

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION

CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI

FEBRUARY 1, 2016

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, February 1, 2016, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (9)

Chair Bopp
Commissioner Archeski
Commissioner Peasley
Commissioner Renner
Commissioner Gragnani
Commissioner Liddy
Commissioner Bauer
Council Member Manton
Mayor Woerther

ABSENT- (1)

Commissioner Lee

Other City Officials Present: Director of Planning Vujnich, City Attorney Golterman, Special Counsel Bruce Morrison, Planner Newberry, and Assistant Director of Planning and Parks Arnett.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the December 21, 2015 Meeting

A motion was made by Commissioner Peasley, seconded by Commissioner Archeski, to approve the minutes from the December 21, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

(a.) (Closed) Session (RSMO 610.021 (1)) for legal matter and discussion with legal counsel. (Wards – All)

A motion was made by Commissioner Archeski, seconded by Council Member Manton, to go into Executive Session pursuant to RSMO 610.021 (1).

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Archeski, Commissioner Peasley, Commissioner Gragnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

A motion was made by Commissioner Renner, and seconded by Commissioner Liddy to close the executive session.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Archeski, Commissioner Peasley, Commissioner Gragnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

V. Public Hearings – One (1) Item for Consideration – Not Ready for Action

(a) **P.Z. 24-14 Centaur Station, (Michael Phelan), 18833 Cliffview Lane, Wildwood, Missouri, 63005 c/o Department of Planning, City of Wildwood, Missouri, 16860 Main Street, Wildwood, Missouri 63040**– A request, in response to a communication from Michael Phelan, which is dated October 16, 2015, regarding **P.Z. 24-14 Centaur Station**, noting his intent to not proceed with the placement of the historic building on the City's registry, thereby seeking the revocation of the Landmark and Preservation Area (LPA) that was approved by the City Council on December 8, 2014 and governs these two (2) tracts of land; west side of Centaur Road, north of Wild Horse Creek Road (Locator Numbers: 19X410082 and 19Y620026/Street Addresses: 107 and 109 Centaur Road); Landmark and Preservation Area (LPA) in the Floodplain Non-Urban Residence District. **(Ward One)**

Director Vujnich noted this item was not ready for consideration tonight and requested a postponement.

A motion was made by Mayor Woerther, seconded by Commissioner Gragnani, to postpone the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved and the public hearing postponed.

VI. Old Business – Two (2) Items for Consideration

Information Reports – One (1) Item for Consideration

(a.) **P.Z. 23-15 Pond Athletic Association, c/o Keith Ellis, 17131 Lafayette Trails Drive, Wildwood, Missouri 63038** - A request for a Conditional Use Permit (CUP) in the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District for the installation of sponsorship type banners on existing fencing associated with the athletic fields that are part of the Pond Athletic Association. This facility is located on the west side of Pond Road, north of Hohmann Road (Locator Numbers: 22W330042 and 22W330051/Street Address: 1725 and 1613 Pond Road). **Proposed Use: Sponsorship type banners for a not-for-profit use, with a minimum of two (2) operational athletic fields on the same lot. (Ward One)**

Planner Newberry read the request into the record.

Director Vujnich provided an overview of the draft of the Department's Information Report, which included a recommendation to amend the Conditional Use Permit (CUP) governing the Pond Athletic Association to allow for sponsorship banners. He noted the Pond Athletic Association previously used sponsorship banners, prior to the City's incorporation. The Board of Adjustment permitted the use of sponsorship banners in 2013, which was a successful fundraiser for the Pond Athletic Association. Director Vujnich explained the Planning and Zoning Commission previously approved the amendment to the Sign Regulations, the NU Non-Urban Residence District, and the R-1 One Acre Residence District of the City's Zoning Code, which would allow these types of banners for this use. The rationales supporting the amendment to this CUP included the following: the banners are consistent with good planning practice due to their lack of impact on the surrounding NU Non-Urban Residence District zoned properties and the benefit to the community that is provided by the Pond Athletic Association. Criteria for this CUP amendment can be met, but with some limitations on banners, which include: only five (5) of seven (7) fields could have banners; black or dark green wind screen would have to be installed to limit visual impact; banners cannot be visible from roadway; banners shall be printed on one (1) side and have a white background; cannot be lighted, except by existing sources used for play and safety; only 6 banners on each field and no banner can exceed thirty (30) square feet; and maintenance and upkeep of the banners would be required.

