

**MINUTES
PLANNING AND ZONING COMMISSION
CITY OF TOWN AND COUNTRY
AUGUST 17, 2016**

OPEN STAFF REVIEW

Commission members and City staff held an open staff review meeting at 6:30 P.M.

Present at the meeting were Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller. Mayor Dalton, Commissioners Kreikemeier and Omell were absent.

Craig Wilde, Planning and Public Works Director, and Melanie Rippetoe, City Planner, were present.

City Attorney Steve Garrett was present to represent the City.

The Commission discussed the agenda items. No votes were taken.

REGULAR MEETING

The regular meeting of the Planning & Zoning Commission of the City of Town and Country was held at 7:00 P.M. on Wednesday, August 17, 2016, at the Municipal Center, 1011 Municipal Center Drive.

PLEDGE OF ALLEGIANCE

Linda Rallo, Ward 4 Alderman, led the Pledge of Allegiance.

ROLL CALL

The following members were present for the 7:07 P.M. roll call: Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller. Mayor Dalton, Commissioners Kreikemeier and Omell were absent.

Craig Wilde, Planning and Public Works Director, and Melanie Rippetoe, City Planner, were present.

City Attorney Steve Garrett was present to represent the City.

MINUTES – 6/15/16

Alderman Meyland-Smith moved to approve the minutes, seconded by Mr. Cima.

Chairman Sulewski called for corrections or amendments.

Alderman Meyland-Smith moved to amend the minutes, as follows:

(New language **bolded** and **underlined**) (Deleted language shows as ~~strikethrough~~)

Page 3 Paragraph 1:

Alderman Meyland-Smith commended the proposal for lessening impact on residents, the abundance of floor **open** area and greenspace, and architectural changes.

Mr. Bolazina seconded the motion.

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Hearing no further amendments, the minutes of 6/15/16, as amended, were unanimously approved by voice vote.

SUSPEND AGENDA RULES

Alderman Meyland-Smith moved to suspend the agenda rules in order to hear agenda item #1 after item #8.

Mr. McKnight seconded the motion and was approved unanimously by voice vote.

NEW BUSINESS

2. 13446 Conway Road – Maryville University (Former Ball Property) Amended Final Site Development Plan – A request for approval of an Amended Final Site Development Plan for a site of 16.004 acres located at 13446 Conway Road, in the Major Educational Campus (MEC) Zoning District. The applicant is George M. Stock, Stock and Associates, on behalf of Maryville University, owner. **PUBLIC HEARING** (May be canceled if Amendment is found to be “not significant”.)

3. 13446 Conway Road – Conditional Use Permit – A request for a Conditional Use Permit (CUP) for fixed seating at three proposed fields on a site of 16.004 acres located at 13446 Conway Road, in the Major Educational Campus (MEC) Zoning District by George M. Stock, Stock and Associates, on behalf of Maryville University, owner.

Mr. Cima moved that the proposed amendment be considered “significant”, seconded by Alderman Meyland-Smith.

The roll call vote on the motion was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion carried unanimously.

A court reporter from Midwest Litigation Services was present to record the public hearing.

Chairman Sulewski opened the public hearing.

Melanie Rippetoe, City Planner, entered the following exhibits into the record:

1. Municipal Code
2. Comprehensive Plan
3. Development Office file, as amended from time to time, including staff report to the Planning and Zoning Commission, dated August 9, 2016, titled Agenda Item 2 – 13446 Conway Road – Amended Final Site Development Plan
4. Maryville University – Former Ball Property Amended Final Site Development Plan, submitted on June 15, 2015, last revised on April 15, 2016
5. Mailing List, Notice of Public Hearing

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6. Notice of Public Hearing posted on the property and published in the St. Louis Countian

George Stock, Stock and Associates, was present on behalf of the request.

Mr. Stock described the proposal as an amendment to a previously approved Site Development Plan. He explained that the current proposal includes 106 parking spaces, a baseball field, soccer field and tennis courts. He also added the proposal includes 270 spectator seating for the three athletic fields.

