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**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**CITY OF DES PERES, MISSOURI**  
**WEDNESDAY, APRIL 14<sup>th</sup> 2021**  
**7:00 PM**

**CALL TO ORDER**

Mr. Oeltjen called the meeting to order at 7:02 pm.

**ROLL CALL**

John Oeltjen	Commission Chairman	
Anna Ahrens	Commission Vice Chairman	
Terrie Gwin	Commission Member	
Tony Pawloski	Commission Member	
Will Mura	Commission Member	(ABSENT)
Tom Matheny	Commission Member	(ABSENT)
Bryan McDonald	Commission Member	
Rob Barringer	Commission Member	
Jim Jontry	Commission Member	
Molly Hartman	Commission Member	(ABSENT)
Jonathan Young	Commission Member	(ABSENT)
Mary McGrath	Commission Member	
Mayor Becker	Mayor	
Alderman Pound	Aldermanic Rep	

The following staff was also present: Chris Graville, City Attorney; Alexandra Knox, Public Works Admin; Steve Meyer, Director of Public Works.

**AMENDMENT OF AGENDA**

N/A

**APPROVAL OF MINUTES**

Commissioner Pawloski requested line 88 be revised. Commissioner Ahrens moved to approve the minutes as amended. Commissioner Gwin seconded. Motion approved unanimously by voice vote.

**UNFINISHED BUSINESS**

Petition for Conditional Accessory Structure over 250sqft at 18 Morris Place

Commissioner Gwin gave a summary of the subcommittee meeting held March 24, 2021 stating the ad hoc committee recommended approval of the revised engineered drawings. The revised drawings showed all improvements and contours, differential runoff calculations, and showed the downspouts from the pavilion connected to the MSD inlet. The plan included a note to regrade the berm to allow any flow of water an easier access to the inlet rather than allowing it to soak into the ground.

45  
46 Todd Butzlaff, 1817 Firethorn, addressed the applicant and the commission asking if this would  
47 be the final set of plans and who will hold the contractor accountable during and after  
48 construction?

49 Steve Meyer answered the Building Inspector or himself will make sure everything is completed  
50 as drawn on the plans, or the contractor could forfeit his security deposit.

51  
52 Commissioner Jontry made a motion to approve petition as submitted. Commissioner Ahrens  
53 seconded. A roll call vote was taken with the following results: Oeltjen, AYE; Ahrens, AYE; Gwin,  
54 AYE; Pawloski, AYE; McDonald, AYE; Barringer, AYE; Jontry, AYE; McGrath, AYE; Mayor Becker,  
55 ABSTAIN; Alderman Pound, ABSTAIN. Motion Approved 8-0-2.

56  
57 **NEW BUSINESS**

58 Petition for Conditional Accessory Structure over 250sqft 11955 Lillian Ave

59 Rich Stephens with Red Oak Landscaping, addressed the commission explaining the scope of  
60 the project. Red Oak will construct a paver patio under a composite pergola with landscaping.  
61 He explained there are existing French drains that pipe into the MSD inlet at the corner of the  
62 property and dry creek beds will also be constructed to assist with water flow to the inlet.

63  
64 There was talk amongst the commission if the pavers were permeable, if the natural  
65 topography slopes towards the inlet and if the fence is staying where it's currently located.  
66 Mr. Stephens answered that the pavers were not permeable, that the topography is fairly flat,  
67 which is why the French drains are important, and the fence is staying where it's located but a  
68 gate will be added to access the new outdoor fire pit.

69  
70 Commissioner Barringer made a motion to approve petition as submitted. Commissioner Jontry  
71 seconded. A roll call vote was taken with the following results: Oeltjen, AYE; Ahrens, AYE; Gwin,  
72 AYE; Pawloski, AYE; McDonald, AYE; Barringer, AYE; Jontry, AYE; McGrath, AYE; Mayor Becker,  
73 ABSTAIN; Alderman Pound, ABSTAIN. Motion Approved 8-0-2.

74  
75  
76 Petition for Conditional Accessory Structure over 250sqft 10 Topping Lane (sport court fencing  
77 and lighting)

78 Jeff Tochtrop, homeowner, addressed the commission and explained he's poured a pickle ball  
79 court in his backyard (permit not required for flatwork) and would like to install 6' black vinyl  
80 chain-link fence and 20' light poles primarily for months when it becomes dark at 5pm. He  
81 explained he was granted a boundary adjustment from P/Z a couple months ago and is  
82 currently awaiting building permit approval for the garage he removed.

83  
84 Mrs. Ahrens asked if the petitioner had removed any large trees or substantial vegetation.  
85 Mr. Tochtrop answered he removed a few larger trees behind where the addition is going, and  
86 leveled out ground for the pickle ball court. The north end of the court was brought up, while  
87 the south end was dug out into the hill.

