

**CITY OF WILDWOOD, MISSOURI**  
RECORD OF PROCEEDINGS

**MEETING OF THE PLANNING AND ZONING COMMISSION**  
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI  
AUGUST 3, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, August 3, 2015, 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 Lee  
Commissioner Bauer  
Commissioner Liddy  
Council Member Manton  
Mayor Woerther

ABSENT - (1)

Commissioner Gragnani

Other City Officials present: Director of Planning Vujnich, City Attorney Golterman, and Senior Planner Arnett.

**II. Review Tonight's Agenda / Questions or Comments**

There were no questions or comments on the agenda.

**III. Approval of Minutes from the July 20, 2015 Meeting**

A motion made by Commissioner Bauer, seconded by Council Member Manton, to approve the minutes from the July 20, 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**

The Department did not have any opening remarks.

**V. Public Hearings – One (1) Item for Consideration**

(a.) **P.Z. 15-15 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 adding new requirements to Section 415.380 Miscellaneous Regulations to ensure the use

of drones in all zoning district designations complies with air space rights associated with public and privately-owned properties in the City of Wildwood. **(Wards – All)**

Chair Bopp gave an overview of the public hearing process for all in attendance and officially opened the public hearing.

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich noted the Department has prepared a primer with background information on the issue of Unmanned Aircraft Systems UMAS (drones). The primer includes the Missouri State Statute, information from the federal government, and a number of articles on the topic. He noted the federal government has spent a great deal of time discussing these items, but has not adopted formal legislation. Its goal is to allow flexibility through use, while still maintaining safety. He then outlined the “Know Before You Fly” Campaign. Director Vujnich stated the intent of the public hearing is to seek input from the public and the Commission on whether the use of drones on private property should be governed by additional regulations. He outlined a recent story in the news regarding wild fires in California, where drones were causing danger to pilots attempting to extinguish a wildfire because of the number of them that were being flown in the area by hobbyists. Finally, he noted the Department is not intending to support any regulation from four hundred (400) feet in height and above, since such is commercial airspace.

Vicki Chubb, 1615 Misty Hollow Court, 63038, noted that a neighbor was flying a drone with video and photographic capabilities over where her daughter was sunbathing on the back deck of her property. She noted that it was her belief this drone is violating a privacy issue and that there should be some type of ordinance or permit that addresses these issues.

Discussion was then held by the Commissioners regarding the following: the expectation for privacy; the lack of something specific in our current codes to address invasion of privacy, which is addressed in State Statute but would be considered a civil matter; the consideration of how the Zoning Code would address this issue; the Supreme Court case from the 1940’s, which noted that homeowners owned from their home up to eighty-three (83) feet into the air; the concern with drones in right-of-ways causing safety issues; the control of radio-controlled aircraft by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), but does not currently address drones; the distance of eighty-three (83) to four hundred (400) feet being operable space that currently the FAA has determined drones can operate within; the concern with stories of drones being flown and neighbors shooting at it; the concern with the general loss of privacy, once outside; the concern with how the eighty-three (83) foot distance would be measured and enforced; the standards that will vary based upon the type of use; the existence of any existing municipal regulations that address this item in neighboring municipalities; the degrees of privacy; the difficulty with enforcement; the issue of who would be the permitting authority and how would those be managed; the potential for future federal government regulations that apply to drones; and the similarity to this issue with the telecommunications codes.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to send this item to the Board of Public Safety of the City Council for review and discussion. This motion was approved by a voice vote.

A motion was made by Commissioner Peasley, seconded by Council Member Manton, to close the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

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

Letters of Recommendation – One (1) Item for Consideration

(a.) **P.Z. 11-15 Ladd Faszold, 16514 Meadow Hawk Drive, Wildwood, Missouri, 63038, c/o StraightUp Solar, Charles Melton, Jr., 10330 Page Industrial Boulevard St. Louis, Missouri, 63132** – A request for a Conditional Use Permit (CUP) in the NU Non-Urban Residence District for the installation of roof-mounted solar panels, which are to be placed on the dwelling, so as to be visible from the adjoining roadway, and located at 16514 Meadow Hawk Drive (Locator Number 25V330174). 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 the installation of solar panels. The permit is required due to the panels' placement on the front facing area of the subject dwelling's roof. **(Ward Six)**

Director of Planning Vujnich read the request into the record.

Senior Planner Arnett provided the Department's recommendation noting it was for approval due to the petitioner's compliance with the criteria in the Zoning Code for issuing a Conditional Use Permit and the requirements for solar panels that are visible from the abutting roadway.

A motion was made by Council Member Manton, seconded by Commissioner Renner, to approve the Conditional Use Permit.

Ladd Faszold, 16514 Meadow Hawk Drive, noted that his only neighbor, who passes his property to get to their home, submitted a letter in support of his request for the installation of the solar panels.

Chair Bopp called the question.

