CITY OF DARDENNE PRAIRIE
2032 HANLEY ROAD
DARDENNE PRAIRIE, MO 63368

PLANNING & ZONING COMMISSION
AGENDA
OCTOBER 12, 2016
7:00 P.M.

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Zucker
Alderman Koch
Chairman Etzkorn
Commissioners:
- King
- Donahue
- Brockmann
- Shea
- Stankovich
- Bailey
- Rowley

OPEN FORUM

PUBLIC HEARINGS

1. A rezoning of properties along Feise Road and Hanley Road. The properties in the Subject Area are currently zoned "UZD" Uptown Zoning District and may be rezoned to "R-1" Single Family Residential District.

2. Amendments to the Dardenne Prairie Municipal Code pertaining to zoning and land use regulations.

3. Adoption of a city plan (Dardenne Prairie Comprehensive Plan).

4. A rezoning of the properties outlined in the Subject Area (Towne Square Area). The properties in the Subject Area are currently zoned "UZD" Uptown Zoning District and may be rezoned to "C-2" General Commercial District.

NEW BUSINESS

1. Request to Vacate Public Right-of-Way at Peaceful Valley, Lot 16 from Property Owner Gregory A. Brunts.

2. A rezoning of properties along Feise Road and Hanley Road. The properties in the Subject Area are currently zoned "UZD" Uptown Zoning District and may be rezoned to "R-1" Single Family Residential District.

3. Amendments to the Dardenne Prairie Municipal Code pertaining to zoning and land use regulations.

OLD BUSINESS

1. A rezoning of the properties outlined in the Subject Area (Towne Square Area). The properties in the Subject Area are currently zoned "UZD" Uptown Zoning District and may be rezoned to "C-2" General Commercial District.

APPROVAL OF MINUTES

Approval of 09-14-16 Minutes

COMMISSION COMMUNICATIONS

ADJOURNMENT

MEMO

TO: Dardenne Prairie Planning and Zoning Commission

FROM: Luke R. Kehoe, P.E., CFM, LEED AP
Kehoe Engineering Company, Inc. (KEC)

DATE: September 30, 2016

SUBJECT: Planning and Zoning Commission Meeting Scheduled for October 12, 2016

Items for consideration at this meeting include:

PUBLIC HEARINGS:

1. **Amendments to the Dardenne Prairie Municipal Code pertaining to zoning and land use regulations.** There are currently nine zoning districts in the City of Dardenne Prairie:

   "R-1A" Single-family Residential District
   "R-1B" Single-family Residential District
   "R-1C" Single-family Residential District
   "R-1D" Single-family Residential District
   "R-1D" Single-family Residential District
   "C-1" Local Commercial District
   "C-2" General Commercial District
   "I-1" Light Industrial District
   "HTCD" High Tech Corridor District
   "UZD" Uptown Zoning District

   At the September 14, 2016, Planning and Zoning Commission meeting, a request to the City Attorney and City Engineer was made by the Planning and Zoning Commission to prepare a draft amendment to the Municipal Code for the creation of a new commercial zoning district for retail land uses. Pursuant to that request, please find enclosed a draft of a possible tenth zoning district – "C-3" Retail Commercial District.

   This proposed district is composed of those areas of the City where the principal use is and ought to be concentrated retail business activities that serve the entire City and the surrounding region. Due to size and scale of such commercial developments, development under this Section will be expected to closely follow the City's Comprehensive Plan to insure a well-designed, attractive and integrated development. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

2. **A rezoning of the properties outlined in the Subject Areas on the enclosed maps along Feise Road and Hanley Road. The properties in the Subject Areas are currently zoned "UZD" Uptown Zoning District and may be rezoned to "R-1" Single Family Residential District.** The enclosed public notice was mailed to owners of property within the Subject Area and within 300 feet of the Subject Area.

NEW ITEMS:

1. **Request to Vacate Public Right-of-Way at Peaceful Valley, Lot 16 from Property Owner Gregory A. Brunts.** A request to vacate a portion of an existing utility, sewer and drainage easement at Peaceful Valley, Lot 16 was received by the City on September 7, 2016. The request was reviewed by the City Engineer, and the enclosed letter was sent to the property owner on September 29, 2016.

