



AUGUST 10, 2016

Posted 2:00 p.m., Thursday, August 4, 2016

**7:00 P.M. CITY OF ELLISVILLE – PLANNING AND ZONING COMMISSION
(at the Parks Administration Building)**

I. Call to Order – Chairman Hoffman

II. Pledge of Allegiance

III. Roll Call

IV. Approval of Agenda

V. Approval of Minutes – July 12, 2016 [Pages 3-7](#)

VI. Public Hearings

- 1) The Planning and Zoning Commission will discuss and consider the petitions of Neighbors Credit Union for rezoning the property located at 15928 Manchester Road from C-3 Commercial Zoning District to the C-5 Planned Commercial Zoning District, and for approval of a Site Development Plan, to allow a new Financial Institution with Drive-Through facilities on the subject site. [Pages 9-42, color print and plans](#)

Action on Petition #16-08-01

- 2) The Planning and Zoning Commission will discuss and consider the petition of Nicole and Mike Boyher for text amendments to Chapter 400: Zoning Regulations pertaining to permitting short term rentals as conditional uses within the City of Ellisville (application for CUP has been withdrawn by the applicants). [Pages 43-75](#)

Action on Petition #16-08-02

VII. Petitions for Approval

- 1) Request of Midwest Bank Centre and Plantation Properties II LLP, property owner, for approval of a Minor Amendment to an existing Conditional Use Permit to reflect the change in ownership and operation of a Financial Institution without a Drive-Through Facility at 16024 Manchester Road within the C-3 Zoning District. [Pages 77-88](#)

Action on Petition #16-08-03

- 2) Request of Clarkson BP LLC for approval of a Minor Amendment to an existing Conditional Use Permit to allow the continued operation of the existing service/gas station, car wash, and liquor sales at 28 Clarkson Road within the C-3 Zoning District. [Pages 89-108](#)

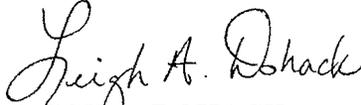
Action on Petition #16-08-04

- 3) Request of Ellington Homes by McBride for approval of a Subdivision Plat associated with the property located at 225 Hutchinson Road within the R-1 Single Family Residential Zoning District. [Pages 109-114 and plat](#)

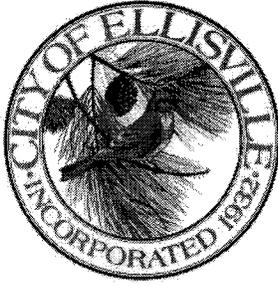
Action on Petition #16-08-05

VIII. 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 of Ellisville

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: July 12, 2016

TABLE OF CONTENTS

1. Approval of Agenda
2. Approval of Minutes: June 8, 2016
3. Public Hearing(s)
 - A. Petition #16-07-01: The Planning and Zoning Commission will discuss and consider the petition of B. David Wilken, DDS, property owner, requesting to rezone 265 Clarkson Road from the R-1 Single-Family Residential Zoning District to the C-1 Open Space Commercial Zoning District.
4. Petition(s) for Recommendation
 - A. Petition #16-07-02: Petition of Ellisville Church of Christ for approval of a Lot Consolidation Plat, Site Development Plan and a Conditional Use Permit to allow the development of a new parking lot on 68 Henry Avenue within the R-1 Zoning District.
 - B. Petition #16-07-03: Petition of St. Louis County Library for an amendment to an existing Conditional Use Permit to allow a building addition in excess of 30 feet in height located at 300 Clarkson Road within the C-3 Commercial Zoning District.
 - C. Petition #16-07-04: Petition of LTF Club Operations, Inc. d/b/a LifeTime Fitness for a conditional use permit authorizing Liquor Sales at the location numbered 3058 Clarkson Road, within the C-5 Planned Commercial District.
5. Adjournment

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: Sanborn, McGrath, Chismarich, Stickssel, and Gundlach. Commissioners Reel and Boggs 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 McGrath to approve the Agenda, as written, and 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>
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"/>
Linda Reel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Curtis Boggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. APPROVAL OF MINUTES

A motion was made by Commissioner Chismarich to approve the June 8, 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>
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"/>
Linda Reel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Curtis Boggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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"/>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. PUBLIC HEARING(S)

Petition #16-07-01: The Planning and Zoning Commission will discuss and consider the petition of B. David Wilken, DDS, property owner, requesting to rezone 265 Clarkson Road from the R-1 Single-Family Residential Zoning District to the C-1 Open Space Commercial Zoning District.

Planner Hood stated in 1992 the City Council approved Ordinance No. 1709 authorizing the issuance of a special use permit to Dr. Wilken to construct and operate a dental office. Special use permits are no longer an option in our current zoning code, and office uses are no longer permitted in the R-1 Zoning District. The applicant is proposing to rezone the subject site to C-1 Open Space Commercial. The applicant will continue to operate the dental office in the exact same manner.

Commissioner Sanborn moved to determine an Environmental Assessment is not required and to forward a positive recommendation to the City Council, subject to the following condition(s):

1. Any approval to rezone is contingent on the applicant securing a side yard setback variance from the Board of Adjustment; and
2. The City Council waives the requirement for a new privacy fence along the east and north property lines; and
3. The City Council accepts the landscaping and buffering as proposed and waives any deficiencies.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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"/>
Linda Reel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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"/>

4. PETITION(S) FOR RECOMMENDATION

Petition #16-07-02: Petition of Ellisville Church of Christ for approval of a Lot Consolidation Plat, Site Development Plan and a Conditional Use Permit to allow the development of a new parking lot on 68 Henry Avenue within the R-1 Zoning District.

Planner Hood stated the applicant is proposing to construct a new parking lot on 68 Henry Avenue. This will include the consolidation of 68 Henry Avenue and 62 Henry Avenue into one lot. Church uses are conditionally permitted in the R-1 Zoning District, although the applicant does not have a conditional use permit on file. Therefore, the applicant is requesting to obtain a conditional use permit, which will allow the continued operation of the existing church at 62 Henry Avenue, along with off-street parking for the church at 68 Henry Avenue.

Commissioner Sanborn moved to waive the Public Hearing, and forward a positive recommendation to the City Council, subject to the following condition(s):

1. That the applicant complies with the maximum front yard lot coverage (30% maximum coverage); and
2. That the City Council waives the requirement for a sidewalk along Henry Avenue; and
3. That the applicant agrees to provide an easement to accommodate a sidewalk, installed by the City; and
4. That the City Council waives the requirement for a trash enclosure; and
5. That the City Council waives the requirement for a bike rack; and
6. The Planning and Zoning Commission determined that an environmental assessment is not required; and
7. That the plat cover sheet is revised to note the subject properties as zoned R-1 (not R-2), prior to recording the plat; and
8. That stop signs are provided at egress points from the proposed parking lot; and
9. That a fence will not be installed along the west and north property lines, but that landscape screening, as depicted on the plan set submitted is installed; and
10. That light fixtures are limited to a maximum height of 20 feet and feature fully shielded light fixtures.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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"/>
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Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Petition #16-07-03: Petition of St. Louis County Library for an amendment to an existing Conditional Use Permit to allow a building addition in excess of 30 feet in height located at 300 Clarkson Road within the C-3 Commercial Zoning District.

Planner Hood stated the applicant is requesting to add on to the existing building. Although the library use has been deemed a permitted use previously, the proposed addition will measure 38 feet in height. Thus requiring another conditional use permit.

Commissioner Sticksel moved to waive the Public Hearing, to determine an Environmental Assessment is not required, and to forward a positive recommendation to the City Council, subject to the following condition(s):

1. That the applicant secures ARB approval.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

Petition #16-07-04: Petition of LTF Club Operations, Inc. d/b/a LifeTime Fitness for a conditional use permit authorizing Liquor Sales at the location numbered 3058 Clarkson Road, within the C-5 Planned Commercial District.

Planner Hood stated the applicant is requesting consideration and approval for the sale of liquor as part of their current operation. However, the applicant must secure approval of a conditional use permit prior to being issued a liquor license.

Commissioner Gundlach moved to waive the Public Hearing, to determine an Environmental Assessment is not required, and to forward a positive recommendation to the City Council, subject to the following condition(s):

1. The applicant installs a privacy fence along the rear property line.

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

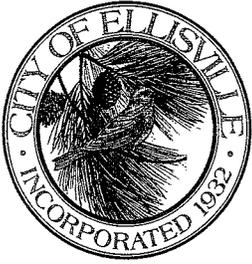
<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
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Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

5. ADJOURNMENT

Chairman Hoffman adjourned the meeting at 8:07 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

Meeting

Date: August 10, 2016

Re: Request of Neighbors Credit Union for rezoning the property located at 15928 Manchester Road from C-3 Commercial Zoning District to C-5 Planned Commercial Zoning District and approval of a Site Development Plan to allow a new Financial Institution with Drive-Through Facilities on the subject site.

SUMMARY

The applicant is requesting to rezone the subject site from C-3 Commercial Zoning District to C-5 Planned Commercial Zoning District and seeking approval of a Site Development Plan to allow a new Financial Institution with Drive-Through Facilities on the subject. Financial Institutions are

Comprehensive Plan

As per the Land Use Plan found in the City's adopted Comprehensive Plan, the subject site is intended for Retail Commercial, as follows:

The retail commercial land use category is intended primarily for retail and offices uses. This category will allow a broad range of retail uses from florists to new car dealers and will include many uses allowed in the City's commercial zoning districts. Office uses will primarily consist of business and professional offices. Specific retail commercial land uses will be regulated by the City's zoning regulations. In addition to commercial buildings, this land use classification will include schools, churches, government buildings, parks and similar institutional and recreational uses that are commonly found in retail commercial areas. Urban low-density and medium density residential developments may be also be allowed within this land use category.

As per the adopted code, drive through facilities are permitted uses in the C-3 zoning district. However, Financial Institutions are not permitted. By rezoning to a C-5 Planned District, the applicant may operate a Financial Institution with a Drive-Through Facility on the subject site. In the past financial institutions with drive through facilities have been deemed to be high traffic generators. Based on information provided by the City's third party traffic consultant, "banks, especially those with drive-through window service and/or ATM's were historically

high trip generators, the banking industry has changed dramatically over the past several years with the advent of direct deposit and electronic bill paying options. Trip levels to most banks are now low to moderate relative to other commercial uses of a similar lot size.” The Commission will need to determine if the proposed use may be deemed consistent with the adopted Comprehensive Plan.

Zone Change

Zone changes are expected to be consistent with the City’s adopted Comprehensive Plan. According to the City’s Zoning Code, the applicant must secure a recommendation from the Planning and Zoning Commission and approval from the City Council to effect the requested Zone Change Request. A public hearing is required, both at the Planning and Zoning Commission level and at the City Council level.

Planned Development

The request to zone the property C-5 Planned Commercial will allow for a Financial Institution with a Drive-Through Facility at the subject site.

Traffic

The City’s third party traffic consultant has reviewed the traffic study submitted by the applicant and the MVOB Screening Criteria. In general the City’s traffic consultant finds the following:

1. Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the access drives serving the site. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.
2. It is recommended that the sidewalk along the frontage of Manchester Road be improved to meet current standards, and that a pedestrian connection is made from Manchester Road into the site.
3. The main access via Rausch Road on Manchester Road is substandard in design (i.e. the existing width and turning radii) and cannot efficiently accommodate motorists turning into and out of the roadway at the same time. As such, it is recommended that Rausch Road and the approach to Manchester Road be improved to provide adequate width and turning radii to accommodate all turning maneuvers without tracking into the opposite lanes.
4. It is recommended that Rausch Road be improved to City standards from Manchester Road to the southern edge of the proposed credit union lot with future developments south of the credit union site continuing this roadway connection to eventually provide cross access to Kiefer Creek Drive south of the approved QuikTrip site.
5. If the credit union intends to utilize the western access drive on Manchester Road from the vacant car dealership, it is recommended that the drive be relocated further to the west to align with Henry Avenue or that the drive be constructed to restrict the left-turn out of the drive as recommended in the Great Streets Plan.
6. Based on the City of Ellisville’s Parking Code, the proposed bank is required to provide a minimum of 9 parking spaces but no more than 11 parking spaces. Currently, the site plan shows 19 parking spaces, which exceeds the City’s maximum parking requirement. It is recommended that consideration be given to eliminating the two spaces closest to Manchester Road in the northeast corner of the site and the two parallel parking spaces in the northwest corner of the site in order to be closer to compliance with City standards and to provide additional green spaces

along Manchester Road.

