

**CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD
FENTON, MISSOURI 63026**

**PLANNING AND ZONING COMMISSION
MINUTES OF MEETING
February 5, 2019**

COMMISSIONERS:

John Shea, Chairperson (2019)
Jerry Odehnal, Vice-Chairperson (2021)
Thomas Heard, Secretary (2021)
Linda Nelson (2022)
Frank Nilica (2020)
Bill Voorhees (2020)
Gregg Matthes (2019)
Kevin Sherrel (2022)
Mayor Josh Voyles (voting member)
Alderman Vera Glick (voting member)

CITY OFFICIALS AND OTHERS IN ATTENDANCE:

Joe Maurath, Alderman
Richard Patton, Alderman
Erin P. Seele, City Attorney
Lisa Peck, City Administrator
Andrea N. Finkbiner, Community Development Director
Amy Starck, Community Development Department

CALL TO ORDER: Chairperson Shea called the meeting to order on February 5, 2019, at 7:00 p.m. The meeting was held in City Hall.

PLEDGE OF ALLEGIANCE: All attendees recited the Pledge of Allegiance.

ROLL CALL – INTRODUCTION OF CITY OFFICIALS:

Chairperson John Shea	Present
Vice-Chairperson Jerry Odehnal	Present
Secretary Thomas Heard	Present
Mayor Josh Voyles	Present
Alderman Vera Glick	Present
Commissioner Linda Nelson	Excused Absence
Commissioner Frank Nilica	Present
Commissioner Bill Voorhees	Present
Commissioner Gregg Matthes	Excused Absence
Commissioner Kevin Sherrel	Present

At the time of roll call 8 members were present; 2 were absent. A quorum was present.

NOTICE TO PUBLIC (Ground Rules): Chairperson Shea read aloud the “Public Hearing Ground Rules.”

NOTICE TO PETITIONERS: Chairperson Shea read aloud the “Notice to Petitioners.”

APPROVAL OF MINUTES (January 8, 2019): Chairperson Shea made a motion to approve the minutes with scrivener's errors corrected. Commissioner Voorhees seconded the motion. The motion was unanimously approved by voice vote.

PUBLIC COMMENTS: None

OLD BUSINESS:

CASE 2019-TXT-01: Consideration of amendments to Chapter 470 – Additional Non-Residential District Regulations of the Zoning Code.

Staff requested this matter be continued due to the number of cases on the February agenda.

Chairperson Shea made a motion to CONTINUE CASE 2018-TXT-01 to the next Planning and Zoning Commission meeting. Vice Chairperson Odehnal seconded the motion.

8 Ayes; 0 Nays: Motion APPROVED by voice vote.

CASE 2019-SPR-01: A Petition by Gravois Bluffs South 6-G4, LLC, for Site Plan Review of a proposed drive-through addition for a restaurant at 170 Gravois Bluffs Circle. The property is zoned "C-1" Commercial Zone District.

The Director stated that the Petitioner has requested a continuance to next month's meeting.

Chairperson Shea made a motion, per the Petitioner's request, to CONTINUE CASE 2019-SPR-01 to the next Planning and Zoning Commission meeting. Vice Chairperson Odehnal seconded the motion.

8 Ayes; 0 Nays: Motion APPROVED by voice vote.

NEW BUSINESS:

CASE 2019-SUP-03: A Petition by Sonsvic, LLC, for a Special Use Permit to expand an existing motel (Motel 6) into an existing, vacant building on-site at 1860 Bowles Avenue. The parcel is zoned "HP-1" Hospitality Park – Hotel, Restaurant, Entertainment Business Park.

Director Finkbiner gave a presentation regarding the Staff report to the Commission. She noted that the subject building, known as Building 4, was not being operated under the Motel 6 franchise making the Occupancy Permit issued in 2015 for that building not legal. Additionally, long-term tenants were occupying the subject building and that the building was not constructed for this type of use under the Building Code. The Director stated that the building was evacuated in August of 2018 with the assistance of St. Louis County Problem Properties Unit and Fenton Fire Protection District, with the cooperation of the property owner.

