Bob Bauer

Alderman John Wynne

Kathy Smith

Nancy Schnoebelen

Also in attendance were City Administrator, Bob Shelton; Building Commissioner & Zoning Administrator, John Morgan; City Clerk, Leesa Ross; and City Attorney, Lee Curtis.

Also in attendance was Mayor Lee Murray.

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

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

D. **APPROVAL OF MINUTES:** Mr. Donelan asked for a motion to approve the minutes of October 28, 2008.

Dr. Moran requested changes to his comments on page 3 and Mr. Purviance made a change to a word on page 2, and corrections to his comments on page 3. Ms. Ross stated she will make the corrections.

MOTION: Mr. Bauer motioned and Ms. Rinder seconded the approval of the October 28, 2008, regular meeting minutes as corrected. All Commissioners present voted "Aye". There were no "Nay" votes. **MOTION PASSED.**

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

No comments were made at this time.

F. CHAIRMAN'S COMMENTS:

Mr. Donelan had no comments at this time.

G. COMMENTS BY COMMISSION MEMBERS:

Mayor Murray stated she would like to thank everyone for their willingness to serve. She also stated they all are great dedicated volunteers. Mr. Donelan stated she was great and wished her well and thanked her for all she has done for the City of Frontenac.

H. ADMINISTRATOR'S REPORT

Mr. Shelton stated he would like to introduce Mr. John Morgan, the City's new Zoning Administrator and Building Commissioner. Mr. Morgan worked for the City of Florissant for 19 years and has tremendous experience in Planning & Zoning and Building. Mr. Morgan stated he looks forward to working with the Commission.

I. OLD BUSINESS:

None

K. NEW BUSINESS:

1. Item PZ032409-1 - Approval of a conditional use permit to allow outdoor seating of six tables in the front of the Sugo's Restaurant located at 10423 Clayton Road.

Mr. Scott Volding of Volding Architecture was the representative for Michael Del Pietro who is out of town, on his request for a conditional use permit to allow for outdoor dining, of six tables and twelve chairs. Mr. Volding stated Sugo's is doing very well and recently completed an expansion to an adjacent tenant space. He stated they will allow outdoor dining during the regular hours, Sunday through Thursday until 10:00 pm and Fridays and Saturdays until 11:00 pm.

Ms. Barbieri asked about the type of table which will be used. Mr. Volding stated they will use the same type that is in the restaurant (wood tables and chairs) and will bring them in each night. A commission member brought up lighting and music. Mr. Volding stated they will not add any lighting but may have candles on the tables. He stated they will also have no music. Mr. Donelan asked about the removal of trash. Mr. Volding stated they will not have any bus-stands or trash receptacles outside and will bring dishes into the kitchen as tables are cleaned off.

Mr. Volding said they are proposing six tables with 12 chairs. Ms. Barbieri stated she is concerned with cars parked so close to the outside dining area. Mr. Volding stated he would check to see if bollards can be placed by the landlord, but stated they could interfere with the parking and handicap spaces. Mr. Volding also said he believes the tables may be set together to allow seating for four at a table. Dr. Moran suggested the tables be turned or moved back. Mr. Donelan asked about the liquor license. Ms. Ross stated Sugo's has a license to sell beer and wine, and also has a Sunday sales license.

Mr. Donelan and Mr. Purviance both asked about additional lighting or a change to the proposal. Mr. Morgan stated it depends on how it is worded in the conditional use permit. Mr. Morgan said lighting changes can be reviewed by staff.

MOTION: Ms. Schnoebelen motioned and Dr. Moran seconded to recommend approval to the Board of Aldermen the conditional use request from Michael Del Pietro for Sugo's, 10423 Clayton Road, to have outdoor dining. All Commissioners present voted "Aye". There were no "Nay" votes. **MOTION PASSED.**

2. Item PZ032409-2 - Approval of an amendment to the Frontenac Land Use Regulations more specifically Chapter 420, Storm Water Regulations, and Section 405.100, Table 1, District Regulations, and creating new regulations in accordance with the Federal Clean Water Act by establishing new land disturbance requirements, stream buffer requirements and post construction storm water requirements.

Mr. Morgan gave an overview of the items sent to the Commission. He stated this is Phase I of several phases, and that the City is currently in violation of Phase II and that the City will be co-permittees with MSD. He stated the Clean Water Act started in 1972 and amended through the years and this is part of a five year process that should have been passed by March 1, 2009. He stated the City needs to adopt post-construction, stream buffer and land disturbance ordinances. He also stated he had spoken to Mr. Shelton, Jeff Wappelhorst and Len Madalon, the City's storm water consultant, who agreed to put the regulations in the building section of the Code of Ordinances. He feels the City needs a storm water manual, which will help design a storm water management system. He stated a complete package of all the items will be presented at the next Planning & Zoning Commission meeting in April.

Mr. Morgan stated there are areas in which the City has some authority to change parts of the regulations. He gave an example of the setback area, which states 75 feet in the proposed regulations however the City could change it and require 25 feet of landscaping along with a 25 foot setback.

Mr. Purviance asked if the regulations were written by the federal government or supplied to us. Mr. Morgan stated the documents were taken from several documents

including from the Storm Water Council. He said MSD has the model ordinance, which he made some slight modifications to. He also said you cannot change some technical requirements. He stated he would like to change the process for appeal from the Board of Aldermen to the Board of Adjustment. He said you can also alter the penalty section. The process for appeal is from Mr. Shelton, to the Board of Aldermen to the Circuit Court.

Mr. Morgan stated the two creeks of concern in the City are Deer Creek and Two Mile Creek, which are on the tributary maps. Mr. Morgan introduced the concept of rain gardens, which are drainage systems. He explained how rain gardens are used as a filtration system, with a three to four foot deep piped area with rock, then a geo-material is put down and then sand is added. It is finished off with top soil and plantings. He stated water is soaked out and goes into the storm water system more gradually. Mr. Morgan stated it becomes a water detention system.

Commission members made additional comments and Mr. Morgan continued and discussed the fee impact on residents, and the technical interpretations of the regulations. Mr. Morgan stated this item will be brought back to the Commission next month with the additional regulation changes. A public hearing for these changes will be held prior to the Board of Aldermen meeting in May. Mr. Morgan also stated additional review will be completed by City Attorneys Lee Curtis and Kevin O'Keefe.

Mr. Shelton asked Mr. Morgan to identify areas where MSD is solid and other areas where there can be some flexibility. Mr. Morgan stated the permitting appeal, allows the City some flexibility as well as what does not require a permit. Mr. Purviance stated the City of Frontenac has a lot of storm water problems and asked if this is a layer of government regulations. Mr. Morgan stated it is a little of both, it will help solve storm water problems before the homes are built. Mr. Curtis stated it adds uniformity of the standards, which will be widely known in the industry. Mr. Morgan stated any community over 3000 residents must comply with the regulations. He also stated the penalty for not complying with the regulations could be up to \$32,000 per day.

J. **ANNOUNCEMENT OF NEXT MEETING:** Tuesday, April 28, 2009, 7:00 p.m.

K. **ADJOURNMENT:**

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

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

The meeting adjourned at 8:01 p.m.