

CITY OF WILDWOOD, MISSOURI
RECORD OF PROCEEDINGS

MEETING OF THE PLANNING AND ZONING COMMISSION
CITY HALL, 16860 MAIN STREET, WILDWOOD, MISSOURI
AUGUST 17, 2015

The Planning and Zoning Commission meeting was called to order by Chair Bopp, at 7:30 p.m., on Monday, August 17, 2015, at Wildwood City Hall, 16860 Main Street, Wildwood, Missouri.

I. Welcome to Attendees and Roll Call of Commission Members

Chair Bopp requested a roll call be taken. The roll call was taken, with the following results:

PRESENT – (8)

Chair Bopp
Commissioner Archeski
Commissioner Peasley
Commissioner Renner
Commissioner Gragnani
Commissioner Liddy
Council Member Manton
Mayor Woerther

ABSENT - (2)

Commissioner Lee
Commissioner Bauer

Other City Officials present: Director of Planning Vujnich, City Attorney Golterman, and Senior Planner Weiss

II. Review Tonight's Agenda / Questions or Comments

There were no questions or comments on the agenda.

III. Approval of Minutes from the August 3, 2015 Meeting

A motion made by Commissioner Peasley, seconded by Council Member Archeski, to approve the minutes from the August 3, 2015 meeting. A voice vote was taken regarding the motion for approval of the minutes. Hearing no objections, Chair Bopp declared the motion approved.

IV. Department of Planning Opening Remarks

The Department did not have any opening remarks.

V. Public Hearings – One (1) Item for Consideration

(a.) **P.Z. 17-15 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040** – A request for review and consideration of modifications to the Zoning Performance Standard Regulations – Noise Code Section (Section 415.250) of the City of Wildwood Zoning Ordinance that would address noise emissions from equipment that occurs for extended periods of

time, over any timeframe, including all day, week, month, or year, in all appropriate zoning district designations, including the “NU”, “R”, “C”, and “M” District categories. **(Wards – All)**

Chair Bopp gave an overview of the public hearing process for all in attendance and officially opened the public hearing.

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich noted the Department prepared a primer with background information on the City’s Noise Code and will combine its experiences with public comments received tonight, to determine if a change to the code is necessary. He then explained about a fish farming operation on ten (10) acres in the western portion of the City. This farming operation is permitted by right, but requires aerators to run 24 hours a day to provide oxygen to the fish. These aerators have caused an inordinately high volume of complaints from adjacent property owners. The City has hired an independent consultant to test the noise level of the aerators on multiple occasions and, in each instance, determined them to be within the current requirements relative to decibel level. The Department believes, however, that due to the duration of the noise (24 hours a day, seven days a week) the sound is not typical. The contemplated change to the code would address duration of noise, even if the sound was under the maximum decibel levels of the Noise Code. He concluded, noting the Department would like to hear testimony, before determining if any recommendation for change would be made.

Charles Gulas, 2054 Wild Horse Creek Road, noted he has lived on his property since 2003 and that he supports modifications to the code to address the duration of the noise. He believes the aerator noise at the fish farm is unreasonable and should be considered a nuisance. He also suggested changes to address these types of operations, including an increased buffer; a greater setback distance; increased fines; harsher consideration on repeated violations; and the inclusion of protective equipment.

Nancy and Dan Fischer, 2066 Wild Horse Creek Farm, noted they, too, believe the continual noise is a nuisance and they can no longer enjoy their outdoor space at their home. Mr. Fischer had discussed options for muffling the sound with Mr. Lisk, such as covers for the aerators, but he will not accommodate any suggestion to decrease the noise. They distributed comments to the Commission, which are included as part of these minutes.

Margo Begley, 18322 Shiloh Woods Court, noted she is also negatively impacted by the constant aerator noise and distributed comments to the Commission, which are included as part of these minutes.

Robert Pagliaro, 16219 Bear Branch Court, noted that, in fairness to the fish farm owner, he should be allowed to run his business, since it is permitted. He believes the owner is a good person and a member of the community.

Erin Pagliaro, 16219 Bear Branch Court, noted that, when she has been to the fish farm, she doesn’t hear the sound and it doesn’t impact activity, when moving around the property.

Andrew Lindberg, 2467 Eatherton Road, noted there are ways to reduce the noise and those methods should be pursued by the fish farm owner.

Michael Lisk, 1354 Katsura Court, noted he is the owner of the fish farm. He stated that sound studies have been done and he is not in violation. The studies are engineering reports that stated the facts. He stated he has done things to reduce the aerator noise. He also noted he intends to build a house on the property.