Site Plan

The site plan was revised and resubmitted on July 26, 2016 to address staff comments. As revised the project will feature a 2467 square foot building with four drive-through lanes. The applicant will provide less than a 20-foot planting strip along Manchester Road. The proposed building will be setback 25 feet from the front property line, but they are requesting the Council approve the following setbacks for the site:

20' minimum front yard setback

22' minimum side yard setback

42' minimum rear yard setback

The building height will measure approximately 22 feet in height. The applicant is requesting parking spaces in excess of the maximum allowed. The code allows up to 11 parking spaces, while the applicant is requesting 15 parking spaces.

The City's third party landscape architect has reviewed the plans and his initial report is attached for your review. The applicant will need to secure final approval from the City's third party landscape architect prior to permit issuance. Metro West Fire Protection District has also reviewed the plans and did not have comments or issues with the proposal.

The applicant will install a new 5-foot walk along Manchester Road and eliminate the asphalt shoulder, as required by code. The applicant has indicated that they are not interested in providing a public art piece at this time. However, the applicant will install decorative street lights along Manchester Road.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission holds a public hearing and solicits input. Additionally, the Commission should consider the following conditions as part of a favorable recommendation to the City Council:

In addition to the improvements depicted on the site plan:

1. That the applicant secures approval of the landscape plan from the City's third party landscape architect; and
2. The setbacks (FY 20' min., SY 22' min., RY 42' min.) are approved by the City Council; and
3. That the City Council approves parking in excess of 11 parking spaces up to 15 parking spaces maximum; and
4. That the City Council waives the required 20-foot planting strip along Manchester Road; and
5. That the City Council determines whether 4 drive through lanes are appropriate at this location; and
6. The applicant replaces the existing street lights along Clarkson Road with decorative lights; and
7. That the applicant submits a Phase 1 study; and
8. That the City Council determine whether a public art piece is required for this site; and
9. The applicant secures ARB approval.

RECEIVED

MAY 31 2016



City of Ellisville

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: 15928 MANCHESTER ROAD

Project Description: NEIGHBORS CREDIT UNION BRANCH

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: GARY A. FOLLMAN, AGENT

Address: 9990 OLD OLIVE ST. RD., ST. LOUIS, MO 63141

Phone Number: 314-997-5302 Email: GARY.FOLLMAN@FOLLMAN.NET

Name of Business Owner(s) - if different than above: NEIGHBORS CREDIT UNION

Address: 6300 S. LINDBERGH BLVD., ST. LOUIS, MO 63123

Phone Number: 314-892-5400 Email: X12056

Name of Property Owner(s) - if different than above: NSN15928, LLC ATTN: STEPHEN WOHLFORD

Address: 701 MARKET STREET, SUITE 1575, ST. LOUIS, MO 63101

Phone Number: 314-480-5180 Email: STEVE@SWMKLAW.COM

Name of Architect, Landscape Architect, Planner or Engineer: JEFF MUGG ST. LOUIS DESIGN ALLIANCE

Address: 6014 DELMAR BLVD., ST. LOUIS, MO 63112

Phone Number: 314-863-1313 Email: JEFFMUGG@STLDA.COM

Revised: August 25, 2014

PART B: SITE DESCRIPTION

Legal Address of Property: 15928 MANCHESTER Locator No.: 23T440516
4+5 OF WILLIAM RAUSCH'S RE-SUBDIVISION OF LOT 28
Lot No.: _____ Block No.: _____ Current Zoning: C-3
Current Use of Site: VACANT ASPHALT PARKING LOT

Proposed Use of Site: NEIGHBORS CREDIT UNION BRANCH
WITH DRIVE-UP LANES

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], AGENT Date: 5/31/16
Title/Interest in Property: AGENT FOR PURCHASER UNDER CONTRACT
Signature of Property Owner (Required): [Signature] Date: 4/26/16
Title/Interest in Property: Member & Co-Manager



City of Ellisville

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

APPLICATION FOR REZONING/TEXT AMENDMENT

pd.
8200
CK# 2873
#501
#2874

(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 \$200.00 APPLICATION FEE
\$50.00 PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 15928 MANCHESTER ROAD

Applicant: GARY A. FOLLMAN, AGENT FOR NEIGHBORS CREDIT UNION

PART A: REZONING (LOT AND ZONING INFORMATION)

Existing No. of lots: 2 Lot size(s): 23,622 S.F. TOTAL Proposed No. of lots: 2 Lot size(s): 23,622 S.F. TOTAL

Existing zoning C-3 Proposed Zoning: C-5

PART B: TEXT AMENDMENT

Existing Text:

Proposed Text:

PART C: COMPREHENSIVE PLAN

Explain how the proposed rezoning/text amendment is consistent with the Comprehensive Plan.

REZONING THE PROPERTY TO C-5 WILL ALLOW THE INTENDED CREDIT UNION BRANCH WITH DRIVE THRU FACILITIES AND SHALL BE COMPATIBLE WITH PERMITTED USES IN THE ADJOINING DISTRICTS IN ACCORDANCE WITH THE ELLISVILLE COMPREHENSIVE PLAN ADOPTED DECEMBER 9, 1999, AS AMENDED.

PART D: ENVIRONMENTAL STATEMENT

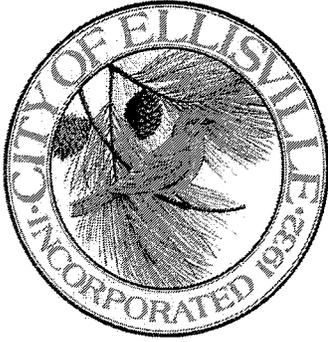
Will the proposed request will not adversely impact the environment?: NO ADVERSE IMPACT.

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request?
YES (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 E: CHECKLIST

- Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.
- The public hearing deposit is used to cover the cost of publishing in the local paper as required by law. Depending on what the actual cost of the publication, an applicant may be owed a small refund or may be billed for additional monies.
- A detailed description and specific reason(s) the applicant is seeking the desired amendment, supplement, change, modification or repeal of any provision of this chapter.
- Also explain the section of the City's Code or chapter that would be impacted by the proposed change and the extent of this impact. If more than one section would be affected, each individual impact is to be detailed separately.
- Location map, including north arrow and map scale.
- Existing and proposed zoning district, subdivision name, lot number, dimensions and area of the proposed for rezoning, and zoning of adjacent parcels where different than said subject property.
- A certified metes and bounds description of the property which would be affected by the proposed zoning district change.
- Proposed use of the subject property, if any.
- Location and identification of all right-of-way and easements (existing and proposed).



City of Ellisville

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

APPLICATION FOR SITE PLAN REVIEW

fld
\$50
CCT# 2876

(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 \$50.00
APPLICATION FEE MUST ACCOMPANY THIS APPLICATION

Property Address: 15928 MANCHESTER ROAD

Applicant: GARY A. FOLLMAN, AGENT FOR NEIGHBORS CREDIT UNION

PART A: SITE DEVELOPMENT NEIGHBORS CREDIT UNION

Briefly describe the intended project and use: BRANCH WITH DRIVE THRU FACILITIES

Is the intended use: Permitted _____ Conditionally Permitted: _____ Part of a Planned Development: _____

Total Square Footage of Site: 23,622 Total Square Footage of Building(s): 2,467

Ratio of Total Square Footage of Building(s) to Total Square Footage of Site: 1/10

Building Lot Coverage: 10.4% Total Impervious Lot Coverage: 80%

Setbacks: Required: AS REQUIRED BY COUNCIL Provided: FRONT: 20' SIDE: 22' MIN. REAR: 42'

Buffer Landscape: Required: N/A Provided: SEE SITE PLAN

Parking Lot Landscape: Required: YES Provided: SEE SITE PLAN

Fence: Required: N/A Location: _____ Type/Material: _____ Height: _____

Wall (Screen/Sound): Required: N/A Location: _____ Type/Material: _____ Height: _____

Public Art or Benefit Provided: NO Describe: _____

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

TRASH DUMPSTER IN SW CORNER OF LOT, FULLY FENCE ENCLOSED, PICK UP LIKELY ONCE PER WEEK.

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

PART B: PERFORMANCE STANDARDS

Revised: July 25, 2014

1

All land, buildings and uses must comply with the following performance standards. Other project or use specific factors may be regulated to protect the public health, welfare and safety as well as to protect the character of the neighborhood.

Vibration. Will the use be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located, excluding vehicular traffic unrelated to the subject use? YES.

Noise. Will the use be so operated that the maximum volume of sound or noise generated does not exceed seventy (70) decibels at any point on the lot line of the lot on which the use is located? YES.

Odor. Will the use be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located? YES.

Smoke. Will the use be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines? YES.

Toxic gases. Will the use be so operated that there is no emission of toxic, noxious or corrosive fumes or gases? Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundredths (85/100) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (5/10) pounds per one thousand (1,000) pounds shall be of such size as to be retained on a three hundred twenty-five (325) mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion, device these standards shall apply to a condition of fifty (50) percent excess air on the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty (50) percent. Will the project comply with this standard? YES.

Air pollution. Every form of objectionable odors, smoke, toxic gases, particulate matter such as dirt, dust, fly ash, must be restricted to specific low levels of emissions as set forth in Ord. No. 3347 of St. Louis County Code titled; Air Pollution Control Code, Chapter 612, as amended from time to time. Will the project/use comply with this standard? YES.

Radiation. Every amount of radioactive emissions must be restricted to that considered safe by the Federal Radiation Board Standards, as amended from time to time. Will the use/project comply with this standard? YES.

Operations, heat and glare. Every operation producing intense glare or heat must be enclosed so that they are imperceptible at any lot line without instruments. Will the project/use comply with this standard? YES.

Additional Standards applicable to all new restaurants and fast food restaurants, and upon change of ownership of existing restaurants and fast food restaurants, with the exception of Bar B Que Restaurants as defined in Section 30-18: (Ord. #2288, Sect. 2, 11-18-99)

Grease extraction efficiency: Exhaust system shall have grease extraction efficiency of at least 90% as tested by an approved agency. Will the use/project comply with this standard? N/A

Maintenance: Equipment shall be maintained at intervals as recommended by the manufacturer and property maintenance performed in accordance with manufacturer's instructions. Will the use/project comply with this standard? N/A

Cleaning: Hoods, grease removal devices, fans, ducts and other appurtenances shall be cleaned to bare metal at frequent intervals prior to surfaces becoming heavily contaminated with grease or oily sludge. Will the use/project comply with this

standard? N/A

PART C: 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? YES
2. Can additional greenspace be preserved? YES
3. Can proposed development be located in already developed areas? YES
4. Can stormwater be captured and infiltrated into the ground? NO
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? NO
7. Can land disturbance be restricted to less sensitive areas? YES
8. Is the development located outside the 100 year flood plain? YES
9. Is the development located outside the stream bank setback buffer? YES
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? NO
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? EXISTING STORM INLETS AT PROPERTY PERIPHERY.
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? ADJACENT PROPERTY OWNER AND MSD.
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? UNK.

PART D: ENVIRONMENTAL STATEMENT

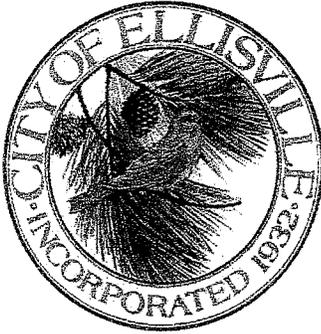
Will the proposed request ~~will~~ not adversely impact the environment?: YES, IT WILL NOT.

Has a Phase I Assessment or Phase II Environmental Report/Study been prepared in association with this request? YES (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 E: CHECKLIST

- Existing and proposed (1) Site Plan, (2) Landscaping Plan and (3) Natural Resources Plan. Scale may be 1"= 20'-0".
- Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.
- Boundary Map showing all boundaries, existing setbacks and other physical features.
- Location map showing north arrow.