Commissioner Archeski stated he would abstain from voting on this matter due to his role as a Board Member Emeritus at the Pond Athletic Association.

A motion was made by Mayor Woerther, seconded by Council Member Manton, to approve the Information Report, with recommendation.

Discussion was then held among the Commission Members regarding the following: the calculations of quantity of overall banners; other locations for banners, like backstops, etc.; the difficulty in screening banners from Pond Road in certain locations; the removal of banners at the end of the season; and timing of CUP renewal.

Motion by Commissioner Gragnani, seconded by Commissioner Peasley, to amend motion to include the requirement that all banners be removed at the end of each season. A voice vote was taken to amend the motion, all approved, with one (1) abstention (Commissioner Archeski).

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Peasley, Commissioner Gragnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

Abstain: Commissioner Archeski

Whereupon, Chair Bopp declared the motion approved by a vote of 8-0, with one (1) abstention.

Correspondence Items – One (1) Item for Consideration - No Action Requested Tonight – For Discussion Purposes Only

(b.) P.Z. 1 and 1a-99 W.J. Byrne Builders, Inc., 3112 Shady Glen Estates Drive, Wildwood, Missouri 63038 -

A request to amend existing Planned Residential Development Overlay District Ordinance #1189 to accommodate changes associated with a redesign of this residential subdivision that was originally approved for twenty-three (23) total units, on individual lots, to be located on a 18.33 acre tract of land, which is located on the north side of Strecker Road, east of Englebrook Drive (Locator Numbers 22U240024, 22U330031, and 22U330062 /Street Addresses 177 Strecker Road, 165 Strecker Road, and 173 Strecker Road). The modifications reflect changes to the site due to environmental considerations relating to a restrictive covenant approved and signed between the property owner and the United States Environmental Protection Agency (EPA), which has necessitated changes to its previously approved design. **(Ward Two)**

Planner Newberry read the request into the record.

Director of Planning Vujnich introduced Mr. Bruce Morrison, the City's Special Counsel on this matter. He then noted a large amount of background information has been provided to the Commission. A current primer has been provided regarding this request and minutes from public hearing held on September 21, 2015 regarding this matter, in addition to other items relative to the property. He then provided the history on the zoning request on this site and a summary of the environmental issues, testing, and subsequent cleanup. Director Vujnich explained the Planning and Zoning Commission is charged with review of amended Site Development Plan and any changes to the site-specific ordinance.

Bruce Morrison, 319 North Fourth Street, Suite 800, St. Louis, Missouri 63102, noted the following items in response to the petitioner's attorney from the public hearing held on September 21, 2015. First, his role is presenting the views of technical experts and he has not expressed his own opinion regarding the condition of the property and its suitability for residential use. Next, regarding the U.S. Environmental Protection Agency (EPA) and Missouri Department of Natural Resources' (MoDNRs) positions, he has discussed the case with both agencies and their positions are that the site is suitable for residential use. Lastly, the Amended Site Development Plan is what is being evaluated and will determine if development is possible.

Discussion was then held among the Commission Members regarding the following: the residential cleanup standard from EPA; the lack of a No Further Action Letter from Missouri Department of Natural Resources (MoDNR) approving the site for residential use; and a question on if the review of the Amended Site Development Plan was premature, based upon the City Council's letter to State Congressional Representatives, which was authorized last month by its members, stating their displeasure with the U.S. Environmental Protection Agency's (EPA's) handling of this site.

