

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF APRIL 25, 2022**

PAGE 1

The regular meeting of the Planning and Zoning Commission of the City of Bridgeton, Missouri, was called to order on April 25, 2022 at 7:00 p.m. in the Council Chambers at the Bridgeton Government Center, 12355 Natural Bridge Road, by Chair Claude Buchheit.

Members present: Kerstin Adelt, Jim Gaston, Narda Jenner, Vincent Pavia, Bob Teahan, Lyle Woodruff, Chair Claude Buchheit

Members absent: Carolyn Creswell, Keith Gillming

Also present: Jerry Grimmer, Ex-officio
Zach Greatens, Planning & Zoning Officer
Sue Glazer, Recording Secretary

1. APPROVAL OF MINUTES

Mr. Woodruff moved, and it was seconded by Mr. Teahan, to approve the minutes of March 28, 2022. **On a voice vote the motion carried and the minutes were approved.**

2. APPROVAL OF AGENDA

Ms. Adelt moved, and it was seconded by Mr. Woodruff to approve the agenda. **On a voice vote the motion carried and the agenda was approved.**

3. PUBLIC HEARINGS

#22-PZ-07 Request for rezoning approximately 34.8 acres of land located at 12775, 12855, 12875, 12901 Boenker Lane from R-3 Single Family Dwelling District to M-1 Manufacturing District, Limited. Submitted by Bridgeton Landfill, LLC, c/o Civil & Environmental Consultants, Inc.

Chair Buchheit opened the public hearing. Mr. Greatens said this is an application for a rezoning. Mr. Greatens reviewed the process for rezonings. This is a request to rezone from R-3 to M-1 District. The subject property includes 12775, 12855, 12875, and 12901 Boenker Lane. This is often referred to as the old Boenker farm. The request is to rezone all the property that is currently zoned R-3 Residential to the M-1 Manufacturing District, Limited. Mr. Greatens said there is a small discrepancy between the zoning boundaries and parcel boundaries. Mr. Greatens gave the background information regarding this in the staff report. He showed a screen shot of the 2013 Comprehensive Plan showing the future land uses of the City. The subject property is shown as industrial/utility. The 1994 Comprehensive Plan showed commercial or industrial as the future land use for the subject property. The M-1 District is consistent with the last two (2) Comprehensive Plans. The M-1 District would be compatible with the surrounding zoning districts. The R-3 District is not suitable for this site. If the rezoning is approved, there would be no immediate impact on the adjacent properties. There is potential impact of the proposed land use as well as other land uses allowed under the M-1 District regulations. There has been some grading and excavating at the site east of the south quarry behind the Boenker farm. Mr. Greatens said the applicant will explain in detail their proposal for the site. Their proposal is to use a large volume of fill over the course of a number of years to add fill to the south quarry, former landfill site, in order to maintain compliance with EPA and DNR requirements. This is to address the settling that has been occurring over time. When the applicant approached the City with their overall plan, the City saw that they will be extracting a large amount of soil over a long period of time. The City's response was that it has to be in the proper zoning district, which is the M-1 district. The M-1 district allows under special use "extraction of gravel, sand, and or other raw materials." After review, staff determined that the property would need to be rezoned to M-1 and then at a later date, obtain approval for a special use permit for "extraction of

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF APRIL 25, 2022**

PAGE 2

gravel, sand or other raw materials.” Through the special use permit process, more details and conditions will be discussed then. Traffic would be minimally affected and stormwater is highly regulated for a project like this through DNR requirements. Mr. Greatens showed pictures of the site.

The applicant, Mr. Dan Koziatek, Civil & Environmental Consultant for CEC, 3000 Little Hills Expressway, St. Charles, MO, came forward. He said they are consultants for the Bridgeton Landfill. There were several other people present representing the landfill. Mr. Koziatek said they had multiple meetings and discussions with staff. He said about six (6) months ago they started this process. The main purpose of this project is the need to cut and fill soil from the Boenker farm property and place it on the south quarry landfill. To do that they want to make sure the site is safe, esthetically pleasing, and performs the function they need, which is to add fill on top of the landfill. Beyond the agencies requirements (EPA and DNR) is the year to year and phased approach that they are proposing. Mr. Koziatek referred to the screen showing slides regarding the phasing plan. Mr. Koziatek explained in detail the phasing plan. He said it is an effort to minimize as much as possible the amount of area that is exposed or bare dirt within any given year. The special use permit information that was pictured on the slides includes fencing, trees, landscape berm and a road that will extend from the top of the hill down toward the landfill to provide easier access. Mr. Koziatek explained each of the phases from Year 1 up to Year 25. He said based on the projections and the amount of soil, it would take about five (5) years to move from east to west on the north side of the hill, all of which is mostly hidden from the public rights of way from Boenker to St. Charles Rock Rd. After Year 5, they are proposing to move the fence along Boenker Road as shown on the slide. The last slide shows Year 6 – 25. He said they do not know exactly how long it will take to do this work, but they have projected it to 25 years.

