

**MINUTES  
PLANNING AND ZONING COMMISSION  
CITY OF TOWN AND COUNTRY  
MAY 17, 2023**

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

Present at the meeting were Vice Chair Bolazina, Mayor Rehm, Commissioners Meyland-Smith, Mueller, Munsell, Omell and White. Chairman Cima, Alderman Parrotte, and Commissioner McKnight were absent.

Ryan Spencer, Planner, Michael Zeltmann, Public Works Director, and City Attorney Steve Garrett were also present.

**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, May 17, 2023, at the Municipal Center, 1011 Municipal Center Drive.

**PLEDGE OF ALLEGIANCE**

Commissioner Meyland-Smith led the Pledge of Allegiance.

**ROLL CALL**

The 7:02 P.M. roll call indicated Vice Chair Bolazina, Mayor Rehm, Commissioners Meyland-Smith, Mueller, Munsell, Omell and White were present. Chairman Cima, Alderman Parrotte, and Commissioner McKnight were absent.

Ryan Spencer, Planner, Michael Zeltmann, Public Works Director, and City Attorney Steve Garrett were also present.

**MINUTES – 04/19/23**

Dr. Omell moved to approve the minutes, seconded by Mayor Rehm.

Vice Chair Bolazina called for any corrections or amendments.

Hearing no corrections the minutes of 04/19/23 were unanimously approved by voice vote.

**OLD BUSINESS**

- 1. Zoning Code Amendment** – Amendment of regulations pertaining to replacement requirements for removal of grand trees; Section 405.335 Natural Resource Protection Standards (Continued from the April 19, 2023 meeting – Requesting Continuance to June 21, 2023 meeting)

Ms. Munsell moved to continue the agenda item to the Wednesday, June 21, 2023 meeting. Mayor Rehm seconded the motion and carried unanimously.

**NEW BUSINESS**

- 2. Preliminary Plat** – An application has been submitted by Janel Barlow, Topping Lane, LLC, representing Andrews Marybill Revocable Trust, owner, for approval of a Preliminary Plat of approximately 7.11 acres that will adjust the boundaries of 3 existing lots and create 1 additional lot located at 12800-12801-12814 Dubon Lane, in the Suburban Estate (SE) Zoning District – **PUBLIC HEARING**

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Vice Chair Bolazina opened the public hearing.

City Planner, Ryan Spencer, entered the following exhibits into the record:

1. Municipal Code
2. Comprehensive Code
3. Development Office file, as amended from time to time, including staff report titled - Preliminary Plat – Dubon Lane – 12800/12801 Dubon Lane
4. Preliminary Plat, titled “Dubon Lane” dated 5.8.23, prepared by the Sterling Company
5. Mailing List, Notice of Public Hearing
6. Notice of Public Hearing posted on the property and published in the St. Louis Countian

Mike Faulkner, Sterling Engineering, and Rusty Saunders, Loomis Associates, were present on behalf of the request.

Utilizing a PowerPoint presentation, Mr. Faulkner described the project as a subdividing of lot 8 to create lot 10, and adjust lots 7 and 9. He stated that in order to subdivide and provide access to the newly formed and/or adjusted lots an extension of the roadway with a new cul-de-sac is proposed as well. He explained the new lot 10 would include an existing home and the proposal would include providing a new sanitary sewer line to the house as it is currently on septic. He added that they have a conceptual review in with the Metropolitan Sewer District however they are not proposing any additional stormwater basins but the new houses will have their own individual detention systems. He further stated that City staff has added a condition that the existing cul-de-sac is to be removed but they would like it to remain as he believes the original subdivision approval was written in the event the street was extended further east into what is now the Horton Place Subdivision.

Mr. Meyland-Smith confirmed that the proposal does not include the addition of a detention basin but the additional water will be collected at Dubon and piped to the basin at the southern portion of lot 8. He stated he is concerned for the people that purchase lot 8 and those that live south of the basin.

Discussion regarding concerns over stormwater and the existing cul-de-sac was held.

In response to Mr. White, Mr. Faulkner stated the removal of trees will not take place until the approval of the Improvement Plans and the issuance of a Site Improvement Permit.

Vice Chair Bolazina called for public comment.

Patrick Wittenbrink, 120 S Central Ave Ste 1800, St. Louis, stated he is an attorney from Carmody MacDonald representing five property owners on Dubon Lane. He explained they would like to request a 30 day continuance of the proposal due to concerns about the easement vacation on lot 8 and if the owners of lot 8 and 9 have the legal authority to extend the street. He stated that they are not opposed to the project but would like to work through these issues with the applicant and the City.

Discussion ensued regarding the removal of the existing cul-de-sac.