Mr. McKnight inquired about the parking reduction. In response, Mr. Stock stated the reduction is due to a previously approved use being moved off the site. He added there is a back road and trail being constructed between the proposed site and campus to allow for parking on campus.

Alderman Meyland-Smith confirmed there are two entrances to the athletic fields from Conway Road, however one will be locked with the exception of sporting event days.

Chairman Sulewski called for public comment.

Hearing none, Chairman Sulewski closed the public hearing.

1. Mr. Cima moved to recommend approved of the Amended Final Site Development Plan for Maryville Ball Property, with conditions A-G as set forth in the staff report. Alderman Meyland-Smith seconded the motion.

The roll call vote was as follows: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Amended Final Site Development Plan carried unanimously.

2. Mr. Cima moved to recommend approval of the Conditional Use Permit for Maryville Ball Property, with conditions 1-6 as set forth in the staff report. Alderman Meyland-Smith seconded the motion.

Mr. Bolazina moved to add another condition as follows:

7. One of the two entrance gates to the parking lot is to be locked when not in use of sporting events.

After further discussion, Mr. Bolazina withdrew his motion.

The roll call vote to recommend approval for the Conditional Use Permit was as follows: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Conditional Use Permit carried unanimously.

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4. Lochenheath Subdivision Preliminary Plat – A request for approval of a Preliminary Plat for a subdivision of a 15.236 acre lot located at 1949 Barrett Station Road, in the Suburban Estate (SE) Zoning District, into six residential lots and associated common ground. The applicant is NBS Development LLC, owner.
PUBLIC HEARING

A court reporter from Midwest Litigation Services was present to record the public hearing.

Chairman Sulewski opened the public hearing.

Melanie Rippetoe, City Planner, entered the following exhibits into the record:

1. Municipal Code
2. Comprehensive Plan
3. Development Office file, as amended from time to time, including staff report to the Planning and Zoning Commission, dated August 9, 2016, titled Agenda Item 4 – Lochenheath Subdivision Preliminary Plat
4. Lochenheath Subdivision Preliminary Plat, submitted on May 19, 2016, last revised on July 20, 2016
5. Mailing List, Notice of Public Hearing
6. Notice of Public Hearing posted on the property and published in the St. Louis Countian

David Volz, Volz Engineering, and Bud Miceli, Miceli Homes, were present on behalf of the request.

Mr. Volz described the project as a six lot subdivision on 15.2 acres with 7.5 acres of common ground. He described a power line easement sits in the middle of the property and a flood plain in the rear of the property. He added they have met with surrounding neighborhoods to try and fix any concerns with the placement of the entrance and storm water mitigation. He further explained the proposal includes storm sewers and a swale that directs water into a drainage basin.

Extensive discussion was held regarding the proposed storm water mitigation and the mechanisms to be used.

In response to Alderman Meyland-Smith's suggestion , Mr. Volz agreed to extending the storm sewer further east to catch more surface water.

In response to Mr. Bolazina, Mr. Volz stated they did not extend the swale further east to maintain the natural landscaping. He added the proposal will reduce the present water runoff.

Chairman Sulewski called for public comment.

Alan Birtwistle, 13253 Romany Way Court, inquired about who would maintain the swale and basin when the development is completed.

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Mr. Wilde explained the pipe system would be maintained by the Metropolitan Sewer District, the basin would be maintained by the Homeowner's Association and the swale would be maintained by the individual property owners.

Jim Bosanquet, 1945 Muir Woods Lane, asked that the entrance be pushed as far south as possible due to safety concerns.

Hearing no further comments, Chairman Sulewski closed the public hearing.

Mr. McKnight moved to approve the Lochenheath Preliminary Plat, seconded by Ms. Mueller.

The roll call vote on the motion was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to approve the Preliminary Plat carried unanimously.

