

**BRIDGETON PLANNING AND ZONING COMMISSION
MINUTES OF THE MEETING OF JULY 8, 2019**

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The regular meeting of the Planning and Zoning Commission of the City of Bridgeton, Missouri, was called to order on Monday, July 8, 2019 at 7:00 p.m. in the Council Chambers at the Bridgeton Government Center, 12355 Natural Bridge Road, by Chairman Claude Buchheit.

Members present: Kerstin Adelt, Joy Bush, Sonny Costa, Keith Gillming, Joe Holtsnider, Lyle Woodruff, Chairman Claude Buchheit.

Members absent: Bob Teahan

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

1. APPROVAL OF MINUTES

Mr. Holtsnider moved, and it was seconded by Mr. Woodruff, to approve the minutes of June 24, 2019. **On a voice vote the motion carried and the minutes were approved.**

2. APPROVAL OF AGENDA

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

3. PUBLIC HEARINGS

Chairman Buchheit said the first two items on the agenda are related to the same project and the public hearing for these two items will be combined.

#19-PZ-08 Request for rezoning approximately 6.03 acres of land located at 3170 Fee Fee Road from “R-2” Single Family Dwelling District to “PUD” Planned Single Family Residential Unit Development. Submitted by Pinnacle Land Development LLC.

#19-PZ-09 Request for Preliminary Plan approval of a major residential subdivision, “Fort MacKay Subdivision,” to subdivide 6.03 acres of land into twenty-four (24) lots, zoned “Planned Single Family Residential Unit Development (PUD)” located at 3170 Fee Fee Road. Submitted by Pinnacle Land Development LLC.

Chairman Buchheit opened the public hearing. Mr. Greatens said this is a request for rezoning “R-2” District to “PUD” Planned Single Family Residential Unit Development and for Preliminary Plan approval. This is a “PUD” which is a planned zoning district that may be requested when a property is at least two acres and cannot meet the established zoning regulations due to either lot size configuration, topography, etc. The applicant proposes to redevelop the property at 3170 Fee Fee Road as a 24-lot detached single family development. Mr. Greatens gave a quick overview of the rezoning and preliminary plan process. This site is located at the southern end of Bridgeton. It is approximately six (6) acres. There is currently a single-family dwelling on it. The rear portion of the property is wooded. Mr. Greatens referred to a map showing the surrounding properties. He reviewed the goals, objectives and implementation strategies that are in the Comprehensive Plan and are consistent with this proposed development. Mr. Greatens referred to the Future Land Use Map. He said the proposed development is consistent with the Comprehensive Plan and the Future Land Use Map. Mr. Greatens showed pictures of the site. The “PUD” zoning district allows for flexibility in order to redevelop property and flexibility from the standard zoning districts, “R-1” through “R-6.” The “PUD” allows for densities up to 14 units per acre. This current proposal would be at a density of four (4) units

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per acre and with an average lot size of just over 6,000 s.f. and just under 11,000 s.f. for the entire site. This is consistent with the density of other "PUD" developments that have been approved by the City and consistent with some of the nearby densities. Some of the densities across the street are higher because it is a condominium development. This density is consistent with a typical detached single-family residence. Through the "PUD" rezoning applicants may request variances from certain requirements of the municipal code. The Subdivision Regulations require that when a new street intersects with a collector road such as Fee Fee Road, it must either align directly across from an existing street or no less than 300 feet. The proposed new street would be approximately 160 feet from Garnett Drive. Staff determined that the proposed location of the new intersection is reasonable and would not cause any negative impact on traffic. Staff met with the applicant prior to applying. Matthews Park is located to the east of this proposed development. Staff said this is a good opportunity to provide a pedestrian connection from the proposed sidewalk to the park. The City is in the process of applying for a grant to implement those improvements. Mr. Greatens referred to the plat on the large screen. Mr. Gillming asked about Lot 11 if that is a creek next to it. Mr. Greatens said there is a small creek that runs on the Matthews Park side. Chairman Buchheit asked the reason for the common ground along Lots 20 and 21. Mr. Greatens said he will let the applicant answer this. Chairman Buchheit asked if there will not be any access to Ayshire Drive from Lots 19 and 20. Mr. Greatens said that is correct. There will be no access to Ayshire Drive. Ayshire Drive is a public street with no sidewalks and there is no parking on it. Ms. Adelt asked about the common ground buffer and if the trees will remain. Mr. Greatens said based on the plans, there are some trees along the southern property line that are shown to be kept. Some of the trees will be removed by the proposed stormwater detention along the east. Mr. Gillming asked the square footage of the homes. Mr. Greatens said the proposed facades are the same as the proposed approved development to the north on Fee Fee Road. The square footage ranges from 1500 s.f. to 2500 s.f. There was a question about who the developer will be and a question about the price range. Mr. Greatens said he will let the applicant answer those questions.