City of Ellisville

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

7-26-16
 pd. \$500
 ck # 2893

APPLICATION FOR PLANNED DEVELOPMENT

(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 ½ x 11 or 8 ½ x 14 IN SIZE. A \$500.00 APPLICATION FEE AND \$50.00 PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 15928 Manchester Road, Ellisville, MO 63011

Applicant: Gary A. Follman, Agent for Neighbors Credit Union

PART A: PROPOSED PROJECT

Briefly describe the project and intended use(s): Neighbors Credit Union
Branch Office with drive-up lanes.

Please provide a tabulation of how the Total Square Footage in the project breaks down for each intended use. Examples of uses are the principle building, parking, storage, landscaping, deck/patio, or other:

<u>Intended Use</u>	<u>Designated Square Footage of Floor Area</u>	<u>Percentage</u>	<u>Conditional Use or Permitted Use</u>
Building	2,467 sf	10%	Permitted
Parking/Drives	15,729 sf	67%	Conditional
Landscape	5,426 sf	23%	Conditional

How does proposed development meet good planning practices, enhance the City and surrounding neighborhood?

The proposed development improves a small self-contained asphalt lot and will encourage further high quality development on the surrounding commercially zoned properties.

How does the proposed development meet the general planning goal of the City and the City's Comprehensive Plan?

A professional architect, civil engineer and landscape architect have coordinated efforts to create an esthetically pleasing new development to provide financial services to the community, without contributing to increased traffic congestion on Manchester Road.

Revised: July 25, 2014

[Signature] 1

How does the development implement the Great Streets Master Plan and the Bikeable Walkable Community Plan?

New/expanded sidewalk shall be installed along the Manchester Road frontage, with a walkway entrance stamped on the driveway. A surface mounted decorative bicycle rack will also be installed adjacent to the building.

Give a statement showing how the proposed Planned Development differs from the zoning ordinance:

It is a similar commercial development with setback and landscape compromises due to the size and shape of the subject property.

Explain why this difference from the zoning ordinance is necessary for the project to proceed:

The current setback and landscape requirements will not accommodate the proposed building or traffic circulation.

What aspects of this project make it unusual and desirable enough for the City to allow the flexibility from the zoning ordinance:

Neighbors Credit Union's high quality, contemporary building, with proposed landscaping will provide financial services to the community on this unique property, with no direct access, to Manchester Road.

What, if any, public benefit is the developer willing to provide the City:

- A new viable commercial development will replace the current eyesore of a vacant asphalt parking lot.

Adjacent Land Use:

How is the proposed development compatible with the surrounding neighborhood?

All adjacent properties are commercially zoned.

Describe impact on the surrounding neighborhood or the City as a whole? The proposed development

will provide additional financial services to the community with low traffic generation, as confirmed pursuant to the study compiled by CBB Transportation, Engineers + Planners' report dated April 14, 2016.

Describe buffering be provided to protect adjacent land uses from light, noise, etc.?

Landscape and directed lighting will protect the adjacent land uses.
The proposed use is not a noise generator.

How are the operating and delivery hours compatible with the adjacent land use?

The proposed use will have no negative impact on current or future adjacent land uses.
Deliveries are not a factor for the proposed use.

Architecture:

How are the architecture and building materials consistent with a high quality development and adjacent area?

Stone, EFIS, tall windows and soaring curvilinear roof lines will compliment and encourage new growth along the Manchester corridor.

Describe how the development preserves significant architectural/environmental features of the property.

N/A. A new structure will be constructed.

Describe how the development preserves the designated historical features of the property.

N/A.

Landscape:

Revised: July 25, 2014

 2

Demonstrate how the landscaping is appropriate for the scale of the development and enhances greenspace in the City. See landscape plan prepared by DeLong Landscape Architecture, LLC, dated July 25, 2016

What provisions will be made for care and maintenance of greenspace areas? Underground irrigation system
will provide water requirements to landscaped areas, which shall be maintained by contract in a clean, healthy condition.

Traffic:
Will street and other means of access to the proposed development be suitable and adequate to any anticipated traffic without overloading the adjacent streets?
There is no direct access from Manchester Road onto the property.
All access shall be from adjacent owned property with access to and from the subject property provided under provisions of a perpetual cross access agreement to be recorded at the purchase transaction closing of the subject property.
If not, how will this be resolved? N/A.

How does the internal circulation of the proposed development allow for movement of vehicles and pedestrians?
Vehicular traffic will flow in a counter-clockwise direction primarily from the Western property line.
Arrows on the drive will direct and reinforce the flow.

Utilities:
Are the existing or proposed utility services adequate for the proposed development? Yes.

PART B: AMENDMENT

Briefly describe the project as approved: Neighbors Credit Union branch facility with drive-up lanes.

Briefly describe the amendment to the project: _____

PART H: CHECKLIST

- _____ Eight (8) full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later (31 copies) to forward to the Planning and Zoning Commission and/or City Council.
- _____ The public hearing deposit is used to cover the cost of publishing in the local paper as required by law. Depending on what the actual cost of the publication, an applicant may be owed a small refund or may be billed for additional monies.
- _____ \$800 deposit for Landscape Plan Review. Depending on what the actual cost of the third party review, an applicant may be owed a refund or may be billed for additional monies.
- _____ \$6,000 deposit for Traffic Report. Depending on what the actual cost of the third party review, an applicant may be owed a refund or may be billed for additional monies.

Revised: July 25, 2014





May 15, 2016

City of Ellisville
One Weis Avenue
Ellisville, MO 63011

Re: Letter of Intent

Mayor and Members of the Ellisville City Council:

Neighbors Credit Union was created in 1928 and has grown to be one of the largest and strongest credit unions in Missouri. We are a not-for-profit, full service financial institution, offering the same products found at most any financial institution, including: savings, investments, checking, vehicle loans, mortgage loans, home equity loans, credit cards, student loans and services for small businesses. Since we are not-for-profit, we can offer better rates and fewer and lesser fees to our members. We also strive to help our community lead better financial lives through financial education and counseling.

The proposed branch at 15928 Manchester Road will offer the same products and services as all of our other locations. It will regularly be staffed by five employees. Regular business hours for the branch are proposed as follows:

- Monday 9 a.m. to 5 p.m.
- Tuesday 9 a.m. to 5 p.m.
- Wednesday 10 a.m. to 5 p.m.
- Thursday 9 a.m. to 5 p.m.
- Friday 9 a.m. to 6 p.m.
- Saturday 9 a.m. to 1 p.m.

We also plan to install ITMs (Interactive Teller Machines) on premises, which allow for full-service financial transactions to be completed remotely through the machines. This equipment, located in drive-up lanes and inside the building lobby, will allow us to offer services from 9 a.m. to 7 p.m. Monday through Saturday. Additionally, we intend to have an ATM on premises, which would be operational 24 hours, 7 days a week.

We are very excited about the opportunities at this location. We look forward to becoming an active member in the Ellisville community and plan to commence construction as soon as possible after receipt of Ellisville and MSD approvals. Thank you for your consideration.

Cordially,

A handwritten signature in black ink, appearing to read "John Servos".

John Servos
President/CEO

Supplemental Information to Application for Rezoning

15928 Manchester Road, Ellisville, MO, 63011

The subject property is currently zoned C-3.

The proposed zoning for the subject property is C-5.

All properties adjacent to the subject property are zoned C-3.

Neighbors Credit Union is seeking rezoning of the subject property in order to build a full service credit union branch, with drive thru facilities, to serve current and future members of this community credit union who reside, work, and/or shop in the immediate area.

April 14, 2016

Ms. Ada Hood, AICP
City Planner
City of Ellisville
One Weis Avenue
Ellisville, Missouri 63011

RE: Traffic Assessment
Proposed Neighbors Credit Union
Ellisville, Missouri
CBB Job No. 007-11-22

Dear Ada:

As requested, CBB has prepared a traffic assessment pertaining to the proposed Neighbors Credit Union located along the south side of Manchester Road approximately 700 feet west of Clarkson Road in Ellisville, Missouri. The location of the site is depicted in **Figure 1**.



Figure 1: Project Location



Based on the site plan provided, the existing vacant lot would be developed with a Neighbors Credit Union with drive-through. No direct access onto Manchester Road is proposed; instead, access would be via the existing Rausch Road which also serves the adjacent AT&T store. With the recent Great Streets improvements on Manchester Road, there is a new median on Manchester Road that restricts the access for Rausch Road to right-in/right-out only. A schematic of the site plan provided by the owner is shown in **Figure 2**.

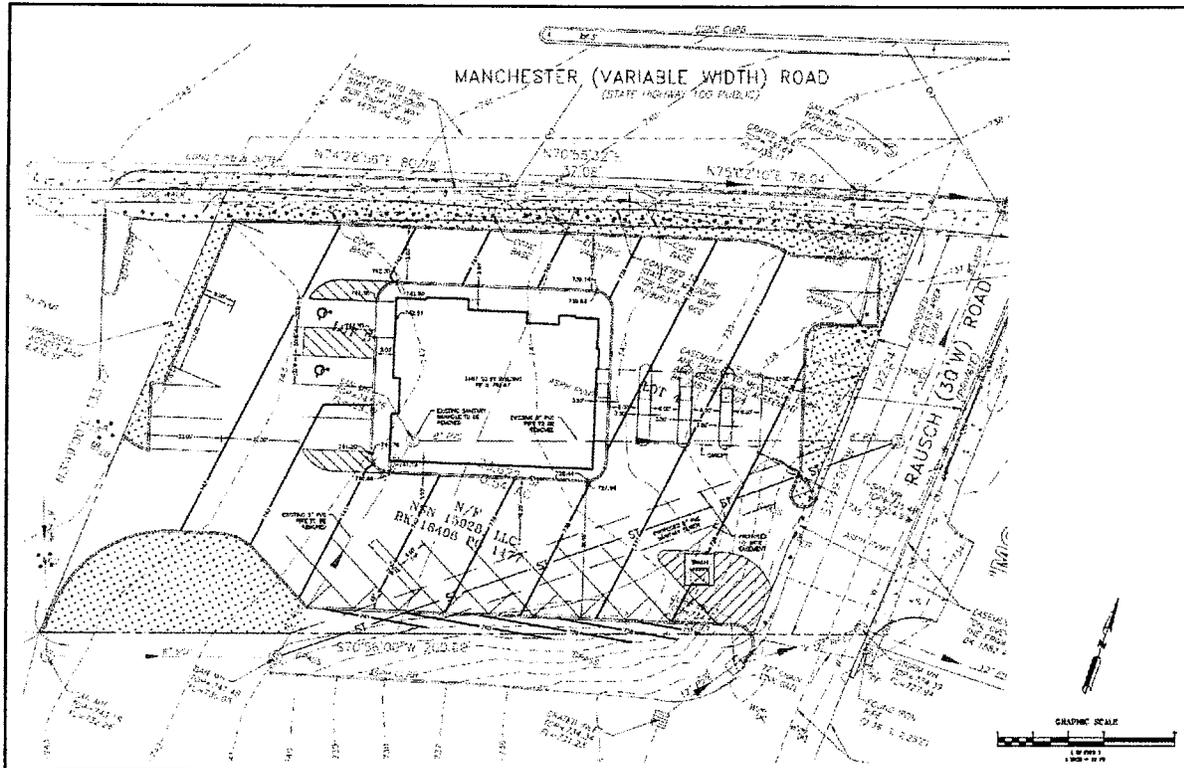


Figure 2: Site Plan Excerpt (Provided by Others)

A traffic study was recently completed for the approved QuikTrip just to the east of the proposed site that evaluated the traffic conditions at the intersection of Manchester Road and Clarkson Road. Consequently, since the proposed credit union is not expected to generate much traffic, a detailed traffic impact study is not necessary.

The purpose of this assessment was to provide the City with a review of the site access and circulation, as well as the trip generation characteristics of the proposed credit union. In addition, the site was evaluated to assess the general compliance with the City's Great Streets Initiative plan currently underway on Manchester Road. The focus of this assessment was the AM and PM peak hours of a typical weekday.



