



**FEBRUARY 10, 2016**

Posted 4:00 p.m., Wednesday, February 3, 2016

**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 – January 13, 2016 [Pages 3-8](#)
- VI. Petition for Approval
  - 1) Request of Great Southern Bank for approval of a Conditional Use Permit Amendment to allow the transfer of operation/ownership of the existing financial institution and drive-through facilities located at 10 Old State Road (formerly 16062 Manchester Road) within the C-3 Commercial Zoning District. [Pages 9-23](#)

Action on Petition #16-02-01
- VII. Adjournment

Respectfully submitted,

LEIGH A. DOHACK  
City Clerk

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# City of Ellisville

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## PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: January 13, 2016

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2. Approval of Minutes: December 9, 2015
3. Public Hearings
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  - B. Petition #16-01-02: Petition of Starbucks Coffee Company for an amendment to Ordinance #2553, and the C-5 Planned Commercial District, for issuance of a conditional use permit and for approval of associated site development plan, to allow the operation of a drive-through facility associated with a specialty food and beverage use at 15845 Manchester Road within the C-5 Planned Commercial Zoning District.
4. Petitions
  - A. Petition #16-01-03: Petition of James Drake, General Manager for Porsche St. Louis, for a Conditional Use Permit to allow the operation of a storage facility located at 16360 Truman Road within the former Tri-Star Mercedes building and zoned C-4 Ellisville Business Park Zoning District.
  - B. Petition #16-01-04: Petition of US Beef Corporation, d/b/a Arby's, for issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Arby's restaurant at 15678 Manchester Road within the C-3 Commercial Zoning District.
5. Resolution
6. Adjournment

**PLANNING AND ZONING COMMISSION MEETING SUMMARY**

Chairman Hoffman called the meeting to order at 7:00 p.m. Commissioner Sanborn led the Pledge of Allegiance. Other Commissioners present were: Reel, Ellebrecht, Sticksel, Gundlach, and McGrath. Commissioner Boggs arrived at 7:26 pm. Commissioner Turner was absent. A quorum was present for the meeting.

Also present were City Planner Hood, Assistant City Attorney Parnell, Mayor Paul, and Council Members Voss, McGrath, and Pool.

**1. APPROVAL OF AGENDA**

A motion was made by Commissioner Reel 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>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
Suzanne Gundlach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. APPROVAL OF MINUTES**

A motion was made by Commissioner Reel to approve the December 9, 2015, Regular Meeting Minutes, as written, and was seconded by Commissioner Sticksel. 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>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
Suzanne Gundlach	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. PUBLIC HEARINGS**

**Petition #16-01-01: City initiated petition to consider Text Amendments to Chapter 400 of the Land Use Regulations. (Continued from the December 10, 2015, Planning and Zoning Commission meeting.)**

Assistant City Attorney Parnell read the Exhibit List, and Chairman Hoffmann swore in Planner Hood.

Planner Hood summarized this petition was continued from the December 9, 2015, Planning and Zoning meeting, required a public hearing. The staff is proposing changes to fees, non-conforming uses and structures. The proposed changes are consistent with the City's adopted Comprehensive Plan. Discussions ensued among Commissioners, Assistant City Attorney Parnell, and Planner Hood.

Commissioner Sticksel moved to forward a positive recommendation, as outlined in Attachments A and B, to the City Council, and the motion was seconded by Commissioner Sanborn. The votes were as follows:

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Linda Reel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Petition #16-01-02: Petition of Starbucks Coffee Company for an amendment to Ordinance #2553, and the C-5 Planned Commercial District, for issuance of a conditional use permit and for approval of associated site development plan, to allow the operation of a drive-through facility associated with a specialty food and beverage use at 15845 Manchester Road within the C-5 Planned Commercial Zoning District.**

Assistant City Attorney Parnell read the Exhibit List, and Chairman Hoffman swore in Ms. Shawn White, with CBB.

Planner Hood stated the applicant is requesting approval of an amendment to Ordinance #2553 and the C-5 Planned Commercial District, approval of the associated site development plan, and approval of a Conditional Use Permit authorizing a drive-through facility associated with a new Starbucks coffee shop. The proposed Starbucks will be located at the former Pizza Hut site. The existing building will be removed, and a new building with a drive-through facility will be constructed.

