

**MINUTES OF THE PLANNING AND ZONING
COMMISSION MEETING**

Brentwood City Hall

**Date: March 9, 2016
7:00pm**

Chairman Daming called the meeting to order at 7:00pm and led the pledge of allegiance. John Nuernberger called the roll with the following members present: John Ritter, Rebecca Jacobs, Jeff Moore, Clint Lewis, John Nuernberger, Sheri Bilderback, Michael Daming, Jennifer Hansen and Karen Smith.

APPROVAL OF MINUTES

Meeting Minutes February 10, 2016

Minutes were approved as submitted

OLD BUSINESS

Application for a Zoning Map Amendment from "PD" to "UD" at 8071 & 8075 Manchester Rd. (Case 15-20)

Applicant: Gary Hassenflu

Mr. Daming stated that this item has been on the agenda for several meetings, both a general session and a sub-committee meeting along with another similar application for that property for a site plan review. The only item on the agenda tonight is for requested rezoning at this site from "PD" to "UD".

Mr. Daming asked the applicant if he had anything to add to the rezoning request.

Mr. Walker stated he was the Civil Engineer with BAX Engineering. Mr. Hassenflu, the developer for the project was unable to attend tonight. They have been working with the City, MSD and MoDot, County and County Highway Department to address any concerns as they were preparing the site plan. They are also in the process of addressing a few comments that the sub-committee had at the last meeting. They would be revising the site plan and making adjustments and presenting them at the next sub-committee meeting.

Mr. Daming asked Mr. Streiler to explain the difference between the two classifications; PD and UD. What the Commission would be seeing with this site should it decide to approve the rezoning request.

Mr. Streiler stated that this petition came in under former Planning and Development Director Wyse. He added that they both reviewed it and collectively looked at the city's PD zoning district and the UD. They concluded that the UD is actually a district that is most compatible with the recommendations of the comprehensive plan. It envisions this site as being somewhat of a mixed community use. The UD district itself is more accommodating for a residential type development, such as this site. The UD actually provides some provisions that will allow the height, setback and lot coverage that will accommodate the site plan. This is consistent with the comprehensive plan. There are not many locations within the city where you could do such a development. Also, identified at two of the previous sub-committee meetings, was the need to create a pleasing impression as you first come into Brentwood from the east. This is at a critical

gateway to the city and this zoning district will certainly allow a development that will be pleasing as well as attractive to the nearby transit facility. The site unfortunately has been underutilized and vacant for many years. Failed efforts have taken place to try and develop this site and the opinion is that the UD is the most accommodating; especially for this development and other complimentary developments that may go in the future.

Mr. Daming asked Mr. Streiler to address or maybe just identify some of the physical constraints that a developer of this site would face.

Mr. Streiler stated that this site is encumbered by a flood hazard area as well as Black Creek, a channelized creek that goes through the site. The first site plan had almost the entire site being developed. The entire eastern end of this will now be open and undeveloped due to the fact that it is encumbered by a flood way or a flood hazard area. There also is a residential area behind this site in which some buffering will need to take place. There are also two major roads; Hanley Road and Manchester Road that converge right at this location. The thought would be that this would be ideal for a commercial site but ingress and egress is limited as well. There are three existing ingresses and egresses to this site, two of which MoDot and County Highway officials have asked that be eliminated. That would render this site challenging for a retail type use. Access and other development constraints such as the flood hazards areas and Black Creek are really the key issues driving this re-zoning to the UD classification.

Mr. Daming asked if it was the physical constraints that warrant more density in any potential development.

Mr. Streiler stated that was an accurate statement as well as the market driving such a facility. It is what is referred to as a renter by choice type development. The renter rates will be market rate, the amenities of the development that have been looked at include things such as a pool, dog park, sidewalks and two levels of structured parking.

Mr. Daming added that it is these physical constraints that won't permit development to grow out rather any significant development would need to grow up.

Mr. Streiler stated that to that point the physical footprint of this development is the same as what is currently paved or what has been developed in the past. So the land disturbance is not going beyond what has already been disturbed.

Mr. Daming stated that given that need to build up and out, isn't it true that the UD districts permits that to a much greater extent?

Mr. Streiler said that it does. The UD district is unlike any other district, because it allows a height bonus based on acreage. If you have over two acres, you can go beyond four stories. They have four stories of apartments and two stories of parking structure which is a total of six stories. They are well within the requirements of the UD. It would be difficult to do this development in any other district.

Mr. Daming stated that in fact it would be impossible to do any significant development and certainly anything over four stories in a PD.

