

# CITY OF FRONTENAC



**MINUTES OF THE CITY OF FRONTENAC**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, SEPTEMBER 29, 2015, 3:00 PM**

A. **CALL TO ORDER:** The regular meeting of the Planning and Zoning Commission was called to order at 3:10 p.m. by Chairman Mark Richert.

B. **ROLL CALL:** The members present were:  
Chairman Mark Richert                      Jack Phillipe                      Harry Reineke  
Wilma Schopp                                  Alderperson Mike Schoedel

Also in attendance were City Administrator, Bob Shelton; City Attorneys, Kevin O’Keefe and Lee Curtis; Alderperson Margot Martin; Alderperson John O’Connell; Alderperson Chris Kehr; and City Clerk, Leesa Ross.

C. **APPROVAL OF AGENDA:**

Chairman Richert asked for a motion to approve tonight’s agenda.

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

D. **APPROVAL OF MINUTES:**

Chairman Richert asked for a motion to approve the minutes of the August 25, 2015 meeting.

Motion to approve the minutes of the August 25, 2015, Planning & Zoning Commission meeting, was made by Alderperson Schoedel, and seconded by Ms. Schopp, motion passed unanimously.

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

Mr. Schaumburg asked if he would be able to make comments later in the meeting. Chairman Richert stated yes.

F. **CHAIRMAN’S COMMENTS:**

Chairman Richert made no comments at this time.

**G. COMMENTS BY COMMISSION MEMBERS:**

No commission members made comments at this time.

**H. ZONING ADMINISTRATOR'S REPORT:**

No report was given at this time.

**I. NEW BUSINESS:**

- 1. PZ092915-01: Request from the Board of Aldermen to consider and make a recommendation to place a temporary moratorium on the redevelopment or change of use of property located with the Clayton Road Corridor from Lindbergh Boulevard to Spoeede Road and between Clayton Road and Interstate 64 ("Study Area") in order to conduct an area study.**

Mr. O'Keefe stated the Board of Alderpersons recommended referring this to the Planning and Zoning Commission to give time for the undertaking of a study. He said a few years ago a study of part of the area was done. He said the area has not been looked at in its totality as a whole. He said it may be worth studying, and considering making sure the city has all the tools that may be appropriate for the area. By placing a moratorium, it will give the commission time to conduct a study. He suggested enacting a moratorium to maintain the process. He said it will give time to review new developmental tools, to the review the comp plan and to review the zoning ordinances. He also stated the city is currently in litigation over a zoning matter and said this is the decision that the Board of Alderpersons made. He said the court will determine if one acre zoning is inappropriate in part of the study area. . He suggested this commission get ahead of the curve and allow time to do it in an orderly and thoughtful manner.

**MOTION:** A motion was made by Mr. Reineke to place a 45-day moratorium to conduct a study to find what is the best and final use for the area within the Clayton Road Corridor from Lindbergh Boulevard to Spoeede Road and between Clayton Road and Interstate 64. **Motion dies for a lack of a second.**

Mr. O'Keefe stated he wanted to clarify that the 45-day period was set by the Board of Alderpersons to allow the Planning & Zoning Commission 45 days to consider. He said in the past when moratoriums were place, they were placed for several months, to formalize a recommendation and to forward it to the Board of Alderpersons. He stated the process will take four to five months. Chairman Richert stated he would suggest four to six months. Alderperson Schoedel stated there are studies that occurred and if we get the process finished, there is no reason not to end the moratorium early. Mr. O'Keefe agreed and said when it's done, it's done. He said a moratorium is a means to contain the circumstances they are studying. He also said the process involves several weeks and a public hearing before the Board of Alderpersons. He said they should err on the side of more latitude than less and said the sooner, the better.

Mr. Reineke asked about the process. Mr. O'Keefe stated the Board of Alderpersons will look into a contract with a consultant to begin to look at the new area.