The Petitioner's representative, J.R. Bhakta, approached. He stated that they are scheduled to meet with Motel 6 on February 27, 2019 at which time the property will be inspected, and recommendations will be made to bring the building up to brand standards before approval of the franchise will be given. Discussion ensued regarding how rooms in the subject building were rented if they were not part of the Motel 6 franchise. Mr. Bhakta stated that the current franchise agreement is only for the 70 rooms included in the other three buildings on the property. Since Building 4 was never renovated to brand standards, it was

operating independently under the business name Sonsvic, LLC. The petitioner further explained that he was unaware that the subject building could not be operated independently or as an extended stay motel.

The Commission further questioned Mr. Bhakta about the disrepair of the building and proposed plans for renovation. Mr. Bhakta stated that renting to long-term tenants got out of hand, but that he has been working with the City and Fenton Fire Protection District since August to clean up the property and there are no plans to offer extended stay rooms in the future. Director Finkbinder added that the building was not constructed under the Building Code for extended stay and therefore, non-transient tenants would not be permitted. Additionally, any improvements beyond routine maintenance will require permitting through the City of Fenton, St. Louis County, and Fenton Fire Protection District.

Chairperson Shea opened the meeting to Public Comment.

John Mancini, who owns the property at 1735 West Park Center Drive, approached. He stated that there are major crime issues at the Motel 6 and voiced concerns that adding more units would put additional stress on the first responders called to this location. Mr. Mancini stated that he has incurred property damage from the motel guests and has lost employees because of the crime.

Daniel Leach, who owns the neighboring building at 1720 West Park Center Drive, came forward. He commented that many of his tenants have reported vehicle break-ins and the police have made it evident that the crime is originating from the motel. He has concerns that the crime will cause him to lose tenants in his building which will result in a loss of income to the City.

The Public Comment section was closed.

The Commission continued discussion about the brand standards that will be required by the franchise. Concerns were raised about approving the Special Use Permit without having assurances that the franchise will approve the building and without knowing what will be expected by the franchise.

Chairperson Shea made a motion to CONTINUE CASE 2019-SUP-03 to the next Planning and Zoning Commission meeting in order for the Petitioner to provide evidence of a Motel 6 franchise agreement for the subject building. Commissioner Voorhees seconded the motion.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-SPR-02: A Petition by Santo Albright for Site Plan Review in order to elevate an existing structure at 512 Water Street out of the floodplain. The property is zoned "OT-1" Olde Towne Historic Zone District.

Director Finkbiner gave a presentation regarding the Staff report to the Commission. There were no questions from the Commission.

The Petitioner, Santo Albright, approached. He explained how the building would be raised and described the required venting to allow flood water to pass through.

Chairperson Shea read aloud the conditions of approval to the Petitioner. The Petitioner concurred.

Chairperson Shea made a motion to APPROVE CASE 2019-SPR-02, WITH CONDITIONS. Commissioner Nilica seconded the motion.

Conditions of Approval:

1. This approval is strictly for the proposed building elevation at 512 Water Street, as indicated on plans submitted with the application and dated January 2, 2019, and the revised building plans dated February 5, 2019, including the utilization of the existing exterior building materials.
2. Before any improvements begin a Floodplain Development Permit and a Building Permit will be required. The plans submitted with the application will need to be amended to indicate the first floor elevation (FFE), the base flood elevation (BFE) and the overall height of the structure, as well as any other needed amendments or documents for review of the required Building Permit and Floodplain Development Permit. Any needed changes to the submitted plans to comply with the City’s Floodplain Regulations may be administratively approved by the Floodplain Administrator.
3. Review by the Fenton Fire Protection District (FFPD) may be required. Any needed changes to the submitted plans to meet the FFPD’s Code may be administratively approved by the Community Development Director.
4. Compliance with all other applicable City of Fenton Codes and Ordinances.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-SUP-04: A Petition by Jiten Patel for a Special Use Permit to operate a new hotel (Baymont Inn & Suites), including an accessory on-site residence, at 650 S. Highway Drive. The parcel is zoned “HP-1” Hospitality Park – Hotel, Restaurant, Entertainment Business Park.

CASE 2019-SPR-03: A Petition by Jiten Patel for Site Plan Review of a proposed hotel (Baymont Inn & Suites) at 650 S. Highway Drive. The parcel is zoned “HP-1” Hospitality Park – Hotel, Restaurant, Entertainment Business Park.