The applicant, Mr. Steve Gower, Vice President, Budrovich Land Development, 10328 Lake Bluff Drive, St. Louis, MO 63123, came forward. Mr. Gower said Budrovich has been developing land in the St. Louis area for 22 years and has been in business for 53 years. They do not build homes, they develop property and sell the developed lots. They are planning to sell and develop the lots to McBride and Son, but they are not under contract yet. McBride is planning the same product as the other development on Fee Fee Road recently approved by Bridgeton. Mr. Gower said the proposed buildings will be ranch and two story, ranging from 1400 s.f. to over 2000 s.f. for the two-story home. There will be minimum two-car garages. The medium home price will be in the mid to upper \$200,000, depending on the options the home buyer chooses. He said the common ground will encompass the detention facility and several different buffers. They left the buffers adjacent to the property to the southwest to give the lots some flexibility for privacy. The stormwater facility will be handled through a series of yard stream inlets which will be directed to the surface drainage. There will also be a waterfall feature within the basin to meet or exceed MSD standards for their current regulations for stormwater. The stormwater will be discharged to the tributary that runs along the east property line and down to a series of downstream tributaries. Mr. Gower feels this is a high quality development consistent with the Comprehensive Plan. It will greatly improve the look and feel of the surrounding area.

Ms. Bush asked about the common ground and the distance between the existing home and Lot 21. Mr. Gower said the common ground is a ten (10) foot dedication strip and the side yard is five (5) feet. Mr. Woodruff asked if there is enough room for a school bus to turn around in the cul-de-sac. Mr. Gower said yes, they would follow the Fire District's new code regulations for a turn-around. Chairman Buchheit said once the streets go in, will they sell all the lots to McBride or will they be sold one at a time. Mr. Gower said they will sell all the lots at one time.

Ms. Margery Doss, 3115 Edwards Place, came forward. Ms. Doss said she is on the Board for the condominiums on Edwards Place. She has lived there for 15 years. She has concerns about the traffic

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on Fee Fee Road and more school buses on the road. Fee Fee Creek runs underneath Fee Fee and through Maryland Heights. She is concerned about flooding because of more concrete going on this property. She is also concerned about the historic property being changed.

Mr. Jeff Perry, 17458 Chesterfield Airport Rd, came forward. Mr. Perry said he is representing the owners of 3144 Fee Fee Road. It is the corner lot. He said he is curious about the proposed buffer and what is going to happen to the old growth trees. He wanted to get clarity about the trees that will be on the common ground. He would like to know what system is in place to ensure that the drainage will be going away from this corner lot. Mr. Perry asked who would be their advocate or liaison to the City or should they bring in an attorney. He said the lots seem very dense. The lots in the corner are close to the house that is there. He said he is concerned about the traffic. Mr. Perry asked Mr. Greatens if he is the person they would be talking to and can they get a secured copy from the developer of the proposed plans. Mr. Greatens said he will give him his contact information.

The applicant, Mr. Gower, came forward again. Mr. Gower said there will not be much impact on the overall traffic on Fee Fee Road because they are only adding 24 lots. He said they will try to save as many of the existing trees as they can along that property line. He said they are not sure yet, because the grading plan has not been established yet. Mr. Woodruff asked if he discussed with the Pattonville School District about the buses. Mr. Gower said they have not. He said it should not be an issue for the school bus to drive into the subdivision or pick up students on Fee Fee Road. Mr. Greatens said Staff sent Pattonville School District a notice regarding this proposal and they did not respond.

