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**MINUTES**  
**DES PERES PLANNING & ZONING COMMISSION**  
**January 10, 2017 7:00pm**  
**DES PERES GOVERNMENT CENTER**

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The regular monthly meeting of the Planning & Zoning Commission was held at the Des Peres Government Center, 12325 Manchester Rd on Wednesday, January 10, 2017. Chairman Oeltjen called the meeting to order at 7:00 PM.

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**ROLL CALL**

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Staff support took roll with the following Commissioners present: Chairman John Oeltjen, Vice Chairman Anna Ahrens, Commissioners Terrie Gwin, Jim Kennedy, Mark Ahrens, Tony Pawloski, John Gnagi and Jane Langa. Also present were Mayor Lahr, Alderman Kleinschmidt, City Attorney Kevin O’Keefe, Assistant City Administrator Scott Schaefer and Director of Public Works Steve Meyer.

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**APPROVAL OF MINUTES**

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Commissioner Mark Ahrens moved to approve the minutes as presented. Commissioner Jane Langa seconded. A voice vote was unanimous and the November minutes were approved.

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**AMENDMENT OF THE AGENDA**

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NONE.

**OLD BUSINESS**

**Harwood Hills Zoning Concern**

Petitioner: Planning and Zoning Commission/Board of Alderman/Harwood Hills Residents

It has been discovered that 13 homes (Plat 10) in the Harwood Hills Subdivision are zoned Residential D, rather than Residential B. It has been zoned this way since 1959. Steve Meyer had been working with John B (PGAV) to come up with a solution to this problem and it was requested by the Commission to see what rezoning Plat 10 from D to B would consist of. In his research, Steve discovered the rezoning of Plat 10 would make some lots non-conforming.

Trustee of Harwood Hills, Bob Ashcraft, stated the current majority of the entirety of Harwood Hills is non-conforming in terms of Residential B lot size.

Chairman Oeltjen asked what limitations would there be if the lots were rezoned and were then non-conforming?

1 City Counselor, Kevin O’Keefe, explained a non-conforming lot is still a lot of record and  
2 can be used as it was (single family dwelling, residential, etc.). If a new structure were  
3 to be built on the lot it would need to be built to the new zoning code, including the  
4 setbacks. It would not become unusable.

5 Per Bob, they have been enforcing the City’s 40’ rear yard setback. Of the 216 homes in  
6 Harwood Hills, over ½ have been rebuilt.

7  
8 Mr. O’Keefe stated the City will not enforce a subdivision’s indentures and the City  
9 cannot deny a building permit due to differences in Zoning Code and subdivision  
10 indentures.

11  
12 It was asked what the intent was from Harwood Hills to rezone Plat 10 to B-Residential.

13  
14 Bob stated he wanted to make all homes in the subdivision uniform and have them  
15 under the same “umbrella”. He claims all lots are now 40’ F, 40’ R, 10’ S, and 10’ S.

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17 Commissioner Oeltjen asked if there were any comments from the public.

18  
19 Ladonna Patterson, 11746 Fawnvalley, had a concern that since a creek runs through the  
20 back of some of the properties in Plat 10, that it would be impossible to meet the  
21 setback of 40’ if rezoned. Steve informed her the 40’ setback would be from the  
22 property line, not the creek line.

23  
24 Dennis Norman, 11740 Fawnvalley, took the podium and stated he has been in real  
25 estate for a long time and is against the rezoning of Plat 10. The rezoning would render  
26 8/13 lots to be non-conforming and it would decrease the value of property. He asked,  
27 “Why would the City want to put people in non-conforming lots?” He also asked in  
28 regards to infill housing, would the property owner need a variance to build on the lot  
29 or if the City would “just allow it”?

30  
31 Kevin explained a non-conforming lot vs. a non-conforming structure.

32  
33 Patty Haffner, 11735 Fawnvalley, took the podium and asked if a lot was less than 21,000  
34 sqft. and was rezoned to B-Residential, what could you do with the lot, can you build  
35 anything? Her second question asked if any consideration was given to the vice versa  
36 option of rezoning Plats 1-9 to Residential D.