Director Finkbiner gave a presentation regarding the Staff reports to the Commission. She noted that both current buildings on site are being operated under the Super 8 franchise and the rear building is not part of either petition. She also noted that the proposed new hotel building includes a 4,600 +/- square foot

residence that, while not prohibited by Baymont Inn & Suites, is also not typical. The Commission questioned whether there were any City Ordinance against having a residence in a hotel. She stated that there were not, but questioned if the Commission deemed the proposal an accessory to the proposed hotel, due to the requested size. She stated that typically, managers quarters are off the lobby, but are not typically 4,600 square-feet in size. There were no additional questions for the Director by the Commission.

The Petitioner, Jiten Patel, approached. The Commission questioned Mr. Patel about the plans for the building in the rear of the property. The Petitioner answered that once the front building is demolished, the rear building will be operated as an independent motel. The Petitioner plans to utilize an existing room as a check-in area.

The Commission asked the Petitioner about the residence in the proposed new building. Mr. Patel stated it will be a family residence for the motel’s managers and assistant managers. Director Finkbiner clarified that the residential portion of the building will need to be constructed to meet the requirements for a residential use under the Building Code.

Director Finkbiner noted that the submitted site plan appears to be different than the one approved by the Board of Adjustment on August 21, 2018 and the proposed development layout may require additional variances. She stated that the site plan needs to be amended or additional variances need to be obtained. The Commission raised concerns about the incomplete plans submitted by the Petitioner, commenting that the site plan is not to scale and no information regarding building material, signage, or landscaping has been provided.

Chairperson Shea made a motion to CONTINUE to the next Planning and Zoning Commission meeting CASE 2019-SUP-04 and CASE 2019-SPR-03 in order for the Petitioner to provide the following: 1) Evidence of a Baymont Inn & Suites franchise agreement for the subject building; 2) Complete, detailed plans regarding the proposed development; and 3) Information regarding the proposed independent operation of the rear building on the property. Commissioner Voorhees seconded the motion.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-SP-01: A Petition by Mercy #870 c/o Warren Sign Co. for review of a Sign Plan for proposed signage at 714 Gravois Road. The parcel is zoned “C-1” Commercial Zone District.

Director Finkbiner gave a presentation regarding the Staff report to the Commission. She explained that the proposed wall signs submitted with the Sign Plan are within the Sign Code requirements, but that the proposed monument sign face exceeds the allowable square footage. She also noted that Mercy will need to apply for a Special Use Permit and an Occupancy Permit to operate at this location.

The Commission discussed the proposed monument sign and it was agreed that there are no issues with the proposed size of the sign as it appears to be proportional to the size of the building. Concerns were raised that the petition was not complete as the property owner consent was still required and the square footage of the sign face had been calculated by Staff and not verified by the sign contractor. Additionally, the Commission stated they are reluctant to move forward with approval without the required Special Use Permit application from the tenant.

Chairperson Shea made a motion to CONTINUE CASE 2019-SP-01 until the next Planning and Zoning Commission meeting a Petition by Mercy #870 c/o Warren Sign Co. for review of a Sign Plan for proposed signage at 714 Gravois Road in order for 1) the Petitioner to provide the property owner consent and the proposed square footage of the sign face; and 2) for Mercy to apply for the needed Special Use Permit. Commissioner Nilica seconded the motion.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-TXT-02: A Petition by Site Ready Mix Property Managers, LLC, for amendments to the Zoning Code as follows: 1) amend Section 475.060(F)(3) to delete “cement plants” as a prohibited use in the “IP-1” – Industrial Park District; and 2) amend Section 475.060(G) to include “concrete batch plants or cement plants” as a use allowed by Special Use Permit in the “IP-1” - Industrial Park District

CASE 2019-SUP-05: A Petition by Site Ready Mix Property Managers, LLC, for a Special Use Permit to operate a concrete ready-mix plant at 2295 and 2300 Hitzert Court. The properties are zoned “IP-1” Industrial Park – Light, Medium, Industry, Distribution, Assembly Warehousing District.

CASE 2019-SPR-04: A Petition by Site Ready Mix Property Managers, LLC, for Site Plan Review of a proposed concrete ready-mix plant at 2295 and 2300 Hitzert Court. The properties are zoned “IP-1” Industrial Park – Light, Medium, Industry, Distribution, Assembly Warehousing District.

Director Finkbiner gave a presentation regarding the Staff reports to the Commission. The Director clarified that the petitions were submitted before Ordinances 3890 and 3891 were enacted making the requested Section amendments incorrect, and the Staff Report includes the correct Sections as enacted. There were no questions for the Director from the Commission.