Ms. White, with CBB, stated a traffic impact study had been performed by her company. The majority of the Starbucks traffic will occur in the morning when most of the other businesses in the center are closed. As proposed, circulation will not negatively impact Manchester and Clarkson Roads. She summarized her recommendations.

Commissioner Reel moved to forward a positive recommendation to the City Council, subject to the following condition(s):

1. The applicant agrees to the installation of an art piece at this prominent site; and
2. That the art piece is approved by the ARB prior to construction/installation; and
3. That the City Council approves the shared parking agreement with the adjacent center; and
4. That the City Council approves a downward adjustment of the number of required parking spaces for the subject site and adjacent center; and
5. That the applicant requires employees to park offsite in less used parking spaces within the adjacent center or on the adjacent bank property (with bank permission); and
6. That the property owner prepares and records cross-access easements to the north of the shopping center and to the Jiffy Lube site; and
7. That the applicant secures ARB approval; and
8. That the applicant obtains approval from Missouri Department of Transportation for all work within Manchester Road right-of-way; and
9. That the applicant obtains approval from the Metropolitan St. Louis Sewer District.

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>
Linda Reel	<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"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. PETITIONS

**Petition #16-01-03: Request of James Drake, General Manager for Porsche St. Louis, for a Conditional Use Permit to allow the operation of a storage facility located 16360 Truman Road within the former Tri-Star Mercedes building and zoned C-4 Ellisville Business Park Zoning District.**

Planner Hood stated the applicant is proposing to operate within the service section of the building only, and will occupy approximately 28,000 square feet. This operation will include the storage of new, unsold Porsche vehicles. The applicant has also indicated they will perform pre-delivery inspections at this location, which will consist of an overview of a new vehicle before it is delivered to the customer. There is no negative impact associated with the Condition Use Permit for the operation of the indoor storage facility.

Commissioner Reel was concerned about theft or damage of vehicles, and the potential of not being able to sell the property due to the two-year rental agreement.

Mr. James Drake, the General Manager for Porsche St. Louis, indicated there is an agreement with the owner regarding sale of the property. Should they have a buyer for this location, the applicant has 90 days to evacuate the property.

Mr. Drake also indicated there will only be two to three employees at a time as this location, so there is no need for a bike rack. Their operating hours will be Monday thru Friday, 9:00 am to 6:00 pm, and no weekends.

Commissioner Ellebrecht moved to forward a positive recommendation to the City Council, subject to the following condition(s):

1. The applicant installs a bike rack; and
2. The applicant secures the required occupancy inspections and permit; and
3. The building has an alarm; and
4. That all signage complies with the current Sign Code, including adding the address and landscape plantings to the monument sign.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Linda Reel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<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"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Petition #16-01-04: Petition of US Beef Corporation, d/b/a Arby's, for issuance of a conditional use permit to allow the operation of a drive-through facility associated with a new Arby's restaurant at 15678 Manchester Road within the C-3 Commercial Zoning District.**

Planner Hood summarized the applicant is requesting consideration and approval of a boundary adjustment plat and issuance of a Conditional Use Permit to allow the operation of a drive-thru facility associated with the new Arby's restaurant. The subject site does not adjoin residential uses. Therefore, noise from the drive-thru should not be an issue. Staff feels this use is a good fit at this location.

Ms. Shawn White, of CBB, indicated a traffic assessment had been performed for this location. She stated the prior study for Raising Canes was incorporated into the current study for Arby's. The recommendation for some type of pavement marking at the entrance would be needed, at minimum. A discussion between the Commissioners ensued regarding future traffic control at the entrance.

