



MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, MAY 26, 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 Donelan.

Mr. Donelan introduced Mr. Brad Cytron to the committee.

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

Chairman Patrick Donelan
Bob Bauer
Dr. Tom Moran
Dina Rinder
Alderman John Wynne

Elizabeth Barbieri
Brad Cytron
George Purviance
Nancy Schnoebelen

Also in attendance were Building Commissioner & Zoning Administrator, John Morgan; City Clerk, Leesa Ross; and Alternate City Attorney, Ken Heinz.

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

MOTION: Alderman Wynne motioned and Dr. Moran 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 April 28, 2009.

MOTION: Mr. Cytron motioned and Mr. Purviance seconded the approval of the April 28, 2009, regular meeting minutes. 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.

Ms. Smith arrived at 7:05 pm.

G. COMMENTS BY COMMISSION MEMBERS:

Mr. Purviance had comments relating to the one agenda item. Mr. Donelan asked if he would wait until the item was introduced, before discussion begins.

H. ADMINISTRATOR'S REPORT:

Mr. Shelton made no report.

I. OLD BUSINESS:

None

K. NEW BUSINESS:

1. ITEMPZ052609-1

Applicant: Frontenac Grove LLC
c/o EICON Properties, Inc.
16650 Chesterfield Grove Road
Chesterfield, MO 63005

Property Address: 10435 Clayton Road

Request: Request for approval of an amendment to the Conditional Use Permit Ordinance 2005-1469A) issued to Frontenac Grove, LLC located at 10435 Clayton Road to allow for the operation of a financial consultant business.

Mr. Purviance had concerns that the original ordinance was not signed by Mayor Murray and asked if it was law. Ms. Ross stated Mayor Murray signed the bill as the presiding officer, but did not sign the approval and did not veto the bill. Mayor Murray did file a protest against the bill, however, the signature as presiding officer enacts the legislation.

Ms. Susan Conrad, Asset Manager for EICON Properties, Inc., stated she was representing Frontenac Grove.

Mr. Purviance also had a question regarding the PILOT and the \$120,000 which must be paid. Ms. Conrad of EICON Properties explained that a PILOT (Payment in Lieu of Taxes) Agreement was agreed upon by the developer of Frontenac Grove and stated all revenues including sales tax are calculated and if they do not total \$120,000, the owner is obligated to pay the difference. She stated the revenues can total more than \$120,000, but not less than that total.

Ms. Conrad stated they were before the commission requesting an amendment to the conditional use to allow for the subleasing of space in the medical building. She stated the medical building, which is the building in the back, is 100% leased by the Vascular Access Center, Renal Dialysis Center and the Surgery Center. She stated there are a total of five doctors in the building. Ms. Conrad stated they are not requesting to change the use. Dr. Moran disagreed with Ms. Conrad and stated they are requesting to change the use, because their intent is to allow for a small variance in Suite 120. Ms. Conrad agreed. She stated they would like to allow one doctor to sublease two offices, which would not exceed 1000 square feet of space, to allow Green Family Management to operate in that suite.

Ms. Rinder stated she has issues that they are coming to the commission after the fact. Ms. Barbieri asked why they leased this space while there are other spaces, such as the front Frontenac Grove location and Le Chateau. Ms. Conrad stated they have told the other tenants, subleasing is not a practice they are recommending. Ms. Schnoebelen stated what if there are more subleases, if this is allowed, others may also pursue it. Ms. Conrad stated it was not an intent to not follow the rules, the doctor who subleased the space, did not know the rules.

Mr. Steven Green of Green Family Wealth Management was present and stated he has no formal relationship with the doctor. He stated this is a temporary move because his business has not materialized. He said he does not intend to stay at this location, but it became more permanent when the markets crashed in August. He stated he only has 45 clients who he meets on a quarterly basis. He also said he is occupying two 100 square foot offices.

Mr. Donelan asked how the City of Frontenac polices occupancy of buildings. Mr. Morgan stated new occupants contact the City and apply for both commercial tenant occupancy and business licenses. He stated the problem is that doctors are not required to obtain business licenses. Mr. Morgan stated this tenant was observed by the building department and a letter was sent.

Dr. Moran asked if approved, can it be for a temporary basis. He stated he is more inclined to approve the occupancy for a specific period of time. Mr. Donelan stated that is not necessary, because when Mr. Green moves out the amendment to the conditional use will terminate. He stated when tenancy ends, so do the amendments.

Mr. Purviance stated their request is for 1000 square feet and asked how large suite 120 is. Ms. Conrad stated Green Family Wealth Management will occupy 350 to 400 square feet and that this request is only for Mr. Green. Mr. Donelan suggested limiting the agreement to a specific number of square feet. Ms. Barbieri stated she feels we are opening up a Pandora's Box. She stated the building was not intended for this use. Dr. Moran asked is this precedent setting. Other members of the committee stated yes. Ms. Rinder again stated her concern is the tenant did not come forward. She stated she has no problem with Mr. Green; however we must be notified in advance. Mr. Morgan stated if this would happen again, a summons would be issued to both occupants. Ms. Conrad stated they will still have to go to the Board of Aldermen for permission for other retails establishments in the front building.

MOTION: Mr. Bauer motioned and Mr. Purviance seconded approval of their request for an amendment to the Conditional Use Permit issued to Frontenac Grove, LLC located at 10435 Clayton Road to allow Green Family Wealth Management to occupy up to a maximum of 1000 square feet in the medical building and to forward this recommendation to the Board of Aldermen for their approval. Nine Commissioners present voted "Aye", Ms. Barbieri voted "Nay". **MOTION PASSED.**

J. **ANNOUNCEMENT OF NEXT MEETING:** Tuesday, June 23, 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. Rinder seconded the meeting be adjourned. All Commissioners present voted "Aye". The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 7:35 pm