   Pursuant to the Municipal Code, there is no right under law to vacate or to develop public right-of-way. In order to do so, a discretionary legislative approval must be obtained from the Board of Aldermen and the Board may not vacate right-of-way unless it determines that to do so is in the public interest. Part of that determination is to assure that potential development and use of the vacated right-of-way would serve the public interest in a significant way. The Board is not bound by land use policies or this Section in making right-of-way vacation decisions and may condition or deny vacations as it may deem necessary, in its sole discretion, to protect the public interest. The City will generally not support vacations that do not advance City planning goals, particularly if inconsistent with the desired intensity of development and preferred uses. In making this determination, the Board of Aldermen and City reviewers will weigh three (3) components of the public interest described as follows:

   i. Public trust functions. The City will consider the impact of the proposed vacation upon the circulation, access, utilities, light, air, open space, and views provided by the right-of-way;
   ii. Land use impacts. The City will consider the land use impacts of the proposed vacation. Potential development involving the vacated right-of-way must be consistent with City land use policies for the area in which the right-of-way is located; and
   iii. Public benefit. Benefits accruing to the public from the vacation of the right-of-way will be considered. The proposal must provide a long-term benefit for the general public.

2. **Amendments to the Dardenne Prairie Municipal Code pertaining to zoning and land use regulations.** From Public Hearing Item 1 above.

3. **A rezoning of the properties outlined in the Subject Areas on the enclosed maps along Feise Road and Hanley Road. The properties in the Subject Areas are currently zoned "UZD" Uptown Zoning District and may be rezoned to "R-1" Single Family Residential District.** From Public Hearing Item 2 above.

EXISTING ITEMS:

1. **Adoption of a city plan (Dardenne Prairie Comprehensive Plan).** A comprehensive plan serves as a guide for making a community a better place in which to live and work over a 15- to 20-year timeframe. It communicates to residents, developers, and others what land use pattern is desired by the community in particular areas of the City. In order for the City's planning efforts to function and serve the community well over time, they must be reviewed, revised, and updated periodically.

   The original "Comprehensive Plan of the City of Dardenne Prairie" was adopted in 2002. The most recent Comprehensive Plan was adopted in 2014. This current Comprehensive Plan is available for review and download from the City's website. The City has undergone significant changes in the past 20 years as a result of annexations, residential and commercial

development, environmental legislation, regional planning projects, construction of Missouri State Highway 364 and adoption of the Dardenne Prairie Uptown Zoning District. The current Uptown City Plan is a part of the Dardenne Prairie Comprehensive Plan as Appendix A.

Because planning is a vital role in maintaining and improving the quality of life for all Dardenne Prairie residents, the City's Planning and Zoning Commission is undertaking the process of reviewing and revising its comprehensive plan.

The Planning and Zoning Commission is seeking input from City stakeholders. A Comments and Questions Sheet is available on the City's website and from the City Clerk to receive comments and questions to the Planning and Zoning Commission from City stakeholders regarding this Comprehensive Plan Update.

A copy of the current Planning and Zoning Commission adopted Conceptual Land Use Guidance Map was previously provided for your reference.

2. **A rezoning of the properties outlined in the Subject Area on the previously provided map along Technology Drive, Merz Farm Lane, La Le Drive and Highway N. The properties in the Subject Area are currently zoned "UZD" Uptown Zoning District and may be rezoned to "C-2" General Commercial District.** The previously provided public notice was mailed to owners of property within the Subject Area and within 300 feet of the Subject Area.

INFORMATION ONLY:

1. **None.**

Enclosures

cc: Board of Aldermen
Kim Clark, City Clerk
John Young, City Attorney

SECTION 405.190: "C-3" RETAIL COMMERCIAL DISTRICT

A. *Purpose.* This district is composed of those areas of the City where the principal use is and ought to be concentrated retail business activities that serve the entire City and the surrounding region. Due to size and scale of such commercial developments, development under this Section will be expected to closely follow the City's Comprehensive Plan to insure a well-designed, attractive and integrated development. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district have been excluded.

B. *Permitted Uses.*

1. Antique stores

2. Appliances (including parts and equipment) – retail

3. Artist galleries

4. Bicycles (including parts and equipment) – retail and rental

5. Books, magazines, newspapers and similar printed materials – retail

6. Camera and photographic equipment and supplies – retail

7. Carpet and floor covering stores

8. China, glassware, and metalware – retail

9. Clothing and apparel – retail

   Convenience stores (without fuel sales)

10. Curtains, drapery, and upholstery – retail

11. Delicatessen without drive-thru windows

12. Department and home improvement stores

13. Discount and variety stores

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14. Drug stores and pharmacies

15. Electronic apparatus and components – retail

    Electronic entertainment and communication products (including parts and equipment) – retail

16. Florists

17. Furniture and home/office furnishings – retail

18. Garden centers, greenhouses (commercial) and nurseries – retail only

19. General stores and retail trade not elsewhere listed

20. Gift, novelty, and souvenir stores

21. Grocery stores and supermarkets

    Hardware stores

22. Hobby stores

23. Ice cream and frozen desserts – retail

24. Jewelry, watches, and clocks (including repair) – retail

25. Musical instruments (including parts and supplies) – retail

26. Religious places of worship (churches, synagogue, temple, mosque, etc.)

27. Restaurants, coffee shops, bakeries and similar dining establishments without drive-thru windows, including a restaurant bar, as that term is defined in Section 600.010 of this Code.

