

# CITY OF FRONTENAC



**MINUTES OF THE CITY OF FRONTENAC**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**TUESDAY, NOVEMBER 29, 2016, 7:00 PM**

A. **CALL TO ORDER:** The regular meeting of the Planning and Zoning Commission was called to order at 7:00 p.m. by Chairman Chris Kehr.

B. **ROLL CALL:** The members present were:

Chairman Chris Kehr  
Elizabeth Hartwig  
Harry Reineke

Doug Bock  
Alan Kahn  
Alderman Bud Guest

Also in attendance, Alderperson Bray, Alderperson Martin, and Alderperson O'Brien.

Also in attendance were John Morgan, Building Commissioner; City Attorney, Lee Curtis; City Administrator, Bob Shelton; and City Clerk, Leesa Ross.

C. **APPROVAL OF AGENDA:**

Chairman Kehr asked for a motion to approve tonight's agenda.

Motion to approve the agenda as amended was made by Alderman Guest, and seconded by Mr. Bock, the motion passed unanimously.

D. **APPROVAL OF MINUTES:**

Chairman Kehr asked for a motion to approve the minutes of the October 25, 2016 meeting.

Alderman Guest stated there was some repetition in the minutes. Ms. Ross stated that had already been corrected.

Motion to approve the minutes of the October 25, 2016, Planning & Zoning Commission meeting, was made by Mr. Reineke, and seconded by Mr. Kahn, motion passed unanimously.

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

No one made comments at this time.

F. **CHAIRMAN'S COMMENTS:**

Chairman Kehr made no comments at this time.

G. **COMMENTS BY COMMISSION MEMBERS:**

No members made comments at this time.

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

Mr. Morgan made no comments at this time.

I. **NEW BUSINESS:**

1. **Item PZ102516-1**: Request for approval to rezone the properties located at 830 and 900 Princess Avenue, 806 and 815 President Avenue and, 811 and 815 Dwyer Avenue from C, Commercial to PDR, Planned Development - Residential. Review of preliminary development plan.

Chairman Kehr stated he would like to take comments from the audience at this time.

Dr. Karen Gheesling Mullis of Chapel Oaks stated she was very much opposed to this project, as it will create flooding in Deer Creek. She requested a certificate regarding the flooding and information on a rain garden. She said she is opposed to the removal of trees and is against the easement needed at Princess, and said the density of the new development would double traffic. She stated the new homes will be high and the retaining wall will be visible. Ms. Gheesling Mullins stated she is very displeased with the plan.

Mr. Robert Samuels of Capitol Place passed out some literature to the commission members. He stated they have a 120 year neighborhood and people who value walk ability and the children playing in the streets. He said the project will be a disaster in our neighborhood. He said they will build duplexes and their roads will be used for construction and as a thoroughfare. He also mentioned Russell Bliss and dioxin contamination. He said this will be another Times Beach. He stated the proposed two year construction period could drag on. He asked who benefits from this besides Pulte. He said don't let Pulte destroy a 120 year old neighborhood.

Mr. Mark Brennan of Capitol Place stated he has lived in the area since 1980. He said it is a great community and neighborhood. He said the city officials helped develop a CID for them to rebuild their streets, which the residents pay. He said they also pay for snow removal and repairs to the streets, and stated the streets are like sidewalks. He expressed what the two year construction period will bring to the neighborhood. He also mentioned city ordinance number 727, which enforces weight limits on streets in neighborhoods.

Mr. Michael Law of Gold Dust Avenue stated his concern is the CID and the streets. He said they were told Pulte will take care of them and there will be no damage to the streets. He said he would like to hear how they will do that. He stated he would like the city to make it a condition for the developers to join the CID, and tie the new lots into the CID. He stated this problem should be resolved first, and again said they should join the CID.

Mr. Joel Perlmutter of Capitol Place stated he has lived here for 25 years and that he is a runner in the morning. He said he is concerned for his neighborhood and the risk of injury while running and stated the roads will be extremely dangerous. He said it would be a disaster to change the tender of the neighborhood and urged the commission members to vote no. He said he is concerned of property damage and for their neighborhood.

