



JANUARY 11, 2017

Posted 2:00 p.m., Thursday, January 5, 2017

7:00 P.M. CITY OF ELLISVILLE – PLANNING AND ZONING COMMISSION

- I. Call to Order – Chairman Hoffman
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of Minutes – November 9, 2016 [Pages 3-5](#)
- VI. Petitions for Recommendation
 - 1) Request of Zeus Hernandez, owner of La Tiendita Tortilleria & Marketplace to authorize the issuance of a conditional use permit and liquor license to allow liquor sales at the location known and numbered as 15821 Manchester Road, within the C-3 Commercial Zoning District of the City of Ellisville. [Pages 7-15](#)

Action on Petition #17-01-01
 - 2) Request of The Fountains of Ellisville, LLC for approval of an amended lot consolidation plat associated with 15826 and 15834 Clayton Road within the C-3 Commercial Zoning District. [Pages 17-25 and plans](#)

Action on Petition #17-01-02
- VII. Adjournment

Respectfully submitted,


LEIGH A. DOHACK
City Clerk

The City of Ellisville is working to comply with the American With Disabilities Act mandates. Individuals who require an accommodation to attend a meeting should contact City Hall, 636-227-9660 (V/TDD) at least 48 hours in advance.

City Hall, #1 Weis Avenue, Ellisville, MO 63011

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City of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: November 9, 2016

TABLE OF CONTENTS

1. Approval of Agenda
2. Approval of Minutes: October 26, 2016
3. Petition(s) for Approval
 - A. Petition #16-11-01: Request of Joseph Kander, d/b/a The Greek Kitchen, for approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15939 Manchester Road within the C-3 Commercial Zoning District.
4. Adjournment

DRAFT

PLANNING AND ZONING COMMISSION MEETING SUMMARY

Chairman Hoffman called the meeting to order at 7:00 p.m. Commissioner Ellebrecht led the Pledge of Allegiance. Other Commissioners present were: Stickssel, Schmidt, McGrath, Boggs, and Chismarich. Commissioners Gundlach and Sanborn were absent. A quorum was present for the meeting.

Also present were City Planner Hood, Assistant City Attorney Parnell, and Council Member McGrath.

1. APPROVAL OF AGENDA

A motion was made by Commissioner Stickssel to approve the Agenda, as written, and was seconded by Commissioner Ellebrecht. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Stickssel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. APPROVAL OF MINUTES

A motion was made by Commissioner Schmidt that she be added to the Commissioner attendee list, and to approve the October 26, 2016, Regular Meeting Minutes, as written, and was seconded by Commissioner Stickssel. Hearing no questions or discussions, the votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Stickssel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. PETITION(S) FOR APPROVAL

Petition #16-11-01: Request of Joseph Kander, d/b/a The Greek Kitchen, for approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15939 Manchester Road within the C-3 Commercial Zoning District.

Planner Hood stated the applicant is requesting a conditional use permit authorizing liquor sales associated with The Greek Kitchen. The applicant will not be serving alcohol in the outdoor patio area this year, although this request includes authorization to do so in the future, if the applicant chooses to.

Discussions ensued among Commissioners and applicant.

Commissioner Ellebrecht moved to waive the public hearing, and forward a favorable recommendation to the City Council, subject to the following conditions(s):

1. Should the applicant choose to serve alcohol in the outdoor seating area, the outdoor seating area is to be properly contained/secured and subject to City approval.

The motion was seconded by Commissioner Sticksel. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suzanne Gundlach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. ADJOURNMENT

Chairman Hoffman adjourned the meeting at 7:08 p.m.

Respectfully Submitted,

Angie Shoemate

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City of Ellisville

Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission

From: Ada Hood, City Planner *AH*

Meeting

Date: January 11, 2017

Re: Request of Zeus Hernandez, owner for approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15821 Manchester Road within the C-3 Commercial Zoning District.

BACKGROUND

The applicant is requesting approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15821 Manchester Road within the C-3 Commercial Zoning District. The applicant has opened a Mexican retail market and tortilla-making shop (tortilleria) at the subject site. The applicant is interested in selling alcohol as part of the operation.