Commissioner Reel moved to forward a positive recommendation to the City Council, subject to the following condition(s):

1. That the applicant secures ARB approval; and
2. That the applicant obtains approval from the Metropolitan St. Louis Sewer District; and
3. That the applicant matches existing type and height of existing parking lot lighting fixtures; and
4. That the applicant considers installing an accessible ramp in front of building that connects with pedestrian walkway and pedestrian sidewalk connecting with Manchester Road sidewalk; and
5. That the applicant coordinates with MoDOT to modify the signal timings at the Manchester Road and Ellisville Marketplace intersection in order to better accommodate the full build-out of the Ellisville Marketplace shopping center; and
6. That the applicant installs pavement markings and signage at the first internal intersection to maintain gaps for the internal access drives and the City reserve the right to require a median in the main driveway to eliminate left-turn movements at the first internal intersection in the future, if one is not required initially; and
7. That the applicant provides the number of parking spaces remaining for the retail buildings to verify of the City's parking code is met or that a downward adjustment is approved by the City Council (the main retail center, which consists of approximately 65,000 square feet, would require a minimum of 228 parking spaces, with a maximum of 273 parking spaces).

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Linda Reel	<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"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Turner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. RESOLUTION

Presentation of Resolution to Commissioner Lance Gardner.

6. ADJOURNMENT

Chairman Hoffman adjourned the meeting at 8:05 p.m.

Respectfully Submitted,

Angie Shoemate



# City of Ellisville

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## Memo

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

From: Ada Hood, City Planner

Meeting

Date: February 10, 2016

Re: Request of Great Southern Bank for approval of a Conditional Use Permit Amendment to allow the transfer of operation/ownership of the existing financial institution and drive through facilities located at 10 Old State Road (formerly 16062 Manchester Rd) within the C-3 Commercial Zoning District

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### BACKGROUND

On August 16, 2006, the City approved a subdivision plat and issued a conditional use permit to Fifth Third Bank to allow the operation of a financial institution with drive through facilities and building height in excess of thirty (30) feet. The subdivision plat allowed the 3.159 acre site to be subdivided into two separate lots. One lot would be used for the new financial institution, while the second lot would be marketed for a future use- to date the second lot remains vacant.

### SUMMARY

The applicant is now requesting to a transfer the CUP authorizing the transfer of ownership and operation of the bank from Fifth Third Bank to Great Southern Bank. The current Zoning Code regulates financial institutions with very specific requirements, as follows:

#### SECTION 400.465 Restrictions on Financial Institutions and Check Cashing/Payday Loan Establishments

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to financial institutions and check-cashing/payday loan establishments or as may be approved by the Council:

1. Such facilities shall provide and utilize digital video and audio surveillance equipment that observes all interior portions of the unit that are accessible or visible to the general public, all private offices and all exterior perimeters of the building or site including parking lots, alleys, service areas, all exterior windows and doors and similar spaces. Such equipment shall operate twenty-four (24) hours a day seven (7) days a week and shall be connected to a recording device(s) that permanently retain the recorded data

February 2, 2016

for at least thirty (30) days before the data is erased or recorded over. Such recording devices must be able to have the data downloaded to another device for long-term permanent storage as needed.

2. Such facilities shall be designed to have their public lobby areas fully visible from the adjoining parking lots. No interior or exterior improvements, window tintings and treatment, draperies, blinds, signage, landscaping or other devices shall be utilized to block such visibility.

3. Such facilities shall provide a vault or safe to protect cash or other liquid assets. Such vault or safe shall have a UL rating of TRTL-15 or better. Such safe or vault shall be installed in such a manner that the area near the safe/vault shall be visible from the parking lot and the surveillance system.

4. Such facilities shall be equipped with an interior illumination system that fully illuminates the area around the vault or safe during all times of darkness.

5. Such facilities shall be equipped with an alarm system that monitors all exterior doors and windows, cash drawers and the vault/safe. The system shall include "hold up" alarm/panic buttons at all teller and manager positions that promptly notify the Police Department when activated. Such an alarm system must be installed and operated in accordance with the established standards and requirements of the City of Ellisville for such equipment. Such systems shall be tested monthly and a record of such tests maintained on the premises for review.

6. In addition to the restrictions above, check-cashing/payday loan establishments shall not be permitted within seven hundred fifty (750) feet of any property zoned and/or used for residential, eleemosynary, religious, school or public use or within seven hundred fifty (750) feet of any other check-cashing/payday loan establishment or establishment or within three hundred (300) feet of the right-of-way line of Manchester Road. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the establishment to the closest point on any property line of the eleemosynary use, religious institution, school, public building or public park or to the right-of-way line of Manchester Road.