Carrie Hermeling, Husch Blackwell, representing petitioner, 190 Carondelet Plaza, Suite 600, St. Louis, Missouri, stated the Amended Site Development Plan was needed because of the change in Metropolitan St. Louis Sewer District's (MSD's) stormwater retention requirements. She noted that it was her belief the City Council has approved the ordinance and Site Development Plan. She disagrees with Department of Planning's assessment the Amended Site Development Plan is a departure from what was already approved and that it meets ordinance requirements and should be approved. She also noted the environmental issues on site are independent from the development of home sites and should be treated separately. She stated the environmental covenant area is publicly recorded and suitable for residential common ground use.

Discussion was then held among the Commission Members: the question if Ms. Hermeling would buy a house in this development (she said she would and the site is completely safe); the lateness of the point in the process, when prospective homeowners would be made aware of the covenant area; the request to have potential homebuyers notified of the covenant area earlier in the process; the elevation difference between the stormwater detention and the covenant areas; the potential for fencing the covenant area and the petitioner's belief this action makes it an attractive nuisance; and the length of time the monitoring

wells will remain on site, which is short term.

Tammy Shea, Ward Three, believes the litigation issue should be resolved, prior to discussing this case. She then provided a list of chemicals found on the site above detection limits, which she believes shows the importance of independent testing. Thirty-one (31) chemicals were found on the property, with twenty-one (21) of them exceeding acceptable levels. She noted these are the chemicals causing the odors on this, and neighboring, sites and that previously only dioxin was treated on the property. She noted the City was dissatisfied with the EPA's response to their inquiries, which prompted the City Council to draft letter to the area's Congressional Representatives.

Discussion was again held among Commission Members regarding: the possibility of the City requiring an environmental disclosure statement be provided, when a down payment is made on the lot, or when entering into a contract to purchase a home; if the developer can be required to disclose the environmental issues, which is already a requirement of the original ordinance, and the City will enforce as part of Zoning Authorization process for construction of home; the site standards for toxins other than dioxins on the site; and questions about the information showing the standards of acceptable levels on all portions of the property.

Director Vujnich noted that, with the public hearing held on September 21, 2015 and now that the Commission having the opportunity to meet with the Special Counsel, the Department is now prepared to draft a recommendation on the Amended Site Development Plan. Director Vujnich explained the earliest this request would be back before the Commission would be April, given the number of items already scheduled on upcoming agendas.

Tammy Shea requested the Planning and Zoning Commission also wait, just as the City Council is for feedback from the environmental consultant.

Commissioner Liddy requested a copy of the tables shown by Ms. Shea, which the Department said it would provide to all members.

VII. **New Business** – Two (2) Items for Consideration

Correspondence Items – Two (2) Items for Consideration

(a.) A response to a communication from Drew Bextermueller, Director of Real Estate for Dierbergs Markets, Inc., which is dated November 17, 2015, regarding **P.Z. 14-98 Dierbergs Wildwood Town Center**; Amended C-8 Planned Commercial District (Downtown District Designation under the Town Center Plan); south side of State Route 100, east of Taylor Road (Street Address: 2400 Taylor Road/Locator Number: 23V320195); that seeks modifications to the existing site-specific ordinance (Ordinance #1001) that governs the Dierbergs Wildwood Town Center development relative to the uses permitted on Outlots G and H, as well as the addition of a drive-through facility, as part of Outlot G. **(Ward Eight)**

Planner Newberry read the request into the record.

Director Vujnich reviewed the request for a modification to the site-specific ordinance to add a drive through on Outlot G, near the northwest corner of the Dierbergs Town Center development. He noted this particular corner of the building has been vacant for an extended period of time. He then reviewed the petitioner's request, and its configuration, as shown on the submitted Amended Site Development Section Plan. Only four (4) drive-through facilities have been approved by the City. He noted three (3) of which are in

the vicinity of this development. He explained the property is designated Downtown District, which allows drive-through facilities, in association with fast food/casual restaurants. He then noted the Department's recommendation is for approval of the drive-through, with the following conditions: 1. Removal of the parking spaces in the center of the drive-through lanes, to be changed to additional green space; 2. Ensure that reconstruction of the trash enclosures will be consistent with all buildings on site; 3. Provide Metropolitan St. Louis Sewer District (MSD) and Metro West Fire Protection District comments; 4. Provide a garden wall, with landscaping, along State Route 100 frontage, thereby providing a break to give pedestrian access to trail along State Route 100.