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Ms. Munsell moved to continue agenda item 2 to the meeting of June 21, 2023, seconded by Mayor Rehm.

The motion carried unanimously via voice vote.

Mayor Rehm excused himself from the dais and did not return, a quorum was still present.

- 3. Conditional Use Permit** – An application has been submitted by Marc Del Pietro, applicant, for approval of a Conditional Use Permit for Permanent Outside Dining (Cleaver and Cocktail), located at 13360 Clayton Road Suite 104, in the Planned Development (PD-2) Zoning District

No presenter was present on behalf of the request.

In response to Mr. Meyland-Smith, Mr. Spencer confirmed that the Conditional Use would legally authorize outside dining on the patio for Cleaver and Cocktail that is currently being utilized.

Mr. White inquired if any public comments or concerns received for this proposal. Mr. Spencer stated no comments have been received however the public hearing for a Conditional Use Permit is held at the Board of Aldermen meeting.

Mr. Meyland-Smith moved to recommend approval of the Conditional Use Permit with conditions A-G, as set forth in the staff report. Ms. Mueller seconded the motion.

The roll call vote was: AYE, Vice Chair Bolazina, Commissioners Meyland-Smith, Mueller, Munsell, Omell, and White; NAY, none; ABSTAIN, none; ABSENT, Chairman Cima, Mayor Rehm, Alderman Parrotte, and Commissioner McKnight.

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

- 4. Zoning Code Amendment** – Amendments related to Marijuana related uses – Section 405.080 Definitions, Section 405.227 Marijuana Related Uses, Section 405.560 Office/Campus Office – Conditional Uses, Section 405.630 Commercial - Conditional Uses, Section 405.865 Hospital - Conditional Uses, Section 405.951 Planned Office Park - Conditional Uses, and Section 405.1330 Planned Medical Office – Conditional Uses

Ryan Spencer, Planner, was present on behalf of the request.

Mr. Spencer described the proposal as an amendment to the existing medicinal marijuana regulations to include recreational sales after the Missouri voters approved Amendment 3 to the State Constitution.

Vice Chair Bolazina raised concerns over these uses located within office buildings that has other tenants. Mr. Spencer explained that since the City does not have industrial or agricultural zoning the testing facilities were regulated to zoning districts that are more closely located to highways and have a higher bufferyard standard. Mr. Garrett stated to avoid litigation the City has to have areas where these facilities could be located.

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Discussion was held regarding a minimum height for fence or wall enclosures. In response, Ms. Mueller stated that she would like to see that regulated on a case-by-case basis based on the location.

Mr. Meyland-Smith moved to recommend approval of the Zoning Code Amendment, seconded by Ms. Mueller.

The roll call vote on the motion was: AYE, Vice Chair Bolazina, Commissioners Meyland-Smith, Mueller, Munsell, Omell, and White; NAY, none; ABSTAIN, none; ABSENT, Chairman Cima, Mayor Rehm, Alderman Parrotte, and Commissioner McKnight.

The motion to recommend approval of the Zoning Code Amendment carried unanimously.

The Commission then made findings regarding the proposed zoning amendments.

Dr. Omell 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 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.

Mr. Meyland-Smith seconded the motion and carried unanimously by voice vote.

**5. Subdivision Code Amendment – Amendment related to Street Specifications – Section 410.200.A.2**

Michael Zeltmann, Public Works Director, was present on behalf of the request.

Mr. Zeltmann described the amendments as an update to residential street specifications in the Subdivision Code. He explained that during a review of the private street acceptance policy from a Public Works Commission subcommittee it was determined that the policy should reference back to Section 410.200 however those regulations were found to be outdated and needed to be updated to current standards. He stated that the draft street acceptance policy and these draft amendments were both reviewed and received a recommendation of approval by the Public Works Commission.

Discussion regarding the specifications including the pavement and base thickness and curbs was held.

Dr. Omell moved to recommend approval of the Subdivision Code Amendment, seconded by Ms. Munsell.

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The roll call vote was: AYE, Vice Chair Bolazina, Commissioners Meyland-Smith, Mueller, Munsell, Omell, and White; NAY, none; ABSTAIN, none; ABSENT, Chairman Cima, Mayor Rehm, Alderman Parrotte, and Commissioner McKnight.

The motion to recommend approval of the Subdivision Code Amendment carried unanimously.

**OTHER****REPORT FROM BOARD OF ALDERMEN ON ACTION BY THE BOARD****ADJOURN**

On motion of Dr. Omell, seconded by Ms. Munsell, the Commission unanimously voted to adjourn the meeting at 8:45 P.M.



Granville White, Secretary