Additionally, the current zoning code calls for a bike rack and pedestrian crossings (painted) across the parking lot and across the curb cuts. In recent applications, the City has asked the applicant to install new or replace existing street lights to match the lights installed in the medians as part of the Great Streets project. Additionally, the City would like to secure an easement (as depicted in the attachment) for a future (upgraded) bus shelter.

### **IMPACT**

The applicant intends to operate the facility in a similar manner as currently operated. The Planning and Zoning Commission may deem the request a minor amendment and approve the request, as follows:

*Amendment to a Conditional Use Permit.* Any change in the scope, use or aspect of an operation approved for a conditional use permit which results in a condition that differs from the provisions contained in the approved conditional use permit requires the approval of an amendment. All requests for amendments must be filed on an application

form available through the Department of Planning. As part of the application submission, additional documentation or pertinent information related to the amendment may be required by the City Planner.

1. *Minor amendments.*

a. Requests for amendments that are deemed by the Director of Planning to represent minor change(s) from the provisions of the originally approved conditional use permit may be approved by the Planning and Zoning Commission on a consent agenda. Minor amendments may include:

- (1) Change in hours of operation;
- (2) Change in days of operation;
- (3) Increasing or decreasing outdoor dining capacity;
- (4) Change in business or trade name, where ownership and nature of business or trade remains the same;
- (5) Change in ownership of business not affecting the intensity of the use; and
- (6) Other similar changes deemed minor by the Director of Planning.

**RECOMMENDATION**

Staff recommends the Planning and Zoning Commission deems the amendment minor and approves the request subject to the following conditions:

1. That the applicant installs a bike rack; and
2. That the applicant agrees to color/stripe pedestrian crosswalks through the parking from front the door to existing sidewalks along Manchester Road and Old State Road; and
3. That the applicant agrees to color/stripe a pedestrian walkway across the curb cut along Old State Road; and
4. That the applicant agrees to comply with all current regulations pertaining to financial institutions; and
5. That the applicant agrees to coordinate with City staff and install new/replace existing street lights along Manchester Road abutting the subject property to match the new median light poles; and
6. That the property owner agrees to coordinate with staff and provide an easement for a future upgraded bus shelter.

**AN ORDINANCE APPROVING A SUBDIVISION PLAT, AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO FIFTH THIRD BANK TO ALLOW THE OPERATION OF A BANKING FACILITY WITH A DRIVE-THROUGH AND A STRUCTURE IN EXCESS OF 30 FEET IN HEIGHT, AND APPROVING A SITE DEVELOPMENT PLAN FOR THE SOUTHEAST CORNER OF OLD STATE AND MANCHESTER ROADS WITHIN THE C-3 COMMERCIAL ZONING DISTRICT.**

**WHEREAS**, a public hearing has been held by the Council of the City of Ellisville on August 2, 2006, pursuant to Chapter 30, Zoning, of the Municipal Code of the City of Ellisville, for approval of a subdivision plat and conditional use permit and site development plan allowing Fifth Third Bank to construct and operate a banking facility in excess of thirty feet in height with drive-through on the southeast corner of Manchester and Old State Roads within the C-3 Commercial Zoning District; and

**WHEREAS**, all persons present at such hearing were given an opportunity to be heard and were heard; and

**WHEREAS**, the Council finding that the project (1) would not adversely affect traffic conditions, (2) would not substantially increase fire hazards, (3) would not adversely affect the character of the neighborhood, (4) would not adversely affect the general welfare of the community, (5) would not overtax the sewage or public utilities, (6) would not adversely affect or overtax Police or other City services, (7) would be the highest and best use of the location applied for, (8) and would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax, (9) would not have a substantial negative impact on the environment, and (10) would comply with all applicable provisions of Chapter 30, Zoning, including performance standards as set forth in Section 30-14; and

**WHEREAS**, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**SECTION 1:** That property located on the southeast corner of Old State and Manchester Roads containing 3.159 acres is hereby subdivided into two (2) tracts as more fully set out on subdivision plat dated April 5, 2006

**SECTION 2:** The issuance of a Conditional Use Permit pursuant to the provisions of Chapter 30, Zoning, of the Municipal Code of the City of Ellisville is hereby authorized to Fifth Third Bank allowing the construction and operation of a banking facility in excess of thirty feet in height with drive-throughs on the southeast corner of Manchester and Old State Roads within the C-3 Commercial Zoning District.