Motion by Mayor Woerther, seconded by Council Member Manton, to extend meeting past 10:00 p.m. Voice vote. No opposition was heard, and the meeting proceeded.

Motion by Mayor Woerther, seconded by Commissioner Bauer, to open discussion.

Discussion was then held among the Commission Members regarding the following: the overall parking requirements for the center; the potential removal of the two (2) spaces to the west of the trash dumpster; the removal of the six (6) center spaces would minimize the amount of pedestrian traffic through the drive-through lanes; and the type of signage permissible, which would include wall and window signs, but no freestanding monument types.

Drew Bextermueller, Dierbergs Markets Inc., 16690 Swingley Ridge Rd., noted the design is for a single drive-through lane, with an escape lane as well. It will not function as a two (2) lane drive-through facility. He requested an amendment to the requirements, so the owner of the center could use the same fence line, with landscaping, that is consistent with the existing development, instead of the garden wall.

Larry Goodson, 2544 Viola Gill Lane, Council Member Ward 8, voiced his support of the ordinance amendment. He believes it's a positive alternative for this site and he also supports the Department's conditions.

Motion by Mayor Woerther to close discussion, seconded by Commissioner Archeski. Voice vote. With all approving.

Motion by Commissioner Bauer to approve modification to ordinance including the requested modification to Condition D (5), which would allow stone columns and fencing, in lieu of a garden wall, consistent with the existing development, seconded by Council Member Manton.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Archeski, Commissioner Peasley, Commissioner Gagnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

(b.) A response to a communication from Douglas B. Gilberg, owner of Gilberg Perennial Farms and Wildwood Green Arts, LLC., which is dated October 29, 2015, requesting amendments to an Amended

Conditional Use Permit (CUP) in the NU Non-Urban Residence District (**St. Louis County's P.C. 162-89 Douglas Gilberg**), which governs the use of this 7.34 acre site that is located on the east side of Ossenfort Road, north of Melrose Road (Locator Number: 24Y420183/Street Address: 2906 Ossenfort Road.) **Proposed Use: The addition of an education center, meeting space, and acoustic entertainment, all within the existing buildings that are located on the subject site, along with the previously authorized plant nursery, with sales room. (Ward Six)**

Planner Newberry read the request into the record.

Director Vujnich described the history of this property, which was of the first perennial garden sales area, including displays, in the area that would become Wildwood. The business ceased to operate several years ago. The current proposal is for education center, meeting room, sustainability showcase, and acoustic music area. The Department's recommendation supports the retention of plant nursery and salesroom, while also allowing recreational uses on the site as well. The Department recommends conditions include no music outdoors and no sustainability exhibits or demonstrations, since these components would exceed what is permissible in NU Non-Urban Residence District. Director Vujnich also noted limitations are recommended on hours of operation, outdoor lighting, class size, and on-street parking.

Julie Guenther, 2918 St. Albans Forest Circle, did not wish to speak at the meeting, but completed a Speaker's Card, so her comments could be included in the record. Her comments were as follows: I do not understand why an exception cannot be made to allow training and displays intended to support sustainability practices and/or the sale of products for these purposes. This is an area that many need education in and to have a place to get rain barrels and such would be great. I don't see any reason to disallow those activities. I live in St. Albans Forest and would be proud to have such a business in the area. However, I do have some concerns about acoustics for outdoor music (but I am even intrigued by this idea, I need more details). Most importantly, I am concerned about traffic/road safety/speeding of customers.