Chairman Buchheit closed the public hearing.

#19-PZ-08 Request for rezoning approximately 6.03 acres of land located at 3170 Fee Fee Road from “R-2” Single Family Dwelling District to “PUD” Planned Single Family Residential Unit Development. Submitted by Pinnacle Land Development LLC.

Mr. Holtsnider moved, seconded by Mr. Gillming, to approve Application #19-PZ-08.

Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Keith Gillming, Joe Holtsnider, Lyle Woodruff, Chairman Claude Buchheit

Nays: None

Members absent: Bob Teahan

The motion to approve **carried** on a vote of (7 for – 0 against), and Application #19-PZ-08 will be forwarded to the City Council for public hearing and further action.

#19-PZ-09 Request for Preliminary Plan approval of a major residential subdivision, “Fort MacKay Subdivision,” to subdivide 6.03 acres of land into twenty-four (24) lots, zoned “Planned Single Family Residential Unit Development (PUD)” located at 3170 Fee Fee Road. Submitted by Pinnacle Land Development LLC.

Mr. Costa moved, seconded by Mr. Woodruff, to approve Application #19-PZ-09.

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Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Keith Gillming, Joe Holtsnider, Lyle Woodruff,
Chairman Claude Buchheit

Nays: None

Members absent: Bob Teahan

The motion to approve **carried** on a vote of (7 for – 0 against), and Application #19-PZ-09 will be forwarded to the City Council for further action.

#19-PZ-10 Request to amend the “B-5(r) 4530 North Lindbergh Boulevard” Planned Commercial District, to add “Automobile parking lots and garages” as a permitted land use with a Special Use Permit. Submitted by STL Airport Tower Holdings LLC, c/o Ulka Patel.

Mr. Greatens said this is a request to amend the “B-5(r)” Planned Commercial District. “B-5(r)” District is located on the northeast intersection of North Lindbergh and I-70. It includes two parcels, 11370 and 11380 Natural Bridge Road. It is the location of one hotel and an 11-story building that previously was used as a hotel. This building is currently vacant. Mr. Greatens said the “B-5(r)” District was created in 2013 when this property was rezoned to “B-5(r).” The owners then applied in 2017 for a special use permit to renovate the building for use as a multi-family building, but that project has been put on hold. 11380 is a hotel and banquet center. It is also being renovated, but it is scheduled to reopen within the next few months. Mr. Greatens referred to the map showing the surrounding properties. The owners approached the City about how to go about allowing paid parking in their existing four-story parking garage. This is the first step to include it in their regulations. Long-term parking facilities are allowed in the “B-3” and “B-4” Districts with a special use permit. Staff thought it was appropriate that this should also require a special use permit. If this gets approved, the applicant would come back and apply for a special use permit. At that time, they would analyze the specific request, and it gives the City an opportunity to attach any conditions of approval. Mr. Greatens said he reviewed all the information about the existing parking spaces on the site. He said even if they dedicated 60 to 100 parking spaces for use as paid parking, they would still be able to comply with the parking requirements for the hotel and the future multi-family residential use of the 11-story building. The parking requirements would still be met. Mr. Greatens referred to the large screen showing photographs of the site. He said it is Staff’s opinion that this proposal is consistent with the Comprehensive Plan. The location is appropriate for this type of use since it is close to the airport. Since the property does have parking spaces in excess of the parking requirements, it would be appropriate to allow this special use in this zoning district.

