

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
February 21, 2017

The Planning and Zoning Commission meeting was called to order by Vice-Chair Archeski, at 6:30 p.m., on Tuesday, February 21, 2017, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

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

PRESENT – (8)

Vice-Chair Archeski
Commissioner Renner
Commissioner Beattie
Commissioner Gragnani
Commissioner Bartoni
Commissioner Kohn
Council Member Manton
Mayor Bowlin

ABSENT – (2)

Chair Bopp
Commissioner Lee

Other City officials present: Director of Planning Vujnich, Director of Public Works Brown, Planner Newberry, Drew Weber, and City Attorney Young.

II. Review Tonight's Agenda / Questions or Comments

Vice-Chair Archeski requested discussion be held on **P.Z. 17-15**, as the first item to be addressed on tonight's agenda. Hearing no objections from Commission Members, **P.Z. 17-15** was moved first on tonight's agenda for discussion, following the approval of the previous meeting's minutes and any opening remarks from the Department of Planning.

III. Approval of Minutes from the February 6, 2017 Meeting

A motion was made by Commissioner Gragnani, seconded by Commissioner Bartoni, to approve the minutes from the February 6, 2017 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Vice-Chair Archeski declared the motion approved.

IV. Department of Planning Opening Remarks

No opening remarks from the Department of Planning.

V. Old Business – One (1) Item for Consideration

Information Reports – One (1) Item for Consideration

- a) **P.Z. 17-15 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request for review and consideration of modifications to the Zoning Performance Standard Regulations – Noise Code Section (Section 415.250) of the City of Wildwood Zoning Ordinance that would address noise emissions from equipment that occurs for extended periods of time, over any timeframe, including all day, week, month, or year, in all appropriate zoning district designations, including the “NU”, “R”, “C”, and “M” District categories.
(Wards – All)

Planner Newberry read the request into the record.

Director Vujnich referred Commission members to an email from Mike Lisk, the owner and operator of the fish farm, which led the City to consider possible solutions to address the noise concerns created by it. In his email, Mr. Lisk requested the Planning and Zoning Commission postpone action on this item to allow him additional time to review the proposed legislation. No discussion was held among Commission Members regarding this request, and this matter proceeded.

Director Vujnich outlined the history of this consideration of amendments to the City’s Noise Code and Zoning Ordinance. He noted the City has been considering these possible changes since August 2015, in order to address shortcomings within the existing Noise Code. In the case, emitters of sound that create a noise for extended periods of time. He noted the operation of a fish farm on Wild Horse Creek Road was brought to the attention of the City by surrounding neighbors due to the noise created by the operation of the farm. Director Vujnich explained the City commissioned two (2) sound studies and determined the fish farm was not in violation of the City’s Noise Code in regard to the decibel level; however, it is the Department’s opinion a nuisance is still present and needs to be addressed. He stated an initial Information Report was presented to the Commission and the proposed changes addressed the components of pitch and frequency, but this approach was not supported by the Commission, given the technical complexity of the measurement of such and its enforcement. Director Vujnich noted the current proposed legislation would require enhancement of equipment and other components, such as fences, berms, and the like, in order to not have an increase in the noise level above the ambient noise level at all boundary lines of the lot. Director Vujnich outlined the second component of the Department’s recommendation in regards to the grandfathering of existing conditions.

Vice-Chair Archeski invited members of the public to comment on the matter.

Mike Lisk, 1354 Katsura Court, stated his concerns regarding the impact of the proposed legislation on the continued operation of his fish farm. He stated that it was his understanding the operation of the fish farm is currently in compliance with the City’s Noise Code and it was his belief additional legislation to further address the noise produced by the fish farm is unnecessary.

Council Member DeHart, Ward One Representative, expressed his concern regarding the impact of the operation of the fish farm has had on the long-established neighbors in this quiet area of the City. He stated it was his belief this item needs to be quickly resolved.

Charles Gulas, 2054 Wild Horse Creek Road, expressed his support of the proposed legislation.

Mayor Bowlin suggested additional language be added to definition of “Agricultural Operation” and “Agricultural Products” in Sections 217.020 Definitions and 415.030 Definitions. City Attorney Young and Director Vujnich were agreeable and noted the changes would be reflected in the Commission’s Letter of Recommendation to City Council, if the Commission so moved and acted favorably on the motion.

Discussion was held among Commission Members regarding when a Conditional Use Permit (CUP) would be required for an existing or new aquaculture operation under the proposed legislation.

A motion by Mayor Bowlin, seconded by Commissioner Bartoni, to approve the Department's recommendation, with changes outlined above.

Vice-Chair Archeski called the question.

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

Ayes: Commissioner Renner, Commissioner Gragnani, Commissioner Bartoni, Commissioner Kohn, Council Member Manton, Mayor Bowlin, and Vice-Chair Archeski

Nays: None

Absent: Commissioner Lee and Chair Bopp

Abstain: Commissioner Beattie

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

VI. Public Hearings – Two (2) Items for Consideration

- a) **P.Z. 14-06 City of Wildwood Department of Planning and Neichter-Throckmorton Development** - A request to terminate a Planned Residential Development Overlay District (PRD) authorized by Ordinance # 1946, which allowed up to fifty-five (55) lots on a one hundred ninety-three (193) acre property; NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District, with a Planned Residential Development Overlay District (PRD); east side of Ossenfort Road, north of Brook Hollow Drive (Locator Number 22Y240055/Street Address 2136 Ossenfort Road); due to the timeframe for the commencement of construction, which was to occur by May 27, 2016, has not been met by the petitioner, and the City Council did not support further extensions of time. **(Ward One)**

Planner Newberry read the request into the record.