88 Commissioner Pawloski asked how close the pickle ball court is located to the home behind  
89 you. Mr. Tochtrop answered he was not 100% certain but 150' or more. There is common  
90 ground belonging to Des Peres Woods to the east of his property, with a home to the  
91 southeast.

92 Chairman Oeltjen commented on the code section requiring accessory structures be limited to  
93 40% of the main floor area of the main structure. He states that if this structure meets the  
94 definition of "accessory structure" then would equal 80% of the main floor area of the main  
95 structure. Mr. Meyer explained that we are treating this application as an accessory structure  
96 because there was a neighbor on Topping Ln that applied for sport court fencing for their tennis  
97 court a few years prior. We do not have an ordinance specific to sport courts and how they're  
98 treated, so this is the next best option.

99 Chris Graville states this is a zoning issue, not a variance issue. He requested the public works  
100 department determine precedent on how the previous sport court was treated. Steve  
101 answered he'd have to look into it, but that home was much larger.

102 Commissioner McDonald asked how many homes are going to be affected by the lights on the  
103 sport court, because there are only two letters of support from neighboring properties. Mr.  
104 Tochtrop states the only properties affected will be 8 and 12 Topping Lane, the Des Peres  
105 Woods common ground, and one other property in Des Peres Woods. He claims he is not going  
106 to be using the lights at 9pm in the winter months, primarily 5/6pm in the fall months. The  
107 photometric study submitted shows minimal light pollution past the property lines.

108 Mr. Meyer has concerns regarding how the court will be accessed for maintenance. Once the  
109 new garage structure is built, the court will be inaccessible to the north of the property.

110  
111 Sally Meiners, 12927 Des Peres Woods Drive, addressed her concerns regarding the proposed  
112 sport court lighting. Her property is to the southeast of Mr. Tochtrop  
113 Photometric study submitted shows intrusion by light beyond the east property line. Her deck  
114 is above Mr. Tochtrop's property line. She voiced concerns her yard will be lit up, and the lights  
115 could possibly affect 4 other property owners in Des Peres Woods. The lights could cause noise  
116 pollution greater than *beyond the property line.*

117 Commissioner Ahrens asked Mrs. Meiners what she sees when she looks out her back deck.  
118 Mrs. Meiners answered she sees shrubs and trees, that her concern is not during the  
119 summertime, it's the winter when all foliage disappears, and she is looking down at 10 Topping  
120 Lane. She approves the sport court and the fencing, but opposes the lights, and fears it would  
121 have a negative effect on her and others property values. Regarding precedent – the neighbor  
122 with the unlit tennis court, will next come apply for lights if we approve this one.

123  
124 Jon Haupt, 19 Topping Lane, claims the lights are not designed for summer months, but winter  
125 months when it starts to get dark at 5/6pm. He voiced his confusion how the lights would be  
126 shining down on the neighboring properties if the neighboring property is higher elevation than  
127 10 Topping. The lights will be pointed inward to focus on the court.

128  
129 Mr. Tochtrop requested to amend his petition to eliminate the lights proposed and move  
130 forward with fence approval.

131

132 Commissioner McGrath made a motion to approve petition as amended. Commissioner Ahrens  
133 seconded. A roll call vote was taken with the following results: Oeltjen, AYE; Ahrens, AYE; Gwin,  
134 AYE; Pawloski, AYE; McDonald, AYE; Barringer, AYE; Jontry, AYE; McGrath, AYE; Mayor Becker,  
135 ABSTAIN; Alderman Pound, ABSTAIN. Motion Approved 8-0-2.

136

137 **STATUS REPORTS**

138 BOARD OF ALDERMEN REPORT

139 Alderman Pound explained the past couple of Board meetings have went quick, with no  
140 pressing agenda items.

141

142 SUBCOMMITTEE REPORT(S)

143 I) Sign Committee – n/a

144 II) Fence Committee – Fence exception committee met 4/13/21 for variance at 1120 Hollin  
145 Court. The request was to install a 6' wood privacy fence on a corner lot, which would  
146 encroach on the front building line. The fence was unanimously approved on the conditions  
147 that the fence be moved back, in line with the house, and to obtain a survey to prove the  
148 fence will not be encroaching on right of way.

149 III) Architectural Review – n/a

150


151 **OTHER ITEMS**

152

153 **ADJOURNMENT**

154 Commissioner Ahrens moved to adjourn the meeting, with a second by Commissioner Gwin.  
155 Motion was approved by voice vote and the meeting was adjourned at 8:20pm.

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159 **Chairman John Oeltjen**

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162 **Recording Secretary**