Bill Behrman and Mike Marschuetz, representing the Petitioner, approached. Mr. Marschuetz explained the difference between a cement plant and a concrete batch plant and stated that the intent is to only operate a temporary, mobile concrete batch plant to serve the Fenton Logistics Park Development in addition to other locations.

The Commission raised concerns about air pollution and noise associated with the development. The Petitioner stated that the plant is manufactured for air safety compliance including a filtration system to collect dust and minimize pollution in the air. He also stated that noise information can be provided to the Commission.

Chairperson Shea opened the meeting to Public Comment.

Susan Jokerst, 1412 Uthoff Farm Trail, spoke in opposition to the proposal. She is concerned about health hazards related to cement plants, especially because of the proximity to schools in the area, and worries that cement plants are an eyesore for the City.

Mike Abbot, 1526 Bent Oak Ridge Drive, approached. He voiced concerns about environmental issues including dust and air pollution; water run-off and water pollution because of the proximity to Meramec River; and damages to the roads.

Sarah Mansholt, representing Altus Properties, 231 S. Bemiston, came forward to voice her concerns about increased traffic along Hitzert Court, which is a private road, without assurances from the Petitioner that the road will be taken care of. Additionally, she had concerns about dust and silica from the batch plants, washout pits, and materials stored on-site in the event of a flood.

Chairperson Shea read aloud a letter in opposition from MADISON-IND FENTON MO, LLC, who owns an adjacent parcel. A copy of the letter is on file with the Community Development Department.

The Public Comment section was closed.

Discussion ensued related to safety of stored materials and washout pits in the event of a flood. Mr. Marscheutz stated that all hazardous material, in addition to the equipment, would be hauled off-site in the event of a flood leaving only sand and aggregate rock. Director Finkbiner further noted that materials would not be permitted in the regulatory floodplain.

Additional questions were asked by the Commission regarding whether a batch plant would increase the amount of traffic along the road or cause damage to the road surface. The Petitioner does not believe traffic would be any greater than other uses allowed in the District, but offered to provide a traffic study to the Commission.

Chairperson Shea made a motion to CONTINUE until the next Planning and Zoning Commission meeting CASE 2019-TXT-02, CASE 2019-SUP-05, and CASE 2019-SPR-04 in order for the Petitioner to provide: 1) Information regarding air quality/emissions; 2) Information regarding noise; 3) Details regarding the proposed wash down area; and 4) A traffic study. Commissioner Sherrel seconded the motion.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-SPR-05: A Petition by STL Athletic Property Managers, LLC, for Site Plan Review of a proposed athletic center at 2300 Hitzert Court. The property zoned “IP-1” Industrial Park – Light, Medium, Industry, Distribution, Assembly Warehousing District.

Director Finkbiner gave a presentation regarding the Staff report to the Commission. It was noted in the presentation that recent changes to the Zoning Code enacted under Ordinances 3890 and 3891 will require a Special Use Permit for the proposed use. There were no questions from the Commission.

Mike Marschuetz of STL Athletic Property Managers, LLC (“Petitioner”), approached. The Commission asked questions about the proposed building material. The Petitioner stated the material will be metal siding that will not have visible fasteners.

Chairperson Shea read aloud the conditions of approval to the Petitioner. The Petitioner concurred.

Chairperson Shea made a motion to APPROVE CASE 2019-SPR-05 WITH CONDITIONS. Vice Chairperson Odehnal seconded the motion.

Conditions of Approval:

This approval is strictly for the development of an athletic center at 2300 Hitzert Court, as indicated on plans submitted with the application, dated January 4, 2019, with the following conditions.

1. A Special Use Permit for the proposed Indoor, Unlimited Recreation Facility will be required.
2. A Boundary Adjustment Plat will be required to create proposed Lots A and B, as indicated on the Site Plan.
3. The proposed exterior metal siding shall not have a visible fastening system (rivets).
4. All proposed signage will require a separate permit to be reviewed for compliance with Chapter 485 of the Zoning Code.
5. The Site Plan shall be amended to indicate parking area pavement materials and a trash enclosure in compliance with the Zoning Code.
6. A Building Permit for the proposed building and Municipal Zoning Approval for the overall proposed development/improvements will be required.
7. A separate permit/review, in compliance with Chapter 461, will be required for the proposed outdoor storage area.
8. All proposed storm water control for the site will require review and approval by Metropolitan Sewer District (MSD).
9. Review and approval of the development may be required by the Fenton Fire Protection District (FFPD).
10. A Major Land Disturbance Permit will be required before any construction will be permitted.
11. Any needed changes based on MSD or FFPD review may be administratively reviewed and approved by the Community Development Director.
12. Compliance with all other applicable City of Fenton Codes and Ordinances.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye

Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

CASE 2019-SPR-06: Petition by US Capital Development for Site Plan Review of a proposed 71,000 square-foot office/flex-space building located at 2055 Fenton Logistics Park Boulevard. The property is zoned “PID” Planned Industrial Development.

