

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION

CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI

June 20, 2016

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:00 p.m., on Monday, June 20, 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 – (8)

Chair Bopp
Commissioner Archeski
Commissioner Bauer
Commissioner Gragnani
Commissioner Bartoni
Commissioner Kohn
Council Member Manton
Mayor Bowlin

ABSENT – (2)

Commissioner Renner
Commissioner Lee

Other City officials present: Director of Planning Vujnich, Planner Newberry, and City Attorney Young.

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the June 6, 2016 Meeting

A motion was made by Council Member Manton, seconded by Commissioner Bauer, to approve the minutes from the June 6, 2016 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

Director Vujnich noted Commission Members received a letter dated June 15, 2016, regarding a Center Avenue neighborhood meeting to discuss future improvements to that roadway and determine how best to maintain it in the future, i.e. dedicating for public ownership, as the principle option for consideration.

V. Public Hearings – No Items for Consideration

VI. Old Business – Three (3) Items for Consideration

Letters of Recommendation – Three (3) Items for Consideration

P.Z. 5 and 5(a)-16 Stonecrest at Wildwood, NorthPoint Development, 5015 Northwest Canal Street, Suite 200, Riverside, Missouri 64150 – A request for the modification of the Town Center Plan’s Regulating Plan for two (2) lots that are a 1.6 acre area of the Phase II portion of the Wildwood Town Center Project, thereby altering their current designation from “Downtown District” to “Neighborhood General District” to accommodate a change in zoning from the C-8 Planned Commercial District to the Amended C-8 Planned Commercial District for this site, all being located on the south side of State Route 100, north of Plaza Drive, and west of Fountain Place (Locator Numbers 23V220242 and 23V220233/Street Addresses 251 and 261 Plaza Drive). **Proposed Use: A three (3), story senior housing facility, which would allow a maximum of eighty-one (81) units. (Ward Eight)**

Planner Newberry read the request into the record.

Director Vujnich explained the request to modify the Town Center Plan’s Regulating Plan and amend the existing C-8 Planned Commercial District to allow for a senior living facility, with a commercial component. He noted the draft Letter of Recommendation reflects the Commission’s affirmative vote at its June 6, 2016, meeting. He noted, after the Department conducted further research on Item 10(K) regarding the payment in lieu of taxes and it was removed from the draft Letter of Recommendation.

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

A discussion was held among Commission Members regarding the petitioner’s experience with incorporating commercial components into facilities like such here; the amount of commercial space being proposed; the latitude of the Planning and Zoning Commission through the Site Development Plan review process to require a certain amount of commercial space; the use of the commercial space by a third party; and the anticipated viability of the commercial space.

Dan Thies, representative of the petitioner, stated this senior living facility with ground-floor commercial component was the first of its kind for NorthPoint Development. He stated it is anticipated that third party entities will lease and operate the commercial component of the development.

A motion by Commissioner Archeski, seconded by Council Member Manton, to accept the draft Letter of Recommendation.

Chair Bopp called the question.

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

Ayes: Commissioner Archeski, Commissioner Bauer, Commissioner Gragnani, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: Commissioner Kohn and Commissioner Bartoni

Absent: Commissioner Renner and Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 6-2.

- a) **P.Z. 7-16 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request to evaluate possible amendments to Chapter 415.590. “Sexually-Explicit Business Regulations,” of the City of Wildwood Municipal Code, which would thereby consider the addition of new language to expand the types of businesses that would be regulated as sexually-oriented businesses and expand regulations in regard to particular activities

conducted within sexually-oriented businesses. **(Wards – All)**

Planner Newberry read the request into the record.

Director Vujnich presented the draft Letter of Recommendation, noting it reflected the Planning and Zoning Commission's affirmative action at its June 6, 2016 meeting. Director Vujnich explained the history of the existing regulations on sexually-explicit businesses. City Attorney Young discussed the legal issues and relevant case law relating to the proposed amendments.

Chair Bopp invited members of the public to comment on the item. No members of the public wished to speak on this matter.

No discussion was held among Commission Members.

A motion by Mayor Bowlin, seconded by Commissioner Archeski, to accept the draft Letter of Recommendation.

Chair Bopp called the question.

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

Ayes: Commissioner Archeski, Commissioner Bauer, Commissioner Gragnani, Commissioner Kohn, Commissioner Bartoni, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Renner and Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 8-0.

- b) **P.Z. 19-15 1971 Pond Road, Payne Family Homes L.L.C., 10407 Baur Boulevard, Suite B, St. Louis, Missouri 63132** – A request for the application of a Planned Residential Development Overlay District (PRD), within the NU Non-Urban Residence District for a 78.0 acre tract of land that is located on the north side of State Route 100, west of Pond Road (Locator Number: 23W520053/Street Address: 1971 Pond Road). **Proposed Use: A total of twenty-six (26) individual lots, with common ground, and required public space areas. Lots would range in size from one (1) acre to four and one-half (4.5) acres. (Ward One)**

Planner Newberry read the request into the record.