Director of Planning Vujnich noted that the majority of cities adopt the applicable County Code, but it would not be out of the realm to address unique issues in Wildwood with its own regulations.

Discussion was then held by the Commissioners regarding the following: the number and type of aerator units; the frequency levels of the aerators; the lack of need for a permit for the aerators; the issuance of a grading permit to install the lake; and the need for a Site Development Plan, as requested by the Department of Planning, of the fish farm operation, but was contested by the owner.

Larry McGowen, 18538 Wild Horse Creek Road, noted that he has visited the fish farm and, in a short duration of time, the noise levels would be okay, but would be an issue over the long term. He has met with the owner three (3) times and heard from the neighbors, and is unsure if a solution could be found that would satisfy everyone. He concluded noting that the ordinance does not address the sustained noise from his perspective.

Additional discussion was then held by the Commissioners regarding the following: the frequency of the noise; the differentiation between a discreet tone and a higher frequency, but the effect of lower frequencies, when at a sustained level; the desire to gather research on studies completed on the impacts of long-term noise; the issue of if any new regulations could be applied to the existing use; and the dismissal, by the Prosecuting Attorney, of warning letters and summonses based upon the current code.

A motion was made by Mayor Woerther, seconded by Commissioner Gragnani, to close the public hearing. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

VI. Old Business – Three (3) Items for Consideration

Letters of Recommendation – One (1) Item for Consideration

(a.) **P.Z. 7-15 James Edward Hardy, Trustee, 826 Babler Park Drive, Wildwood, Missouri 63005** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District and FPNU Floodplain Non-Urban Residence District for a fourteen (14) acre tract of land that is located on the southeast side of Babler Park Drive, north of Pond Road (Locator Number 20X320136/Street Address: 826 Babler Park Drive). Proposed Use - A horse boarding and training (lessons) facility. The petitioner is not planning any additional structures or buildings in conjunction with this requested permit. **(Ward Three)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich presented the Letter of Recommendation, noting it reflected the Commission's input throughout the discussions of this request and its approval of the Department's recommendation at the previous meeting. This Letter of Recommendation is for approval of the Conditional Use Permit for the horse boarding operation.

A motion was made by Mayor Woerther, seconded by Commissioner Peasley, to approve the Letter of Recommendation granting the permit.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Renner, Commissioner Archeski, Commissioner Gragnani, Commissioner Peasley, Commissioner Liddy, Council Member Manton, Mayor Woerther, and Chair Bopp.

Nays: None

Absent: Commissioner Lee and Commissioner Bauer

Abstain: None

Whereupon, Chair Bopp declared the motion approved by a vote of 8-0.

Information Reports – Two (2) Items for Consideration

(a.) **P.Z. 10-15 St. Charles Tower, c/o Kathryn Roderique, 4 West Drive, Suite 100, Chesterfield, Missouri, 63017** - A request for a Conditional Use Permit (CUP) within the NU Non-Urban Residence District for a 10.6 acre tract of land, of which two thousand (2,000) square feet of this total lot's area is to be utilized for a telecommunications tower facility and encumbered by a lease area established for this purpose. This tract of land is generally located northwest of the intersection of Babler Park Drive and Old Eatherton Road (Locator Number 21W310270/Street Addresses: 1400 Babler Park Drive – Lifepointe Church). Proposed Use - A one hundred twenty (120) foot telecommunications tower and related equipment shelter area. The tower is proposed to be a monopole type, with exterior antenna arrays. **(Ward Three)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich reviewed the Department's recommendation for approval, with two (2) changes to the petitioner's request: require the tower height to be one hundred ten (110) feet in height, a ten (10) foot reduction to the petitioner's request; and utilize flush-mounted antennas. He noted the history of the request and the discussion points from the public hearing held last month. He provided information on the character of the land near the subject site; the proposed conditions of the permit; the requested RF Charts; the recommendation to determine the area as a Multiple-Use Interest Area; and the existence of the extensive number of towers in the area, as part of Ameren Missouri's power line.

A motion was made by Commissioner Peasley, seconded by Commissioner Gragnani, to discuss this item. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion was held regarding the following: the changes to colocation in Ameren Missouri towers after 9/11 and modifications to its security procedures; the closest towers to this site, including: Metro West Headquarters, St. Paul's Church property, the Jesuit property (which allowed platform arrays); and the number of carriers, who responded to the petitioner's letter announcing a new tower would be available.

