

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

**PLANNING & ZONING COMMISSION
AGENDA
SEPTEMBER 9, 2020
7:00 P.M.**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL Mayor Zucker
Alderman Wandling
Chairman Etzkorn
Commission members:
Bailey
Brockmann
Helms
Rowley
Seurer
Shea
Stankovich
Wooldridge

OPEN FORUM

PUBLIC HEARING

1. Conditional Use Permit Application for 'General Store and Retail Trade' for an approximate 1,146 square feet of Lot 4 of Town Square subdivision that is commonly known as 7849 Town Square Avenue and more particularly described in the Conditional Use Permit Application received by the City on July 30, 2020, from Applicant Shamans Destiny, LLC and Property Owner Dos Lagos Spe, LLC.
2. Rezoning Request for the southernmost 18,128 square feet of the land commonly known as 7231 Highway N and the 1st Amended P.U.D. Area Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N and both more particularly described in the Rezoning Request and 1st Amended P.U.D. Area Plan received by the City on July 29, 2020, on file with the City Clerk from Applicant and Owner Luetkenhaus Properties.
3. Rezoning Request and P.U.D. Request – Area Plan for the approximate 10.97 acres of land being Outlot B of BaratHaven from Applicant St. Charles Engineering & Surveying, Inc. and Property Owner Simmons First National Bank.
4. Comprehensive Plan.

NEW BUSINESS

1. Conditional Use Permit Application for 'General Store and Retail Trade' for an approximate 1,146 square feet of Lot 4 of Town Square subdivision that is commonly known as 7849 Town Square Avenue and more particularly described in the Conditional Use Permit Application received by the City on July 30, 2020, from Applicant Shamans Destiny, LLC and Property Owner Dos Lagos Spe, LLC.

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3. 1st Amended P.U.D. Final Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N and both more particularly described in the Final Plan received by the City on July 29, 2020, on file with the City Clerk from Applicant and Owner Luetkenhaus Properties.
4. Rezoning Request and P.U.D. Request – Area Plan for the approximate 10.97 acres of land being Outlot B of BaratHaven from Applicant St. Charles Engineering & Surveying, Inc. and Property Owner Simmons First National Bank.
5. RESOLUTION NO. 2020-01
A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DARDENNE PRAIRIE, MISSOURI AMENDING, RESTATING AND ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF DARDENNE PRAIRIE, MISSOURI

APPROVAL OF MINUTES

Approval of 08-12-20 Minutes

COMMISSION COMMUNICATIONS

ADJOURNMENT

Posted 9/3/20 @ 4:15 pm by Kim Clark

The City of Dardenne Prairie Planning & Zoning Commission meeting was called to order at 7:02 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 Wandling, Chairman Etkorn and Commissioners Bailey, Brockmann, Shea, Stankovich and Wooldridge. Commissioners Helms, Rowley and Seurer were absent. Also present were City Clerk Kim Clark, City Administrator Dan Lang, City Engineer Luke Kehoe and City Attorney John Young.

OPEN FORUM – Therese Wist of 422 Lantern, St. Peters was present to inquire about the 2540 Technology Drive property and the zoning of adjacent properties.

PUBLIC HEARING

1. Conditional Use Permit Application for 'General Store and Retail Trade' for an approximate 1,146 square feet of Lot 4 of Town Square subdivision that is commonly known as 7849 Town Square Avenue and more particularly described in the Conditional Use Permit Application received by the City on July 30, 2020, from Applicant Shamans Destiny, LLC and Property Owner Dos Lagos Spe, LLC.

Christopher Thompson and Todd Bodoh were in attendance to present the proposal.

2. Rezoning Request for the southernmost 18,128 square feet of the land commonly known as 7231 Highway N and the 1st Amended P.U.D. Area Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N and both more particularly described in the Rezoning Request and 1st Amended P.U.D. Area Plan received by the City on July 29, 2020, on file with the City Clerk from Applicant and Owner Luetkenhaus Properties.

Jeff Simmons of Bax Engineering was in attendance to present the proposal.

The following individuals were in attendance to speak:

Ann Thielman – 7177 Highway N

3. Rezoning Request and P.U.D. Request – Area Plan for the approximate 10.97 acres of land being Outlot B of BaratHaven from Applicant St. Charles Engineering & Surveying, Inc. and Property Owner Simmons First National Bank.

Mike Mieners representing Simmons First National Bank was in attendance to present the proposal.

The following individuals were in attendance to speak:

Rich Musler - 2078 St. Madeleine Dr.

Dave Thomas - 304 Trailhead Way

Kathy Collins - 302 Trailhead Way

Roger Wynkoop -42 Toussaint Landing Ct.

4. Comprehensive Plan.

John Brancaglione of PGAV was in attendance to discuss the Comprehensive Plan.

The following individuals were in attendance to speak:

Tom Kaimer - 7 Baxter Lane, Chesterfield, MO 63017

A letter received from Gary Feder of Husch Blackwell representing the Bopp family dated September 9, 2020 is attached as part of these minutes.