Conditionally permitted uses are deemed permitted but have been identified as featuring specific aspects which may result in negative impacts to adjoining uses, traffic, environment, etc. It is the intention of the conditional use permit process to identify the negative impacts and mitigate such impacts.

The Zoning Code establishes the following criteria for conditional uses:

1. It shall be the responsibility of the applicant to clearly establish that the following criteria are met:
 - a. The use will not have any negative effect upon traffic conditions.
 - (1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
 - b. The use will not substantially increase fire hazards.
 - c. The use will not adversely affect the character of the neighborhood.
 - d. The use will not adversely affect the general welfare of the community.

- e. The use will not overtax the sewage or public utilities.
- f. The use will not adversely affect or overtax Police or other City services.
- g. The use will be the highest and best use of the location applied for.
- h. The use will not adversely affect the financial condition of the City including any adverse impact upon utilities, property and sales tax.
- i. The use will not have a substantial negative impact on the environment.
- j. The proposed use is compatible with surrounding uses and with the surrounding neighborhood.
- k. The comparative size, floor area and mass of the proposed use and/or proposed structure are appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood.
- l. The proposed use will not adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas.
- m. The frequency and duration of various indoor and outdoor activities and special events associated with the proposed use will not have a deleterious impact on the surrounding area.
- n. The proposed use is likely to remain in existence for a reasonable length of time and not become vacant or unused and whether such use involves the presence of unusual, single-purpose structures or components of a temporary nature.
- o. The proposed use complies with the standards of good planning practices.
- p. Where a proposed use has the potential for adverse impacts, sufficient measures have been or will be taken by the applicant that would negate, to an acceptable level, such potentially adverse impacts, as determined by the City Council.
- q. The use will comply with all other applicable provisions of this Chapter including performance standards as set forth in Section 400.170.

Additionally, Section 600.030 of the Municipal Code pertains to liquor licenses and requires that liquor sales shall occur in association with the sale of other non-alcoholic goods having a value according to invoices of at least one thousand dollars (\$1,000.00). The business is primarily a Mexican retail and tortilleria shop, with incidental liquor sales. It is anticipated the sale of non-alcoholic item will exceed the minimum requirement of \$1,000.00.

Additionally, as per Section 600.035, "No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the City Council, except that when a school, church or place of worship shall hereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within one hundred (100) feet of the proposed licensed premises." SATOP and Family

Martial Arts are deemed “schools” and are located within 100 feet of the subject shop. However, both “school” businesses are located on the second floor of the existing building, which can only be accessed via the stairwell located approximately 80 feet away from the subject shop. Therefore, although the schools are within 100 feet (closest distance wall to wall) of the subject shop, they are in excess of 100 feet walking distance, door to door. The City Council is authorized to approve the CUP for the liquor license, as outlined in Section 600.035.

IMPACT

The approval process requires a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission may choose to waive the public hearing at the Commission level. A public hearing is required at the City Council level. The City Council makes the decision on the application via ordinance.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission waives the public hearing at the Commission level as a public hearing will be held at the City Council level. Staff recommends the Commission forwards a positive recommendation.



12-12-16

City of Ellisville

One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

APPLICATION COVER SHEET

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 15821 Manchester Road

Project Description: Liquor License Application

PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, a consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal **APPLICANT** (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

Notice to Applicants

In matters which qualify as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of **APPLICANT**: Zeus Hernandez - Owner

Address: 15821 Manchester Rd., Ellisville, Mo 63011

Phone Number: 814-740-7952 Email Zeus.hernandez4@gmail.com

Name of Business Owner(s) - if different than above: Same As Above

Address: N/A

Phone Number: N/A Email N/A

Name of Property Owner(s) - if different than above: N/A

Address: N/A

Phone Number: N/A Email N/A

Name of Architect, Landscape Architect, Planner or Engineer: N/A

Address: _____

Phone Number: _____ Email _____

PART B: SITE DESCRIPTION

Legal Address of Property: 15021 Manchester Rd. Locator No.: _____

Lot No.: _____ Block No.: _____ Current Zoning: _____

Current Use of Site: Retail Food Store 1

Proposed Use of Site: Retail food store - liquor sales

PART C: APPLICATIONS FILED (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.

PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)

Signature of Applicant (Required): [Signature] Date: 11/9/14

Title/Interest in Property: Owner

Signature of Property Owner (Required): Tim Boegeman Date: 11/9/14

Title/Interest in Property: [Signature]



City of Ellisville
One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

12-12-16
pd #440
OK #1030

APPLICATION FOR CONDITIONAL USE PERMIT

(please type or print)

**ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE.
APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS.
THIRTY-ONE (31) SETS OF SIGNED & SEALED DRAWINGS PLANS MUST BE FOLDED TO
APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$350.00 APPLICATION FEE AND \$50.00
PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION**

Property Address: 15821 Manchester Rd., Ellisville, MO 63011

Applicant: Zeus Hernandez

PART A: BUILDING CONSTRUCTION

Estimated Cost of Construction : _____ No. of Stories : _____

Total Square Footage of Site: _____ Total Square Footage of Building(s): _____

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: _____

Building(s) Height(s): _____ Number of Floors: _____

Total Number of Available Parking Spaces: _____

Number of Parking Spaces as Required by the Zoning Ordinance: _____

Describe the Reason for Requesting a Conditional Use Permit: _____

Briefly describe the disposal of Trash, Delivery and Loading for Operation (Location and Hours): _____

Architectural review is required for any exterior renovation or facade changes. If any of these items are part of the project, complete an Architectural Review Board Application.

PART B: AMENDING AN EXISTING CONDITIONAL USE PERMIT

Please describe the proposed amendment: _____

Please describe why the proposed amendment is necessary: _____

PART C: MULTI-TENANT/MIXED USE

Total Square Footage of: Retail: _____ Residential: _____ Office: _____ Other: _____

How Many Dwelling Units Will Result From The Project: _____ Square Footage Per Unit: _____

Number of Floors Retail: _____ Residential: _____ Office: _____ Other: _____

Total Number of Parking Spaces: Retail _____ Residential: _____ Office: _____ Other: _____

Provide a tabulation of the total square footage of the site and what percentage and amount of square footage will be reserved for off-street parking, open spaces, parks, etc.

<u>Intended Use:</u>	<u>Square Footage</u>	<u>Percentage</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART D-1: RESTAURANTS

Briefly describe the type and character of the operation: _____

Hours of Operation: _____

Will a liquor license be requested? Yes ___ No ___ If yes, which type: _____

Square Footage of Proposed Use: _____ No. of seats: _____

Number of Parking Spaces: _____ No. Employees: _____ Valet Parking? Yes ___ No ___

Location of Parking Facilities: _____

If restaurant is to offer deliveries, please describe this operation: _____

Does the restaurant intend to participate in a recycling program? Yes ___ No ___

PART D-2: OUTDOOR DINING/SEATING

Please provide a copy of survey showing building line, property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? _____ Square Footage of Patio: _____

Same Menu (Yes/No): _____ Same Hours (Yes/No): _____

PART G: CRITERIA

It shall be the responsibility of the applicant to clearly establish that the following criteria are met: (Respond Yes or No). Please be sure to respond to all questions (a-r).

- No a. Will the use have any negative effect upon traffic conditions.
- (1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- (2) In the event that the proposed use or building is a multi-family development as defined by Section 400.430 (B)(2), traffic impact consideration screening procedures as set forth in Section 400.430(B)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.
- No b. Will the use substantially increase fire hazards?
- No c. Will the use adversely affect the character of the neighborhood?
- No d. Will the use adversely affect the general welfare of the community?
- No e. Will the use overtax the sewage or public utilities?
- No f. Will the use adversely affect or overtax Police or other City services?
- No g. Will the use be the highest and best use of the location applied for?
- No h. Will the use adversely affect the financial condition of the City including any adverse impact upon utilities, property and sales tax?
- No i. Will the use have a substantial negative impact on the environment?
- Yes j. Is the proposed use compatible with surrounding uses and with the surrounding neighborhood?
- Yes k. Is the comparative size, floor area and mass of the proposed use and/or proposed structure appropriate and reasonable in relation to adjacent structures and buildings on surrounding properties and in the surrounding neighborhood?
- No l. Will the use adversely affect the neighborhood in terms of water runoff, noise transfer or heat generation due to significant amount of hard surfaced areas for buildings, sidewalk, drives, parking and service areas?
- No m. Will the frequency and duration of various indoor and outdoor activities and special events associated with the proposed use have a deleterious impact on the surrounding area?
- No n. Will the use be likely to remain in existence for a reasonable length of time and not become vacant or unused?
- No o. Does the use involve the presence of unusual, single-purpose structures or components of a temporary nature?
- No p. Does the proposed use comply with the standards of good planning practices?
- Yes q. Have sufficient measures been taken or will be taken by the applicant that would negate, to an acceptable level, potentially adverse impacts, as determined by the City Council?
- Yes r. Will the use comply with all other applicable provisions of Chapter 400, including performance standards as set forth in Section 400.170?