5. Summerhill Resubdivision Record Plat – A request for approval of a Record Plat for a resubdivision of a 2 acre lot located at 18 Summerhill Lane, in the Suburban Estate (SE) Zoning District, into two lots. The applicant is AJC Capital Partners, owner.

6. Summerhill Resubdivision Improvement Plans – A request for approval of Improvement Plans for a resubdivision of a 2 acre lot located at 18 Summerhill Lane, in the Suburban Estate (SE) Zoning District, into two lots. The applicant is AJC Capital Partners, owner.

Tony Chao, AJC Capital Partners, was present on behalf of the request.

Mr. Chao stated he is seeking final approval of a two lot resubdivision and associated improvement plans for Summerhill Lane.

In response to Alderman Meyland-Smith, Mr. Chao explained the subdivision has given approval conditional on the architecture of the homes and storm water mitigation.

Chairman Sulewski called for public comment.

5. Alderman Meyland-Smith moved to recommend approval of the Summerhill Record Plat, seconded by Ms. Mueller.

The roll call vote was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Record Plat carried unanimously.

6. Mr. McKnight moved to recommend approval of the Summerhill Improvement Plans, seconded by Mr. Cima.

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The roll call vote was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Improvement Plans carried unanimously.

7. Pinetree Resubdivision Record Plat – A request for approval of a Record Plat for a resubdivision of a 2.13 acre lot located at 13321 Pine Creek Drive, the in Suburban Low (SL) Zoning District into three lots. The applicant is Chris Deguentz, on behalf of Fischer & Frichtel Homes LLC, owner.

8. Pinetree Resubdivision Improvement Plans – A request for approval of Improvement Plans for a resubdivision of a 2.13 acre lot located at 13321 Pine Creek Drive, in the Suburban Low (SL) Zoning District into three lots. The applicant is Chris Deguentz, on behalf of Fischer & Frichtel Homes LLC, owner.

Chris Deguentz, Fischer & Frichtel Homes, was present on behalf of the request.

Mr. Deguentz stated he is seeking final approval of a three lot resubdivision and associated improvement plans for Pinetree Subdivision.

Chairman Sulewski called for public comment.

7. Mr. McKnight moved to recommend approval of the Pinetree Record Plat, seconded by Mr. Cima.

The roll call vote was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Record Plat carried unanimously.

8. Mr. McKnight moved to recommend approval of the Pinetree Improvement Plans, seconded by Mr. Cima.

The roll call vote was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Improvement Plans carried unanimously.

OLD BUSINESS

1. Amendment of the Zoning Code – Review of Neighborhood Preservation Initiatives (continued from 6/15/16)

Mr. McKnight briefly reviewed the five proposed zoning recommendations.

1A. Alderman Meyland-Smith moved to recommend approval of the Setback Adjustment, seconded by Mr. Cima.

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Mr. Bolazina moved to amend Section 405.420(B)(4)(b) and 405.430(B)(4)(b) as follows:

- b. Equal to the height of the **tallest** adjacent exterior building face measured from the elevation of the natural adjacent grade to the elevation of the top of the inhabitable space, excepting for any portion of the exterior wall that encloses uninhabitable attic space.

Mr. McKnight seconded the motion to amend, and a voice vote carried unanimously.

Mr. McKnight moved to amend Section 405.430(B)(5) as follows:

5. Minimum rear yard setback shall be the ~~greater (more restrictive) of the two following calculations:~~ a. Thirty (30) feet.

Mr. Cima seconded the motion to amend, and a voice vote carried unanimously.

Mr. Bolazina moved to amend Section 405.365(B)(2) as follows:

- a. ~~The water surface and adjacent pool deck are allowed within the rear setback.~~
The pool structure shall comply with all setbacks from the property line.
- b. ~~No part of the pool structure including the water surface or the adjacent pool deck shall be within twenty (20) feet of any lot line.~~ **The pool deck shall be no closer than twenty (20) feet of any lot line.**

Alderman Meyland-Smith seconded the motion to amend, and a voice vote carried unanimously.