A motion was made by Commissioner Shea, seconded by Commissioner Brockmann to close the public hearings. Motion passed unanimously.

NEW BUSINESS

1. Conditional Use Permit Application for 'General Store and Retail Trade' for an approximate 1,146 square feet of Lot 4 of Town Square subdivision that is commonly known as 7849 Town Square Avenue and more particularly described in the Conditional Use Permit Application received by the City on July 30, 2020, from Applicant Shamans Destiny, LLC and Property Owner Dos Lagos Spe, LLC.

A motion was made by Commissioner Shea, seconded by Commissioner Brockmann to recommend approval the conditional use permit application for "General Store and Retail Trade." Motion passed unanimously.

2. Rezoning Request for the southernmost 18,128 square feet of the land commonly known as 7231 Highway N and the 1st Amended P.U.D. Area Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N and both more particularly described in the Rezoning Request and 1st Amended P.U.D. Area Plan received by the City on July 29, 2020, on file with the City Clerk from Applicant and Owner Luetkenhaus Properties.

A motion was made by Commissioner Brockmann, seconded by Commissioner Shea to recommend approval of the Rezoning Request for the southernmost 18,128 square feet of the land commonly known as 7231 Highway N and the 1st Amended P.U.D. Area Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N. Roll call was as follows:

Commissioner Stankovich – Aye	Commissioner Shea – Aye
Chairman Brockmann – Aye	Commissioner Bailey – Aye
Alderman Wandling – Aye	Chairman Etkorn – Aye
Mayor Zucker – Aye	Commissioner Wooldridge – Aye
Commissioner Helms – Absent	Commissioner Rowley – Absent
Commissioner Seurer – Absent	

3. 1st Amended P.U.D. Final Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N and both more particularly described in the Final Plan received by the City on July 29, 2020, on file with the City Clerk from Applicant and Owner Luetkenhaus Properties.

A motion was made by Commissioner Shea, seconded by Commissioner Wooldridge to recommend approval of the 1st Amended P.U.D. Final Plan for the approximate 10.25 acres of land commonly known as 7231 Highway N. Roll call was follows:

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September 9, 2020

Mayor Zucker – Aye
Chairman Etzkorn – Aye
Commissioner Wooldridge – Aye
Alderman Wandling – Aye
Commissioner Helms – Absent
Commissioner Seurer – Absent

Commissioner Stankovich – Aye
Commissioner Brockmann – Aye
Commissioner Bailey – Aye
Commissioner Shea – Aye
Commissioner Rowley – Absent

4. Rezoning Request and P.U.D. Request – Area Plan for the approximate 10.97 acres of land being Outlot B of BaratHaven from Applicant St. Charles Engineering & Surveying, Inc. and Property Owner Simmons First National Bank.

A motion was made by Commissioner Brockmann, seconded by Commissioner Shea to recommend approval of the Rezoning Request and P.U.D. Request – Area Plan for the approximate 10.97 acres of land being Outlot B of BaratHaven.

A motion was made by Mayor Zucker, seconded by Commissioner Shea to amend the motion to recommend approval by making a recommendation to approve subject to compliance by the developer with completion of a maintenance agreement, as requested by the City Engineer in his Sept. 4, 2020 letter. Roll call was follows:

Chairman Etzkorn – Aye
Alderman Wandling – Aye
Commissioner Brockmann – Aye
Commissioner Stankovich – Aye
Commissioner Helms – Absent
Commissioner Seurer – Absent

Commissioner Bailey – Aye
Mayor Zucker – Aye
Commissioner Wooldridge – Aye
Commissioner Shea – Aye
Commissioner Rowley – Absent

Roll call for the motion to recommend approval was as follows:

Commissioner Shea – Aye
Chairman Etzkorn – Aye
Commissioner Stankovich – Aye
Commissioner Brockmann – Aye
Commissioner Helms – Absent
Commissioner Seurer – Absent

Commissioner Bailey – Nay
Mayor Zucker – Aye
Alderman Wandling – Aye
Commissioner Wooldridge – Nay
Commissioner Rowley – Absent

5. RESOLUTION NO. 2020-01

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DARDENNE PRAIRIE, MISSOURI AMENDING, RESTATING AND ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF DARDENNE PRAIRIE, MISSOURI

A motion was made by Alderman Wandling, seconded by Commissioner Shea to table item #5 to the October meeting. Roll call was as follows:

Chairman Etzkorn – Aye
Alderman Wandling – Aye
Commissioner Brockman – Aye
Commissioner Stankovich – Aye
Commissioner Helms – Absent
Commissioner Seurer – Absent

Commissioner Bailey – Aye
Mayor Zucker – Aye
Commissioner Wooldridge – Aye
Commissioner Shea – Aye
Commissioner Rowley – Absent

PLANNING & ZONING MINUTES

September 9, 2020

APPROVAL OF MINUTES

Approval of 08-12-20 Minutes

A motion was made by Commissioner Stankovich, seconded by Commissioner Wooldridge to approve the 08-12-20 minutes. Motion passed unanimously.