PART H: CHECKLIST

_____ Five full size copies of plans must be submitted initially for staff review. Additional plan sets (31 copies) will be required later to forward to the Planning and Zoning Commission and/or City Council.



Tim Boegeman, President
tim@baywoodrealty.com
8922 Manchester Road
St. Louis, MO 63144
314-962-9900

November 17, 2016

Hernandez Foods and Products LLC
d/b/a: La Tiendita Tortilleria & Marketplace
Attn.: Mr. Zeus Vidal Hernandez, Owner
15821 Manchester Road
Ellisville, MO 63011

Via Email to:
Zeus.Hernandez4@gmail.com

**Re: Hernandez Foods and Products LLC (et al) – Request for Liquor License
15821 Manchester Road, Ellisville, MO 63011 (the “Premises”)
Waycliffe Development Corp. and Crest Development Co. (the “Lessor”)
Hernandez Foods and Products LLC and Mr. Zeus V. Hernandez (the “Applicant”)**

Dear Mr. Hernandez:

It is the understanding of the Lessor that the Applicant has requested a liquor license in order to conduct retail sales from the Premises of prepackaged beer, wine, and spirits for consumption offsite. The Lessor has no objection to said liquor license subject to and in strict accordance with the following conditions which are precedent to the approval granted herein by the Lessor:

1. This approval is subject to any and all current and/or future rules, ordinances, stipulations, laws, and requests of any and all governing authorities having jurisdiction.
2. No alcohol will be consumed onsite under this liquor license. Any change, transfer or sale of the liquor license, or its use, requires the advanced written approval of the Lessor.
3. This approval is subject to and conditioned upon the covenants of the Lease (if any).
4. The Applicant agrees to hold harmless and indemnify the Lessor and the building's management from and against any and all damages or claims occurring in connection with the liquor license, sale and/or consumption of any alcoholic beverages sold by the Applicant.
5. The Applicant agrees to pay any incremental increase to the Building's insurance by virtue of the issuance or use of the liquor license.
6. The Lessor, at Lessor's option, may withdraw this approval at anytime by written Notice to the Applicant, and the Applicant agrees to immediately abide by Lessor's Notice to cease the use of the liquor license and sale of beer, wine, and/or spirits.
7. Upon the issuance of a liquor license to the Applicant, this approval letter shall be incorporated into the Lease agreement dated April 16, 2016 by reference; therefore, a default under this approval letter constitutes a default under said Lease.

Thank you in advance for your adherence to the conditions set forth hereinabove. Please feel free to contact me if I can be of further assistance or if you have any questions or concerns.

Best regards,

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City of Ellisville

Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission
From: Ada Hood, City Planner *AH*
Meeting
Date: January 11, 2017
Re: Request of The Fountains of Ellisville, LLC for approval of an amended lot consolidation plat associated with 15826 and 15834 Clayton Road within the C-3 Commercial Zoning District.

BACKGROUND

As you may be aware, the applicant currently operates a nursing home/retirement facility at 15834 (approved in 2016), 15826 (original facility) and 15822 (approved in 2012) Clayton Road. As part of the approval for the addition located at 15822 Clayton, in 2012, the applicant was to consolidate the two lots (15822 and 15826 Clayton Road) within five years, once certain finance and license restrictions were no longer applicable. As part of the approval for the addition located at 15834 Clayton Road, in 2016, the applicant requested and received approval to consolidate all three lots. However, the finance and license restriction precluding the consolidation of 15822 Clayton Road are still applicable. Therefore, the applicant has submitted an amended plat to consolidate 15826 and 15834 Clayton Road only, at this time.