Mr. Streiler stated that was correct. They would need more land area (to accommodate the more restrictive setback and lot coverage requirements of the PD).

Mr. Daming asked if there were any questions for Mr. Walker or for Mr. Streiler.

Ms. Smith asked that if the new application has the right front yard, side yard and rear set - backs?

Mr. Streiler stated that under Section B of the Staff Report, section A talks about compliance to the comprehensive plan. Section B is a line item by line item comparison of the UD district and what is permitted and what is proposed.

Ms. Smith stated that there was a difference between what was shared in that December 9 meeting on some of those setbacks. She didn't think it would make a difference because the intent is to shift this forward.

Mr. Streiler responded that the drive access would go behind. The reason the analysis was completed was to flag any inconsistencies with the UD requirements. According to the City's rezoning requirements, if there were any known variance(s), the rezoning would not be permitted. At this point, no variances are needed.

Mr. Nuernberger stated that if the change in zoning was approved, before there is an official site plan that is approved can it (the rezoning) be contingent on being approved only for this site? In the future, if this development does not go through, can the zoning be changed back to general commercial for another development?

Mr. Streiler stated that at this point it would be arbitrary to set any conditions. Right now the rezoning will allow them to do what's permitted in the UD. For a reference point, the UD requirements were used to see if the proposed development they have in mind is in compliance. Should that change, or should a new developer come into place, the UD district would still be a more suitable zoning district for that particular site for the various reasons that were covered earlier.

Mr. Daming stated to Mr. Nuernberger that he would suggest that it would be inappropriate to put those limitations on this site. The consideration of whether or not to rezone this to UD district needs to be on the site alone and not on any proposed development.

Mr. Nuernberger stated that what he was used to having happen was that a site plan would go along with rezoning; it is all part and parcel. He is just a little bit uncomfortable with changing zoning for a use that we know what they want to put there but do not have a site plan to go along with it.

Ms. Bilderback stated that she understands what Mr. Nuernberger is saying from some of the things they have had in the past. In this case we are just looking at this piece of property with fresh eyes and what would make the most sense for the property. I think we could say a UD district would make a lot more sense for that particular property and how it ties in with everything else and the neat characteristics. No matter who would come in as a potential developer going forward that it (UD) would still be a better use of the property and would set us up (for a nice development). I think it would make sense even if there wasn't a particular project in front of us to rezone the property to UD.

Mr. Moore asked if changing the application and proposal to UD was specific to this site. He assumes it does not include the billboard piece on the east side of the creek and obviously

anything running along the western edge of Hanley going north. He asked if an island was being created with that billboard parcel as it is currently zoned.

Mr. Streiler asked if Mr. Moore was referring to a spot zoning.

Mr. Moore responded that he thought so.

Mr. Streiler stated that he knows that parcel is not very big. The creek not only separates the site but provides a physical buffer between this site and that GC site that is being referred to. The creek itself and the buffer would provide that separation, which should address any of the concerns that might be brought up.

Mr. Moore stated that he was not sure what the concern is specifically.

Mr. Streiler added that it is too bad that the billboards are not on this site because we might be able to handle it with the site plan. One of the reasons the commission feels that it is atypical to move forward without the site plan is because in all other planned districts the rezoning would require a site plan. For whatever reason, the UD is not one of those districts. We are close to having those (the rezoning, CUP & Site Plan) run in parallel. The plan was to ensure the proper public hearings were held to move forward with the rezoning which can be done pursuant to the code before the site plan or CUP are approved.

Mr. Nuernberger responded that he is in favor of the UD rezoning for this site. He thinks there needs to be change on Hanley Road with the other developments; He thinks that it is also UD. He doesn't think it is spot rezoning, he was just concerned about another development that would not be a multifamily coming in and then they wouldn't have to request a zoning change. Is it being considered to add any additional rezoning in the future beside on this site? Is it called upon in the comprehensive plan to have it UD? He was just a little concerned to just do it on that one site.

Mr. Streiler stated that this rezoning is being prompted by the petitioner's interest in the site. The city would have to think long and hard to involuntarily rezone any site. He doesn't think the current Comprehensive Plan advocates blanket rezoning. It's customary for the property owner or petitioner to request a change in zoning. This rezoning tonight is just for the subject property and includes rezoning to the UD, which staff feels is consistent with the Comprehensive Plan.

Mr. Nuernberger asked if it would stay UD once it is rezoned until someone else requests a change back.

Mr. Streiler commented that is what is on the docket tonight. Some of the limiting factors or site challenges would dictate what will go in there. It would be very difficult for retail and a variety of other uses to really take advantage of that site due to the limited ingress and egress.