**SECTION 3:** Said facility shall be constructed in accordance with approved site development plans dated March 13, 2006, as revised on June 5, 2006; traffic recommendations dated May 10, 2006, as revised on June 16, 2006; landscape plans dated May 9, 2006, revised June 8, 2006; landscape recommendations dated May 3, 2006, including a sprinkler system for the grassed areas; and City Planner's Recommendations dated July 24, 2006, as supplemented August 8, 2006.

**SECTION 4:** Fifth Third Bank acknowledges the following:

- A. That the applicant secure approval from MoDOT for access to Manchester Road prior to permit issuance; and
- B. That the applicant secure approval from Saint Louis County for access to Old State Road prior to permit issuance; and
- C. That the entire length of sidewalk is constructed of concrete and located entirely within the right-of-way, immediately abutting the right-of-way line with a lawn area in between said sidewalk and the roadway; and
- D. That the applicant install a sidewalk along Old State Road, Manchester Road and Covert Lane; and
- E. That the applicant agree to any additional right-of-way dedication to ascertain that the entire length of sidewalk is located on public property; and
- F. That the 15-foot wide drive aisle on the east side of the building be designated as one-way and clearly marked as one-way, as per the recommendations of the City's third-party traffic consultant; and
- G. That cross-access easements are established to accommodate access to and from Lot 2 to the east, as per the recommendations of the City's third-party traffic consultant; and

- H. That the access drive along Old State Road be widened to 38-feet, as per the recommendations of the City's third-party traffic consultant; and
- I. That all deliveries and pick-ups to the site be made during off-peak hours, as per the recommendations of the City's third-party traffic consultant; and
- J. That a sound wall be installed in lieu of a new privacy fence along the south and southeast property lines, to mitigate sounds from drive-through facilities; and
- K. That the Lot 2 be seeded and maintained; and
- L. That the applicant secures Architectural Review Board approval; and
- M. That any future user of Lot 2 shall submit to a traffic study and comply with all reasonable and appropriate recommendations of the City's third-party traffic consultant.
- N. That the applicant agrees to allow the City the necessary time to solicit resident input in order to make a decision regarding access to and/or from Covert Lane. In the event, the decision is made to add a curb cut to Covert Lane, applicant shall provide said access at the applicant's expense; and
- O. That the applicant shall take all necessary actions, including, but not limited to posting a specialized escrow, to implement the City's decision regarding such access to Covert Lane.

**SECTION 5:** Issuance of a Conditional Use Permit to Fifth Third Bank does not constitute authority to construct or operate any signage, and any sign constructed or operated at said site shall be authorized by a sign permit issued by the City Planner in conformity with Chapter 21, Signs, of the Municipal Code of the City of Ellisville.

**SECTION 6:** Fifth Third Bank shall conform to all Ordinances, Statutes and Fire regulations applicable to the C-3 Commercial District of the City of Ellisville.

**SECTION 7:** Fifth Third Bank acknowledges that this Conditional Use Permit shall not be valid for a period longer than twelve (12) months from the effective date of this ordinance unless within such period a building permit is obtained and construction is commenced and pursued diligently toward completion. The Council may grant extensions not exceeding one hundred twenty (120) days each, upon written application, without notice or hearing.

**SECTION 8:** This ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 2962 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 16th day of August, 2006.

First Reading votes:

DATE: 8/16/06

Second Reading votes:

DATE: 8/16/06

AYE NAY ABSTAIN

AYE NAY ABSTAIN

KNAPP	<u>  X  </u>	<u>          </u>	<u>          </u>
COMPTON	<u>          </u>	<u>  X  </u>	<u>          </u>
LACAILLE	<u>  X  </u>	<u>          </u>	<u>          </u>
COOK	<u>  X  </u>	<u>          </u>	<u>          </u>
BUENTE	<u>  X  </u>	<u>          </u>	<u>          </u>
PAVLACK	<u>  X  </u>	<u>          </u>	<u>          </u>
PIRRELLO	<u>          </u>	<u>  X  </u>	<u>          </u>