The plat amendment has been reviewed by the City Attorney and it has been deemed lawful to move forward with the amended lot consolidation, which excludes the property at 15822 Clayton Road.

PLAT

The applicant is proposing to consolidate the property at 15834 with the (original facility) property at 15826 Clayton Road to create a single lot. The property at 15834 Clayton Road measure 1.54 acres in size, while the original facility property (15826 Clayton Road) measure 4.18 acres.

IMPACT

The proposed amended plat will not change the site layout or operation of the facility. The applicant is still bound by time limit for consolidating the property at 15822 Clayton Road.

RECOMMENDATION

As per the adopted Subdivision Code, a public hearing is not required for any plat approval. Staff recommends that the Planning and Zoning Commission forwards a positive recommendation to the City Council.



City of Ellisville

One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

RECEIVED

DEC 27 2013

CITY OF ELLISVILLE

APPLICATION COVER SHEET

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE AND CONSISTENT WITH SUBMITTED MATERIALS

Property Address: 15826 Clayton Rd.
15834 Clayton Road, Ellisville, MO 63011

Project Description: New 4-story, 69-Unit Independent Living Addition Amended lot consolidation Plat

PART A: PARTIES IN INTEREST

The full legal name of each party listed below (partnership, corporation, etc.) is required for review of the application(s). Having different individuals represent an Applicant at different meetings during the review process may result in unnecessary confusion and delay. Consequently, in the interest of promoting clarity, a consistency, and expediency, the City requests all Applicants, at the time of filing their Application, to identify a primary or principal **APPLICANT** (either attorney or non-attorney; corporations should see Notice below) who can be expected to attend each of the meetings during the Petition review process.

Notice to Applicants

In matters which quality as contested cases under Section 536.010(2) R.S.Mo. corporations may not be represented by non-attorneys when the Council sits as an administrative tribunal. Non-attorney representation in such matters may constitute the practice of law under Section 484.010 R.S.Mo. All Applicants are cautioned to consult with an attorney prior to undertaking non-attorney representation.

Name and Title of **APPLICANT**: Civil Engineering Design Consultants, Inc. contact: Paul Boyer, P.E.

Address: 11402 Gravois Road, Suite 100, St. Louis, MO 63126

Phone Number: 314-729-1400 Email: pboyer@cedc.net

Name of Business Owner(s) - if different than above: The Fountains of Ellisville, LLC

Address: 15826 Clayton Road, Ellisville, MO 63011

Phone Number: 314-973-0310 Email: rjlauberld@swbell.net

Name of Property Owner(s) - if different than above: The Fountains of Ellisville, LLC

Address: 15826 Clayton Road, Ellisville, MO 63011

Phone Number: 314-973-0310 Email: rjlauberld@swbell.net

Name of Architect, Landscape Architect, Planner or Engineer: Civil Engineering Design Consultants, Inc. contact: Paul Boyer, P.E.

Address: 11402 Gravois Road, Suite 100, St. Louis, MO 63126

Phone Number: 314-729-1400 Email: pboyer@cedc.net

PART B: SITE DESCRIPTION

Legal Address of Property: 15834 Clayton Road Locator No.: 22T540442
Lot 1 of the Resubdivision of Adjusted Lot 13A
of Kenneth Shotwell's Home Farm Lot No.: _____ Block No.: _____ Current Zoning: C3 ✓
Current Use of Site: ~~Vacant~~ Retirement Facility

Proposed Use of Site: ~~Building addition/expansion for independent living facility for seniors~~ same

PART C: APPLICATIONS FILED (List the applications you will submit (i.e. Conditional Use Permit, Site Plan, etc.). A Letter addressed to the City must be submitted. The letter should completely describe who, what, why, where and when.