Director Vujnich explained the draft Letter of Recommendation and noted it had been revised to reflect the Planning and Zoning Commission's action to not recommend the application of the Planned Residential Development Overlay District (PRD) upon this site and included the Commission's reasons for its action.

Chair Bopp invited members of the public to comment on the item.

Tom Cummings, Payne Family Homes, 1047 Baur Boulevard, Suite B, St. Louis, Missouri, stated that it was his belief the proposal met the requirements set forth in the City of Wildwood's Master Plan and Zoning Regulations regarding the application of the Planned Residential Development Overlay District (PRD). Mr. Cummings respectfully asked the Planning and Zoning Commission act favorably on the Department of Planning's Information Report, dated May 2, 2016, to allow the application of the Planned

Residential Development Overlay District (PRD).

No discussion was held among Commission Members.

A motion by Commissioner Gragnani, seconded by Commissioner Archeski, to accept the draft Letter of Recommendation dated June 20, 2016, which does not support the requested Planned Residential Development Overlay District (PRD).

Chair Bopp called the question.

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

Ayes: Commissioner Archeski, Commissioner Bauer, Commissioner Gragnani, Commissioner Kohn, Commissioner Bartoni, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Renner and Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 8-0.

Information Reports – No Items for Consideration

VII. New Business – Three (3) Items for Consideration

- a) **P.Z. 4-16 Scott Fieser, 10 Whitsetts Fork Ridge Road, Wildwood, Missouri 63038**, is seeking the review and action of the Planning and Zoning Commission regarding an outdoor game court (full court basketball court, with lighting), which is located at 10 Whitsetts Fork Ridge Road, Wildwood, Missouri (Locator Number 26V430121); NU Non-Urban Residence District. This request is to be reviewed in accordance with Chapter 415.090 NU Non-Urban Residence District Regulations of the City of Wildwood Zoning Code, which establishes standards and requirements for outdoor game courts relating to their consideration by the Planning and Zoning Commission. The game court and lighting is currently installed, without Planning and Zoning Commission approval, and situated to the west of the single family residence located on the subject property. The Department will have a recommendation report prepared for consideration at this meeting for this request. **(Ward Six)**

Planner Newberry read the request into the record.

Director Vujnich shared a slideshow of photographs depicting the subject site and the installed outdoor game court and associated lighting. He explained a number of components of the installed outdoor game court were not in compliance with the City's Zoning Regulations. He explained the Department of Planning is not recommending the Planning and Zoning Commission act to allow the outdoor game court, given the number of compliance issues that need to be addressed.

Chair Bopp invited members of the public to comment on the item.

Heather Fieser, 10 Whitsetts Fork Ridge Road, stated she and her husband are willing to bring the outdoor game court, and associated lighting, into compliance with the City's Zoning Regulations. She also noted they are working with the neighbor to complete a boundary adjustment.

Discussion was held among Commission Members regarding the reasons behind the regulations regarding outdoor game courts and lighting; the need to continue ensuring all outdoor game courts

meet the minimum requirements set forth in the City's Zoning Ordinance; and the non-compliance of the outbuilding on the subject site's western property line.

A motion by Mayor Bowlin, seconded by Commissioner Bauer, to accept the Department's recommendation to not approve the outdoor game court.

Chair Bopp called the question.

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

Ayes: Commissioner Archeski, Commissioner Bauer, Commissioner Gragnani, Commissioner Kohn, Commissioner Bartoni, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Renner and Commissioner Lee

Abstain: None

Whereupon, Chair Bopp declared the motion passed by a vote of 8-0.

- b) A response to a communication from Hassan Abdiannia, Icell Enterprises, L.L.C., that is dated May 11, 2016, regarding **St. Louis County P.C. 6-89 Amoco Oil Company**, which seeks the City's review and action on a requested change to the current, governing site-specific ordinance for the existing BP Amoco Station and, if granted, would thereby allow for the sale of wine and beer at this location; southeast corner of State Route 109 and Wild Horse Creek Road (Locator Number 19W420224/300 State Route 109); Amended C-8 Planned Commercial District. The City of Wildwood's **Amended Master Plan – 2016** - was modified to accommodate this consideration, which previously treated this location as a legal, non-conforming use, precluding any changes to the current, governing ordinance. **(Ward One)**

Planner Newberry read the request into the record.

Director Vujnich explained the history of this request over the past several decades. He explained the Master Plan 2016 Update process and noted that, through that process, a change to the Master Plan was approved to allow the possible amendment of the site-specific ordinance for the sale of wine and beer at this location.

Chair Bopp invited members of the public to comment on the item.

Hassan Abdiannia, Icell Enterprises, L.L.C., 300 State Route 109, stated he is the owner and operator of this business and asked the Planning and Zoning Commission to act favorably on this request. He noted that many of his customers over the years had inquired as to why the sale of wine and beer was not allowed at this location. He stated this allowance would benefit his business and help it compete with surrounding stations.

