

CITY OF FRONTENAC



MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JUNE 27, 2016, 7:00 PM

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

B. **SWEAR IN NEWLY APPOINTED COMMISSION MEMBERS:**

Ms. Ross gave the oath of office to the newly appointed commission members, Elizabeth Hartwig, Chris Hyams, Chris Kehr, Andre Audi, Doug Bock and Alan Kahn.

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

Chairman Chris Kehr	Andre Audi
Doug Bock	Elizabeth Hartwig
Chris Hyams	Alan Kahn
Harry Reineke	Alderman Bud Guest

Alderman Bray, Alderman Martin, Alderman O'Brien, Alderman O'Connell and Alderman Warner were all present.

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

D. **APPROVAL OF AGENDA:**

Chairman Kehr asked for a motion to amend tonight's agenda to add the appointment of officers to the agenda.

Motion to amend the agenda was made by Alderman Guest, and seconded by Mr. Reineke, the motion passed unanimously.

E. **VOTE FOR CHAIRMAN AND SECRETARY:**

A motion was made by Mr. Reineke and seconded by Alderman Guest to elect Mr. Chris Kehr as chairman of the Planning & Zoning Commission, the motion passed unanimously.

A motion was made by Alderman Guest and seconded by Mr. Hyams to elect Harry Reineke as secretary of the Planning & Zoning Commission, the motion passed unanimously.

F. APPROVAL OF MINUTES:

Chairman Kehr asked for a motion to approve the minutes of the May 24, 2016 meeting.

Motion to approve the minutes of the May 24, 2016, Planning & Zoning Commission meeting, was made by Chris Kehr, and seconded by Chris Kehr, motion passed unanimously.

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

There were no public comments at this time.

H. CHAIRMAN'S COMMENTS:

Chairman Kehr stated he would like to welcome all the new Planning & Zoning Commission members.

Chairman Kehr stated the commission would more than likely table new item #PZ062816-03, request approval to rezone the properties located at 10601 Clayton Road (county locator numbers 20N64281, 20N640261 and 20N640182) and 10635 Clayton Road (county locator number 20N640142) from R-3, villa residence district to PDMXD, Planned Development Mixed. He said this is due to the anticipated vote on Item #PZ062816-02, deleting the term "Senior Living Community" from the PDMXD regulations.

I. COMMENTS BY COMMISSION MEMBERS:

No members made comments at this time.

J. ZONING ADMINISTRATOR'S REPORT:

Mr. Morgan stated he had no report at this time.

I. NEW BUSINESS:

1. Item: **PZ062816-01**: Request approval to vacate the road easements for Capitol Place and Leela Avenue that are located within the parking lot of Honda of Frontenac located at 885 S. Lindbergh Blvd. This was referred to the Commission by the Board of Aldermen.

Mr. Morgan stated the city has received a request for lot easements. Mr. Henneke the owner of Honda of Frontenac recently purchased the land and stated he wanted to clean up and obtain vacation of Capitol Place and Leela Avenue which runs across the back of his parking lot. Mr. Morgan stated years ago the city approved a conditional use permit for the parking lot, and the owner at the time sold part of the property to build homes, and was granted permission for a commercial parking lot. At the time the city did not consider granting the road easements. Mr.

Curtis stated this is legal, he would just advise the city to establish utility easements in case they are needed in the future. Mr. Samuels of Princess asked what the legal status is of the street and asked if the city has legal authority. Mr. Curtis stated when streets are vacated, the adjoining property owners take to the middle of the street, and they revert back to the original property owners. Mr. Morgan stated the property owner; Mr. Henneke is in agreement to the staff's recommendations. Mr. Curtis said the city has the legal authority and said it is under Section 89 of the Missouri Revised Statutes. Alderperson Guest stated the city has vacated other sections on Leela Avenue within the last several years. Mr. Morgan said the vacation will be of lots 26 and 29 which are currently zoned residential. Alderman Guest asked can we rezone the lots to commercial. Mr. Morgan said that may come up in future.

MOTION: A motion was made by Alderperson Guest, and seconded by Mr. Bock, to recommend to the Board of Alderpersons the vacation of the streets along with the staff recommendations. All Commission members voted "Aye". The motion passed by a vote of 8-0.

2. Item: **PZ062816-02:** Request approval to amend the zoning code to delete "Senior Living Community" from the permitted uses in the PDMXD regulations, Section 405.090 of the Frontenac Zoning Regulations. This was referred to the Commission by the Board of Aldermen.

Chairman Kehr stated this issue was referred from the Board of Alderpersons the request to consider making a revision to the PDMXD regulations to remove the term "senior living community". Included in the packet is a report from planning consultant, John Brancaglione. The report states senior living community covers a large gamete of uses and that is not in the direction the residents and community wants. These regulations will remove and prohibit them. Chairman Kehr stated his concern was that "senior living community" was never expressly defined. He also said there is no clear guidance and the commission is asked to consider this request to remove the language from the regulations.

Chairman Kehr asked for public comments.

Mr. Vince Keady, 7700 Forsyth Blvd. the attorney for Brinkmann Constructors stated he represents the applicants who have a pending application for zoning of the LECC site. He stated a moratorium was placed by the Board of Aldermen last October, and it permitted his client's application from going forward. He stated the Board of Aldermen changed the zoning on the site from R-1 to PR-D. He stated the commission did not make a recommendation on the PR-D, but was passed by the Board of Aldermen. He stated now the board has requested the Planning & Zoning Commission remove the term "senior living community" from the PR-D. He said now in the residential district, they view it as something other than "senior living community" as part of the PDMXD. He said they have an application which is next on this meeting's agenda. He said he is opposed to the removal of "senior living community" from the PDMXD.