Mr. Madhavi Chali of Capitol Place stated Princess is not 24 feet wide, the size of a normal street. He said he does not feel the length of the road may be up to neighborhood standards. He also questioned the traffic study and stated they omitted the area of Conway and Dwyer. He said he also does not feel that these units are targeting seniors but families with children who would like to be in the Ladue School District. He said he feels Pulte omitted key information and is only here to make a profit.

Ms. Melanie Scheetz of Capitol Place stated she would like to challenge the traffic study. She asked the commission to table this issue to further investigate the traffic, both vehicular and pedestrian. She asked that it is investigated more in depth.

Ms. Melanie Behbahani of Capitol Place discussed the former dioxin site and the letter from the EPA, which she said states dioxin is still on the site. She said the dioxin will have to be disposed. She said the site was remediated but she is concerned with that. She stated she is concerned that the streets were redone before this issue was brought up. She said future zoning is proposed residential use. She also said with Super Fund sites; usually the community is involved when redevelopment is brought up. She urged the commission members to do their research.

Mr. Michael Boltzman of Gold Dust Avenue stated his concerns were for the streets in the neighborhood and for traffic. He said people will begin to use Dwyer and Capitol, not just Princess for access. He said German Boulevard makes more sense. He said it is marketed by Pulte for age appropriate people and empty nesters at a price of \$400,000. He said at that price point it will bring families in with more kids and more traffic. He said the project will disrupt the eco-system of Frontenac.

Chairman Kehr asked Mr. Morgan if the city has any updates since the last meeting. Mr. Morgan stated the City's Storm Water Engineer is looking at the access to German Boulevard. Mr. Morgan stated Mr. Madalon has worked with the city since 2006 and is very familiar with the city's waterways. Mr. Morgan stated FEMA will not give input until a plan is submitted. Alderman Guest asked when the consultant's plan will be completed. Mr. Morgan speculated it would be ready within the month. Chairman Kehr asked what the consultant was asked to review. Mr. Morgan stated he will give a feasibility study and guidance. He said he will give guidance based on his knowledge of the area.

Mr. George Stock of Stock and Associates presented the entire presentation again. He went over the traffic study, the storm water hydraulics and analysis, and discussed the density which was taken into account to meet the comprehensive plan. Mr. Stock stated he has new information regarding the Super Fund and the dioxin. He said there is no contamination in the area, and stated all contamination was on the north side of the creek. He also stated the traffic is not high density and stated real counts were done by a professional traffic engineer. He said they are proposing to build a sidewalk on Princess, and they will join the CID. Mr. Stock showed the commission members the recorded deeds.

Mr. Stock stated they are requesting to have the C-Commercial area rezoned to PDR-Planned Development Residential which allows for 6 units per acre. They are proposing to build 22 villas on 4.4 acres of property. He said the villas are targeting residents who are 55 years or older and stated the price per unit will be between \$500,000 and \$550,000. He said there are two floor

plans with Master Bedrooms on the first floor. He said they are also targeting young professionals, and are looking at a mix. He said they estimate that 75% of the residents will be married with no children and that the median age will be 50. He said Pulte is currently building a similar development in Ladue.

Mr. Stock stated the bridge from German Boulevard is part of the problem of the creek flooding and stated the removal of the bridge will lower the water elevation by 6 inches. He said German Boulevard is 4 ½ feet below the 100 year flood plain, and stated they don't believe they will be able to come up with a no rise. Mr. Stock stated there will be storm water management on site with rain gardens; storm water basins and water runoff drains. He also presented the floor plans which will be offered. He said we are not hiding anything and want to be a good neighbor. He also stated Pulte is a good developer.

