

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

**PLANNING & ZONING COMMISSION
AGENDA
OCTOBER 14, 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. Rezoning Request being a 1st Amended P.U.D. Area Plan for the proposed "Dardenne Place Villas" Residential Subdivision located at Dardenne Landing Plat Two, Lots A, B, C, D, and E from Applicant Riverview Real Estate Company, LLC and Property Owner Dardenne Partnership.

NEW BUSINESS

1. Rezoning Request being a 1st Amended P.U.D. Area Plan for the proposed "Dardenne Place Villas" Residential Subdivision located at Dardenne Landing Plat Two, Lots A, B, C, D, and E from Applicant Riverview Real Estate Company, LLC and Property Owner Dardenne Partnership.
2. Record Plat for the Proposed "Arden Pointe" Residential Subdivision from Developer and Property Owner Luetkenhaus Properties, Inc.

OLD BUSINESS

1. 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 09-09-20 Minutes

COMMISSION COMMUNICATIONS

ADJOURNMENT

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

WHEREAS, pursuant to the authority granted under Revised Missouri Statutes Sections 89.300 to 89.490, and Chapter 400 of the Municipal Code of the City of Dardenne Prairie, Missouri, the City of Dardenne Prairie, Missouri desires to amend, restate and adopt a Comprehensive Plan for the City; and

WHEREAS, the Planning and Zoning Commission's review and consideration of proposed amendments to the Comprehensive Plan involved months of study and analysis, multiple public meetings at which the Comprehensive Plan could be discussed, input from residents, property owners and other affected parties; and

WHEREAS, the Planning and Zoning Commission made careful and comprehensive surveys and studies of existing conditions and probable future growth of the City; and

WHEREAS, on September 9, 2020, the Planning and Zoning Commission conducted a Public Hearing on the proposed Comprehensive Plan after having published notice in a newspaper of general publication in the City at least fifteen (15) days' prior to the time and place of such hearing, and posting notice on the City's website, with such posting including a link to a draft copy of the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan sets forth policy regarding the physical development of the City; and

WHEREAS, the Comprehensive Plan, with accompanying maps, plats, charts and descriptive and explanatory matter, shows the Commission's recommendations for the physical development and uses of land, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general location and extent of relocation and improvement of public buildings; for adequate drainage facilities and control; and for such other matters as may be beneficial to the City; and

WHEREAS, the Comprehensive Plan contains a statement of goals, objectives, standards, and principles sought to be embodied therein; and

WHEREAS, the Comprehensive Plan seeks to guide and accomplish the coordinated development of the City which, in accordance with existing and future needs, will best promote the general welfare, as well as efficiency and economy, in the community development process.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

1. That the Dardenne Prairie Comprehensive Plan, Vision 2020, attached hereto as “Exhibit A” and incorporated by reference herein, be and is hereby amended, restated and adopted as the Comprehensive Plan for the City, and the Commission hereby orders that the Plan be made available to the public.
2. All maps, descriptive matter and other matters in the Comprehensive Plan are intended by the Commission to be a part of the Dardenne Prairie Comprehensive Plan, Vision 2020.
3. That the Chairman of the Planning and Zoning Commission is hereby authorized and directed to certify a copy of the Comprehensive Plan, Vision 2020, to the Board of Aldermen and the City Clerk.
4. The City Clerk of the City of Dardenne Prairie is hereby authorized and directed to:
 - a. Cause a copy of the Comprehensive Plan, Vision 2020, to be filed with the Office of the St. Charles County Recorder of Deeds;
 - b. File the Comprehensive Plan, Vision 2020, in the office of the Commission;
 - c. Give a certified copy of the Comprehensive Plan, Vision 2020, to the Board of Aldermen; and
 - d. Maintain a copy of the Comprehensive Plan on file in the office of the City Clerk for public inspection during normal office hours.