28. Secondhand merchandise (including consignment, but not including pawnshops) – retail

29. Sporting goods stores

30. Theaters, motion picture (indoor)

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31. Theaters, performing arts (indoor)

32. Toy stores

C. *Conditional Uses.*

1. Accessory dwelling units, provided that no more than one accessory dwelling unit shall be permitted per lot.

   Alcoholic beverages (liquor, beer and wine) – retail

2. Automobile and other motor vehicles– fuel sales (without repair services)

3. Automobile and other motor vehicles – drive-through oil change facilities

4. Automobile and other motor vehicles, parts and equipment sales – retail

5. Automobiles and other passenger vehicles – rental services

6. Banquet hall and party centers

7. Bowling alleys

8. Commercial recreation not elsewhere listed, provided all buildings are two hundred (200) feet from a "R" District

9. Banks, savings and loans, and credit unions with drive through facilities (does not include check cashing, payday loans and similar facilities)

10. Bars, pubs, nightclubs and taverns

11. Car washes (excluding semi-trailer trucks)

12. Convenience stores (with fuel sales)

    Drive-thru facilities (restaurants, pharmacy, grocery, etc.)

13. Electronic entertainment and communication products – repair

14. Farmers markets

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15. Farms (roadside stands) – retail

16. Gun shops and gunsmiths

17. Hotels, motels, extended stay hotels

18. Health and fitness clubs

19. Microbreweries within restaurants and do-it-yourself beer and wine making stores

20. Outdoor storage or display in connection with, and accessory to, a permitted retail use on the site. Material, product, inventory, goods and/or equipment not displayed for sale or lease on the site may be permitted in the side and/or rear yard provided items are screened or enclosed by a masonry wall, sight-proof fence or equivalent landscape hedge not less than six (6) feet in height. Outdoor display of merchandise and goods for lease or sale at retail may be approved without screening subject to any conditions of the conditional use permit

21. Pet stores

22. Pool and billiard halls

23. Wholesale establishment or warehouse in a completely enclosed building

24. Wireless support structures and wireless facilities

25. Accessory uses customarily incident to any conditional uses in this Section

D. *Planned Unit Developments.* Notwithstanding any other provision of this Code to the contrary, uses permitted on any property within the C-3 Retail Commercial District with a Planned Unit Development designation pursuant to Article IV of Chapter 405 of this Code shall be limited to those uses expressly authorized in the ordinance passed by the Board of Aldermen approving the Area Plan, and any use not expressly permitted in the ordinance approving the Area Plan shall be prohibited. For any property within the C-3 Retail Commercial District with such a Planned Unit Development designation, the Board of Aldermen is authorized to permit or permit with conditions any uses described in subsections B and C of this Section, subsections B and C of Section 415.180, and subsections B and C of Section 415.190 of this Code.

E. Regulations And Performance Standards.

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1. Lot width: The minimum lot width for a structure shall be one hundred fifty (150) feet at the building line; *provided, however*, that the Board of Aldermen may approve a lesser minimum lot width as part of the approval of an Area Plan pursuant to Article IV of Chapter 405 of this Code.

3. Lot depth: none.

4. Lot coverage: none.

5. Yard requirements.

   a. Front yard: not less than twenty-five (25) feet, excluding all signs, pump islands and canopies of gasoline service stations.

   b. Side yard: not less than ten (10) feet. A side yard of not less than twenty-five (25) feet shall be provided on the street side of a corner lot.

   c. Rear yard: not less than fifteen (15) feet.

   d. Notwithstanding the foregoing, the Board of Aldermen may approve lesser yard requirements as part of the approval of an Area Plan pursuant to Article IV of Chapter 405 of this Code.

6. Height requirements. No building or structure shall exceed the building height of forty-five (45) feet unless the Planning and Zoning Commission and the Board of Aldermen make a determination that a building height in excess of forty-five (45) feet would be warranted based upon a finding that such a use of property would meet the requirements for a conditional use under Sections 405.455 and 405.475 of this Code.

7. Off-street parking. Two (2) off-street parking spaces shall be provided for each accessory dwelling unit, and all other off-street parking shall be provided in compliance with the requirements of Article XI for parking requirements; *provided, however*, that the Board of Aldermen may provide specific off-street parking requirements as part of the approval of an Area Plan pursuant to Article IV of Chapter 405 of this Code.