PROPOSED SITE

Proposed Land Use: Based upon the site plan shown in **Figure 2**, an approximate 2,467 square-foot credit union is proposed on the south side of Manchester Road approximately 700 feet west of Clarkson Road. There are three drive-through teller lanes proposed in addition to an ATM drive-through lane. Each of the drive-through lanes can accommodate about two vehicles with additional room on site to accommodate another five vehicles. There are 19 parking spaces proposed on the site, including two handicap-only parking spaces.

Site Access: No direct access is proposed on Manchester Road from the credit union parcel. Access for the credit union is proposed via a driveway off the existing Rausch Road which also serves the adjacent AT&T store, as well as a driveway connection on the west side of the credit union to the vacant parking lot which has a full access curb cut on Manchester Road offset from Henry Avenue on the north side of Manchester Road. It is unclear if this access would be functional as it is currently gated. With the recent Great Streets improvements on Manchester Road, there is a new median on Manchester Road that restricts the access for Rausch Road to right-in/right-out only. The Great Streets Plan identifies a $\frac{3}{4}$ (left-in/right-in/right-out) access at Henry Road which is offset about 70 feet from the car dealership entrance. As such, it is probable that with the future development of the vacant car dealership to the west of the site, that this access point will need to be shifted to align with Henry Avenue, improved to current MoDOT standards and restricted to $\frac{3}{4}$ access (no left-turn out).

Site Plan Review: In general, the site plan and traffic flow for the proposed credit union is acceptable. With the angled parking, the site is designed for counter-clockwise traffic flow. Thus, customers entering from Rausch Road would have to circulate around the building to park and/or enter the drive-through lanes. However, given the relatively low traffic generation characteristics of the proposed development, this is not a significant concern.

It is recommended that the sidewalk along the frontage of Manchester Road be improved to meet current standards, and that a pedestrian connection is made from Manchester Road into the site.

The main access via Rausch Road on Manchester Road is substandard in design (i.e. the existing width and turning radii) and cannot efficiently accommodate motorists turning into and out of the roadway. If a motorist is waiting on Rausch Road to turn right onto Manchester Road, a motorist desiring to turn right onto Rausch Road will have to basically slow to a stop in order to try and maneuver the right-turn without tracking into the waiting vehicle. As such, it is recommended that Rausch Road and the approach to Manchester Road be improved to provide adequate width and turning radii to accommodate all turning maneuvers without tracking into the opposite lanes. **Figure 3** depicts the appropriately designed access drive for the AT&T store (circled in red) in contrast to the substandard design of the Rausch Road approach.



Figure 3: Comparison of Driveway Approaches to Manchester Road

As mentioned previously, it is unclear if the gated access to the west of the proposed credit union would be functional as it is currently closed. If the credit union intends to utilize this western access on Manchester Road, it is recommended that the drive be relocated further to the west to align with Henry Avenue or that the drive be constructed to restrict the left-turn out of the drive as recommended in the Great Streets Plan.

Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the access drives serving the site. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.

Prior studies and plans for the development area south of Manchester Road and west of Clarkson Road/Kiefer Creek Drive identify a roadway connection through the development area in order to gain access to the traffic signal at Kiefer Creek Drive and Manchester Road. The QuikTrip development will construct the first segment of this roadway across the southern edge of their lot, with the extension of this road to Rausch Road with the future development of the lot also retained by QuikTrip as depicted in **Exhibit 1**. It is recommended that Rausch Road be improved to City standards from Manchester Road to the southern edge of the proposed credit union lot with future developments south of the credit union site continuing this roadway connection.

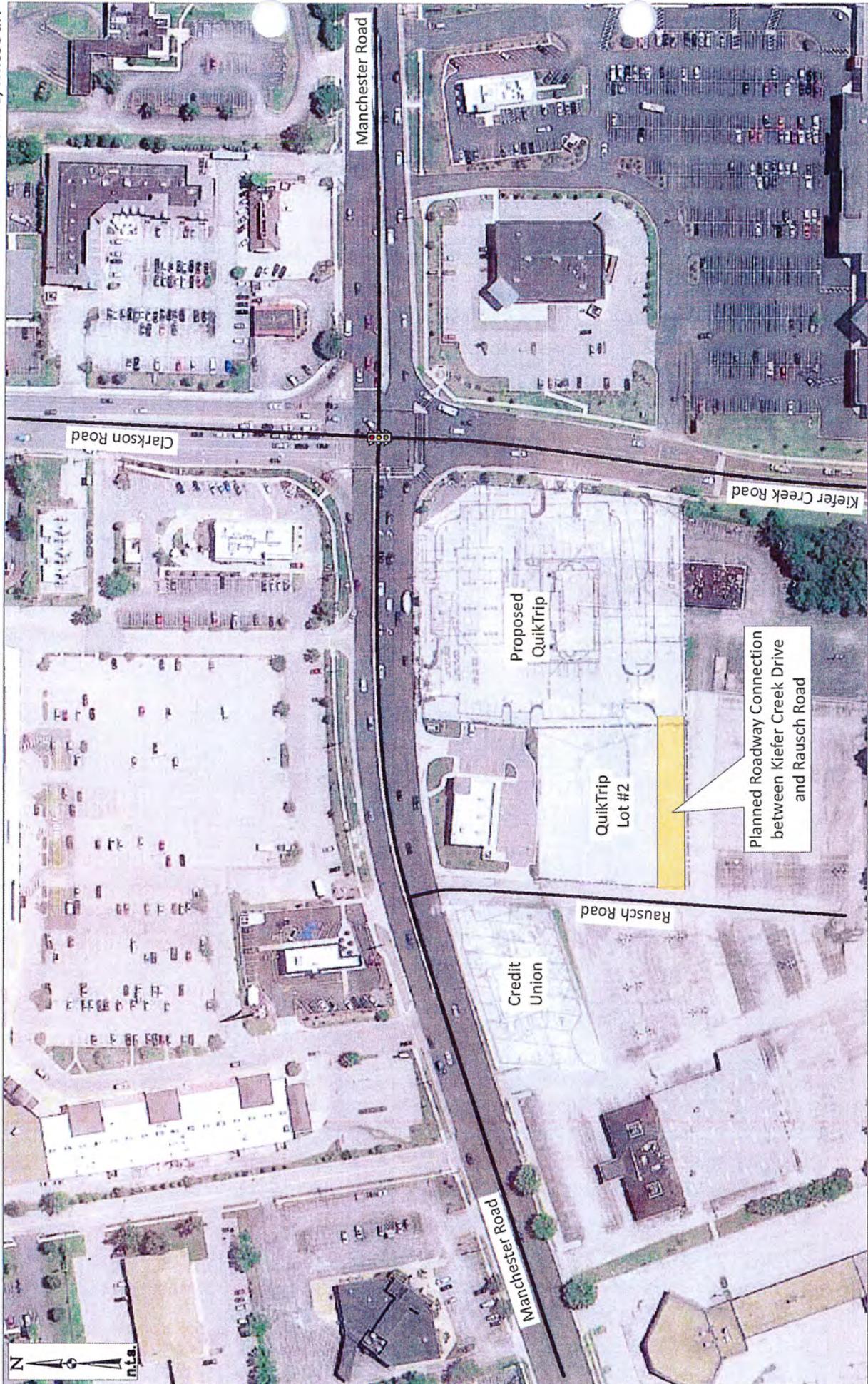
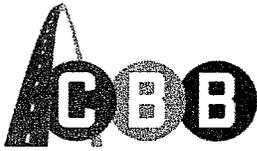


Exhibit 1: Cross Access to Kiefer Creek Road



Trip Generation: Forecasts were prepared to estimate the amount of traffic that the proposed credit union would generate during the weekday AM and PM peak periods. These forecasts were based upon information provided by the operator and data provided in the latest edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers (ITE). This manual, which is a standard resource for transportation engineers, is based on a compilation of nationwide studies documenting the characteristics of various land uses. Estimates for the proposed development were based upon Land Use: 912 – Drive-In Bank.

Based on transaction data provided by the operator of similar facilities. It is anticipated that the proposed credit union would serve an average of 15 customers during the morning peak hour and 30 customers during the afternoon peak hour.

The trip generation estimates for the proposed credit union based upon information provided by the operator and the latest edition of the *Trip Generation Manual* are summarized in **Table 1**.

A portion of these trips would already be traveling along Manchester Road and Clarkson Road and would stop at this site as part of another trip (i.e., pass-by trips). Pass-by trips are classified as traffic already using the adjacent roadways that are attracted to the site as an intermediate stop on the way to and from other destinations. These pass-by trips create turning movements at the driveways serving the site, but they do not represent new traffic on the adjacent roadways. The statistical information provided in the *Trip Generation Handbook, A Recommended Practice*, published by ITE, supports a pass-by percentage of 47% for banks during the afternoon peak hours with lower levels of pass-by trips in the morning.

Table 1: Trip Generation Estimate

Land Use	Size	Weekday AM Peak Hour			Weekday PM Peak Hour		
		In	Out	Total	In	Out	Total
ITE Code 912: Drive-In Bank	2,467 ft ²	15	15	30	30	30	60
Operator Estimated Trips		15	15	30	30	30	60
Pass-by Trips ¹		5	5	10	15	15	30
New Trips		10	10	20	15	15	30

¹ Pass by Trips: Bank = 47% PM

As shown in the table, the estimates provide by the operator of the credit union are the same as the estimates derived from the ITE *Trip Generation Manual*. As such, the proposed credit union is estimated to generate 20 new trips during the weekday AM peak hour and 30 new



trips during the weekday PM peak hour with another 10 and 30 pass-by trips, respectively, during the AM and PM peak hours.

It is also important to note that the existing traffic on Manchester Road peaks between 7:15 and 8:15 a.m. and the bank will not open before 9 a.m., so there would be very little activity at the bank during the morning commuter peak hour.

Based on prior field observations during the peak hours, there is a heavy, steady flow of traffic on Manchester Road and on Clarkson Road during both the AM and PM peak hours. It is common for eastbound queues on Manchester Road to extend beyond the proposed site driveway occasionally blocking them during the peak hours. However, the minimal traffic associated with the proposed credit union is not expected to have a notable impact on the traffic flow along Manchester Road.

Parking Compliance Review: Based on the City of Ellisville's Parking Code, the proposed bank is required to provide a minimum of 9 parking spaces but no more than 11 parking spaces. Currently, the site plan shows 19 parking spaces, which exceeds the City's maximum parking requirement. While it is acknowledged that parking in excess of the maximum allowed 11 parking spaces may be desirable for business operations, it is recommended that consideration be given to eliminating the two spaces closest to Manchester Road in the northeast corner of the site and the two parallel parking spaces in the northwest corner of the site in order to be closer to compliance with City standards and to provide additional green spaces along Manchester Road (spaces noted in **Figure 4**). The two spaces in the northeast corner of the site may need to be eliminated anyway by the recommended radii improvements at the Rausch Road access discussed previously.

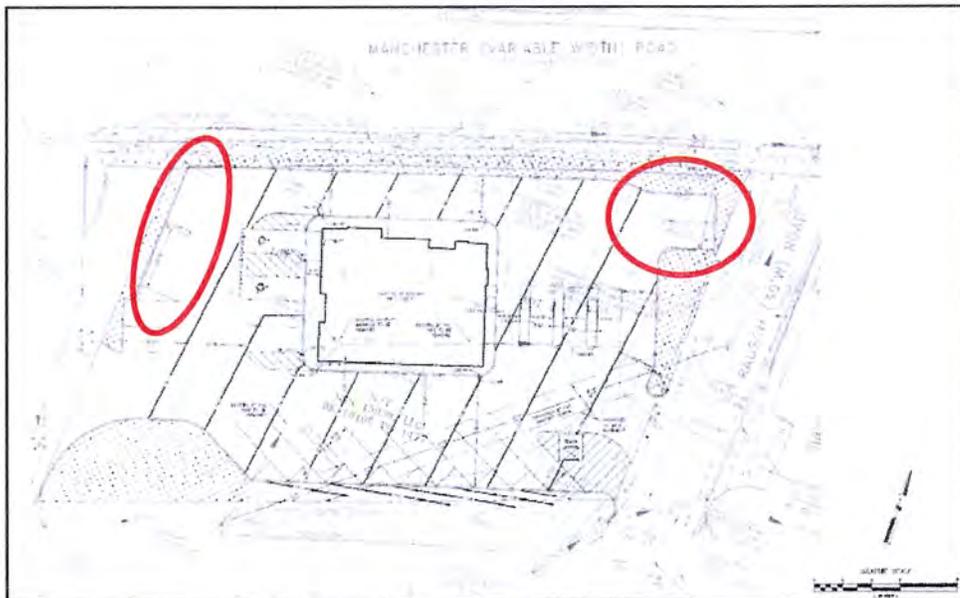


Figure 4: Parking Spaces for Consideration for Removal



MVOB Review: The City of Ellisville has Screening Criteria for the development of motor vehicle oriented businesses (MVOB). The proposed credit union is considered a MVOB, as such the site's access was evaluated to determine the compliance with the MVOB criteria.

