

CITY OF FRONTENAC



MINUTES OF THE CITY OF FRONTENAC
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 23, 2018, 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
Alan Kahn	Harry Reineke
Aldersperson Nalini Mahadevan	

Also in attendance were Alderspersons David Bray, Dan Kemper and Tom O'Brien.

Also in attendance was John Morgan, Building Commissioner, City Attorney Edward Sluys and Leesa Ross, Interim City Administrator/City Clerk.

C. **APPROVAL OF AGENDA:**

Chairman Kehr asked for a motion to approve tonight's meeting agenda.

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

D. **APPROVAL OF MINUTES:**

Chairman Kehr asked for a motion to approve the minutes of the November 28, 2017, meeting.

Chairman Kehr advised of a typographical error on the top of page 3, which read compete and should have read complete. Also, Mr. Kahn stated in the minutes the motion to adjourn was done by him, but he did not attend the meeting. Ms. Ross stated she would make those corrections.

Motion to approve the amended minutes of the November 28, 2017, Planning & Zoning Commission meeting, was made by Mr. Reineke, and seconded by Mr. Bock, motion passed unanimously.

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

Mr. Jerry Friedman of Hermitage Hill asked if there was a drawing to substantiate the request regarding item, PZ012318-02. Mr. Morgan stated this is just a minor amendment as we went through a two year approval process. He said this is just for the removal of 28 parking spaces, and a formal request to change the parking reduction from 6% at Plaza Frontenac to 7%.

Alderman Bray of Spoede Road stated there are several owners of the GGP property and he asked did they get a specific okay from Neiman Marcus. Mr. Morgan stated GGP has authority over the property, and this request was discussed with the attorneys. Alderman Bray stated he believes the access point is on the property line. Mr. Morgan stated based on information he received from the attorneys, everything was covered by the easements.

F. CHAIRMAN'S COMMENTS:

Chairman Kehr made no comments this time.

G. COMMENTS BY COMMISSION MEMBERS:

No commission members made comments at this time.

H. ZONING ADMINISTRATOR'S REPORT:

Mr. Morgan stated the architectural review board will review the preliminary architectural plans for the Lifetime Fitness Building and the three story office building at their meeting on Thursday morning at 7:30 a.m. He said that DESCO has applied for a demolition permit for the Shriners Building and they have applied for and been approved for remediation. DESCO plans to close on the property on Wednesday.

I. UNFINISHED BUSINESS:

There was no unfinished business.

J. NEW BUSINESS:

1. **Item PZ012318-01**: Request approval of a conditional use permit to allow for an entry/security gate for the property at 1 Lynnbrook Road, zoned R-1 Residential.

Dr. Oruwari stated he has a private circular driveway and they erected an electronic swing gate on the western drive because of privacy and security. He said they have had robberies in the neighborhood and they had people park in their driveway, and use it as a turnaround. He said it is strictly a safety issue for security purposes for him and his family.

Chairman Kehr asked if the subdivision trustees approved. Dr. Oruwari stated he did not know, and stated they have not said anything to him. Chairman Kehr asked Dr. Oruwari has it helped; he stated yes it is much better, as they have no cars or strangers at his home. Mr. Kahn stated it is a circular drive and he asked are people using his entire driveway. Dr. Oruwari stated yes. He said most people use the first drive to turn around. Mr. Audi stated if they can drive up and must back up, it is not convenient to turn around there.

Chairman Kehr stated when the gate ordinance was passed, it was clear that Frontenac does not want a gated community. He stated the ordinance is applicable. Mr. Bock stated the gate is more like a fence. Alderwoman Mahadevan stated the consideration is unique because it is a safety issue. Mr. Morgan stated he has had inquires of builders on Clayton Road wanting to put

gates up on several new homes. They site traffic issues. Mr. Audi asked would it just be one gate, Dr. Oruwari stated yes. Mr. Reineke stated it will stop cars driving through.

