

CITY OF FRONTENAC



MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JULY 26, 2016, 7:00 PM

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

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

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

Also in attendance, Aldersperson Bray, Aldersperson Martin, Aldersperson O'Brien, and Aldersperson O'Connell.

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

C. **APPROVAL OF AGENDA:**

Chairman Kehr asked to approve tonight's agenda.

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

D. **APPROVAL OF MINUTES:**

Chairman Kehr asked for a motion to approve the minutes of the June 28, 2016 meeting.

Motion to approve the minutes of the June 28, 2016, Planning & Zoning Commission meeting, was made by Alderman Guest, and seconded by Mr. Reineke, motion passed unanimously.

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

Mr. Keady asked would he be able to make comments later when specific agenda items were introduced. Chairman Kehr stated yes. Mr. Keady elected to make comments at that time.

F. CHAIRMAN'S COMMENTS:

Chairman Kehr made no comments at this time.

G. COMMENTS BY COMMISSION MEMBERS:

No members made comments at this time.

H. ZONING ADMINISTRATOR'S REPORT:

Mr. Morgan stated there is a development proposal for the old Braun Antique building located at 10315 Clayton Road. He said building permits will be applied for however the plan is a permitted use in the C, Commercial District, and is not required to come before the Planning & Zoning Commission.

Mr. Morgan also stated a large tent is being erected for a private wedding on Friday night on Villa Duchesne's property. He said the tent will be permitted. He also stated there is nothing new on the Shriner's Hospital property.

I. 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 a draft ordinance was prepared and in the packet with the proposed amendments, and that it was up for discussion. He said there are four overall issues concerning fences. He said they need to discuss the types of fences and the locations. He said the question on the locations is whether they should be side yard, front yard, within a yard, around swimming pools or tennis courts. He said he believes they should address the locations first, then the types of fences. He said currently the city code allows for iron type steel fencing with 70% visibility. He asked the commission should wood fences, split rails, picket, stockade, shadow box, metal, chain link, masonry, brick, cement or concrete facing be allowed. He said the current fences are painted metal because they have the least amount of wear and maintenance. Three years ago a new fence ordinance was passed, now they have been asked to look at possibly allowing additional types of fences. The current code allows for black wrought iron types of fences with 70% opening, in the R-1 residence district. He said prior to this ordinance, fences were not allowed in the R-1 district, except fences around pools. The fences that were put in prior to the ordinance three years ago were grandfathered in, other than fences around pools, which are regulated under the International Building Codes. There was discussion of how tall fences can be around pools. Mr. Morgan stated fences must go around pools, but there are no specifics on how far away from the pools the fences can be. He said there was an interpretation issue on size around pools.

Alderman O'Connell of Fox Ridge Road stated he initiated this request to have the fence regulations reviewed. He stated he has lived in Frontenac for over 30 years and the fences in his neighborhood predate the fences allowed in R-1. He said the character in Frontenac is not best represented by all fences which look alike and are a particular style. He said the fences in Countryside are different than the fences in Fox Ridge. He stated the pictures in the packets were taken by him of a myriad of fences in town. He said fences should be placed by the character of the neighbor.

Chairman Kehr stated they had two issues to discuss the types of fences and the location for fences. Alderman O'Connell stated he feels the subdivisions should enable their homes to do what their homeowners want. He said a neighbor of his built a natural pool but was made to enclose it in black wrought iron fence, which is the city's only allowance for fences in the R-1 district. Mr. Morgan stated the fences in Fox Ridge may not meet the ICC Code for swimming pool fences. Alderperson O'Connell stated he is only speaking for Fox Ridge.

Chairman Kehr asked about the location and asked if the commission wanted to allow front yard fences. He said the current code only allows for rear yard fences between the back of the building and the back property lines. Alderman O'Connell stated what about Countryside Lane. Alderperson Guest stated there is a reference for non-conforming uses in the new ordinance which pertains to Countryside Lane and subdivision entrances. Mr. Curtis stated maybe this should be a decision with approval by both the subdivision trustees and the ARB.

Alderperson Martin stated when this issue came up three years ago she voted to approve because people appealed to the board who needed approval for rear yard fences for their dogs, but she said what about picket fences. She said she does like some front yard fences, which can be decorative. Chairman Kehr stated the City of Ladue does allow front yard fences, with the height of 36". He said some are architectural features.

Alderperson Guest stated he would like to see them broken down by type, purpose and visibility. He said he does not like stockade, shadow box type fences, board on board of basket weave type fences.

Chairman Kehr asked about location of fences. Should the city allow front, rear, back, and asked do we want to recommend additional fence types. Mr. Bock stated he likes the idea of the front fence being decorative. He said he would like to draw the fence to the side, at the front of the house, instead of the rear. Mr. Kahn stated this issue is if a specific community, which has a charm or type, the only thing we are talking about, why complicate it. He said we would allow each subdivision to make their own choice, and said if it falls outside, they would need approval. Mr. Audi asked are we referring to the front of the house or the front of the property. There was discussion of the fence located at the intersection of Clayton Road and Spoede Road. Chairman Kehr stated that fence is grandfathered and someone speculated it was allowed due to headlights. He also stated fences are allowed to go to the Board of Adjustment to get a variance, if they are not approved in the code. The fence at Fox Run and Geyer was also discussed. That fence was a grandfathered fence, however, the homeowners removed the entire fence and they had to stop their project and go to the Board of Adjustment for a variance, because the current code states grandfathered fences which are non-conforming uses can only be replaced at 50% at a time. Mr. Bock stated he does not like the wood fences. A member suggested we leave the style up to the subdivision and the ARB. If not approved, they still have an option of a variance. If a person goes to the Board of Adjustment, a hardship must

be shown. Mr. Morgan stated pre-existing non-conforming uses can be replaced with approval of the ARB.