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

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

Nays: None

Absent: Commissioner Gragnani

Abstain: None

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

(b.) **P.Z. 7-15 James Edward Hardy, Trustee, 826 Babler Park Drive, Wildwood, Missouri 63005** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District for a fourteen (14) acre tract of land that is located on the southeast side of Babler Park Drive, north of Pond Road (Locator Number 20X320136/Street Address: 826 Babler Park Drive). Proposed Use: A horse boarding and training (lessons) facility. The petitioner is not planning any additional structures or buildings in conjunction with this requested permit. **(Ward Three)**

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich reviewed the Department's recommendation for approval, which noted the history of the request and its public hearing held last month. He provided information on the character of the land surrounding the request; the proposed conditions of the permit; the restriction on the number of

horses that could be boarded there - twenty-six (26) in total; the adherence to the two (2) criteria relative to land use issues and the four (4) criteria relative to issuance of a Conditional Use Permit; the existence of the use for over twenty-five (25) years at this location; the retention of the rural nature of this property, with the issuance of this permit; and the prior approval to waive the Preliminary Development Plan requirement at the time of application, but the need for a Site Development Plan, if the permit is approved.

A motion was made by Commissioner Peasley, seconded by Commissioner Lee, to approve the Conditional Use Permit.

Discussion was held regarding the following: the length of time the permit is issued for; the lack of a limit on the number of horses the owner can have; the lack of a residency requirement for the operator; the concerns of the couple who submitted an online comment form in opposition of this request; the restrictions on disturbance within the floodplain; and the requirement for a waste management plan.

James Hardy, 826 Babler Park Drive, noted he only has two (2) personal horses left and that there is plenty of space on the property for feeding and exercising the horses. He also stated that manure is placed in a dumpster and hauled away every couple of weeks and the area near the creek is fenced, so the horses cannot go into it.

Chair Bopp called the question.

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

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

Nays: None

Absent: Commissioner Gragnani

Abstain: None

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

## **VII. New Business – No Items for Consideration**

## **VIII. Site Development Plans-Public Space Plans-Record Plats – Two (2) Items for Consideration**

(a.) A request by **McBride and Son Homes**, via the submittal of a Preliminary Plat, for the Wildhorse Ridge Estates Subdivision, which seeks its approval. This proposed subdivision is located in the NU Non-Urban Residence District, on three (3) parcels of ground totaling approximately thirty-nine (39) acres in size, and situated on the west side of State Route 100, north and south of its intersection with Wild Horse Creek Road (Street Addresses: 2230, 2300, and 2339 Wild Horse Creek Road/Locator Numbers: 23X220060, 23X240062, and 23X240071). Proposed Use: Seven (7) single family dwellings on individual lots, common ground, and public space. **(Ward One)**

Senior Planner Arnett read the request into the record.

Director of Planning Vujnich provided an overview of the project, which included the following: the draft recommendation report supporting the approval of the Preliminary Plat of the Wildhorse Ridge Estates Subdivision; the intent of the plat to authorize the property's division into seven (7) lots; the fact that all lots exceed the three (3) acre minimum; the maximum of twelve (12) lots, which could have been requested by the petitioner, based upon the lot's existing acreage; the five (5) lots, which are served by a proposed

internal cul-de-sac from Wild Horse Creek Road, which would have to be constructed to the City's Rural Roadway Standards and meet sight distance requirements; the surrounding land use pattern; the Department of Public Works' review of the development and its decision to not request improvements to Wild Horse Creek Road; the retention of fourteen (14) acres of woodlands and the protection of nine (9) acres by the Natural Resource Protection Standards; the undergrounding of all utilities; the minimal amount of traffic generation; the Department's concerns with the amount of associated clearing and the amount of Natural Resource Protected Area, recommending both be modified to reflect more protected area and less clearing, along with concerns with the width of Lot 3; the retention of the existing pond on the property; the three (3) important items identified by the Department in their review, including the adherence to the Master Plan, the compatibility of the proposed use with the surrounding development pattern, and the consistency with the Subdivision and Development Regulations. Finally, he noted that the City's Master Plan identified these properties in the Non-Urban Residential Area (three (3) acre minimum, single-family detached lots) and the Department's review found the proposal to be in compliance with the five (5) elements of the Master Plan.

Tom Fischer, 18142 Country Trails Estates, noted he was the head trustee of the Country Trails Subdivision and questioned if drainage calculations, from the additional impervious surface from this subdivision, had been completed. He also requested a copy of the Improvement Plans, when they are available.

Discussion was held regarding the following: the Tree Preservation and Restoration Code and the Natural Resource Protection Standards, which were created to address stormwater issues and both work to manage stormwater in unique ways; the amount of preservation on this site, which will address stormwater runoff; and the fact that the development is only seven (7) lots on thirty-eight (38) acres.

Jeremy Roth, with McBride and Son Homes, noted the development meets the City's requirements and that they will also be submitting Improvement Plans, which will have more specific calculations on each site.