<u>  X  </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>  X  </u>	<u>          </u>
<u>  X  </u>	<u>          </u>	<u>          </u>
<u>  X  </u>	<u>          </u>	<u>          </u>
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<u>  X  </u>	<u>          </u>	<u>          </u>
<u>  X  </u>	<u>          </u>	<u>          </u>

ATTEST:

CITY OF ELLISVILLE

*Catherine Demeter*  
CITY CLERK

*Matt Pivello*  
MAYOR



# 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: 16062 Manchester Road Ellisville Mo  
Project Description: Great Southern Bank purchased The Fifth Third Banks in the metro StL area and are replacing the signs from Fifth Third to Great Southern for continued Bank operations

### 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, 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: Great Southern Bank  
Doug Marcs V.P. Operations

Address: \_\_\_\_\_

Phone Number: 417-895-4569 Email dougmarcs@greatsouthernbank.com

Name of Business Owner(s) - if different than above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Property Owner(s) - if different than above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

Name of Architect, Landscape Architect, Planner or Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email \_\_\_\_\_

**PART B: SITE DESCRIPTION**

Legal Address of Property: \_\_\_\_\_ Locator No.: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Block No.: \_\_\_\_\_ Current Zoning: \_\_\_\_\_

Current Use of Site: \_\_\_\_\_

Proposed Use of Site: Bank Branch

**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): Great Southern Bank  
Doug Mann Date: 1/21/16

Title/Interest in Property: VP Operations / owner  
Great Southern Bank

Signature of Property Owner (Required): Doug Mann Date: 1/21/16

Title/Interest in Property: VP operations / owner



# City of Ellisville

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

## 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: 16062 Manchester Road Ellisville MO.

Applicant: Great Southern Bank

### PART A: BUILDING CONSTRUCTION

Estimated Cost of Construction: 594,000 No. of Stories: 1

Total Square Footage of Site: 61,419 Total Square Footage of Building(s): 4,200

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: .0685

Building(s) Height(s): 21' Number of Floors: 1

Total Number of Available Parking Spaces: 30

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: Transition the owner/  
operator of the bank from Fifth Third to Great Southern

Please describe why the proposed amendment is necessary: Great Southern Bank is purchasing the Fifth Third Banks in the metro STL area.

**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): \_\_\_\_\_

No. Tables: \_\_\_\_\_ No. Seats: \_\_\_\_\_ No. Umbrellas: \_\_\_\_\_ Logo on Umbrellas: \_\_\_\_\_

Description of Furniture: \_\_\_\_\_

Description and proposed location of Pedestrian Barrier: \_\_\_\_\_

Description of Landscaping: \_\_\_\_\_

Description of Lighting: \_\_\_\_\_

**PART E-1: TELECOMMUNICATION INSTALLATIONS**

Location of Antenna(s): \_\_\_\_\_ Type of Antenna(s): \_\_\_\_\_

No. of Antenna(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of cabinets(s): \_\_\_\_\_ Type of cabinets(s):: \_\_\_\_\_

No. of cabinets(s) : \_\_\_\_\_ Dimension(s): \_\_\_\_\_

Location of wiring/cable: \_\_\_\_\_ Type of wiring/cable: \_\_\_\_\_

Lineal Feet : \_\_\_\_\_ How will wiring/cable be screened: \_\_\_\_\_

Location of screening/ \_\_\_\_\_ Type of screening(s) \_\_\_\_\_

Enclosures: \_\_\_\_\_ enclosures: \_\_\_\_\_

Dimension(s): \_\_\_\_\_ Color/Description: \_\_\_\_\_

Will any illumination be used : \_\_\_\_\_ By what method : \_\_\_\_\_

**PART E-2: LEASE AND MAINTENANCE**

Fully executed lease: \_\_\_\_\_ How long is lease for: \_\_\_\_\_ Any Easements: \_\_\_\_\_ Describe: \_\_\_\_\_  
Yes / No Yes / No

Who will provide any maintenance: \_\_\_\_\_ Describe: \_\_\_\_\_

**PART F: ENVIRONMENTAL STATEMENT**

Will the proposed request adversely impact the environment?: \_\_\_\_\_ NO \_\_\_\_\_ (Yes or No)

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?  
NO (Yes or No) If yes, please submit a copy of the report/study with this application.