The types of fences were discussed and Alderman Guest stated he does not want stockade, shadow box or basket weave fences to be allowed. He also said they should also have some type of height and visibility requirements.

Chairman Kehr stated he would assist the building department with writing regulations and suggested this issue be continued.

MOTION: A motion was made by Alderman Guest, and seconded by Mr. Reineke, to continue this issue to next month's meeting when additional regulations will be written and further reviewed. All Commission members voted "Aye". The motion passed by a vote of 8-0.

2. 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 (county locator number 20N640142) from R-3, One Acre Residence to PDMXD, Planned Developed Mixed.

MOTION: A motion was made by Alderman Guest, and seconded by Mr. Reineke to remove this from the table. All Commission members voted "Aye". The motion passed by a vote of 8-0.

Mr. Vince Keady of 7700 Forsyth stated he represented the Grove Assisted Living LLC. He stated he objected to the amendment of the PDMXD ordinance approved by the Planning & Zoning Commission in June and the Board of Aldermen this month. He stated the amendment violates his client's due process and equal protection, and also violates their rights through political statutes and case law of the State of Missouri. He said their application should not be denied.

Chairman Kehr stated they have been asked to change the zoning from R-3 to PDMXD. He said language removed "senior living community" and a prohibition of hospital and other care facilities which receive a license from the PDMXD language. He said with that type of language they cannot approve the request. Alderman Guest stated they could approve the request, because it is just a recommendation to the Board of Aldermen. Mr. Bock stated at last month's meeting, they agreed to remove "senior living community" from the PDMXD. He asked about the four houses on Spoede Road. Mr. Morgan stated that is separate and has nothing to do with this request. This request is to rezone from R-3 to a PDMXD, which will include assisted living. Mr. Kahn stated he wants to understand the implications of what could come against the city. He asked Mr. Keady would there be legal ramifications. Mr. Keady stated he could not answer that question at this time. Mr. Curtis stated the only issue before the Commission is the rezoning of the property from R-3 to PDMXD. Mr. Kahn asked what R-3 is. Alderman Guest stated it is attached villas, with 40% green space, 3 ½ units per acre with a minimum of five acres. Chairman Kehr stated he feels there is no need to change the zoning, because the use is no longer allowed. Mr. Curtis stated there could be a new application which could conform to the new PDMXD, the new ordinance passed by the Board of Aldermen. He said they are asking for a recommendation to rezone to a plan that does not conform. Mr. Curtis stated he would recommend denying the request to rezone. Chairman Kehr asked if his client would consider anything else. Mr. Keady stated the last two times an application was filed, the application was stopped. Alderman Guest stated they passed an ordinance to create an

R-3 district and they revised the PDMXD to eliminate “assisted living community”. He said they are now asking to grant an exception and he said it does not make sense to pass.

Mr. Curtis stated the motion should be made to approve and then the commission members can vote in favor of the motion or against the motion.

MOTION: A motion was made by Alderman Guest, and seconded by Mr. Reineke to approve the request to rezone the properties located at 10601 Clayton Road (county locator numbers 20N640281, 20N640261, 20N640182) and 10635 Clayton Road (county locator number 20N640142) from R-3, One Acre Residence to PDMXD, Planned Development Mixed. All Commission members voted “Nay”. The motion failed by a vote of 8-0.

J. NEW BUSINESS:

1. Item: **PZ072616-01**: Request for approval to construct an entry security gate for the Clayton Court Subdivision. This property is zoned, R-1, One Acre Residence.

Mr. Eric Rhone of Clayton Court stated he is before the Commission requesting a gate for his subdivision, Clayton Court. He stated they are requesting the gate due to cars which turn on the street to turn around. He said they are concerned for the children in the subdivision’s safety. Chairman Kehr stated the regulations require a subdivision with a minimum of five lots and they only have three. They discussed Mr. Morgan’s recommendation. Mr. Rhone stated their subdivision residents are also concerned about the future construction of the Ladue Early Childhood property.

Alderman Guest suggested the subdivision review and look into an ordinance passed recently for the Devondale Subdivision, for pass through traffic who tries to avoid the intersection of Clayton Road and Bopp Road. He said the ordinance prohibits cut through traffic. He also stated they put up signs and cut through traffic has significantly decreased, and said the signs have been effective. Mr. Rhone stated the cars are using driveways for turn around. Mr. Reineke stated he thinks a gate would be a plus and agrees an ordinance is a deterrent.

Mr. Morgan stated in their request he believes there is a width issue with the 38 feet. He thinks the gate would impede one of the driveways. There was a discussion about the gate blocking the driveway. Mr. Rhone stated they could change the gate to open as an arm, or a slide or a swing gate. There was also discussion that gates must remain open from 8:00 am to 6:00 pm. Mr. Morgan stated there are two other subdivisions with gates, Manderleigh Estates and Litzsinger Place.

Chairman Kehr stated he would recommend the Commission approve this request and the concerns of the staff be noted. He said he would recommend letting the Board of Aldermen deal with the five lot minimum in the requirements.

MOTION: A motion was made by Mr. Hyams, and seconded by Mr. Bock, to recommend approval of the request of the entry gate for the Clayton Court subdivision with all the staff recommendations. All Commission members voted “Aye”. The motion passed by a vote of 8-0.

K. ANNOUNCEMENT OF NEXT MEETING: Tuesday, August 23, 2016 at 7:00 pm.

L. **ADJOURNMENT:**

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

The meeting adjourned at 8:15 pm.