Mike Boerding, Sterling Engineering, noted that final runoff calculations will be done as part of the Improvement Plan process, but runoff from the street will be managed in roadside ditches, as part of the Rural Roadway Standards, and rainfall events will be managed at 15-year, 20 minute storm capacities. Additionally, he commented that stormwater detention is not warranted on five (5) acre lots and the subdivision is designed using a low-impact approach, as required by the City, through the Natural Resource Protection Plan and the Tree Preservation Plan to encourage water to reabsorb into the ground.

Ken Heitkamp, 5509 Rolling Meadows Court, representing Heitkamp Farms, noted he is the property owner bordering this subdivision to the north, and that he owns fifty (50) acres. He is not opposed to the development, given the property has been in disrepair, but he wants to ensure that the existing house, which has asbestos, and the old farm equipment, that has been abandoned on the property, will all be removed properly.

Joe Grass, 1304 Kiefer Bluffs Drive, commented that he believes the tree preservation area should be cleared and replanted, because it is not woodlands, but overgrown weeds.

Robert Heitkamp, 2208 Wild Horse Creek Road, noted he supports the previously made comments.

Jeremy Roth, McBride and Sons, spoke again, and noted they are excited about the development and have the opportunity to build their highest luxury line of homes in Wildwood. He explained the product line includes approximately seven (7) or eight (8) different floor plans, including ranch, 1 ½-story, and 2-story

designs. The future homes will range in size from 2,500 to over 5,000 square feet and will be semi-custom builds. The home prices will range from \$600,000 to over \$1,000,000. Additionally, he explained an environmental report has been done on property and they will demolish the home, in compliance with laws on asbestos removal, and are aware of other waste on the property and it will all be removed, and not buried. Finally, he commented on the newer vegetation growth on the property, noting the home buyers who move into these units will improve the property to their own liking and increase their already high property values.

Discussion was then held among the Commissioners regarding the following: the areas of clearing; the removal of the pond; the number of structures on the property; the existence of the property outside of the Metropolitan St. Louis Sewer District (MSD) jurisdiction; and the City's enforcement of MSD's requirements, even outside of their boundary.

Steve Kummer, 2121 Wild Horse Creek Road, questioned what improvements could be installed on the two (2) acre piece along State Route 100, south of Wild Horse Creek Road, and asked if it could be commercial.

Director of Planning Vujnich noted the two (2) acre property along State Route 100 will be common ground, that is collectively owned by the seven (7) homeowners, and public space in perpetuity. He also noted this property is outside of the Town Center Area, and, therefore, could not be used for commercial activities.

A motion was made by Mayor Woerther, seconded by Commissioner Lee, to approve the Preliminary Plat for the Wild Horse Ridge Estates Subdivision.

Chair Bopp called the question.

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

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

Nays: None

Absent: Commissioner Gagnani

Abstain: None

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

(b.) A recommendation report on the Landscape Plan for the redevelopment of the Cambury Subdivision (**P.Z. 3-15 Cambury Subdivision, McBride and Son Companies, L.L.C.**), now with single family detached units on forty-two (42) lots; R-6A 4,000 square foot Residence District, with a Planned Residential Development Overlay District (PRD); east side of State Route 109, south of State Route 100; which supports the submitted design, as reflected on the attached plan sheets. (**Ward Eight**)

Director of Planning Vujnich read the request into the record.

Senior Planner Arnett provided an overview of the project, noting the approval of the Landscape Plan was the final element of the Site Development Plan package for this project. She stated the Department was recommending approval of the Landscape Plan, given its compliance with the approved site-specific ordinance and applicable City Codes.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to approve the Landscape Plan for the Cambury Subdivision.

Discussion was held regarding the following: the amount of landscaping proposed within the common ground areas; the desire to relocate the landscaping shown at the terminus of Kilaré Lane; the access points to the common ground; the desire to remove white pines from the planting list; and the type of plantings proposed in different areas of the development.

Chair Bopp called the question.

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

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

Nays: None

Absent: Commissioner Gragnani

Abstain: None

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

**IX. Other – One (1) Item for Consideration –READY FOR ACTION**

(a.) Nominating Committee’s Recommendation for Officers of the Commission for Year 2015/2016 (**Wards – All**)

Commissioner Archeski noted the Nominating Committee met earlier this evening and recommended the following officers for the Commission for the year 2015 - 2016:

Chair – Bopp

Vice-Chair – Archeski

Secretary – Peasley

A motion was made by Commissioner Archeski, seconded by Council Member Manton, to approve the nominations, as proposed by the Nominating Committee.

Chair Bopp called the question.

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

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

Nays: None

Absent: Commissioner Gragnani

Abstain: None

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

James Schmidt, 2470 Eatherton Road, noted he was disappointed by the Commissioner’s treatment of the Lafayette High School Principal, who wanted to work with the Commission on the sign issue, especially when the City uses electronic message boards.

**X. Closing Remarks and Adjournment**

A motion was made by Commissioner Archeski, seconded by Commissioner Peasley, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 9:30 p.m.

Approved by: The Planning and Zoning Commission at the August 17, 2015 meeting.

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.