8. Landscape requirements. See Article IX.

9. Site plan review. See Article XIII.

10. Performance standards. See Article XII.

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11. Signs. See Article X.

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PLANNING & ZONING MINUTES SEPTEMBER 14, 2016

The City of Dardenne Prairie Planning & Zoning Commission meeting was called to order at 7:00 p.m. The meeting was held at the Dardenne Prairie City Hall located at 2032 Hanley Road.

The meeting was opened with the Pledge of Allegiance.

Present at roll call were Mayor Zucker, Alderman Koch, Chairman Etzkorn, Commissioners Claspille, Brockmann, Bailey, Stankovich, Rowley and Shea. Commissioner King arrived at approximately 7:05. Commissioner Donahue was absent. Also present were City Clerk Kim Clark, City Engineer Luke Kehoe and City Attorney John Young.

OPEN FORUM – No one present to speak.

PUBLIC HEARING

1. Adoption of a city plan (Dardenne Prairie Comprehensive Plan).

2. A rezoning of the properties outlined in the Subject Area on the enclosed map. The properties in the Subject Area (Towne Square Area) are currently zoned "UZD" Uptown Zoning District and may be rezoned to "C-2" General Commercial District.

Mayor Zucker explained the purpose of the public hearings.

The following individuals spoke on the public hearings:

Bob Davis	Jerry Jacobsmeyer
Blake Nay	Leonard Kohler
Rob Shatro	Marc Telander
Joe Pecoraro	

Mayor Zucker read a letter received from Paster, West & Kraner, PC to be entered as part of the record.

A motion was made by Mayor Zucker, Seconded by Commissioner Brockmann to continue the public hearings to a future date. Motion passed unanimously.

NEW BUSINESS

1. Adoption of a city plan (Dardenne Prairie Comprehensive Plan).

A motion was made by Mayor Zucker, Seconded by Commissioner Brockmann to defer action on the adoption of a city plan. Motion passed unanimously.

2. A rezoning of the properties outlined in the Subject Area on the enclosed map. The properties in the Subject Area (Towne Square Area) are currently zoned "UZD" Uptown Zoning District and may be rezoned to "C-2" General Commercial District.

A motion was made by Commissioner Brockman, Seconded by Commissioner Bailey to postpone item #2 until a draft of a C-3 zoning district is prepared. Motion passed unanimously.

APPROVAL OF MINUTES

Approval of 08-10-16 Minutes

A motion was made by Commissioner Bailey, Seconded by Commissioner Rowley to approve the 08-10-16 minutes. Motion passed unanimously.

COMMISSION COMMUNICATIONS

Mayor Zucker presented Commissioner Claspille with a plaque and thanked him for his service to the City of Dardenne Prairie.

ADJOURNMENT

A motion was made by Commissioner Rowley, Seconded by Commissioner Shea to adjourn the meeting at 8:30 p.m. Motion passed unanimously.

Respectfully submitted,

_____

Kim Clark, City Clerk

Paster, West
& Kraner, p.c.

Attorneys At Law

William B. Remis
E-mail: wbr@pwklaw.com

September 14, 2016

Mayor David Zucker
City of Dardenne Prairie, MO
2032 Hanley Road
Dardenne Prairie, MO 63368

RE: Dardenne Town Center – Dardenne Prairie, MO

Dear Mayor Zucker:

We represent Covington Dardenne Acquisition 1 – 27, LLC ("Covington Realty"), the owners of Dardenne Towne Center. Recently, we became aware that Dardenne Prairie has scheduled a public hearing before the Planning & Zoning Commission for the evening of September 14 to consider the potential rezoning of property in Dardenne Prairie, including Dardenne Town Center.

Because Covington Realty did not receive notice of this hearing until recently we are unable to attend tonight's hearing. However, we wanted to express our concern regarding the potential impact of any rezoning. In connection with the proposed rezoning, we hope the City does not take any action which would compromise or eliminate use rights, create non-conformities or otherwise adversely affect the Center. Covington Realty relies on the existing zoning to attract viable tenants, help the ongoing viability and marketability of the Property and ensure that the Center remains a vital contributor to the economy and community of Dardenne Prairie.

Please pass this letter along to the members of the Board of Alderman, the Planning Commission and other members of the City's staff so it can be added to the record for tonight's hearing. In addition, please contact me as soon as possible so we can set up a time to further discuss.

Thank you for your consideration.

Very truly yours,

William B. Remis

cc: Luke Kehoe
Chair, Planning & Zoning Commission
John Young