Director Vujnich outlined the history of the approved Planned Residential Development Overlay District (PRD) and noted commencement of construction on the site was to occur by May 27, 2016. He reminded Commission Members how the petitioner had requested an extension of this timeframe in September 2016, which was not supported by the Commission. Director Vujnich stated that, upon the receipt and file of the Commission's denial of the request to extend the timeframe, City Council referred the item back to the Commission for reconsideration and the Members, again, were not supportive of the requested extension. Director Vujnich noted, given the performance standards of the ordinance were not met, tonight's Public Hearing is the first step in the termination of the Planned Residential Development Overlay District (PRD) for this tract of land.

Vice-Chair Archeski invited members of the public to comment on the matter. No members of the public wished to speak regarding this matter.

Discussion was held among Commission Members regarding the lengthy history of this project.

A motion was made by Commissioner Gragnani, seconded by Mayor Bowlin, to close the Public Hearing. A voice vote was taken regarding the motion. Hearing no objections, Vice-Chair Archeski declared the motion approved.

- b) **P.Z. 14-14 Carohaven Farm, L.L.C. c/o Dr. Caroline Morgan, 18318 Melrose Road, Wildwood, Missouri 63069** - A request to terminate a Conditional Use Permit (CUP) for a horse boarding and training facility that was to be located upon a ten (10) acre tract of land; NU Non-Urban Residence District, with a Conditional Use Permit (CUP); south side of Melrose Road, east of State Route 100 (Locator Number 25X240071/Street Address: 18318 Melrose Road); due to the timeframe to submit the required Site Development Plan for review, which was to occur by October 20, 2016, has not been met by the petitioner. **(Ward Six)**

Planner Newberry read the request into the record.

Director Vujnich briefly outlined the history associated with this Conditional Use Permit (CUP) to allow for a horse boarding and training facility on this site. He noted the required submittal of a Site Development Plan for review was to occur by October 20, 2016, but had not been met by the petitioner; furthermore, the petitioner has communicated to the Department she no longer has plans to operate the facility as a commercial enterprise open to the public, and instead intends to continue to operate it as a private farm. Director Vujnich stated tonight's Public Hearing is the first step in the revocation of the Conditional Use Permit (CUP) for this site.

Vice-Chair Archeski invited members of the public to comment on the matter. No members of the public wished to speak regarding this matter.

No discussion was held among Commission Members regarding this item.

A motion was made by Commissioner Renner, seconded by Council Member Manton, to close the Public Hearing. A voice vote was taken regarding the motion. Hearing no objections, Vice-Chair Archeski declared the motion approved.

VII. Old Business – One (1) Item for Consideration

Letters of Recommendation – No Items for Consideration

Information Reports – One (1) Item for Consideration

- a) **P.Z. 1-17 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** - A request to amend Chapter 415 of the City of Wildwood's Code of Ordinances by the addition of proposed regulations to Sections 415.220 Architectural Review Board Requirements and 415.380 Miscellaneous Regulations, which would establish certain requirements regarding the Architectural Review Board's authority, including requiring the attendance of a petitioner's architect of record at its meetings and the extent and types of necessary information that must be included on submitted architectural drawings and applications. **(Wards – All)**

Planner Newberry read the request into the record.

Director Vujnich stated the consideration of amendments to the Code of Ordinances to establish certain requirements regarding the Architectural Review Board's authority was at the request of the Board. He outlined the proposed regulations were to require the attendance of the architect of record for the

project at its initial presentation to the Board, and to also ensure the Board had discretion in requiring his/her attendance for subsequent presentations before it. He also outlined the proposed regulations requiring the architect of record to sign and seal certain pages of the submittal packet. Director Vujnich stated the Department is recommending approval these proposed regulations.

Vice-Chair Archeski invited members of the public to comment on the matter. No members of the public wished to speak regarding this matter.

No discussion was held among Commission Members regarding this item

A motion by Council Member Manton, seconded by Commissioner Gragnani, to approve the Department's recommendation, as presented.

Vice-Chair Archeski called the question.

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

Ayes: Commissioner Renner, Commissioner Gragnani, Commissioner Bartoni, Commissioner Beattie, Commissioner Kohn, Council Member Manton, Mayor Bowlin, and Vice-Chair Archeski

Nays: None

Absent: Commissioner Lee and Chair Bopp

Abstain: None

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

VIII. New Business – No Items for Consideration

Correspondence Items – No Items for Consideration

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

X. Other – No Items for Consideration

XI. Closing Remarks and Adjournment

Motion by Mayor Bowlin, seconded by Commissioner Beattie, to adjourn the meeting. A voice vote was taken. Hearing no objections, Vice-Chair Archeski adjourned the meeting at 7:30 p.m.

Approved by: *Francine Gragnani*

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.