Ms. Smith stated that based on the fact that this is consistent with the Comprehensive Plan and because we are dealing with a discreet issue. She would be inclined to approve it without conditions. She doesn't think conditions will help. She agreed with Ms. Bilderback that they need to look at it in isolation essentially as a parcel and rezoning it for that purpose.

Mr. Daming asked for a motion.

Ms. Bilderback made a motion to move that the Commission recommend approval of the application for rezoning as submitted. Ms. Hanson seconded the motion. **Roll Call:** Mr. Ritter yes, Ms. Jacobs yes, Mr. Moore yes, Mr. Lewis yes, Mr. Nuernberger yes, Ms. Bilderback yes, Ms. Hansen yes, Ms. Smith yes. **Motion passed 8-0.**

Mr. Nuernberger asked if there was an update traffic study.

Mr. Walker deferred to Mr. Streiler and he stated they had received a preliminary study that looked at the traffic volume from the site. No numbers or thresholds were met that were of any concern, but the traffic consultant is waiting for feedback from St. Louis County and MoDot for any final study results. One of the big things that was agreed on was the location of the sidewalk running adjacent to the right of way for the public sidewalk and that would complement a private sidewalk that the petitioners are designing in conjunction with the landscape plans. That really works in concert with what was proposed. The Commission will be informed once they receive all of the agency comments and have also talked with the Fire Chief and have talked to Bi-State and Metro regarding pedestrian access. It is probably to our advantage that the rezoning is moving forward as we hold the site plan back until we hear from all of those agencies. The city has retained their landscape architect to review the landscape plans. We should have a complete report for the next sub-committee meeting then the site plan should be able to go to the full commission for consideration.

Mr. Nuernberger asked if there are minutes from the site plan meeting.

Mr. Streiler replied yes and they will be approved at the site plan subcommittee.

Mr. Nuernberger stated that they normally would have what was covered at the site plan meeting at the P&Z meeting. They normally don't approve meeting minutes at the site plan subcommittee meetings.

Mr. Daming stated that it is legally permissible and it does help people who did not attend the subcommittee meeting.

Mr. Streiler commented that we are short staffed and they would get completed.

Mr. Nuernberger added that he understood and asked if anyone has looked into matching the light fixtures along Manchester Road that match the ones that are at the entrance at Brentwood and Hanley.

Mr. Walker stated that it was being considered and there will be lighting details for the next meeting. They are proposing adjacent to Manchester Road that matches the Ace Hardware down the street. That will be detailed on the plans.

Mr. Nuernberger added that would be a good addition. He also stated that it would be great if they could get rid of the big sign.

Mr. Walker commented that they are trying to dress up the front entrance.

Mr. Nuernberger also asked about the visitor parking.

Mr. Walker mentioned that it was discussed and that they would basically double the visitor parking. There will need to be access to inside parking for that.

Mr. Nuernberger stated that was a concern and he feels there needs to be an easement or a shared parking arrangement with the neighbors.

Mr. Walker stated that it was being looked into.

Mr. Streiler stated that the rezoning application will be reviewed at the next Board of Aldermen meeting for final approval. Their meeting date will be March 28th at the Recreation Complex at 7:00 p.m.

NEW BUSINESS

None

ALDERMANIC REPORT

None

CITY PLANNER'S REPORT

None

SITE PLAN REVIEW SUBCOMMITTEE APPOINTMENTS

March 30 at 6:00 p.m.

RATIONALE FOR THE BOARD OF ALDERMEN

Mr. Streiler will handle for the rezoning.

OTHER BUSINESS

None

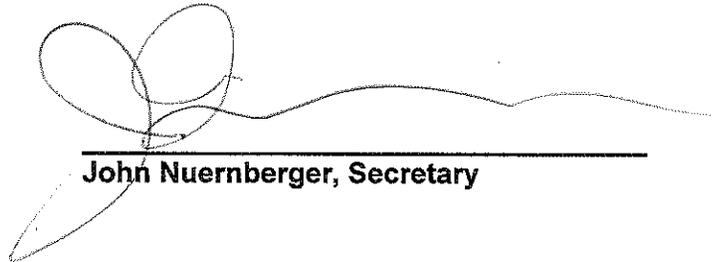
ADJOURNMENT

Motion was made by Ms. Bilderback and seconded by Ms. Smith to adjourn the meeting at 7:26 p.m... Unanimous vote in favor was taken; **MOTION PASSED.**



~~Michael Daming, Chairman~~

David Dammitt
Vice Chairman



John Nuernberger, Secretary