The intersection of Manchester Road and Clarkson Road/Kiefer Creek Road is designated as a high-hazard intersection in the MVOB Screening Criteria. As such, any access within 300 feet of the intersection is discouraged. The existing right-in/right-out drive at Rausch Road on Manchester Road is located approximately 590 feet west of Clarkson Road, and the full-access drive for the vacant car dealership is located approximately 860 feet west of Clarkson Road though it is unknown if this access would open for use by the credit union as it is currently gated. Thus, both existing access points exceed the desired 300 feet and there are no new drives proposed directly onto Manchester Road to serve the site.

Summary of Recommendations and Items to Consider:

1. Careful consideration should be given to sight distance obstructions when planning future aesthetics enhancements, such as berms, fencing and landscaping, to ensure that these improvements do not obstruct the view of entering and exiting traffic at the access drives serving the site. It is generally recommended that all improvements higher than 3 ½ feet above the elevation of the nearest pavement edge be held back at least 20 feet from the traveled roadway.
2. It is recommended that the sidewalk along the frontage of Manchester Road be improved to meet current standards, and that a pedestrian connection is made from Manchester Road into the site.
3. The main access via Rausch Road on Manchester Road is substandard in design (i.e. the existing width and turning radii) and cannot efficiently accommodate motorists turning into and out of the roadway at the same time. As such, it is recommended that Rausch Road and the approach to Manchester Road be improved to provide adequate width and turning radii to accommodate all turning maneuvers without tracking into the opposite lanes.
4. It is recommended that Rausch Road be improved to City standards from Manchester Road to the southern edge of the proposed credit union lot with future developments south of the credit union site continuing this roadway connection to eventually provide cross access to Kiefer Creek Drive south of the approved QuikTrip site.
5. If the credit union intends to utilize the western access drive on Manchester Road from the vacant car dealership, it is recommended that the drive be relocated further to the west to align with Henry Avenue or that the drive be constructed to restrict the left-turn out of the drive as recommended in the Great Streets Plan.



6. Based on the City of Ellisville's Parking Code, the proposed bank is required to provide a minimum of 9 parking spaces but no more than 11 parking spaces. Currently, the site plan shows 19 parking spaces, which exceeds the City's maximum parking requirement. It is recommended that consideration be given to eliminating the two spaces closest to Manchester Road in the northeast corner of the site and the two parallel parking spaces in the northwest corner of the site in order to be closer to compliance with City standards and to provide additional green spaces along Manchester Road.

We trust that this assessment will assist in your review of the proposed Neighbors Credit Union. If additional information is desired, please feel free to contact me in our St. Louis office at 314-878-6644, extension 41 or swhite@cbbtraffic.com.

Sincerely,

Shawn White, P.E., PTOE
Associate - Senior Traffic Engineer

Ada Hood

From: John Collins
Sent: Friday, June 10, 2016 10:41 AM
To: Ada Hood
Cc: John Calvert; Bill Schwer
Subject: Neighbors Credit Union

Ada,

The following are my comments regarding the plan dated May 20, 2016:

1. It will be necessary to obtain approval of the landscaping plan from the city's third party landscape planner. Per CBB traffic study, careful consideration should be given to sight distance obstructions at access drives.
2. It will be necessary to obtain approval from Missouri Department of Transportation for any work within Manchester Road right-of-way.
3. It will be necessary to obtain approval from the Metropolitan St. Louis Sewer District including storm water easements, water quality maintenance agreements, easement vacations, etc.
4. It will be necessary to obtain approval from adjacent property owners, including temporary slope construction licenses, for any work conducted on adjacent private property, roads or common ground.
5. It will be necessary to submit an erosion control plan including providing weekly erosion control inspection reports to the city in an electronic format.
6. Per City of Ellisville Ordinance #3249, it will be necessary to improve the sidewalk along Manchester Road to 5' wide. Provide pedestrian sidewalk connection from the Manchester Road sidewalk into the site.
7. It will be necessary to provide pedestrian crosswalks within the parking lot.
8. Per the CBB traffic study and MoDOT comments, it will be necessary to improve the Rausch Road approach at Manchester Road to provide adequate width and turning radius. Approach will be limited to right in/right out only.
9. Per the CBB traffic study, Rausch Road shall be improved to city standards from Manchester Road to the southern edge of the proposed credit union lot including installation of a 2' wide vertical concrete curb and gutter. All defective areas of the roadway surface on Rausch Road shall be removed and replaced.
10. All parking lot entrances shall conform to St. Louis County Department of Highways and Traffic's design criteria. Entrances shall be a minimum of 24' wide.
11. It will be necessary to obtain cross access easements for the use of Rausch Road and the west Manchester Road approach.
12. It will be necessary to install some type of curb to direct vehicles to the west Manchester Road approach from the west parking lot entrance.
13. Consider a cross access easement across the rear of the property between Rausch Road and the west Manchester Road approach.
14. It will be necessary to obtain easements for new utility locations within Rausch Road.
15. It will be necessary to remove the existing white bollards along perimeter of site and existing parking lot lights near west parking lot entrance.
16. Consider relocating trash enclosure to southwest corner of property.
17. It will be necessary to install a curb around the perimeter of all landscape islands.
18. According to CBB traffic study, the site is designed for counter-clockwise traffic flow. It will be necessary to install some type of island near the east parking lot entrance/drive thru lanes to clearly define the traffic flow patterns in this area.

New decorative lights (to match those previously installed by McDonalds and Jimmy Johns and future installations by Popeyes and Starbuck) should be installed along Manchester Road abutting the sidewalk.

It will be necessary to include "inverted U" type bike racks



City of Ellisville

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

Development Proposal Staff Review

To: Bill Schwer, Attorney Restovich, Tom Felgate, John Calvert, John Collins, Fire Marshall Phipps, Jay Jay Braden, Terraspec, CBB

Copy: Leigh Dohack

From: Ada Hood, City Planner

Developer: 15928 Manchester Road-Neighbors Credit Union

Applications: Rezoning, Planned Residential, Site Development Plan and ARB

DUE BY: Please return plans and comments by Wednesday, June 15, 2016

.....
Please review the attached plans and return the plans with your comments to my attention prior to the date above. If you have no comments, please indicate so in writing below and forward to my attention.

Comments:

George- Please send publication notice asap.

NO COMMENTS - C. Bremann Fire Inspector Metro West Fire
06-20-16 

Missouri Department of Transportation

1590 Woodlake Drive
Chesterfield, Missouri 63017-5712
314.275.1500
Fax: 573.522.6475
1.888.ASK MODOT (275.6636)

Date: June 22, 2016

Subject: 15928 Manchester road – Neighbors Credit Union

Dear Ada Hood ,

After review of the subjected property MoDOT has the following comment(s):

- Any work in MoDOT right of way will require a permit issued from this office.
- All side walk along the frontage shall be made ADA compliant if they are currently out of compliance.

If you have any questions please feel free to contact me via email at john.braden@modot.mo.gov .

Sincerely



Jay Jay Braden
Senior Traffic Specialist
Missouri Department of Transportation



Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.

www.modot.org



Monday, June 20, 2016

Ms. Ada Hood, A.I.C.P.
Director of Planning and Community Development
City of Ellisville
1 Weis Avenue
Ellisville, Mo 63011

Re: Landscape Plan Review #1
15928 Manchester Rd.—Neighbors Credit Union
terraspec Job No. 11003.34

Dear Ms. Hood:

Per your request we have reviewed the submitted Plan(s) for the above referenced project and submit for consideration the following comments.

Please note that no formal Landscape Plan was included in the information received by this office. Some landscape was shown on the site plan but that does not appear to address the minimum landscape requirements of the City. It should be noted that the City's Regulations require that "a landscape plan shall be provided for all proposed commercial,.....uses and approved by the City's third party landscape architectural consultant", Article VIII, Section 400.480, Paragraph C.

The minimum requirements for this site being rezoned to C-5 Commercial, as stated in the City's Code, are indicated below.

Drawing Requirements:

1. Submit a bona fide landscape plan, to scale, that indicates, by note or keyed graphic representation, how ground surfaces are to be treated (ie lawn, mulch, pavement, etc.), show proposed elements that may impact the plantings (ie light poles, drainage structures, retaining walls, etc.) and identify all proposed plant material. The plan should also include a Plant Schedule that, at a minimum, shows; Botanical Names, Common Names, Quantities, and Planting Size for each plant type. In addition, the landscape plan should include planting details and general landscape notes/specifications.
2. Place the following notes on the landscape plan:
 - A. Irrigation—All landscape areas shall be irrigated to properly establish and maintain lawns and plant material with a minimum of overspray and without significant potential for causing erosion.
 - B. Maintenance—All landscape areas shall be maintained in a clean and healthy condition and all dead plants shall be removed within thirty (30) days and replaced within sixty (60) days of removal, weather permitting, with plants of equivalent size.
 - C. All planting islands, peninsulas and/or medians shall have debris removed and shall be backfilled with at least 2' of clean topsoil.

Section 400.480—Landscaping and Landscape Buffers

A. Planting Strip along street frontage (Sec. 400.480, paragraph G)

Code Requirement:

Planting Strip:

20' minimum width planting strip along street frontage containing:

Trees:

1 - 3" cal. Shade Tree / 50 lf or
3 - 2" cal. Ornamental Trees (grouped) / 50 lf

Shrubs (provide 80% screen of Vehicular Use Area)

18"-24" shrubs (planted size) at 36" on center (double row-staggered) or
18"-24" shrubs (planted size) at 30" on center (single row)

LAND PLANNING RECREATION PLANNING AND DESIGN LANDSCAPE ARCHITECTURE
5030 GRIFFIN ROAD ST LOUIS, MISSOURI 63128 (314) 984-8211

Site Specific Requirements/Proposals/Deficiencies:

Manchester Road Frontage

Street Frontage Planting Strip (Approx. 195 lf):

Required - 20' min. width

Proposed - 6'-7' varied width strip

Deficiency - 13'-14' additional planting strip width required

Trees:

Required - (4) 3" cal. Shade Trees or (12) 2" cal. Ornamental Trees

Proposed - (0) 3" cal. Shade Trees (0) 2" cal. Ornamental Trees

Deficiency - (4) 3" cal. Shade Trees or (12) 2" cal. Ornamental Trees

Shrubs:

Required - (51) shrubs at 30" oc. to screen 80% of VUA (approx. 160' of VUA frontage)

Proposed - (24) shrubs/ornamental grasses Note: (21) of the proposed "screen shrubs" are actually ornamental grasses that will not provide year round screening

Deficiency - (48) shrubs to replace ornamental grasses

Additions necessary to meet minimum requirements:

- 13'-14' additional Planting Strip Width required.

- (4) 3" cal. Shade Trees or (12) 2" cal. Ornamental Trees or some combination are required

- (48) additional shrubs required, spaced in a manner so as to provide 80% screening of the VUA.

Rauch Road Frontage

Street Frontage Planting Strip (Approx. 122 lf):

Required - 20' min. width

Proposed - 5.5'-20'+ varied width strip

Deficiency - 14' additional planting strip width required for approx. 50% of the plantable frontage.

Trees:

Required - (2) 3" cal. Shade Trees or (6) 2" cal. Ornamental Trees

Proposed - (0) 3" cal. Shade Trees (2) Ornamental Trees (size unknown)

Deficiency - (2) 3" cal. Shade Trees or (4) 2" cal. Ornamental Trees

Shrubs:

Required - (26) shrubs at 30" oc. to screen 80% of VUA (approx. 80' of VUA frontage)

Proposed - (26) shrubs/ornamental grasses Note: (8) of the proposed "screen shrubs" are actually ornamental grasses that will not provide year round screening

Deficiency - (8) shrubs to replace ornamental grasses

Additions necessary to meet minimum requirements:

- 13'-14' additional Planting Strip Width required.