Consolidation Plat

PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)

Signature of Applicant (Required): [Signature] Date: 12/22/16
Owner Representative

Signature of Property Owner (Required): [Signature] Date: 12-22-16
Owner



City of Ellisville

One Weis Avenue
Ellisville, MO 63011
(636) 227-9660 FAX: (636) 227-9486

RECEIVED

DEC 27 2015

CITY OF ELLISVILLE

**APPLICATION FOR SUBDIVISION, LOT
CONSOLIDATION, BOUNDARY
ADJUSTMENT OR CONDOMINIUM PLAT**

(please type or print)

ALL APPLICABLE SECTIONS OF APPLICATION MUST BE COMPLETE. APPLICATION MUST BE CONSISTENT WITH SUBMITTED MATERIALS. PLANS MUST BE FOLDED TO APPROXIMATELY 8 1/2 x 11 or 8 1/2 x 14 IN SIZE. A \$400.00 APPLICATION FEE MUST ACCOMPANY THIS APPLICATION

Property Address: 15834 Clayton Road *15826 Clayton Rd*

Applicant: The Fountains of Ellisville, LLC

PART A: LOT INFORMATION

Amended Plat

EXISTING LOT

PROPOSED LOT

Lot size: 1.54 ac. (15834 Clayton)

No. Lots: 1 Lot Size(s): 5.72 ac.

Topography: Moderately sloping

Topography: Moderately sloping

Existing Zoning: 02 C-3

Water features/creeks/wetland and stormwater detention

Existing: Existing development; detention

Proposed: New development; detention

Layout of streets, right of way widths and street names:

Existing: N/A

Proposed: N/A

Location and width of pedestrian ways and easements:

Existing: Present

Proposed: Present

Location of all utilities:

Existing: Site served by utilities

Proposed: Utility services are available

Setbacks:

Existing: Front=110' from Clayton CL; Side=10'; Rear=25'

Proposed: Front=110' from Clayton CL; Side=10'; Rear=25'

PART B: STORM WATER QUALITY PROTECTION STANDARDS:

All development and redevelopment must comply with storm water quality protection standards. To the maximum extent feasible, the development plan should preserve and/or protect existing natural resource areas that facilitate pollutant removal and reduce runoff.

1. Can land disturbance be minimized? No
2. Can additional greenspace be preserved? No
3. Can proposed development be located in already developed areas? Development occurs over existing developed area
4. Can stormwater be captured and infiltrated into the ground? Yes
5. Can stormwater be captured and reused for irrigation or décor? No
6. Could permeable surface materials be used to promote infiltration and limit runoff? Yes
7. Can land disturbance be restricted to less sensitive areas? N/A
8. Is the development located outside the 100 year flood plain? Yes
9. Is the development located outside the stream bank setback buffer? N/A
10. Does the development warrant engineering channel protection controls (because of size or stream bank erosion problems)? No
11. Does the development plan avoid sensitive areas? Yes
12. Does the site development plan utilize stormwater credits? Yes
13. Does the site development plan show structural BMPs? What is the acreage of drainage to the BMP? Will the BMP be above or below ground? Yes; drainage area is 2.1+/- ac.; BMP's are below ground
14. Who will be responsible for maintaining storm water controls? Are the structural BMP shown on the plan appropriate for the entity or person responsible for maintenance? Owner; yes
15. Is over 1 acre of impervious area being added? No
16. Is the development tributary to any existing basins that need to be upgraded? Development tributary to basin. Additional detention to be provided on subject lot.

PART C: LOT CONSOLIDATION PLAT

EXISTING LOT(S)

PROPOSED LOT

Lot size: 1.54 ac. (15834 Clayton Rd)

Lot Size: 5.72 ac.