Mr. Holtsnider asked if this is airport parking. Mr. Greatens said that is their intent because of the proximity to the airport. Ms. Bush asked where is access to the parking structure located. Mr. Greatens pointed out on the map where the access to the parking structure is located. Ms. Bush said when the restaurant and hotel were operating at this location, the parking lot and garage were always full. She said when the hotel opens up again, will that cause an issue with parking. Mr. Greatens said the property owner explained to the City that they have no intention of re-opening a restaurant. He said if they would, they would have to evaluate parking at that time. Ms. Bush asked about the remodeling of the 11-story building. Mr. Greatens said they were approved for a special use permit to remodel it for a mix of one-bedroom and two-bedroom condominiums for corporate condominiums. That project is on hold. He said with these condominiums and the two-story hotel and parking garage for that, there still is an excess of 80 parking spaces. Mr. Gillming asked when the hotel was built. Mr. Greatens said he does not have that information now, but he can get it for him. Mr. Gillming asked if the owners own both 11370 and 11380. Mr. Greatens said yes. Mr. Gillming asked if there is a reason why the two (2)

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parcels were not changed to one (1) parcel. Mr. Greatens said he thought in the past it was because the two hotels operated as two (2) different hotel brands. He said the applicant could answer this question. Ms. Adelt asked if this is the only "B-5(r)" District. Mr. Greatens said yes. Mr. Costa asked if this is just to add parking as a special use. Mr. Greatens said yes.

The applicant, Mr. Jayant Patel, 1720 Shallowbrook, St. Louis, MO 63146, came forward. Mr. Patel said they purchased the two (2) properties in 2014. The previous owner changed the one (1) parcel into two (2) separate parcels. They purchased it as two (2) separate parcels. He said while they are in the process of getting approval to remodel the 11-story building, they cannot utilize the property. They would like to convert the existing parking facility into long-term paid parking to help pay some of their expenses. Mr. Holtsnider asked if the building is vacant now. Mr. Patel said yes. Mr. Holtsnider asked if they are still planning to do the condominiums. Mr. Patel said yes. He said they should open the hotel in a couple of weeks. He said there will be no restaurant in the hotel. Chairman Buchheit asked if they are going to sell the condominiums that they plan to remodel. Mr. Patel said it would mainly be rented out for corporate housing. It will not be used as a hotel.

No one came forward to speak.

Chairman Buchheit closed the public hearing.

#19-PZ-10 Request to amend the "B-5(r) 4530 North Lindbergh Boulevard" Planned Commercial District, to add "Automobile parking lots and garages" as a permitted land use with a Special Use Permit. Submitted by STL Airport Tower Holdings LLC, c/o Ulka Patel.

Mr. Woodruff moved, seconded by Mr. Holtsnider, to approve Application #19-PZ-10.

Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Keith Gillming, Joe Holtsnider, Lyle Woodruff, Chairman Claude Buchheit

Nays: None

Members absent: Bob Teahan

The motion to approve **carried** on a vote of (7 for – 0 against), and Application #19-PZ-10 will be forwarded to the City Council for public hearing and further action.

#19-PZ-11 Request to amend multiple sections of the Bridgeton Zoning Ordinance to modify definitions and regulations related to medical marijuana facilities. Submitted by the City of Bridgeton.

Mr. Greatens said at the last Planning & Zoning meeting on June 24, 2019, there was a discussion about the proposed regulations related to medical marijuana facilities. Mr. Greatens said at that meeting, there was a question about the proposed buffer around day care centers and if it applies to adult day care centers. Mr. Greatens said he discussed it with the City Attorney and he said the State rules do not apply to adult day care centers. It only applies to child day care centers. There was a question about how dispensaries would possibly sell medical marijuana and paraphernalia and would this require several business licenses. Mr. Greatens said no, it would not require multiple business licenses. There was a question about transportation of medical marijuana. Mr. Greatens said this is handled in great detail in the State regulations. The State regulates the transportation of medical

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marijuana very stringently. Mr. Greatens gave a summary of the proposed changes. He said when Amendment 2 was passed by Missouri voters in November 2018, it authorized the medical marijuana program which is being implemented by the Missouri Department of Health and Senior Services. It allows for qualified patients with certain medical conditions to use medical marijuana under the supervision of their doctor. There are four (4) facilities allowed: (1) Cultivation facilities for the growing of medical marijuana; (2) Manufacturing facilities that manufacture products that are infused with medical marijuana; (3) Testing laboratories; (4) Dispensaries – where the medical marijuana is sold to qualifying individuals.