Director Finkbiner gave a presentation regarding the Staff report to the Commission. There were no questions from the Commission.

The Petitioner, Scott Haley of U.S. Capital Development, approached. He explained that the proposed building, known as Spec Building VI, will attract more flexible users to Fenton Logistics Park.

Chairperson Shea read aloud the conditions of approval to the Petitioner. The Petitioner concurred.

Chairperson Shea made a motion to APPROVE CASE 2019-SPR-06 WITH CONDITIONS. Commissioner Voorhees seconded the motion.

Conditions of Approval:

This approval is strictly for the development of a new office/flex space spec. building at 2055 Fenton Logistics Park Blvd. as indicated on the amended Site Plan, dated February 1, 2019, and the other plans submitted with the application and dated January 11, 2019, with the following conditions of approval:

1. All proposed signage will require a separate permit to be reviewed for compliance with Chapter 485 of the Zoning Code.
2. The Site Plan shall be amended to clearly identify the building setbacks and landscape buffer areas. No parking structures will be allowed within any of the landscape buffer areas.
3. Landscaping shall be minimally provided as indicated on the landscape plan submitted with the application. Proposed landscaping within bio-retention areas will require review and approval by MSD and may be subject to MSD maintenance agreements.
4. At such time the subject site is developed as requested, the Site Plan for Building V will be deemed null and void and a new Site Plan Review application will need to be submitted to the City.
5. All future tenants within the building will require an Occupancy Permit, at which time the proposed tenant use will be reviewed for compliance with the allowable uses within the “PID”, as provided for in amended Ordinance 3445, Section 3, Item #2(A).
6. All future tenants/uses for the structure will need to meet the required parking spaces under the Code in order to obtain an Occupancy Permit. If at such time it is deemed that additional parking is needed to meet minimum Code requirements for proposed tenants, additional parking will need to be constructed by the owner/applicant or the Occupancy Permit will not be approved.
7. Before a building permit will be issued, improvement plans for the site will require review and approval by City Staff as well as other applicable parties.
8. All proposed storm water control for the site will require review and approval by Metropolitan Sewer District (MSD).
9. Review and approval of the development will be required by the Fenton Fire Protection District (FFPD).

- 10. A Major Land Disturbance Permit will be required before any construction will be permitted.
- 11. Any needed changes based on MSD or FFPD review may be administratively reviewed and approved by the Community Development Director.
- 12. Compliance with all other applicable City of Fenton Codes and Ordinances.

Roll Call:

Chairperson Shea	Aye
Vice-Chairperson Odehnal	Aye
Secretary Heard	Aye
Mayor Voyles	Aye
Alderman Glick	Aye
Commissioner Nelson	Absent
Commissioner Nilica	Aye
Commissioner Voorhees	Aye
Commissioner Gregg Matthes	Absent
Commissioner Sherrel	Aye

8 Ayes; 0 Nays, 2 Absent: Motion APPROVED.

ANNOUNCEMENTS:

REPORT FROM THE COMMUNITY DEVELOPMENT DIRECTOR: Director Finkbiner stated she has received one new application and was expecting two more for the March meeting.

REPORT FROM THE CHAIRPERSON: Chairperson thanked Erin Seele for her annual training presentation.

REPORT FROM THE MAYOR: None

REPORT FROM THE ALDERMANIC LIAISON: Alderman Glick announced that all items forwarded to the Board of Aldermen were approved.

REPORT FROM OTHER COMMISSIONERS: None

ADJOURNMENT: 10:00 p.m.

A motion to adjourn was made by Chairperson Shae and seconded by Vice Chairperson Odehnal.

8 Ayes; 0 Nays: Motion APPROVED by voice vote.

Respectfully submitted,

Amy Starck, Permit Coordinator
Community Development Department

John Shea
Planning and Zoning Commission