Lot size: 4.18 ac. (15826 Clayton Rd)

Topography: Moderately sloping

Description of change: Proposed consolidation of 2 lots into 1 lot

PART D: BOUNDARY ADJUSTMENT PLAT N/A

EXISTING LOT(S)

PROPOSED LOT(S)

Lot sizes: _____

Lot Size(s): _____

Lot sizes: _____

Lot Size(s): _____

Lot sizes: _____

Lot Size(s): _____

Topography: _____

Description of change: _____

PART E: CONDOMINIUM PLAT N/A

- X Wooded areas indicating Young and Mature Woodlands.
- X Layout, numbers and minimum dimensions of lots. Proposed use of all parcels
- N/A Whenever a portion of a tract is proposed for platting and it is intended or of a size for future enlargement of such platted portions from time to time, a tentative plat for the future subdivision of the entire tract shall be submitted.
- N/A Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- X A grading plan shall be included in the preliminary plat showing existing and proposed contours at intervals sufficient to clearly show the slope of the existing ground surfaces and the extent of the proposed grading. It shall be prepared on a plat showing the subdivision layout as proposed on the final plat, the location and first floor elevation of each building proposed to be built in the subdivision, and all existing trees 2.5 inches caliper and larger and other pertinent site features which could be affected by grading.
- N/A If applicable supplemental engineering data may be required by the Commission on (1) water supply (2) sewage disposal (3) drainage (4) flood control (5) soil and test borings (6) grading and street profiles.
- X True angles and distance tied to the nearest established street lines or official monuments which shall be accurately described in the plat. Complete curve data, including radii, internal angles, tangent bearings, and length of all arcs.
- X Accurate location of all monuments.
- X Certification by a registered land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.
- X Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets and other public areas in the form approved by the city attorney.

CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS

RECEIVED

DEC 27 2016

CITY OF ELLISVILLE

December 23, 2016

City of Ellisville
1 Weis Avenue
Ellisville, MO 63011

Regarding: Fountains of West County - Proposed 4-Story Building with 69 ILU's
Petition for Rezoning Consolidation Plat
(CEDC Project 1559)

To Whom It May Concern:

The Fountains of Ellisville, LLC is currently within the design phase for a proposed addition to their existing facility with the development of a 4-story building containing sixty-nine new Independent Living Units. The proposed addition incorporates the property at 15834 Clayton Road which was recently purchased, and expands their existing facility at 15826 Clayton Road.

A consolidation plat for three (3) lots (15834, 15826, and 15822 Clayton Road) was previously submitted in March, 2016 for conceptual review. The application was submitted along with applications for rezoning, conditional use approvals for retirement complex and building height, a parking reduction and site plan approval. However, due to constraints imposed by the financing on the property at 15822 Clayton Road, the owners are requesting to consolidate the two properties 15834 and 15826 Clayton Road.

A deed restriction is tied to the ordinance for the property at 15822 Clayton which imposes a 5-year time line for the consolidation. Ultimately the property at 15822 Clayton Road will be consolidated once it is no longer onerous due to financing.

Thank you in advance for your consideration of our petition and please don't hesitate to contact this office should you require anything further.

Sincerely,
Civil Engineering Design Consultants, Inc.



Paul K. Boyer, P.E.
Principal

Ada Hood

From: George Restovich
Sent: Wednesday, December 14, 2016 4:21 PM
To: Ada Hood; Cindy Parnell; Bill Schwer; Leigh Dohack
Subject: RE: Fountains of West County

Ada,

Please allow the following in response to the issues that have arisen concerning the Fountains of West County:

1. **Lot Consolidation.** They must submit a new Application for Lot Consolidation. The Lot Consolidation Plat approved by Ordinance #3280 is for all three lots. We can't approve a plat that eliminates one of the lots from the consolidated parcel.
2. **Deed Restriction.** The deed restriction allows the Fountains to extend the 5 year time limit to consolidate the lots for an additional 5 years upon written notice to the City delivered prior to the expiration period. The email is sufficient notice to extend the time limit and it was submitted prior to the expiration date, which is no earlier than October 17, 2017.
3. **CUP.** The most recent CUP approval, granted by Ordinance #3280 on April 20, 2016, allows construction and operation of a retirement complex and building in excess of 30 feet in height for 15822, 15826 and 15834 Clayton Road. The approval was not contingent upon recording the lot consolidation plat for those three parcels, so they will not need a CUP amendment.

Any questions, let us know. Thanks for your good work.

George

George B. Restovich
Attorney at Law
RESTOVICH & ASSOCIATES, LLC
214 N. Clay Ave, Ste 210
Kirkwood, MO 63122
Office 314-434-7700
Mobile 314-960-8331
Fax 314-480-3355
www.restovichlawstl.com

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