



MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, APRIL 28, 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

Bob Bauer

Alderman John Wynne

Elizabeth Barbieri

Kathy Smith

George Purviance

Dr. Tom Moran

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 were Mayor Lee Murray and Alderwoman Susan Durbin.

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

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

Ms. Schnoebelen arrived at 7:04 pm.

D. **APPROVAL OF MINUTES:** Mr. Donelan asked for a motion to approve the minutes of March 24, 2009.

MOTION: Dr. Moran motioned and Ms. Barbieri seconded the approval of the March 24, 2009, 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 stated Mr. Cytron sends his regrets and is unable to attend as it is his birthday and a special party was planned.

G. COMMENTS BY COMMISSION MEMBERS:

No Commission members made comments at this time.

H. ADMINISTRATOR’S REPORT:

Mr. Shelton made no report at this time.

I. OLD BUSINESS:

1. 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 stated at this point the Commission needs to act on the stream buffer part of the regulations that are currently in Chapter 420. Mr. Morgan stated in the new regulations the set back will be changed from 25 feet to 50 feet. The regulations require twenty-five feet of a landscaping buffer and 25 feet set back. The ordinance is a combination of items from the Federal Government, Department of Natural Resources and the City. Mr. Morgan stated a stream buffer is needed to allow for water to soak into the ground. He said post construction will cover maintenance, which the City is currently enforcing, but are not in the regulations. He also stated the appeal board for these issues will be the Board of Adjustment. Other changes will be for the administrator of the program and to the definitions. He stated he has requested Mr. Curtis and Mr. O’Keefe review the legal issues which pertain to penalties and post-construction guidelines.

Dr. Moran asked if these regulations apply to anything over a one-acre lot. Mr. Morgan stated disturbance over one acre, will be a major land disturbance, however it must be an entire acre of disturbance not just a portion of a one-acre lot.

Mr. Donelan stated the only issue is the stream buffer setback and the remainder of the recommendation is informational. Mr. Morgan stated yes, he would request they vote on

the first part of the memo, and then send it to the Board for them to set fees and fines. A member asked a question about the table and if it refers to Article II or just Chapter 506; Mr. Morgan stated the stream buffer ordinance is Chapter 506.

Mr. Purviance asked for the definition of a stream and asked if this pertains to existing streams. Mr. Morgan stated this pertains to what is governed by the USG Map. Mr. Bauer also stated the definitions are identified on page three, numbers 14, 15, and 16. Mr. Morgan stated the two streams that have been identified are Deer Creek and Two-Mile Creek.

Mr. Morgan stated these stream bank stabilization regulations are getting away from rock and rip rap but are moving more towards all natural growth of trees and native vegetation.

Mr. Donelan asked who is responsible for that, the homeowners or nature. Mr. Morgan stated if it's a MSD right of way, MSD is responsible for it, if not; the homeowner would be responsible for it. Mr. Morgan stated your property line stays the same. Mr. Donelan stated Two Mile Creek is a creek for about a mile, but eventually becomes a storm water runoff area.

Mr. Morgan stated the City of Frontenac's residents are very fortunate to have a storm water plan through 2030, which eventually will solve a lot of the storm water and ditch problems.

Dr. Moran asked what the commission member options are on this issue. Mr. Morgan stated the question is; should this commission adopt a stream water buffer requirement. He said DNR and EPA would like 100 feet. He stated if not passed, the City loses the ability to regulate locally and all permits would have to go through MSD and meet their stringent guidelines, which could result in a ten month waiting period for permits. He also said City of Frontenac residents are fortunate to have their own review. He stated in other areas of the country, there are 100 foot setback guidelines, but that is very unlikely in the St. Louis area. He said MSD is allowing 50 feet.

Mr. Purviance asked who is responsible for planting near the creek. Mr. Morgan stated the residents. Ms. Barbieri stated her issue is who will enforce these regulations. Mr. Morgan stated it would have to be an observation, or the City would have to find out about it. He stated DNR walks the main creeks with MSD every two to three years.

Mr. Rotter of Garibaldi asked if there are any utility easements within the 50 feet. Mr. Morgan stated yes, MSD has some but he is unaware if Ameren has any. He is unsure with the new Power On Program what Ameren has with them burying utility lines. He also said these regulations will be regulated by a landscape plan, and the building department will ask how the resident will they maintain the creek area. He stated they can cut back the brush however the root system is what they would like maintained.

Mr. Donelan asked what language we are recommending. Mr. Morgan stated they are changing Section 405.100, Table 1 and Paragraph 5.

MOTION: Mr. Bauer motioned and Ms. Schnoebelen seconded to accept the recommendation regarding the Stream Buffer Regulations and to pass it on to the Board of Aldermen for their approval. All Commissioners present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

Mr. Purviance stated in item #4, every effort will be made to protect mature trees and green space and he stated we need a policy on how it will be taken care of. Mayor Murray stated a tree preservation policy was passed approximately one year ago.

K. NEW BUSINESS:

None

J. ANNOUNCEMENT OF NEXT MEETING: Tuesday, May 26, 2009, 7:00 p.m.

Ms. Schnoebelen asked about the new sign at Frontenac Grove. Dr. Moran stated the commission did vote against a monument sign however the Board of Aldermen voted in spite of their recommendation to allow a monument sign. Mr. Donelan stated he and Dr. Moran attended the meeting and voiced the Planning & Zoning Commission’s recommendation. Alderman Wynne stated the Board of Aldermen did allow a monument sign that identified the individual stores.

Mr. Donelan thanked Mayor Murray for her service and advice and wished her well in the future.

K. ADJOURNMENT:

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

MOTION: Mr. Bauer motioned and Alderman Wynne seconded the meeting be adjourned. All Commissioners present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 7:40 p.m.

These minutes were approved by the Planning and Zoning Commission at their regular meeting on May 26, 2009. I hereby certify that they are the original minutes of the Planning and Zoning Commission held on April 28, 2009.

Leesa Ross, City Clerk