**MOTION:** A motion was made by Mr. Reineke, and seconded by Alderperson Schoedel to place a six (6) month moratorium to conduct a study to find what is the best and final use for the area within the Clayton Road Corridor from Lindbergh Boulevard to Spoede Road and between Clayton Road and Interstate 64. All commission members voted "Aye". The motion passed unanimously, 5-0.

Mr. Vince Keady the attorney representing The Grove Assisted Living LLC asked that the vote be reconsidered. He said his client has an application pending with the City of Frontenac and said the application has been held up by this moratorium, to see if an area study of the plan will proceed. He said the area of Highway 40, Spoede Road, Clayton Road and Lindbergh has been studied in both 2012 by PGAV and in 2015 by Development Strategies. He said the idea that the studies don't apply is ridiculous. He stated that a traffic study was completed by George Butler & Associates. He said the commission addressed the issues to see if a comp plan revision should be recommended, and there was a vote by Mr. Richert which was seconded by Ms. Schopp which was to keep the comp plan as it was without changes (a copy of the minutes were provided to the commission members and the city). He said the said area has already been studied and he believes this is a litigation ploy.

Mr. Keady said an application is currently on file and they were before the commission for seven to eight meetings. He said they forwarded a report to the Board of Alderpersons, and he said the report does not mention consideration of a comp plan study. He asked what the need is for a moratorium now. He asked the commission not to amend the comp plan, and to consider the plan before them instead of shifting the momentum.

Mr. Schaumburg of Spoede Road said the whole idea of holding off Planning & Zoning for approval or disapproval is minimal. He said if a survey of the community was done in 2006, another should be done, and they should get down to the facts to what people want and don't want for the area. He said he thinks the commission should reconsider the motion and place the moratorium for eight or nine months, or a year. He said they are on track.

Mr. Hanon of Clayton Road stated they should reconsider and not do a moratorium. He said enough studies have been done and said the LECC property is an eye sore, in the main part of Frontenac. He said whatever is placed there would be better than what is currently on the property. He said this moratorium will affect Braun Galleries and the potential sale of their property. He said by imposing a six month moratorium, that is not fair to them.

Ms. Culleton of Spoede Road stated we have done studies. She said the comp plan of 2006 did include Spoede Road and Clayton Road however the plan that was last reviewed did not do anything to benefit Clayton and Spoede Roads. She said they left three one acre homes floating and said this needs to go back to the board. She asked how Mr. Brinkmann will hold hostage the sale of the Ladue School District property. She stated she has bad erosion problems and said we need a comprehensive, inclusive plan.

Ms. Cusamano of Lynnbrook said originally one acre resident was a key part of the zoning and thinks it should remain residential but no ALF (assisted living facility). She said ALF is not

residential and is a commercial building. She said she is amenable to villas. She also said putting an ALF there is like putting in a commercial institution there and she strongly objects to that.

Mr. Levis of Clayton Downs said he never remembered the comp plan and said he was a bit confused in the motion which was voted upon. He said to consider a moratorium of an area and asked what the rest of the area is. Mr. O'Keefe stated Lindbergh to Spode to Highway 64 to Clayton Road. Mr. Levis said it is all developed except for the Ladue School District property. Mr. O'Keefe stated they need to look at the entire area and determine what the best use is for the city. Mr. O'Keefe stated he believes the commission wants what's best and to assess the adaptability of the environment. He said the issue should be approached in a comprehensive approach, but not as a piece meal. Mr. Levis stated he did not understand what area Mr. O'Keefe was referring to. He said Le Chateau, the church, the bank. Mr. O'Keefe stated to the best interest of the people of Frontenac. Mr. O'Keefe stated the Board of Alderpersons asked the commission to consider the planning issue and confirm the city has the best tools to determine what is best for the area. Mr. Levis started by adding a moratorium, it is being used to delay a consideration to the area that is in question. He again asked about the existing structures. He said he is not sure he understands the action and the need for a study. Mr. O'Keefe stated a thoughtful process is better than piece meal and stated the whole has not been studied.