Greg Yocom, St. Charles Tower, 4 West Drive, noted he is the RF Engineer for this site. He explained that, as the petitioner, they were agreeable to the reduction in tower height, but wanted the Commission to be aware that this meant a reduction in the number of co-locators. A tower at the proposed height could accommodate a total of three (3) carriers. He noted they have built towers with flush-mounted antennas in the past, but these don't allow enough room to accommodate the radio equipment and, so, they were requesting the platform arrays be approved.

A motion was made by Commissioner Peasley, seconded by Commissioner Renner, to close the discussion. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

A motion was made by Commissioner Archeski, seconded by Commissioner Liddy, to approve the Department's recommendation.

Chair Bopp called the question.

A roll call vote was taken, with the following results:

Ayes: Commissioner Archeski, Commissioner Renner, Commissioner Gragnani, Commissioner Peasley, Commissioner Liddy, Council Member Manton, and Chair Bopp.

Nays: None

Absent: Commissioner Lee and Commissioner Bauer

Abstain: Mayor Woerther

Whereupon, Chair Bopp declared the motion approved by a vote of 7-0, with 1 abstention.

(b.) P.Z. 14-15 City of Wildwood Planning and Zoning Commission, c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 - A request to amend Chapter 415.410 Sign Regulations for "FP," "PS," "NU," and all "R" Districts and Chapter 415.420 Sign Regulations for all "C" and "M" Districts of the City of Wildwood's Zoning Ordinance to consider the addition of new language to allow electronic message boards for certain institutional, not-for-profit, and commercial organizations. Currently, these types of displays are prohibited within the City of Wildwood. **(Wards – All)**

Senior Planner Weiss read the request into the record.

Director of Planning Vujnich reviewed the Department's favorable recommendation for changes to the City's Sign Regulations relative to electronic message boards. The review of these regulations was prompted by Lafayette High School, who is seeking to replace their existing monument sign with an electronic type. These have been prohibited in the City, due to the dark sky, but now, with improved technology, many of these concerns can be addressed. The Director noted that the Department's recommendation for approval included conditions to address the potential impact, including the following: the provision for a Conditional Use Permit (CUP), similar to game courts and street-facing solar panel installations; the fact there could be a total number of twenty-six (26) applications throughout the City for this type of sign installation; the need for other forms of communication, besides electronic media, such as email, social media, etc., but signs are always criticized; the review of other municipalities requirements in this regard and the fact that most, except the City of Ellisville, allow these types of signs; and the twelve (12) components that would be reviewed, as part of the proposed CUP process.

A motion was made by Commissioner Peasley, seconded by Commissioner Liddy, to discuss this item. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion was then held regarding the following: the determination for treating commercial uses differently than institutional uses; the place within the Zoning Code, where this requirement would exist; the contradiction to New Urbanism of electronic message boards; the addition of a restriction on any proposed sign to have its intensity based upon ambient light; the review of the proposed modification by the City's Lighting Consultant; the size requirements that would be placed on the sign portion and the monument

portion of these signs; the list of other locations, besides Lafayette High School, which have requested these types of signs, including the Wildwood Family YMCA, Wildwood Christian Church, LaSalle Springs Middle School, and St. Alban Roe Church and School; the concern these signs are a distraction to drivers; and the concern that, with off-site locations paying to advertise on these signs, but this consideration being prohibited by other locations within the Code.

A motion was made by Mayor Woerther, seconded by Commissioner Liddy, to extend the meeting past 10:00 p.m. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

Discussion continued regarding the necessary restriction on moving graphics and specifics on the proposed regulations.

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to close discussion and postpone action on this item, so the Department can conduct additional research and return its final recommendation at whatever time they see fit. A voice vote was taken regarding the motion. Hearing no objections, Chair Bopp declared the motion approved.

VII. New Business – No Items for Consideration

VIII. Site Development Plans-Public Space Plans-Record Plats – No Items for Consideration

IX. Other – No Items for Consideration

X. Closing Remarks and Adjournment

A motion was made by Mayor Woerther, seconded by Commissioner Archeski, to adjourn the meeting. A voice vote was taken. Hearing no objections, Chair Bopp adjourned the meeting at 10:04 p.m.

Approved by: The Planning and Zoning Commission at their September 8, 2015 meeting.

Secretary – City of Wildwood Planning and Zoning Commission

Note: Recordation of the opinions, statements, and/or other meeting participation in these minutes shall not be deemed to be an acknowledgement or endorsement by the Commission of the factual accuracy, relevance, or propriety thereof.

* If comment cards were submitted indicating they did not wish to speak at tonight’s meeting, they have been attached and made part of the official record.