By filing this application you acknowledge and are aware that the City may require a partial or comprehensive environmental assessment, impact analysis, or report, in conformity with Chapter 415, Environmental Report of the Land Use Regulations, at any time during the application or approval process.

**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?
- Yes 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?
- Yes 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?
- Yes p. Does the proposed use comply with the standards of good planning practices?
- \_\_\_\_\_ 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?
- \_\_\_\_\_ 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.

**SPONSORED BY:** \_\_\_\_\_  
**INTRODUCED BY:** \_\_\_\_\_

**BILL NO.** \_\_\_\_\_  
**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE #2784 TO REFLECT A CHANGE IN OWNERSHIP OF THE BANKING FACILITY WITH DRIVE-THROUGH AT THE LOCATION KNOWN AND NUMBERED AS 10 OLD STATE ROAD, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT, FROM FIFTH THIRD BANK TO GREAT SOUTHERN BANK, APPROVED BY THE PLANNING AND ZONING COMMISSION AS A MINOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT.**

**WHEREAS**, on August 16, 2006, the City adopted Ordinance #2784 authorizing the issuance of a Conditional Use Permit to Fifth Third Bank to allow the operation of a banking facility with drive-through and a structure in excess of 30 feet in height, at a location known and numbered as 10 Old State Road (formerly 16062 Manchester Road), within the C-3 Commercial Zoning District of the City of Ellisville; and

**WHEREAS**, pursuant to Section 400.150 of the Municipal Code of the City of Ellisville, Great Southern Bank has petitioned the Planning and Zoning Commission for approval of an amendment to the existing conditional use permit to reflect a change in ownership of the business, with no other changes to the operation of the business or the intensity of the use; and

**WHEREAS**, per Section 400.150 (G) of the Municipal Code of the City of Ellisville, the Planning and Zoning Commission is authorized to approve minor amendments, including change in ownership of business not affecting the intensity of the use; and

**WHEREAS**, on February 10, 2016, the Planning and Zoning Commission deemed the change in ownership a minor amendment and approved it, subject to certain conditions; and

**WHEREAS**, the Council wishes to amend Ordinance #2784 to reflect the change in ownership approved by the Planning and Zoning Commission as a minor amendment to the existing conditional use permit; and

**WHEREAS**, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**SECTION 1:** The Council hereby amends Ordinance #2784 to reflect a change in ownership of the banking facility with drive-through and structure in excess of 30 feet, at the location known and numbered as 10 Old State Road (formerly 16062 Manchester Road), from Fifth Third Bank to Great Southern Bank, as approved by the Planning and Zoning Commission as a minor amendment to the existing Conditional Use Permit issued by Ordinance #2784, subject to the following conditions:

1. That Petitioner installs a bike rack; and
2. That Petitioner will color/stripe pedestrian crosswalks through the parking from front door to existing sidewalks along Manchester Road and Old State Road; and
3. That the Petitioner will color/stripe a pedestrian walkway across the curb cut along Old State Road; and
4. That Petitioner will comply with all current regulations pertaining financial institutions; and
5. That Petitioner will coordinate with City staff and install new/replace existing street lights along Manchester Road abutting the subject property to match the new median light poles; and
6. That the property owner agrees to coordinate with staff and provide an easement for a future upgraded bus shelter.

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. \_\_\_\_\_ having been read by title or in full two times prior its passage, and having been duly considered and voted upon was finally passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**First Reading votes:**

**DATE:** \_\_\_\_\_

**Second Reading votes:**

**DATE:** \_\_\_\_\_

	AYE	NAY	ABSTAIN
<b>MCGRATH</b>	_____	_____	_____
<b>VOSS</b>	_____	_____	_____
<b>BAKER</b>	_____	_____	_____
<b>CAHILL</b>	_____	_____	_____
<b>DUFFY</b>	_____	_____	_____
<b>POOL</b>	_____	_____	_____
<b>PAUL</b>	_____	_____	_____

	AYE	NAY	ABSTAIN
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**CITY OF ELLISVILLE**

\_\_\_\_\_  
**MAYOR ADAM Q. PAUL**

Approved as to legal content and form:

\_\_\_\_\_  
City Attorney