Mr. Schaumburg of Spoede Road asked was there permission from the State to conduct a senior living community. He asked was there a request for a development in Frontenac for assisted living. He asked is there an application of The Grove Assisted Living Facility. Mr. Curtis stated there are two bodies, the State Healthcare Review Committee and the Planning & Zoning Commission. Mr.

Schaumburg asked what statements were made to secure the license, and he said some people can say some untrue things. He asked how they are trying to paint this.

Ms. Culleton of Spoeede Road stated to the commission that they should make it all one use, and to make it lovely. She said the citizens of Frontenac don't want assisted living. She stated originally there was a license for an 84 bed facility, and then she stated the numbers have grown to 114 beds in the most recent proposal. She asked that they not piecemeal this project, and asked that they build something wonderful. Ms. Culleton mentioned the grading issues on the school property.

Aldersperson Guest stated he wanted the latest revisions to be noted in the new section (d) noted below.

MOTION: A motion was made by Mr. Reineke, and seconded by Aldersperson Guest to amend and remove section (c) "senior living community, when the size and character of the development is compatible to the surrounding uses" and to amend section (d) to read "commercial uses which are complementary to mixed residential/commercial developments such as small business offices (for example, insurance brokers or financial services and similar uses) and small service facilities (for example, pick up stations for cleaning, spas, restaurants with no drive-through, small branch banks, tailors, or photographers, fitness and exercise studios and similar uses), and other uses as approved by the Board of Aldermen; provided, however, that permitted use shall not include any hospital, health or care facility (for example and any facility subject to licensure by the Missouri Department of health and Senior Services such as residential care facility or skilled nursing facility), and renumber sections (d) to (c) and section (f) to (e). All Commission members voted "Aye". The motion passed by a vote of 8-0.

3. Item: **PZ062816-03**: Request approval to rezone the properties located at 10601 Clayton Road (county locator numbers 20N640281, 20N640261 and 20N640182) and 10635 Clayton Road (cont locator number 20N640142) from R-3, One Acre Residence to PDMXD, Planned Developed Mixed.

Chairman Kehr asked that this issue be tabled, as the definition of PDMXD has been recommended to be changed and forwarded to the Board of Aldermen.

MOTION: A motion was made by Mr. Reineke, and seconded by Mr. Hyams, to table PZ062816-03, the request to rezone the properties located at 10601 Clayton Road recommend a new R-3, Villa Residence District classification. All Commission members voted "Aye". The motion passed by a vote of 8-0.

4. Item **PZ062816-04**: Request approval to rezone the properties located at 1396 South Spoeede Road, 1400 South Spoeede Road, 1412 South Spoeede Road, 1408 South Spoeede Road and 1440 South Spoeede Road from R-1, One Acre Residence to R-3, Villa Residence. This was referred to the Commission by the Board of Aldermen.

Chairman Kehr started most of the petitioners were present. He said the request was to rezone the properties from R-1 Residence to R-3 Villa, which is a higher density. The code for R-3 Villa states there needs to be a minimum of five acres. Aldersperson Guest stated the request is from all four homeowners, and he stated it would not affect any other contiguous property owners and stated all of

the surrounding property is owned by the school, except for the highway. He also said R-1 Residence, one acre residential, is also allowed in the R-3 Villa Residence. He stated if you look at the comp plan, the entire section was listed this way in the potential use, for planned residential. He said this cleans everything up. Chairman Kehr stated the maximum density for R-3 is 3 ½ units per acre, and the units can be clustered.

Mrs. Culleton stated this would make the property more gradable and would allow the water to be bowled to the middle.

Mr. Kaplan of Frontenac Woods asked what the difference is between this concept and the Pulte concept. Chairman Kehr stated there are a number of iterations, the Pulte project had both villas and townhome units and they presented two, three and four attached units. In the R-3 Villa Residence there are only villas and there will only be two units attached. The overall density for this zoning classification will be 3.5 units per acre. Alderperson Guest stated the issue with the Pulte proposal was the density. The new zoning would be considerably less than 48 units which were proposed by Pulte.

Mr. Conroy of Spoede Road stated he attended the comp plan visionary sessions and stated the intent for the corner of the Clayton & Spoede area was to have something upscale like The Willows in Crystal Lake Park, if it was going to be changed. Mr. Reineke stated the intent of the comp plan was to have the entire area as one single use.

MOTION: A motion was made by Mr. Reineke, and seconded by Alderperson Guest, to recommend to the Board of Alderpersons approval of the request to rezone the properties at 1396 S. Spoede Road, 1400 S. Spoede Road, 1408 S. Spoede Road, 1412 S. Spoede Road and 1440 S. Spoede Road, to the R-3, Villa Residence District classification, along with the staff recommendations. All Commission members voted “Aye”. The motion passed by a vote of 8-0.

J. OLD BUSINESS:

1. Item **PZ041116-05:** Request from the Board of Aldermen to review the fence regulations of the City of Frontenac consider revisiting the regulations pertaining to fences. This item was tabled at the May 24, 2016 meeting.

Chairman Kehr stated at this time the staff is not ready to address this issue and asked Mr. Curtis should this remain on the table. Mr. Curtis suggested removing the item from the table at this time.

MOTION: A motion was made by Mr. Kahn, and seconded by Mr. Bock, to remove this item from the table. All Commission members voted “Aye”. The motion passed by a vote of 8-0.

K. ANNOUNCEMENT OF NEXT MEETING: Tuesday, July 26, 2016 at 7:00 pm.

L. ADJOURNMENT:

MOTION: A motion was made by Mr. Hyams, and seconded by Mr. Reineke, to adjourn the meeting. All Commission members voted “Aye”. The motion passed unanimously, 8-0.

The meeting adjourned at 7:50 pm.