Mr. Gaston asked in Year 1 how deep are they going to go. Mr. Koziatek said it depends on where you are at. He said at the north end, it would be about a 4 or 5 foot cut. He said the deepest cut would be 30 – 40 feet. Ms. Jenner asked if they are going to be excavating every day with trucks coming out onto St. Charles Rock Road. Mr. Koziatek said no. He said since the Boenker property is adjacent to the landfill, trucks do not have to go on the roads. There is an internal road that will be used. Traffic on the public roads will be minimal. He said the real benefit of this project is that it greatly diminishes the amount of traffic on the roads.

Melissa Mitchell, 12758 San Clemente Drive, Bridgeton, MO came forward. Ms. Mitchell said she has lived in Spanish Village subdivision since 1994. She said little was known about the Westlake landfill at that time. She is opposed to the rezoning. She said it is not known what contaminates may be in the dirt from the Boenker property which they are planning to disturb. If the City wants to rezone it, then make a stipulation that the land will not be disturbed for 25 years.

Pauline Tulloch, 3980 Havercliff Lane, Bridgeton, MO, came forward. Ms. Tulloch said this land was involved in a lawsuit involving the Boenker family. She said if this dirt is polluted as the lawsuit claims, how is it going to help to move polluted dirt from one area to another.

Rebecca Tobar, 12731 San Clemente Dr., Bridgeton, MO, came forward. Ms. Tobar said unless they know exactly what they are testing before any soil is touched and moved, it is dangerous. They are going to expose more of it into the air. She would not like to have more radioactive material dug up and people in the surrounding communities being affected with more cancers.

Chair Buchheit asked if any of the fill from the Boenker farm has been tested. Ms. Erin Fanning, Division Manager for the Bridgeton Landfill, 13570 St. Charles Rock Rd., came forward. Ms. Fanning said as part of one of the lawsuits, the opposition’s experts were trying to identify radiological contamination on the property. The expert testimony indicated that there was not radiological concentration identified above background. (*Background radiation means the natural radiation that is always present in the environment.*) They were not able to find any contamination in the soil that was tested that came back higher than background.

Ms. Kathy Bell, 12736 San Clemente Dr., came forward. Ms. Bell said the testing that Ms. Fanning spoke about was done by Chris Kostner, the Attorney General at that time. She said she does not know if radioactive material was found in the soil, but it was found in a tree on the Boenker property.

Chair Buchheit closed the public hearing.

Mr. Woodruff said this application is for zoning only. If this is approved, it will be back for the special use permit and these issues can be addressed then.

Councilmember and Ex-officio Jerry Grimmer said there was a meeting last week with the EPA and they distributed a map indicating all of the probes for radioactive materials. He said EPA has a good handle on where the pollution is located. All of the probes are in the western and southern part. He said there are none on the Boenker property. He said if Republic gets the zoning, they still have to come back for special use permit. He said if there is any danger or exposure that they are made aware of, the permit will not be issued. Mr. Grimmer said Republic has invested a tremendous amount of money in managing the site. They have a planned approach and have brought in experts. They know there is a problem and they represent a resolution to that problem.

Ms. Jenner said she thinks the Commission should wait to vote until they get more information on the contamination. Chair Buchheit said that is something they will look at when it comes back for the special use permit. Chair Buchheit said no one is going to want to build any residential on this property. He said moving on with the rezoning, gives the applicant the opportunity and motive to get the answers we need for the special use permit.

Mr. Gretens reminded the Commission that seven (7) positive votes from the Commission are needed in order to have a positive recommendation going to Council.

Mr. Teahan moved, seconded by Mr. Woodruff, to approve Application #22-PZ-07.

Roll Call Vote:

Ayes: Kerstin Adelt, Jim Gaston, Narda Jenner, Vincent Pavia, Bob Teahan, Lyle Woodruff, Chair Claude Buchheit

Nays: None

Members absent: Carolyn Creswell, Keith Gillming

The motion to approve **carried** on a vote of (7 for – 0 against), and Application #22-PZ-07 will be forwarded to the City Council for public hearing and further action.

4. PENDING MATTERS

There were no Pending Matters.

5. OTHER BUSINESS

The Commission discussed the Planning and Zoning Commission Rules and Procedures.

Mr. Woodruff moved, and it was seconded by Mr. Pavia, effective July 1, 2022 to approve one (1) meeting per month on the second Monday of each month instead of two (2) meetings per month. **On a voice vote the motion carried.**

6. STAFF UPDATE

Staff updated the Commission on upcoming projects. The next meeting is on May 9.

7. EX-OFFICIO REPORT

Mr. Grimmer gave an update on current business.

8. ADJOURNMENT

It was moved by Mr. Woodruff and seconded by Mr. Teahan, to adjourn. **On a voice vote the motion carried** and the meeting was adjourned at 8:25 p.m.

Claude Buchheit, Chair