The Dardenne Prairie Comprehensive Plan, Vision 2020, shall be reviewed periodically by the Planning and Zoning Commission, Board of Aldermen and City Staff to maintain a current and progressive City Plan.

Adopted this _____ day of _____, 2020.

Ed Etzkorn, Chairman

Stephanie Brockman, Secretary

EXHIBIT A
[ATTACH COMPREHENSIVE PLAN]

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 Etzkorn 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:

PLANNING & ZONING MINUTES

September 9, 2020

Mayor Zucker – Aye
Chairman Etkorn – 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 Etkorn – 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 Etkorn – 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 Etkorn – 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

HUSCHBLACKWELL

Gary H. Feder
Senior Counsel

190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Direct: 314.480.1705
Fax: 314.480.1505
gary.feder@huschblackwell.com

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

HUSCHBLACKWELL

Mr. Ed Etzkorn
September 9, 2020
Page 2

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.

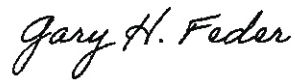
HUSCH BLACKWELL

Mr. Ed Etzkorn
September 9, 2020
Page 3

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

MEMO

TO: Dardenne Prairie Planning and Zoning Commission

FROM: Luke R. Kehoe, PE, PLS, CFM
Kehoe Engineering Company, Inc. (KEC)

DATE: October 2, 2020

SUBJECT: Planning and Zoning Commission Meeting Scheduled for October 14, 2020

Items for consideration at this meeting include:

PUBLIC HEARINGS:

1. **Rezoning Request being a 1st Amended P.U.D. Area Plan for the proposed "Dardenne Place Villas" Residential Subdivision located at Dardenne Landing Plat Two, Lots A, B, C, D, and E from Applicant Riverview Real Estate Company, LLC and Property Owner Dardenne Partnership.** On August 19, 2020, the Dardenne Prairie Board of Aldermen approved Ordinance No. 2043, rezoning the approximate 5.15 acres of land located at Dardenne Landing Plat Two, Lots A, B, C, D, and E (commonly known as 1503, 1509, 1515, 1521, and 1527 Feise Road, respectively) from R-1A to R-1D, P.U.D. This P.U.D. was for a proposed 15-lot planned unit development residential subdivision including 15 detached single-family dwelling units, common ground, and a private street.

On September 8, 2020, the City received a 1st Amended P.U.D. Area Plan for this proposed residential subdivision. This 1st Amended P.U.D. Area Plan proposes to rezone this land with amendments to the previously approved P.U.D. including making the proposed street a public street and the inclusion of common ground amenities of benches and a birdhouse. Upon review of the proposed 1st Amended P.U.D. Area Plan, the enclosed comment letter dated September 18, 2020, was sent to the applicant's engineer. On September 25, 2020, the City received a revised 1st Amended P.U.D. Area Plan dated 09/08/2020 with the latest revision date of 09/25/20 along with the enclosed draft trust agreement and indentures and the enclosed building elevations along with the enclosed response letter from the applicant's engineer. Upon review, the enclosed "2nd review" letter was sent to the applicant's engineer on October 2, 2020.

NEW ITEMS:

1. **Rezoning Request being a 1st Amended P.U.D. Area Plan for the proposed "Dardenne Place Villas" Residential Subdivision located at Dardenne Landing Plat Two, Lots A, B, C, D, and E from Applicant Riverview Real Estate Company, LLC and Property Owner Dardenne Partnership.** From Item 1 above.
2. **Record Plat for the Proposed "Arden Pointe" Residential Subdivision from Developer and Property Owner Luetkenhaus Properties, Inc.** On September 17, 2020, the City received a record plat for approval by the City for the proposed "Arden Pointe" residential subdivision. Upon review, the enclosed "1st Review" comment letter was sent to the developer's surveyor. On September 23, 2020, the City received the enclosed revised record plat dated 09/15/2020.

3. Comprehensive Plan.

EXISTING ITEMS:

1. **None.**

INFORMATION ONLY:

1. **None.**

Enclosures

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