- (2) 3" cal. Shade Trees or (4) 2" cal. Ornamental Trees or some combination are required

- (8) additional shrubs required, spaced in a manner so as to provide 80% screening of the VUA.

B. Commercial to Commercial Landscape Buffer (Sec. 400.480, paragraph F)

Code Requirement:

10' minimum width planting strip containing:

Trees

1 - Shade Tree / 60 lf (Min. 2 1/2" cal. Recommended) and

1 - Ornamental Tree / 70 lf (Min. 1 1/2" cal. Recommended)

Shrubs

4 - Shrubs (evergreen or deciduous) /60 lf - clustered (18" ht. Recommended)



Site Specific Requirements/Proposals/Deficiencies:

South Property Line

Planting Strip (Approx. 180 lf):

Required - 10' min. width

Proposed - 3'-10'+ varied width strip

Deficiency - 0'-7' additional planting strip width required for approx. 50% of the planting strip.

Trees:

Required - (3) 2-1/2" cal. Shade Trees and (3) 1-1/2" cal. Ornamental Trees

Proposed - (0) 2-1/2" cal. Shade Trees (3) Ornamental Trees (size unknown)

Deficiency - (3) 2-1/2" cal. Shade Trees

Shrubs:

Required - (12) shrubs

Proposed - (3) shrubs

Deficiency - (9) shrubs

Additions necessary to meet minimum requirements:

- 0'-7' additional Planting Strip Width required for approx. 50% of planting strip length

- (3) 2-1/2" cal. Shade Trees are required

- (9) additional shrubs required

West Property Line

Planting Strip (Approx. 80 lf):

Required - 10' min. width

Proposed - 1'-10' varied width strip

Deficiency - 0'-9' additional planting strip width required for approx. 75% of the planting strip.

Trees:

Required - (1) 2-1/2" cal. Shade Tree and (1) 1-1/2" cal. Ornamental Tree

Proposed - (0) 2-1/2" cal. Shade Trees (0) 1-1/2" Ornamental Trees

Deficiency - (1) 2-1/2" cal. Shade Tree and (1) 1-1/2" cal. Ornamental Tree

Shrubs:

Required - (5) shrubs

Proposed - (11) shrubs/ornamental grasses

Deficiency - (0) shrubs

Additions necessary to meet minimum requirements:

- 0'-9' additional Planting Strip Width required for approx. 75% of planting strip length

- (1) 2-1/2" cal. Shade Tree and (1) Ornamental Tree are required

- (0) additional shrubs required

C. Commercial to Residential Landscape Buffer (Sec. 400.480, paragraph F)

Not applicable to this development

D. Vehicular Use Area. (Sec. 400.480, paragraph E)

Code Requirement:

Landscape Space:

Minimum Landscaped Area per Table

Minimum width - 6' (plantable area)

Minimum square footage /area - 50 sf (plantable area)

Trees

Minimum Number of Shade Trees per Table (Min. 2 1/2" cal. Recommended)



8. Please add arrows to depict how circulation is to occur in and around the site. There is concern that cars will enter from the east and go the wrong way behind the building. **Arrows on the site plan will be painted on the driveway surface to depict vehicular traffic flow.**
9. The trash enclosure should be made of masonry. **Done.**
10. Please verify you are still proposing 4 drive-through lanes. If two lanes are for future use, please consider adding those at a later date, when needed. **The development will include 4 drive-through lanes to accommodate future activity. It is not economically feasible to add additional lanes and canopy at a later date.**
11. A curb should be installed around the landscaped area (where the trash enclosure is proposed) located at the southeast corner of the lot. **All landscape areas have curbs installed at the drive, except at one parking space in the Southeast corner near the trash enclosure to allow the natural flow of storm water to pass.**
12. Please prepare a plan (aerial) showing a larger area and cross access to Kiefer Creek. **Done.**
13. Please review Section 400.480 and 400.490 as you prepare your landscape plan. The landscape depicted on the site plan is significantly deficient. **A separate landscape plan has been compiled by DeLong Landscaping, LLC, to meet as much of the ordinance as feasible and make sense for the planting areas available.**
14. Install decorative street lights along Manchester Road, Rausch Road and along western property line. **Done.**
15. Install 5' sidewalk along Manchester Road, the east and west property lines. **Done.**
16. Install stamped and colored walkways across all access points and make connection from front door to Manchester Road. **Done.**
17. As this site is located in a prominent location within Ellisville, staff requests that you consider the installation of an art piece. **Not at this time. May reconsider after completion of construction.**

Additionally, the Engineering Department offers the following comments:

- A. It will be necessary to obtain approval of the landscaping plan from the city's third party landscape planner. Per CBB traffic study, careful consideration should be given to sight distance obstructions at access drives. **Revised landscape plan from DeLong Landscape, LLC, is included with Application for Planned Development.**
- B. It will be necessary to obtain approval from Missouri Department of Transportation for any work within Manchester Road right-of-way. **Will do.**
- C. It will be necessary to obtain approval from the Metropolitan St. Louis Sewer District including storm water easements, water quality maintenance agreements, easement vacations, etc. **All plan items in this category have been sent to MSD, have been addressed and are in the final stage of approval.**
- D. It will be necessary to obtain approval from adjacent property owners, including temporary slope construction licenses, for any work conducted on adjacent private property, roads or common ground. **Items listed have been addressed with the**

adjacent property owner and have been memorialized in a perpetual cross access agreement which will be recorded with the subject property conveyance.

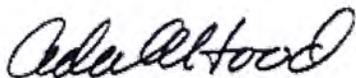
- E. It will be necessary to submit an erosion control plan including providing weekly erosion control inspection reports to the city in an electronic format. **The erosion control plan is included in the Civil Engineer drawings and the general contractor will be required to submit the appropriate reports to the City of Ellisville.**
- F. Per City of Ellisville Ordinance #3249, it will be necessary to improve the sidewalk along Manchester Road to 5' wide. Provide pedestrian sidewalk connection from the Manchester Road sidewalk into the site. **This requirement is included on the revised civil engineer drawings.**
- G. It will be necessary to provide pedestrian crosswalks within the parking lot. **Included on the revised civil engineer drawings.**
- H. Per the CBB traffic study and MoDOT comments, it will be necessary to improve the Rausch Road approach at Manchester Road to provide adequate width and turning radius. Approach will be limited to right in/right out only. **Rausch Road is a private roadway and allows only right turn in and right turn out onto Manchester Road due to the existing street median extending west of the Manchester entrance. Under the perpetual cross access agreement, Neighbors Credit Union, its employees and invitees, shall be able to use Rausch Road for ingress and egress to Manchester, as well as ingress and egress to Kiefer Creek Road. The document, to be recorded at the property conveyance to Neighbors, allows Neighbors to tap into underground utilities under Rausch Road, but may not make any improvements or perform any work on the Road other than repair and restoration to its existing condition just prior to the subject development.**
- I. Per the CBB traffic study, Rausch Road shall be improved to city standards from Manchester Road to the southern edge of the proposed credit union lot including installation of a 2' wide vertical concrete curb and gutter. All defective areas of the roadway surface on Rausch Road shall be removed and replaced. **The cross access agreement referred to immediately above includes provisions which allow either Quicktrip and Linable (adjacent property owners) to improve Rausch Road at their individual expense, but also stipulates that Linabe or its successor has no obligation to improve Rausch Road until its property is redeveloped. We respectfully request P&Z and the City Council to waive this requirement for the subject development application.**
- J. All parking lot entrances shall conform to St. Louis County Department of Highways and Traffic's design criteria. Entrances shall be a minimum of 24' wide. **Done.**
- K. It will be necessary to obtain cross access easements for the use of Rausch Road and the west Manchester Road approach. **Addressed in Paragraph H.**
- L. It will be necessary to install some type of curb to direct vehicles to the west Manchester Road approach from the west parking lot entrance. **The cross access agreement referred to in Paragraph H also provides perpetual ingress from and egress to Manchester Road on the West side of the property, but does not allow any above grade improvements on the property in the easement area. However, the agreement**

does allow Neighbors to remove the light standards, and concrete bases, and to cap the electrical lines on the easement area adjacent to the Neighbors' westerly property line. Access from the West is deemed to be the primary access point for traffic from Manchester Road. It is reasonable to expect the adjacent property owner to install some type of barrier to its adjacent property until such time as it is redeveloped.

- M. Provide a cross access easement across the rear of the property between Rausch Road and the west Manchester Road approach. **This is not practical because the vehicular traffic at the credit union branch is essentially one way.**
- N. It will be necessary to obtain easements for new utility locations within Rausch Road. **Permanent easements to access, repair and maintain utility lines serving the subject property are included in the cross access agreement described above.**
- O. It will be necessary to remove the existing white bollards along perimeter of site and existing parking lot lights near west parking lot entrance. **Noted on the civil engineer site plan.**
- P. Consider relocating trash enclosure to southwest corner of property. **The decision was reviewed and it was concluded to have the trash enclosure remain near the secondary access drive at the Southeast corner of the property.**
- Q. It will be necessary to install a curb around the perimeter of all landscape islands. **Shown and noted on the civil engineer site plan.**
- R. According to CBB traffic study, the site is designed for counter-clockwise traffic flow. It will be necessary to install some type of island near the east parking lot entrance/drive thru lanes to clearly define the traffic flow patterns in this area. **Traffic arrows will be clearly marked on the pavement directing traffic flow in a counter-clockwise direction.**
- S. New decorative lights (to match those previously installed by McDonalds) should be installed along Manchester Road (and along the east and west property lines) abutting the sidewalk. **Done.**
- T. It will be necessary to include "inverted U" type bike racks **Noted with specifications on the civil engineer site plan.**

Please revise your submittal to address the above listed and submit 31 sets of plans prior to June 29th, to remain on schedule for the July 13th and July 20th meetings

Kind Regards,



Ada A. Hood, AICP
City Planner
City of Ellisville
1 Weis Avenue
Ellisville, MO 63011



City of Ellisville

Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission
From: Ada Hood, City Planner *AH*
Meeting
Date: August 10, 2016
Re: Petition of Nicole and Mike Boyher for text amendments to Chapter 400: Zoning Regulations pertaining to permitting short term rentals as conditional uses within the City of Ellisville (application for CUP has been withdrawn by the applicants).

TEXT AMENDMENT

The applicants are proposing a text amendment to the City's Zoning Code to allow short term rentals as conditional uses in all districts that allow residential occupancy, as follows:

1. Section 400.200(C), "OS" Open Space Single-Family Residential Zoning District Conditional Uses;
2. Section 400.210(C), "R-1" Single-Family Residential Zoning District Conditional Uses;
3. Section 400.220(C), "R-2" Planned Residential Zoning District Conditional Uses;
4. Section 400.230(C), "R-3" Residence District Regulations Conditional Uses;
5. Section 400.240(C), "R-4A" Residence District Regulations Conditional Uses;
6. Section 400.250(C), "R-4B" Residence District Regulations Conditional Uses;
7. Section 400.260(C), "WNU" Wildwood Non-Urban District Regulations Conditional Uses;
8. Section 400.290(C), "C-3" Commercial Zoning District Conditional Uses; and
9. Section 400.030(C), "C-4" Ellisville Business Park Zoning District Conditional Uses.