Mr. Stock stated there will be six months of infrastructure work which will be remedial work, site utilities and street paving. He said the estimate for the home construction will be two years. Ms. Hartwig asked how long the construction will take place after the infrastructure. Mr. Stock stated two years. He said they will build two to three spec homes, and then build the remaining homes, as they are sold. He said each unit will have a two car garage and two parking spaces, so there would be four off street spaces per villa. He said there are also six additional off street parking spaces in the development.

Mr. Bock asked if Princess can be widened. Mr. Stock stated there is only room on the west side to get a sidewalk in. He said there is no room to widen the pavement and get the sidewalk in. Mr. Bock asked about the floodplain and the bridge. Mr. Stock stated FEMA would not approve tying into German Boulevard, because they will create a rise, it's like creating an adverse impact. Someone asked is the bridge not feasible or not economically feasible. Mr. Stock said they cannot build a bridge without creating a rise. Chairman Kehr stated a bridge would have to span a large area. Mr. Stock said the flood plan extends all the way up to Cable Avenue. He said the no rise is the criteria.

Ms. Boltzmann of Gold Dust said Princess would not be wide enough for two cars and said the pavement is narrower than the right of way. Mr. Stock stated it looks like the easements go up to the property line on the east and it looks like the residential properties built on the easements. He said on the west side the area does drop off, and he said it will be graded and adjustments will be made for the sidewalk.

Chairman Kehr stated all construction parking should be off site. Mr. Morgan stated this will be made to be a part of the ordinance. Mr. Stock stated they will have onsite parking for construction and a large wash down area will be added also.

Ms. Barberari stated with the units being made to order, the construction could go on longer than two years. Mr. Perlmutter of Capitol Place said this is a high density area and will be doubling the number of people through Princess. He said it will substantially increase the traffic flow, and said that is not feasible, and that it will impact their quality of life. He said maybe this is not a good project.

Mr. Bauer of Princess stated when they did some preliminary work in the area, a construction truck was parked on Princess and it was hard to get around. He said despite the difficulty going onto German Boulevard, he said eventually they will figure out a way to do it, and he said he fears people cutting through Princess to get to Conway Road. Mr. Morgan stated the easements will be vacated, and that idea will not happen.

Alderman Guest had the following comments he wanted addresses:

- The density is urban. He said it is a five acre site, and he calculated with the flood plain that the development site is approximately 3 ½ acres. He said in the R-2 zoning of 7,500 square foot lots, he said the maximum would be 17 units. He said if they use the R-3 stipulations of 3.5 per acre, there would be 13 units. He said the proposal of 4.4 lots per acre using 3.5 acres would be 15 units. He said he is not supportive of anything over 14-15 units.
- He said he does not agree with the traffic study numbers. He said two residents per unit, will have the minimum of 44 residents. He said in the a.m. peak hours with 44 residents, the study says they will generate 11 trips, which is ¼ of the residents.
- He said he objects to three unit buildings and would be acceptable of two units per building.
- He said with parking spaces for visitors at 7 – 9 spaces, what happens if someone has a Super Bowl Party or a large Thanksgiving gathering. He said the cars would wind up on Gold Dust
- He said he is concerned with the construction parking and wants restrictions that no construction parking will be on the streets of West End Park.
- He said on the preliminary review from the ARB Board, they do not want vinyl siding on units.

Alderman Guest stated unless all the above issues are faced or remedied he will not be in support of this development.

Mr. Stock stated he sticks behind the results of the traffic study. Alderman Guest stated the City can request another traffic study and have it paid by the developer. Mr. Morgan stated yes, the city can request another study and it would be at the cost of the developer. Mr. Stock again stated he stands behind the results of this study and does not feel there is a need for a second study.

Chairman Kehr asked the commission if there were any additional questions or issues they had with the proposal and development. Mr. Reineke stated he would like to see Alderman Guest's questions answered. Mr. Kahn asked if the property was commercial would they have to approve it. Mr. Morgan stated no, as the property is currently zoned Commercial, it would not be in front of the commission unless a variance is needed. He said the request is to change the zoning from C-Commercial to PDR, Planned Development Residential. Alderman Guest stated we are looking at changing the zoning and approving the proposed development project.