The Department of Health and Senior Services will be implementing the rules and regulations. It includes registering qualified patients and caregivers. It includes licensing and certifying the four (4) types of facilities that are allowed. The municipality may regulate the time, place, and manner of the operations. The city may not ban such facilities and may not create an undue burden for them to operate. The city regulations may not conflict with the State rules and regulations. The number of licenses will be regulated by the State and is broken down by Congressional Districts. The goal is to have easy patient access to the medical marijuana facility and also tax revenue. The rules being implemented by the State and by the Department of Health and Senior Services are very detailed and stringent.

Mr. Greatens summarized the proposed amendments. He said they are adding definitions for the new terms; adding regulations for each facility - standards for the development and operation of the facilities; and adding the facilities to the zoning districts in which they would be allowed. Mr. Greatens briefly reviewed the proposed Ordinance, which was included in the Commissioners' packets. Mr. Greatens said he consulted with the City Attorney regarding these proposed amendments.

Chairman Buchheit asked if parks are included in the buffer. Mr. Greatens said the State did not include parks. He discussed this with the City Attorney and they decided not to include it, partially because of the State's rules about not creating regulations that are unduly burdensome. Most of the parks are located in residential areas so they probably would not have much of an impact on where they could locate anyway. Ms. Bush asked if there has been any interest regarding this proposal. Mr. Greatens said there has been some interest for cultivation, manufacturing and dispensaries. Mr. Gillming asked about the number of licenses that are set at approximately one (1) dispensary per 32,000 residents and if that means the City of Bridgeton has to have at least one (1) dispensary. Mr. Greatens said that is the State's target number. It does not mean the City is required to have one (1) dispensary. The State looked at Congressional Districts and not necessarily the municipal boundaries. Mr. Greatens referred to a map showing buffering around churches, schools and daycares. Mr. Greatens said after discussing with the City Attorney, it was decided to have a buffer of 500 feet around churches, schools and daycares. Mr. Gillming felt that the hours should function at the same time as other pharmacies in the area. The Commissioners continued discussing the hours of operation. Mr. Greatens said the State has very stringent rules for these facilities and very strict security requirements.

Mr. Gillming moved to change the dispensary hours to 8 am - 6 pm. There was no second for the motion.

Chairman Buchheit moved to change the dispensary hours to 8 am - 8 pm, and it was seconded by Mr. Gillming. On a voice vote the motion failed.

Ms. Bush moved to change the dispensary hours to 8 am - 9 pm, and it was seconded by Mr. Woodruff. On a voice vote the motion carried.

No one came forward to speak.

Chairman Buchheit closed the public hearing.

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#19-PZ-11 Request to amend multiple sections of the Bridgeton Zoning Ordinance to modify definitions and regulations related to medical marijuana facilities. Submitted by the City of Bridgeton.

Mr. Costa moved, seconded by Mr. Holtsnider, to approve Application #19-PZ-11, with the amendment to change the dispensary hours to 8 am – 9 pm.

Roll Call Vote:

Ayes: Kerstin Adelt, Joy Bush, Sonny Costa, Keith Gillming, Joe Holtsnider, Lyle Woodruff, Chairman Claude Buchheit

Nays: None

Members absent: Bob Teahan

The motion to approve **carried** on a vote of (7 for – 0 against), and Application #19-PZ-11 will be forwarded to the City Council for public hearing and further action.

4. PENDING MATTERS

There were no “Pending Matters.”

5. OTHER BUSINESS

There was no “Other Business.”

6. STAFF UPDATE

Mr. Greatens said there will be no meeting on July 22, 2019.

7. EX-OFFICIO REPORT

Mrs. Abram gave an update on current business.

8. ADJOURNMENT

It was moved by Mr. Holtsnider and seconded by Ms. Bush, to adjourn. **On a voice vote the motion carried** and the meeting was adjourned at 8:20 p.m.

Claude Buchheit, Chairman