Kandy Kelcher, 18307 Wild Horse Creek Road, stated she is in support of the petitioner's request and referenced previous opposition from surrounding neighbors.

Council Member Larry McGowen, Ward One, 18538 Wild Horse Creek Road, stated he is a customer at this station and he is in support of the petitioner's request. He noted the positive economic impact the sale of beer and wine would have for this business.

Council Member Glen DeHart, Ward One, 2347 Ossenfort Road, stated he is in support of the

petitioner's request.

Maria Wilmas, 17719 Wild Horse Creek Road, did not wish to speak at tonight's meeting, but would like the following comments included in the record, "I would like to see this station receive a liquor license. It would be nice to be able to purchase locally! Every other station is allowed, can't really understand this. I also speak for my husband, John, and Daughters who patronize this station. Thank you."

Discussion was held among Commission Members regarding the operating times outlined in the Department's report, which had been chosen to be in compliance with State of Missouri requirements.

A motion by Commissioner Archeski, seconded by Mayor Bowlin, to accept the Department's recommendation to recommend beer and wine sales be authorized at this facility.

Commissioner Bartoni stated he would be abstaining from voting because the petitioner is a client of his employer.

Chair Bopp called the question.

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

Ayes: Commissioner Archeski, Commissioner Bauer, Commissioner Gagnani, Commissioner Kohn, Council Member Manton, Mayor Bowlin, and Chair Bopp

Nays: None

Absent: Commissioner Renner and Commissioner Lee

Abstain: Commissioner Bartoni

Whereupon, Chair Bopp declared the motion passed by a vote of 7-0, with one (1) abstention.

- c) A response to a communication from Mike Falkner, Sterling Engineers and Surveyors, dated March 25, 2016, regarding **P.Z. 12 and 13-15 The Villages at Bright Leaf**; R-3 10,000 square foot Residence District (Town Center "Neighborhood General District" and "Neighborhood Edge District"), with a Planned Residential Development Overlay District (PRD); north side of State Route 100, east of State Route 109 (Locator Numbers 23V230041, 23V230050, 23V240327, 23V330022, 23V310064, 23V330233, 23V330031, 23V330206, 23V330215, and 23V610917/Street Addresses: 2350 and 2344 Eatherton Road, 2531, 2555, and 2567 Taylor Road, 16721 Manchester Road, and 16602, 16615, 16618, and 16618A Overlook Hills Drive); which seeks modifications to the existing site-specific ordinance (Planned Residential Overlay District Ordinance #2145) that governs this development to address inconsistencies between this legislation and the proposed Site Development Plan (SDP) relative to certain allowed lot widths, depths, and sizes. (**Ward Five**)

Planner Newberry read the request into the record.

Director Vujnich explained the requested amendments to the recently approved ordinance are to address some inconsistencies between it and the Preliminary Development Plan that had been acted upon by the City Council, with the rezoning of the subject site.

Chair Bopp invited members of the public to comment on the item.

Council Member Debra Smith McCutchen, Ward Five, 16548 Birch Forrest Drive, referenced her comment letter that had been provided to Commission Members. She stated her concerns regarding the scheduling and notification to residents regarding this meeting, as well as the Public Hearing

scheduled to be before City Council on June 27, 2016. She also expressed her concerns regarding the information about the possible Pond-Grover Loop Road Extension provided in the Department of Planning's report. She asked the concerns outlined in her comment letter be addressed, before the item is forwarded to City Council.

Jane LaCasse Finnegan, 2517 Rain Forest Drive, stated her concerns regarding the Villages at Brightleaf development. She asked that the Planning and Zoning Commission consider this request carefully.

James Gardner, 16708 Hickory Crest Drive, Hickory Manor Subdivision Trustee, stated his concerns regarding the Villages at Brightleaf development and the possible extension of the Pond-Grover Loop Road.

Discussion was held among Commission Members regarding the impact of the proposed changes on the size and configuration of the lots; and specifically what the increase and decrease in lot size would be and where the changes would occur. Chair Bopp invited the representative of the petitioner to address the Commission.

Mike Falkner, Sterling Engineering, stated he did not have the information requested at tonight's meeting, but he would provide it to the Commission.

Further discussion was held among Commission Members regarding the desire to minimize amendments to the site-specific governing ordinance for the Villages at Brightleaf, moving forward; and the need to postpone action on this request, until more complete information is provided to the Planning and Zoning Commission.

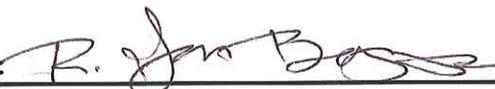
A motion by Council Member Manton, seconded by Commissioner Gragnani, to postpone action on this request, until more information could be gathered regarding the requested amendments. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

Motion by Mayor Bowlin, seconded by Commissioner Archeski, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 9:45 p.m.

Approved by: 
Chair – 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.