Chairman Kehr stated we cannot separate the zoning from the plan. Mr. Bock asked what the comp plan proposed for the area. Mr. Morgan stated for this area, community commercial, with row homes in the back and commercial in the other areas. Mr. Stock stated the comp plan stated, planned residential with upscale villa homes, at 6 units per acre, which total 21 units. He said they followed the comp plan.

Alderman Guest suggested Mr. Morgan give a quick overview of the dioxin remediation report. Mr. Stock stated in 1983 dioxin was found in the area. In 1984-85 a feasibility study was completed. He said in 1995, engineering qualified under the term Super Fund. In 1996, they hauled out 17 tandem loads to Times Beach, which was incinerated. He said the site meets requirements for residential use. He also said the site was on the north side of the creek. Alderman Guest said this was based on future potential use. Mr. Stock stated yes, this is the most stringent and that it was for potential residential and taken to the maximum abatement level. Someone asked did the study go south of the creek. Mr. Stock stated it did include parts south of the creek, but no dioxin was found. This is all referring to the Bliss tank.

Chairman Kehr asked if there was anything further question or changes to be considered. Ms. Hartwig stated she would like to see changes to the landscaping on the west side. Mr. Kahn stated he would like some finality regarding having the entrance off German Boulevard.

**MOTION:** A motion was made by Mr. Bock, and seconded by Mr. Kahn to continue Item PZ102516-1 request for approval to rezone the properties located at 830 and 900 Princess Avenue, 806 and 815 President Avenue and, 811 and 815 Dwyer Avenue from C, Commercial to PDR, Planned Development - Residential for further discussion to the next meeting. All Commission members voted "Aye". The motion passed by a vote of 6-0.

## I. **OLD BUSINESS:**

1. **Item PZ041116-05:** Request from the Board of Aldermen to review the fence regulations of the City and consider revising the regulation pertaining to fences. The planning and zoning commission made a recommendation to the Board of Aldermen at the August 23, 2016 meeting. The Board of Aldermen referred this back to the commission for further consideration.

Chairman Kehr stated this was sent back by the Board of Aldermen to consider front yard fences. He said the only reason to consider them is as an architectural feature. He said he is okay approving them if they have to have formal approval by the ARB. There was discussion in condition #3 to allow a minimum of open area of 60% (remove 40% and 50%) and in condition #6 referencing materials to remove stucco and masonry.

Chairman Kehr asked for a motion for approval.

**MOTION:** A motion was made by Alderman Guest, and seconded by Ms. Hartwig to recommend approval of the seven conditions with the exception to only allow a minimum open area of 60% and to remove masonry and stucco from the materials allowed. All Commission members voted "Aye". The motion passed by a vote of 6-0.

2. **Item PZ102516-2**: Review the provisions of section 405.150 pertaining to subdivision and residence entry gates and make recommendations to the Board of Aldermen. This item was referred to the Commission by the Board of Aldermen.

Chairman Kehr stated the recommendation presented to the commission was well written and he was in favor of the nine conditions outlined for entry gates. He asked were there any questions of the commission members. Mr. Shelton stated it is written that any condition in language could be waived.

Chairman Kehr asked for a motion for approval.

**MOTION**: A motion was made by Alderman Guest, and seconded by Mr. Reineke to recommend approval of the language for entry gates and the nine conditions outlined in the staff's memo. All Commission members voted "Aye". The motion passed by a vote of 6-0.

There was discussion of a date for the next meeting. The commission decided on the following date.

K. **ANNOUNCEMENT OF NEXT MEETING**: Tuesday, January 10, 2017 at 7:00 pm.

L. **ADJOURNMENT**:

**MOTION**: A motion was made by Mr. Bock, and seconded by Mr. Reineke, to adjourn the meeting. All Commission members voted "Aye". The motion passed unanimously, 6-0.

The meeting adjourned at 9:08 pm.