Additionally, specific rules will be added to help regulate these uses. More specifically, the added

regulations will:

1. Create definitions for Permanent Resident, Short Term Residential Rental and Short Term Residential Tenant.
2. Short Term Residential Rentals may only be offered by a Permanent Resident who occupies the dwelling for no less than 275 days out of the calendar year and has obtained a business license for Short Term Residential Rentals.
3. Short Term Residential Rentals may only be offered within the principal residential dwelling of the Permanent Resident, not within an accessory building or ancillary structure, whether attached or detached.
4. At all times a dwelling is used for Short Term Residential Rentals, the Permanent Resident or a local contact person must be available 24 hours per day, 7 days per week, for the purposes of responding within 45 minutes to complaints regarding the operation of the Short Term Residential Rental or the conduct of Short Term Residential Tenants or their guests.
5. No amplified or reproduced sound shall be used outside or audible from the property line of any Short Term Residential Rental between the hours of 10:00 p.m. and 10:00 a.m.
6. The owner must obtain an occupancy permit allowing Short Term Residential Tenants to occupy the property. Prior to issuance of an occupancy permit, the owner must provide, in writing, the name and telephone number of the property owner and the name and telephone number of the local contact person that will be available 24 hours per day, 7 days per week, for the purposes of responding within 45 minutes to complaints regarding the operation of the Short Term Residential Rental or the conduct of Short Term Residential Tenants or their guests.
7. Available parking on the property must be sufficient to accommodate all vehicles of the Permanent Resident, Short Term Rental Tenants and guests of Short Term Residential Tenants.
8. Off-street parking by Short Term Residential Tenants and their guests is prohibited.
9. The owner shall maintain records of all Short Term Residential Rentals for a period of three (3) years, available for inspection, which includes the following information: dates the Permanent Resident resided in the dwelling; dates the dwelling was leased; date(s) of stay, name, contact information, and vehicle license plate information (if applicable) for each overnight guest.

Additionally, language was added pertaining to violations of the aforementioned regulations.

CONDITIONAL USE

The applicants had initially intended to apply for a conditional use permit to allow a Short Term Rental to be operated from their home located at 73 Vesper Drive, within the R-1 Single Family Residential Zoning District, but have requested to withdraw the petition for CUP.

IMPACT

The proposed text amendment will allow residents to provide room and board on a temporary basis to people interested in staying Ellisville. The proposed text amendment could provide a good alternative and solution to the hotel deficiency in Ellisville. Conversely, the proposed text amendment may have unintended consequences, such as construction and operation of second dwelling units, masked as STRs, which may be difficult to prove and enforce.

A draft of the proposed language is attached for the Commission’s review. The Commission may consider adding or deleting language and/or requirements. The City has received various correspondence emails from neighbors against the text amendment and CUP.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission holds a public hearing to solicit input on the proposed text amendment, as required by code. Additionally, staff suggests the Commission considers and determines whether the proposed regulations are appropriate.



RECEIVED

JUL 25 2016

City of Ellisville

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: 73 Vesper Dr. Ellisville MO 63011

Project Description: Use a portion of our home as a Bed & Breakfast

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**: Nicole & Mike Boyher Owners

Address: 73 Vesper Dr. Ellisville, Mo 63011

Phone Number: 314-757-6060 Email nicolefellows@yahoo.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: 73 Vesper Dr. Locator No.: _____

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

Current Use of Site: Residential

Proposed Use of Site: Bed & Breakfast

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.

Nicole and Mike Boyler would like to use a portion of their home as a Bed & Breakfast

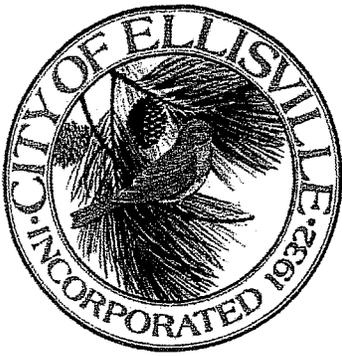
PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)

Signature of Applicant (Required): Mike Boyler Date: 7/22/16

Title/Interest in Property: 73 Vesper Dr. Ellisville

Signature of Property Owner (Required): Mike Boyler Date: 7/22/16

Title/Interest in Property: _____



City of Ellisville

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

RECEIVED

JUL 25 2016

APPLICATION FOR REZONING/TEXT AMENDMENT

City of Ellisville
fee waived by
City Council
on 7-20-16

(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 \$200.00 APPLICATION FEE AND
\$50.00 PUBLIC HEARING DEPOSIT MUST ACCOMPANY THIS APPLICATION

Property Address: 73 Vagner Dr.

Applicant: Nicole Boyler

PART A: REZONING (LOT AND ZONING INFORMATION)

Existing No. of lots: 1 Lot size(s): .36 Proposed No. of lots: _____ Lot size(s): _____

Existing zoning Residential Proposed Zoning: Same w/ permit for BNB

PART B: TEXT AMENDMENT

Existing Text: Allow for temporary rental use
of basement as bed and breakfast in
residential zoning

Proposed Text: Residential property only.

PART C: COMPREHENSIVE PLAN

Explain how the proposed rezoning/text amendment is consistent with the Comprehensive Plan.

Having permit will allow us to have a BNB
in our homes even though it is not currently
zoned for a BNB.

PART D: ENVIRONMENTAL STATEMENT

Will the proposed request will not adversely impact the environment?: 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 E: CHECKLIST

- Five full size copies of plans must be submitted initially for staff review. Additional plan sets will be required later to forward to the Planning and Zoning Commission and/or City Council.
- The public hearing deposit is used to cover the cost of publishing in the local paper as required by law. Depending on what the actual cost of the publication, an applicant may be owed a small refund or may be billed for additional monies.
- A detailed description and specific reason(s) the applicant is seeking the desired amendment, supplement, change, modification or repeal of any provision of this chapter.
- Also explain the section of the City's Code or chapter that would be impacted by the proposed change and the extent of this impact. If more than one section would be affected, each individual impact is to be detailed separately.
- Location map, including north arrow and map scale.
- Existing and proposed zoning district, subdivision name, lot number, dimensions and area of the proposed for rezoning, and zoning of adjacent parcels where different than said subject property.
- A certified metes and bounds description of the property which would be affected by the proposed zoning district change.
- Proposed use of the subject property, if any.
- Location and identification of all right-of-way and easements (existing and proposed).

Ada Hood

From: Nicole
Sent: Thursday, August 04, 2016 11:08 AM
To: Ada Hood
Subject: Conditional use permit

Hello,
To whom it may concern,
Mike and Nicole Boyher, residents at 73 Vesper Dr in Ellisville are no longer seeking a conditional use permit for their property located at 73 Vesper Dr.

We would like to continue with the process of passing an ordinance for anyone in the community to rent out personal properties on a short-term basis for future use.

Thank You

Nicole Boyher
Design Consultant

SPONSORED BY: _____
INTRODUCED BY: _____

BILL NO. 3487
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE IV, LAND USE, CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ADD REGULATIONS PERTAINING TO SHORT TERM RESIDENTIAL RENTALS AND TO ADD SHORT TERM RESIDENTIAL RENTALS AS CONDITIONAL USES IN THE "R-1", "R-2", "R-3", "R-4A", "R-4B", "OS", "WNU", "C-3", AND "C-4" ZONING DISTRICTS OF THE CITY OF ELLISVILLE, MISSOURI, AS PROVIDED HEREIN.

WHEREAS, Nicole and Mike Boyher have petitioned the City for text amendments to Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, pertaining to the following: (1) providing regulations for a new Short Term Residential Rentals use; and (2) allowing Short Term Residential Rentals as a conditional use in the "R-1" Single-Family Residential Zoning District of the City of Ellisville; and

WHEREAS, in connection with said petition, the City has considered allowing Short Term Residential Rentals as a conditional use in all zoning districts where residential uses are permitted to address HB2662, a bill currently pending in the Missouri Legislature pertaining to limitations on municipal regulation of short term rental uses in all residential districts; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Ellisville on August 10, 2016, pursuant to legal notices and Title IV, Land Use, of the Municipal Code of the City of Ellisville, to amend said land use regulations; and

WHEREAS, a public hearing was held by the Council of the City of Ellisville on August 17, 2016, pursuant to legal notices and Title IV, Land Use, of the Municipal Code of the City of Ellisville, to amend said land use regulations; and

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

WHEREAS, the Council finds that amendment of said land use regulations will not adversely affect the character of the neighborhood, traffic conditions, fire hazards, public utility facilities and other matters pertaining to the public health, safety and general welfare of the community; and

WHEREAS, a copy of the proposed Ordinance was 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: Title IV, Land Use, Chapter 400: Zoning Regulations, Article VII Supplemental Regulations, of the Municipal Code of the City of Ellisville, is hereby amended by

adding a new Section titled “Short Term Residential Rentals,” as set forth in Exhibit “A”, which is attached hereto and made a part hereof, as if fully set forth herein.

SECTION 2: Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, is hereby amended by adding “Short Term Residential Rentals” to the list of conditional uses set forth in each of the following Sections:

1. Section 400.200(C), “OS” Open Space Single-Family Residential Zoning District Conditional Uses;
2. Section 400.210(C), “R-1” Single-Family Residential Zoning District Conditional Uses;
3. Section 400.220(C), “R-2” Planned Residential Zoning District Conditional Uses;
4. Section 400.230(C), “R-3” Residence District Regulations Conditional Uses;
5. Section 400.240(C), “R-4A” Residence District Regulations Conditional Uses;
6. Section 400.250(C), “R-4B” Residence District Regulations Conditional Uses;
7. Section 400.260(C), “WNU” Wildwood Non-Urban District Regulations Conditional Uses;
8. Section 400.290(C), “C-3” Commercial Zoning District Conditional Uses; and
9. Section 400.030(C), “C-4” Ellisville Business Park Zoning District Conditional Uses.

SECTION 3: All other Sections and Subsections of Title IV, Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville shall remain in full force and effect.

SECTION 4: 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 to passage and having been duly considered and voted upon was finally passed and approved this _____ day of _____, 2016.

BILL NO. _____

ORDINANCE NO. _____

First Reading votes:

DATE: _____

Second Reading votes:

DATE: _____

	AYE	NAY	ABSTAIN
MCGRATH	_____	_____	_____
VOSS	_____	_____	_____
BAKER	_____	_____	_____
CAHILL	_____	_____	_____
DUFFY	_____	_____	_____
POOL	_____	_____	_____
PAUL	_____	_____	_____

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

ATTEST:

CITY OF ELLISVILLE

CITY CLERK

MAYOR ADAM Q. PAUL

Approved as to legal content and form:

City Attorney

EXHIBIT "A"**Add new section to Article VII Supplemental Regulations:**

Section 400.xxx Short Term Residential Rentals

A. *Definitions.* As used in this Section, the following terms shall have the prescribed meaning:

PERMANENT RESIDENT

A person who occupies a dwelling for at least sixty (60) consecutive days with intent to establish that dwelling as his or her principal place of residence.

SHORT TERM RESIDENTIAL RENTAL

The leasing of a dwelling, or portion thereof, to overnights guests for a period of thirty (30) days or less.

SHORT TERM RESIDENTIAL TENANT

A person who occupies a dwelling pursuant to a Short Term Residential Rental lease.

B. *Requirements and Restrictions.* In addition to all other pertinent and applicable federal, state, and local regulations, including but not limited to business license, tax, occupancy, fire, building, zoning, and property maintenance regulations, the following special conditions shall apply to Short Term Residential Rentals:

1. Short Term Residential Rentals may only be offered by a Permanent Resident who occupies the dwelling for no less than 275 days out of the calendar year and has obtained a business license for Short Term Residential Rentals.
2. Short Term Residential Rentals may only be offered within the principal residential dwelling of the Permanent Resident, not within an accessory building or ancillary structure, whether attached or detached.
3. At all times a dwelling is used for Short Term Residential Rentals, the Permanent Resident or a local contact person must be available 24 hours per day, 7 days per week, for the purposes of responding within 45 minutes to complaints regarding the operation of the Short Term Residential Rental or the conduct of Short Term Residential Tenants or their guests.
5. No amplified or reproduced sound shall be used outside or audible from the property line of any Short Term Residential Rental between the hours of 10:00 p.m. and 10:00 a.m.
6. The owner must obtain an occupancy permit allowing Short Term Residential Tenants to occupy the property. Prior to issuance of an occupancy permit, the owner must provide, in writing, the name and telephone number of the property owner and the name and telephone number of the local contact person that will be available 24 hours per day, 7 days per week, for the purposes of responding within 45 minutes to complaints regarding the operation of the Short Term Residential Rental or the conduct of Short Term Residential Tenants or their guests.
7. Available parking on the property must be sufficient to accommodate all vehicles of the Permanent Resident, Short Term Rental Tenants and guests of Short Term Residential

Tenants.