Mr. Dalton of Lynnbrook stated clearly this effort is a tactical use, a solution to a problem that won't go away. He said there is a lot of information, litigation and compelling arguments, which are forcing the residents in an uncomfortable situation. He said this is an ongoing effort and he believes taking the school and doing something different is not out of the wishes of the community, and what the community says. He thanked the Planning & Zoning Commission for the moratorium. He said he would like the community to keep with why we bought our houses and what the people want.

Ms. Sullivan of Frontenac Estates stated she appreciates the study which has been done and said studies shape what we are looking for. She said the LECC building is an eyesore. She said she would like to see the city make the Ladue School District do something about the building. She said the commission should take a reasonable approach.

Mr. Bahn of Stephen Bahn Commercial Real Estate said he understands the difficulty of the influences but as a 25 year resident, he will not sit back and let them say the people of Frontenac are against this project. He said there is a vocal group of 125 people who will not go away. He said there are 3,000 others who are tired of looking at that property. He said the city is now going into a moratorium. He said he does not like that the Planning & Zoning Commission and Board of Alderpersons will be influenced by 120 people.

Mr. Schaumburg stated there are more than 120 to 150 people against this project. He said he turned in 450 signatures to the city. He mentioned trespassing and going up to the school and cutting the grass and that he had several confrontations with Mr. Bahn.

Mr. Keady approached again and said the idea of PGAV & Development Strategies, who did not consider the area as a whole, is nonsense. He said they should consider the impact to the community. He said there is no reason for a moratorium or to reconsider a study, you have considered twice before.

Ms. Bahn of Cricklewood stated to the Planning & Zoning Commission, you are the governing body of Frontenac. She said you should not sit here and allow them to berate each other. She said people should go to the City of Des Peres and see how business is conducted.

Mr. O'Keefe stated it is the commissioner's duty to listen to the facts and stated it is not necessary for them to make statements in reply.

Mr. Dalton stated people do have freedom of speech and that everyone has a right. He said he does not agree with the attorney, and said at the end of the day there is a lack of appreciation of what the citizens want. He asked what happens at the end of the moratorium. He said we should be done with it once and for all, and see it come to a logical conclusion. He said let's make the best decision possible.

Ms. Culleton asked about the sale of the property next door. Alderperson Schoedel stated the city has no control over who the Ladue School District sells the property to. Mr. O'Keefe stated we neither know nor care.

Mr. Rubby of Carole Court asked how many times are we are going to go through this. He said it should be a done deal. He again asked how many times will we deal with this.

J.       **ANNOUNCEMENT OF NEXT MEETING:** October 27, 2015 at 7:00 pm.

K.       **EXECUTIVE SESSION FOR R.S. MO 610.021 (1) LEGAL**

Mr. Richert asked for a motion and a second to go into executive session for purpose of discussion legal matters, pursuant to R.S. MO 610.021(1).

**MOTION:** Alderperson Schoedel motioned and Ms. Schopp seconded to close the open session.

**ROLL CALL VOTE:** Mr. Reineke, "Aye"; Mr. Phillipe, "Aye"; Mr. Richert, "Aye"; Ms. Schopp, "Aye"; and Alderman Schoedel, "Aye". All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED by a vote of 5-0.**

L.       **ADJOURNMENT:**

**MOTION:** A motion was made by Mr. Reineke, and seconded by, Ms Schopp to adjourn the meeting. All Commission members voted "Aye". The motion passed unanimously, 5-0.

The meeting adjourned at 4:00 pm.

These minutes were approved by the Planning and Zoning Commission at their regular meeting on October 27, 2015. I hereby certify that they are the original minutes of the regular meeting of the Planning and Zoning Commission held September 29, 2015.

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Leesa Ross, City Clerk