Chairman Kehr stated he believes it is within the perimeters of the ordinance. It does not block the street, it is preventing people driving though and it is saying, don't drive thru here. He stated the Commission has three options, to do nothing; to recommend an amendment to the ordinance; or to accept this request. He stated the commission could move this forward with a recommendation to the Board of Alderpersons, to change the ordinance. He stated they could ask that gates be exempt from the ordinance. Alderwoman Mahadevan stated there is no change needed to the ordinance.

Mr. Sluys stated they could have the applicant appeal to the Board of Adjustment, if they don't feel it falls under a conditional use permit. He said if it is not a conditional use permit, they would need a variance. He said if it is allowed under a conditional use permit, he suggested a recommendation to the Board of Aldermen, if they feel this is what was meant by the ordinance. He said if not, there should be a decision by the legislative body. He asked what recommendation the commission wants to make. He also suggested they could check with the fire department for life safety reasons. The commission decided this was not necessary as one entrance to the house would remain open. Mr. Sluys suggested they make a recommendation on what is before them, and stated they should give instructions to the Board of Alderpersons. Alderwoman Mahadevan stated if their decision is based on spirit and intent, this gate is for safety.

Mr. Morgan asked should it be a conditional use permit or go to the Board of Adjustment for an appeal. Chairman Kehr stated if it is a variance, they need to discuss the setback, structure and gate. Mr. Sluys stated if a conditional use permit, it runs with the use. If it is a variance, it runs with the land.

Alderwoman Mahadevan stated they should go with a conditional use permit, and stated she does not believe the ordinance applies. Mr. Morgan stated if they act on the conditional use permit they can attach a note for the Board of Alderpersons to look at the ordinance. He stated this can be allowed, because they have two driveway entrances. Mr. Kahn also stated he believes they should approve it as a conditional use permit.

Mr. Sluys stated if approved, this is not setting precedence. He said decisions today have no bearings on the next case, and said they stand on their own. He told the commission members they are not binding the future in their decisions on different applications.

Mr. Kahn stated he supports approving the conditional use permit for the gate, as people are using their driveway. He stated he has a circular driveway and people don't turn around in it. He also stated he does not believe they will have a slew of people requesting gates. There was discussion that the current gate is only ten feet from the roadway. The intent is for a gate to be set back 20 feet, but that is for a subdivision entrance gate.

MOTION: Chairman Kehr motioned and Mr. Bock seconded to approve the gate as a CUP. There was additional discussion that some conditions of the gate ordinance applied and others did not.

AMENDED MOTION: Alderwoman Mahadevan moved approval of a conditional use permit for a gate because the house is at the entrance to a subdivision and that conditions A & D of the gate ordinance comply, and conditions B, C, E and F do not apply, and the motion was seconded by Mr. Reineke. All Commissioners presented vote, motion was unanimous, motioned passed.

2. **Item PZ012318-02:** Request approval for an amendment to Section 405.080 paragraph F of the Municipal Code of Ordinances of the City of Frontenac, Missouri to revise the permitted parking reduction from 6% to 7% and to approve said reduction for Plaza Frontenac to allow for the construction of two cross access drives to the new development at 2001 South Lindbergh Boulevard.

Mr. Morgan stated this is to amend the ordinance that covers the Planned High Fashion District parking and grant a great variance from 6% to 7% reduction in parking. Mr. Morgan stated the zoning ordinance applies to the entity, which are the owners of Plaza Frontenac. He stated this agreement was approved by DESCO and GGP. He said the City will amend the ordinance.

MOTION: Mr. Bock moved to recommend the allowance of the parking reduction governing ordinance and the section with the parking requirements for Plaza Frontenac, and the motion was seconded by Mr. Hyams. All commissioners present voted “Aye”. Motioned passed unanimously.

K. **ANNOUNCEMENT OF NEXT MEETING:** Tuesday, February 27, 2018 at 7:00 p.m.

L. **ADJOURNMENT:**

MOTION: A motion was made by Mr. Reineke, and seconded by Alderperson Mahadevan, to adjourn the meeting. All Commission members voted “Aye”. The motion passed unanimously, 7-0.

The meeting adjourned at 8:02 p.m.