Chairman Sulewski called for public comment.

Dave Hough, 13021 Thornhill Drive, commented the proposed zoning amendments don't take into account homes with large courtyard interiors and distributed an example rendering to the Planning and Zoning Commission.

Lowell Seaton, 13134 Thornhill Drive, stated in his opinion the proposed amendments are too restrictive to the modern homebuyer.

Extensive discussion was held on the existing regulations compared to the five proposed amendments.

The roll call vote to recommend approval of the Setback Adjustment was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion recommend approval of the Setback Adjustment carried unanimously.

- 1B. Mr. McKnight moved to recommend approval of the Side Wall Construction Offsets, seconded by Mr. Bolazina.

Chairman Sulewski called for public comment.

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Mr. Seaton stated this is a problem for any home built with a taller elevation than the surrounding neighbors. In response, Mr. Bolazina explained the proposed amendments will address this issue.

The roll call vote to recommend approval of the Side Wall Construction Offsets was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Side Wall Construction Offsets carried unanimously.

1C. Mr. Bolazina moved to recommend approval of the Floor Area Calculation, seconded by Ms. Mueller.

Chairman Sulewski called for public comment.

The roll call vote was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Floor Area Calculation carried unanimously.

1D. Ms. Mueller moved to recommend approval of the Sport Court Conditional Use, seconded by Mr. McKnight.

Mr. Bolazina moved to amend Section 405.370(A)(13) as follows:

- a. No portion of the court or amenities affiliated with its use may be in the setback, and
- b. ~~Shall have a maximum of twelve (12) feet in height.~~ **No component of the outdoor game court shall exceed the height of twelve (12) feet, excepting for basketball backboards will be no higher than fourteen (14) feet.**

Mr. McKnight seconded the motion and carried unanimously by voice vote.

Chairman Sulewski called for public comment.

The roll call vote on the motion to recommend approval of the Sport Court Conditional Use was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Sport Court Conditional Use carried unanimously.

1E. Ms. Mueller moved to recommend approval of the Green Space Composition, seconded by Alderman Meyland-Smith.

Chairman Sulewski called for public comment.

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Mr. Seaton stated permeable pavers should be encouraged and not excluded. In response, Alderman Meyland-Smith explained this amendment does not prohibit pavers but it restricts their use as greenspace.

The roll call vote on the motion was: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

The motion to recommend approval of the Green Space Composition carried unanimously.

The Commission then made findings regarding the proposed zoning amendments.

Mr. Cima moved to recommend to the Board of Aldermen that:

1. There is a public need for the proposed use.
2. The proposed amendment and proposed use are in compliance with and/or deviate from the Comprehensive Plan.
3. The property in question is suitable for the uses permitted under the proposed zoning.
4. There are adequate public facilities, such as sewer and water, and other required public services.
5. The public health, safety, and general welfare will not be damaged.
6. The land values of adjoining properties will not be damaged.
7. The adoption of a proposed amendment is in the public interest and is not solely for the interest of the applicant.

Alderman Meyland-Smith seconded the motion.

The roll call vote was as follows: AYE, Chairman Sulewski, Alderman Meyland-Smith, Commissioners Bolazina, Cima, McKnight and Mueller; NAY, none; ABSTAIN, none; ABSENT, Mayor Dalton, Commissioners Kreikemeier and Omell.

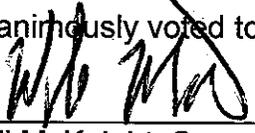
The motion carried unanimously.

OTHER BUSINESS

REPORT FROM BOARD OF ALDERMEN ON ACTION BY THE BOARD

ADJOURN

On motion of Mr. Bolazina, seconded by Alderman Meyland-Smith, the Commission unanimously voted to adjourn the meeting at 9:24 P.M.



Will McKnight, Secretary