Doug Gilberg, 2906 Ossenfort Road, noted his classes will likely be ten (10) to twelve (12) people in size and serve all skill levels. He did request adjustments to the recommended hours of operation to allow the business to be open until 9:00 p.m. during the week and on weekends.

Director Vujnich noted the Department has no objection to the extension of time during the week and would consider an extra hour or so on the weekend. If this arrangement did not work out, the hours of operation can be adjusted during the next renewal of the CUP.

Discussion was then held among Commission Members regarding the following: the possibility of extending the hours on Saturday and weeknights, but not Sundays; and the modification to Item 4(q) to remove "so as to be audible anywhere off the property."

Motion by Mayor Woerther to approve Department's recommendation, with the hours of operation ending at 9:00 p.m. on weekdays and at 7:00 p.m. on Saturdays, and removing the end of Section 4(q). The motion was seconded by Commissioner Liddy.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Archeski, Commissioner Peasley, Commissioner Gragnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

VIII. Site Development Plans-Public Space Plans-Record Plats – One (1) Item for Consideration

(a.) A recommendation report on a Site Development Plan (SDP) Package for **P.Z. 20-14 Happy Hounds Playground, L.L.C., c/o Clayton Engineering, Steve Quigley**; Conditional Use Permit in the NU Non-Urban Residence District; east side of Pond Road, south of State Route 100; which will authorize the use of this recreational facility for a private dog park. **(Ward One)**

Planner Newberry read the request into the record.

Director Vujnich reviewed the key elements of this property's use as a private dog park, a recreational land use governed by a Conditional Use Permit (CUP). A Site Plan Subcommittee meeting was held on January 21, 2016 relative to this property. Highlights included: 40 parking spaces; 1,200 square foot building; splash pads; agility areas; a pond, with a gravel beach; and system of trails. Submittal is compliant with stormwater requirements, Natural Resource Preservation Area requirements, tree preservation, and waste management. Traffic study was also discussed and sent to Commissioners. The site has Architectural Review Board approval. The Site Plan Subcommittee recommended approval of Site Development Plan package, given its compliance with the Conditional Use Permit (CUP) and design criteria.

A motion was made by Commissioner Archeski, seconded by Commissioner Renner, to approve the Site Development Plan.

Discussion was then held among Commission Members regarding a question to the owner if staff will be onsite during operating hours. The owner noted that staff will be at the facility, when open.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Peasley, Commissioner Archeski, Commissioner Gagnani, Commissioner Liddy, Commissioner Renner, Commissioner Bauer, and Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee

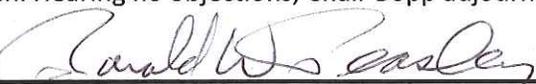
Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 9-0.

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:30 p.m.

Approved by: 
Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight's meeting, they have been attached and made part of the official record.

Date: Feb. 1, 2015

PLANNING AND ZONING COMMISSION
COMMENT/SPEAKER'S CARD

Item(s) you wish to comment on: New Business (b.)
(please reference the P.Z. # and Title indicated in bold on the agenda):

Name: St. Louis County's P.C. 152-89 Douglas Gilberg
Julie Gventher

Address: 2918 St. Albans Forest Circle

Zip Code: 63038 Telephone: 630-212-9878 (cell)

E-mail address: juliaanngventher@gmail.com

Organization or Group, if any, you are representing:

(please identify here if you are the petitioner)

- Check here if you **do not** want to speak at this meeting, but would like your comments included in the official record (please use back of card for comments)

I do not understand why an exception cannot be made to allow training and displays intended to support sustainability practices and/or the sale of products for these purposes. This is an area that many need education in and to have a place to get rain barrels and such would be great. I don't see any reason to disallow ~~that~~ these activities. I live in St. Albans Forest and would be proud to have such a business in the area. However, I do have ^{some} concern about acoustics for outdoor music (but I am even intrigued by this idea, I need more details). ~~Most~~ Most importantly, I am concerned about traffic/road safety/spilling of customers.