COMMISSION COMMUNICATIONS

ADJOURNMENT

A motion was made by Commissioner Bailey, seconded by Commissioner Stankovich to adjourn the meeting at 9:28 p.m. Motion passed unanimously.

Respectfully submitted,



Kim Clark, City Clerk

HUSCH BLACKWELL

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September 9, 2020

Mr. Ed Etzkorn, Chairman
Planning and Zoning Commission
City of Dardenne Prairie
2032 Hanley Road
Dardenne Prairie, Missouri 63368

Re: 2020 Comprehensive Plan

Dear Mr. Etzkorn:

The undersigned is the attorney for the Bopp Family, owners of the property referenced in the draft Comprehensive Plan as “the Bopp Tract.” I have served in that capacity since 2012 when the 80-acre tract was approximately 170 acres. I have appeared many times before City government during the subsequent nine years, as have the Bopp’s engineer David Volz and direct owners’ representative, Don Prestein. We have pursued rezonings and area plans for the larger Bopp property over that time. While our requests were sometimes met with opposition, we have worked with Mayor Zucker and City government very cooperatively in the past four-five years. Our initial plans in 2012 -2014 for the 170-acre site were to develop approximately half of the property commercially and the other half residentially. Our initial emphasis was on commercial development, focused on approximately 16 acres east of the corner of Bryan and Feise, which are marked by a natural creek. Our efforts to develop the “corner east of the creek” proved very difficult, particularly consumed with efforts to bring a Walmart grocery to the area, which twice was jettisoned by Walmart itself prior to closing.

As you know since 2014 the retail industry has greatly regressed because of a variety of factors, including the “Amazon effect.” In addition, the City of O’Fallon’s control of Bryan Road has made commercial development which is dependent, in part, on Bryan access very problematic. During the same time interest in high quality single-family development on the Bopp property significantly increased. Just last month McKelvey Homes closed on the purchase of additional Bopp acreage, now bringing the total committed to high-quality single-family subdivisions to almost 100 acres.

The draft Comprehensive Plan document itself acknowledges that, even taking into account all of the new single-family homes in Dardenne Prairie, the interest for new units remains

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extremely high. McKelvey Homes has expressed significant interest in continuing to purchase more of the Bopp Tract for additional high quality single family homes, while acknowledging that the original 16 acre parcel “east of the creek“ at Bryan and Feise should ideally be commercially, rather than residentially, developed. The ‘Bopp Family continues to believe that the corner parcel can be commercially developed and an acceptable agreement reached with the City of O’Fallon regarding the impact of those 16 acres on Bryan Road.

On page 46 of the proposed Comprehensive Plan, the document identifies and describes the so-called North Bryan Road Commercial (the Bopp Tract): “this is one location in the City where a larger retail development could be feasible. At least for the foreseeable future, the City and the property owner should reserve the property for such use.” The Comprehensive Plan’s proposal for the site suggests all 80 acres should be limited to those uses that can be found in larger shopping centers – stores selling home improvements, furniture, discount department goods and clothing as well as restaurants and small office spaces.

Shopping centers, large and small, have been going out of existence for the past few years, even in pre-COVID-19 conditions. Clearly things have only gotten much worse since March of this year for such centers and numerous national retailers.

It is simply unrealistic and unreasonable to propose that the entire 80-acre property in question be “reserved” for a list of uses that simply can’t be achieved, especially in a post-COVID-19 environment.

The draft Comprehensive Plan generally observes that for Dardenne Prairie” attracting new commercial development remains a challenge.” The Comprehensive Plan now unreasonably requests that the Bopp Family bear the burden of this challenge. The family is willing, as noted above, to reserve 16 of the 80-acre Bopp Tract to help try to address the commercial challenge. However, it cannot be asked to do the same for the remaining 64 acres, especially when a further expansion of much desired high-quality residential can be added to the City’s housing stock in the next couple of years.

The Bopp Family sincerely wishes to work in tandem with the City of Dardenne Prairie for the betterment of all involved. In emailed correspondence earlier today with John Brancaglione, your planning consultant, John suggests that the future land-use plan map and text in the Comprehensive Plan relating to the Bopp Tract could be modified subsequent to tonight’s meeting, with the Commission taking up formal approval at its October meeting. Tabling at least that part of the Plan would allow Mr. Brancaglione, City officials/staff, the Commission and Bopp Family representatives to more fully discuss the issues raised in this letter. Doing so would also allow Mr. Brancaglione to recommend appropriate amendments for Commission consideration.

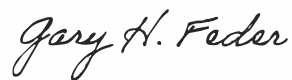
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We believe a more equitable and realistic recommendation can be added to the Comprehensive Plan for this important site. We are available to discuss the matter in person or by any other medium at your earliest convenience. Thank you for your consideration.

Yours very truly,

HUSCH BLACKWELL LLP



Gary H. Feder

cc: Mayor David Zucker
City Clerk, City of Dardenne Prairie
John Brancaglione
Dan Lang
David Volz
David R. Human
Donald Prestien
David Hamilton
John Young
Luke Kehoe