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38 Steve pointed out that every option was looked at but the vice versa option of rezoning  
39 B to D would loosen the subdivision indentures, which everyone wanted to avoid.

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41 Jim Hudson, Trustee and resident at 1543 Fawnvalley, stated their original intent was to  
42 keep the setbacks at 40’. He also asked if a Title Company would give title to someone  
43 building on a nonconforming lot.

1 Steve announced he received a phone call from the president of St. Louis Real Estate  
2 Association who said the Association was against the rezoning from D to B.

3  
4 Bruce Patterson, 11746 Fawnvalley, took the podium and asked “Why do anything at all?  
5 Plat 10 is already conforming.”

6  
7 John Brancaglione PGAV, planner for the City of Des Peres, took the podium and  
8 proposed defining the term ‘lot of record’ in our zoning code. He also proposed adding  
9 in language to the nonconforming section about defining a nonconforming lot and  
10 make sure we have consistency between subdivision ordinances, infill ordinances and  
11 zoning code.

12  
13 Commissioner Mark Ahrens motioned to approve the recommendation to rezone Plat  
14 10 from Residential D to Residential B. Vice Chairman Anna Ahrens seconded the  
15 motion and a roll call vote was taken as follows: Chairman Oeltjen; Nay, Vice Chairman  
16 Anna Ahrens; Nay, Commissioner Gwin; Nay, Commissioner Kennedy; Nay,  
17 Commissioner Mark Ahrens; Nay, Commissioner Pawloski; Nay, Commissioner Gnagi;  
18 Nay, Commissioner Langa; Nay, Mayor Lahr; Abstain, Alderman Kleinschmidt; Abstain.  
19 Motion Denied 8-0.

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21 **NEW BUSINESS**

22 **Petition for Master Site Plan Review and Conditional Use Permit**

23 Petitioner: Core10 Architecture, on behalf of M1 Bancshares

24 Persons Present: Amanda Norris, Core10; Ken Poteet, President – M1 Bancshares, Inc;  
25 Paul Mertz, PE – Poehlman & Prost, Civil Engineer; Ed Dermody, Dermody & Associates,  
26 Inc. – Landscape Architect; Daven Kim, Core10

27  
28 Amanda Norris took the podium and presented a PowerPoint for the Commission. She  
29 states this property is zoned C-1 at the corner of Lockett and Manchester, formerly  
30 Russell Stover’s. This will be an entirely new bank with this location being the first  
31 branch in the St. Louis area. She claims they will renovate the existing building, and for  
32 the site, it will stay very similar with the exception of adding a freestanding drive thru  
33 and landscaping. The parking spaces are to remain fairly untouched on the East and  
34 South sides of the building. The West side parking spaces will be removed for the drive  
35 thru. There will be two entrances; one on Lockett and one on Manchester. The  
36 majority of the exterior will remain. The brick will be stained, the window size will be  
37 increased to add more daylight, and the existing monument sign will be reworked. The  
38 front entry tower will be reworked to remove the existing vestibule doors.

39  
40 Commissioner Pawloski asked how many drive thru lanes would there be.  
41 There will be 3 drive thru lanes, a pass through lane to the west of the canopy and a  
42 teller lane.

1 Commissioner Gwin asked if there was only one building entrance.  
2 Yes there is only one public entrance into the building, located on the east side.

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4 Chairman Oeltjen appointed Vice Chairman Anna Ahrens, Commissioner Mark Ahrens  
5 and Commissioner Jim Kennedy to the Architectural Review Committee to meet before  
6 the next Commission meeting.

7

8 **STATUS REPORT**

9 Alderman Kleinschmidt announced on the April 3<sup>rd</sup> ballot there will be a park sales tax to  
10 provide the best parks and Lodge. It will be in the amount of ½ of 1% and will have no  
11 sunset, it would need to be recalled.

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13 **COMMITTEE UPDATES**

14 NONE

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16 **OTHER ITEMS**

17 NONE

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19 **ADJOURNMENT**

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21 Commissioner Kennedy moved to adjourn the meeting. Commissioner Gwin seconded the  
22 Motion. Motion was approved by voice vote. The meeting was adjourned at 8:20 pm.

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John Oeltjen, Planning & Zoning Chairman