8. Off-street parking by Short Term Residential Tenants and their guests is prohibited.
9. The owner shall maintain records of all Short Term Residential Rentals for a period of three (3) years, available for inspection, which includes the following information: dates the Permanent Resident resided in the dwelling; dates the dwelling was leased; date(s) of stay, name, contact information, and vehicle license plate information (if applicable) for each overnight guest.

C. Penalties for Violation.

1. Any act in violation of the requirements set forth in this Section is declared to be unlawful and shall be subject to Section 100.110 General Penalty.
2. If a property owner or Permanent Resident is convicted of or pleads guilty to two (2) citations for violations of this Section which occur within 180 days of each other, the business license allowing Short Term Residential Rentals on the property shall be subject to revocation pursuant to the procedures set forth in Section 605.330 Revocation – Procedure and the licensee shall not be eligible for a business license to conduct Short Term Residential Rentals for a period of one (1) year.

Ada Hood

From: Nicole
Sent: Tuesday, July 12, 2016 12:30 PM
To: ahood@ellisville.mo.us
Subject: Airbnb rental @ 73 Vesper Dr. Ellisville

Hello,

My husband and I live at 73 Vesper Dr. In Ellisville. We have recently started renting our newly finished basement to people wanting to vacation in the west county area. Our basement is 980 sf and includes one full bathroom, a kitchen with sink ,refrigerator, toaster oven, microwave and single induction cook top burner. We also include Wifi, a 70" television with Netflix and cable. This is a studio like space that is mostly open and has its own entrance. Our space comfortably holds up to four people. One queen size bed and one queen size blow up mattress if needed and a laundry room with washer and dryer. We supply all the linens, toiletries including shampoo, soap, ice, coffee, sugar, creamer, and granola bars to make are guests at home. We have a large enough driveway to fit our own vehicles as well as quests vehicles.

I was notified that because we are in a residential neighborhood not properly zoned for this type of activity that we needed special permission to rent out our space.

So far we have been very successful and have made new friends with all our guests whom have been extremely courteous of us and our neighborhood. We would like to continue to provide a beautiful, clean place to stay in the future and encourage people to explore and enjoy our city of Ellisville and surrounding areas.

Please feel free to look us up on Airbnb.com or VRBO.com

Thank you for your consideration.

Sincerely,
Nicole Boyher
Design Consultant
314-757-6060

Ada Hood

From: Leigh Dohack
Sent: Monday, August 01, 2016 10:59 AM
To: Jenn Robinson
Cc: David Taylor; Ada Hood; Bill Schwer
Subject: RE: 73 Vesper Drive

Ms. Robinson –

Any input received by the residents (no matter if it is within the 185 feet area or outside of it) will be forwarded to the Planning and Zoning Commissioners for their 08/10/16 meeting and to the Council Members for their 08/17/16 meeting. Written comments can be forwarded to my email address.

If I can answer any additional questions, please feel free to contact me.

Leigh Dohack
City Clerk
City of Ellisville
#1 Weis Avenue
Ellisville, MO 63011
ldohack@ellisville.mo.us
636-227-9660

From: David Taylor [mailto:dtaylor@ellisville.mo.us]
Sent: Monday, August 01, 2016 10:41 AM
To: Jenn Robinson <JRobinson@millsproperties.net>
Cc: Leigh Dohack <ldohack@ellisville.mo.us>
Subject: FW: 73 Vesper Drive

Ms. Robinson,

I am forwarding you email to our City Clerk, Leigh Dohack, she can address your question more readily than I.

With Regards,

David Taylor

Code Enforcement
Department of Planning and Community Development
Office: 636-227-9660
Cell: 636-284-1448
Fax: 636-227-9486

Life is a play. It is not the length, but its performance that counts. Seneca

From: Jenn Robinson [mailto:JRobinson@millsproperties.net]
Sent: Monday, August 01, 2016 10:29 AM

To: David Taylor <dtaylor@ellisville.mo.us>

Subject: RE: 73 Vesper Drive

Good Morning David,

I received the letter in the mail regarding the public hearing for 73 Vesper. I have some concerns that I was hoping you would help address. I know there are residents in the 185 square feet may not be able to attend the meeting. In this case, could a letter submitted from them help the situation and be considered as input? Also, there are several families that live on the street that are further than the 185 feet. Is their input going to be considered since they are against this? Should I have my neighbors sign something stating they do not want this allowed? Should I be submitting a letter to the Planning and Zoning Director?

I'm sorry for so many questions. I am just very concerned for the safety of my family as there are individuals from all over the United States that were staying there without a screening process in place.

If there is someone else I should reach out to, please let me know.

Thank you for your time.

Jenn Robinson, ARM, CAPS

Regional Manager

2650 S. Hanley, S. 200

St. Louis, MO 63144

p: [314.721.8000](tel:314.721.8000) X263

w: millsapartments.net

t: @millsapartments

b: [Real Life STL](http://RealLifeSTL)

fb: facebook.com/millsapartments



From: David Taylor [<mailto:dtaylor@ellisville.mo.us>]

Sent: Thursday, July 14, 2016 1:51 PM

To: Jenn Robinson

Subject: RE: 73 Vesper Drive

Ms. Robinson,

I made contact with the residents at 73 Vesper and Ms. Boyher acknowledged that they had been renting the room. I advised her it was in violation of the zoning ordinance for a single family dwelling. She wished to know if there was a procedure for them to legally continue renting in this fashion and I advised her that they would need to petition the city to rezone their property obtain a business license. Any rezoning involves a public hearing and community input. As according to policy I have given them 15 days to cease operation and be removed from the internet advertising or they could be given a court summons and fined.

With Regards,

David Taylor

Code Enforcement
Department of Planning and Community Development
Office: 636-227-9660
Cell: 636-284-1448
Fax: 636-227-9486

Life is a play. It is not the length, but its performance that counts. Seneca

From: Jenn Robinson [mailto:JRobinson@millsproperties.net]
Sent: Thursday, July 14, 2016 12:26 PM
To: dtaylor@ellisville.mo.us
Subject: RE: 73 Vesper Drive

Good Afternoon David,

I wanted to follow up with you and see if this was addressed? Were they notified this isn't allowed? Monday and Tuesday there were two people staying there that made me uncomfortable.

Thank you.

Jenn Robinson, ARM, CAPS
Regional Manager

2650 S. Hanley, S. 200
St. Louis, MO 63144
p: [314.721.8000](tel:314.721.8000) X263
w: millsapartments.net
t: [@millsapartments](https://www.facebook.com/millsapartments)
b: [Real Life STL](http://RealLifeSTL.com)
fb: [facebook.com/millsapartments](https://www.facebook.com/millsapartments)



From: Jenn Robinson
Sent: Monday, July 11, 2016 9:58 AM
To: 'dtaylor@ellisville.mo.us'
Subject: 73 Vesper Drive

Hi David,

Per our conversation, here is the link for 73 Vesper Drive. Please let me know if you need anything else.

<https://www.vrbo.com/879626>

Jenn Robinson, ARM, CAPS
Regional Manager

2650 S. Hanley, S. 200
St. Louis, MO 63144
p: [314.721.8000 X263](tel:314.721.8000)
w: millsapartments.net
t: [@millsapartments](https://www.instagram.com/millsapartments)
b: [Real Life STL](https://www.facebook.com/millsapartments)
fb: [facebook.com/millsapartments](https://www.facebook.com/millsapartments)



Ada Hood

From: Leigh Dohack
Sent: Tuesday, August 02, 2016 12:16 PM
To: Ada Hood
Subject: FW: No to Special Use Permit on Vesper please!

Ada -

I received this today, shall I forward it to the Planning and Zoning Commissioners or should it be included in the packet for this week?

Let me know.

Thanks.

Leigh

-----Original Message-----

From: Maureen Burlison [mailto:m.burlison@yahoo.com]
Sent: Tuesday, August 02, 2016 11:37 AM
To: ldohack@ellisville.mo.us
Subject: No to Special Use Permit on Vesper please!

To Whom It May Concern-

I am troubled to learn that the City of Ellisville is considering allowing a permit for someone to conduct short term rentals in a district zoned as single family residential. I bought our home in Ellisville knowing it was where I wanted to raise my children. One of my favorite things about living here is the fact that my children can cross the street to get their friends and play outside. I keep an eye on the kids, as do the other parents in my subdivision. But I feel very comfortable with kids around someone's backyard or circling the cul-de-sac on bikes. That is because I know all of my neighbors. I also know many of the regular guests that visit their homes. I know which cars go with which house, and they all know all of our neighborhood kiddos. Of course none of that replaces the close supervision of my children. But it makes the supervision much more relaxing when I am familiar with the people who are around. We all look out for each other and our kids.

I have friends who visit from other areas that are blown away by the sense of community here. I hate to imagine how that might change if someone on my street started renting out their basement by the night. Who are the people creating a demand to rent a basement for a night in Ellisville?

Perhaps 18 year old kids who need a place free of parents to shoot heroin?

Perhaps someone who needs a place to meet the prostitute they found on Craigslist? Perhaps pedophiles who love the chance to scope out a suburban street full of little ones? Transients wandering off the bus? Is Trends Motel all out of vacancies on a regular basis?

Who cares? The renters could be the most upstanding citizens on earth for all I know. But they are strangers constantly in and out of a neighborhood where families live. And if that was happening on my street, I would not let my children play more than an arms reach away from me.

They could not enjoy their neighborhood like they do now.

I do not live on the street in question. But if I did, I would be livid.

That is why I wanted to voice my concerns, first a mother, but also as an Ellisville homeowner. Please do not allow this short term rental on Vesper. A one time exception for determined people will only set a precedent for others. And we all know that is not in the best interest for our wonderful city.

Thank you,
Maureen Burlison
1000 Park Forest Place

Ada Hood

From: Leigh Dohack
Sent: Wednesday, August 03, 2016 6:49 PM
To: Ada Hood
Subject: Fwd: one night rental concern

And another for P&Z.

Leigh

----- Forwarded message -----

From: **ann boyette** <annboyette@hotmail.com>
Date: Wednesday, August 3, 2016
Subject: one night rental concern
To: "ldohack@ellisville.mo.us" <ldohack@ellisville.mo.us>

Hello Ms. Dohack,

My name is Ann Boyette and I live in Ellisville along with my husband and children. We are concerned about the "short term lease," that a resident is using in order to rent out his/her rooms on a nightly basis. This is disconcerting to the residents in the community. One of the main reasons that we like Ellisville is because it is a family enclave and we would like it to remain so. A true short term lease, one that, for example, helps a person or family bridge the gap to permanent housing, is not a problem. However, the implications of a nightly turnover of unknown people who lack any commitment to a landlord, a property or a community is detrimental to the community as a whole.

Please consider these thoughts as you meet next week at the public hearing. Unfortunately, we have a conflict and cannot attend.

Thanks for your time.

Sincerely,

Ann & David Boyette

--

Leigh Dohack

City of Ellisville

City Clerk

ldohack@ellisville.mo.us

636-227-9660 Ext. 3039

Ada Hood

From: Leigh Dohack
Sent: Wednesday, August 03, 2016 9:20 AM
To: Ada Hood
Subject: FW: Chapter 400 Zoning Regulations

Ada -

Below is another comment regarding the short-term rental text amendment for the P&Z Packets.

Leigh

-----Original Message-----

From: Terry Durban [mailto:tdurban@hotmail.com]
Sent: Tuesday, August 02, 2016 7:53 PM
To: ldohack@ellisville.mo.us
Subject: Chapter 400 Zoning Regulations

To Whom it May Concern:

A neighbor informed me that the City of Ellisville will be holding a hearing to consider an amendment to Chapter 400 Zoning Regulations that would allow a homeowner to conduct short term rental of their basement. I will not be able to attend the hearing, but would like make the City aware that I am an Ellisville homeowner who does not want our Zoning Regulations amended to allow for this practice.

Thank you,
Terry Durban

Ada Hood

From: Leigh Dohack
Sent: Wednesday, August 03, 2016 9:33 AM
To: Ada Hood
Subject: FW: Short term rentals at 73 Vesper Drive

Ada –

Here is another comment about the text amendment for short term rentals and 73 Vesper for P&Z.

Leigh

From: Jenn Robinson [mailto:JRobinson@millsproperties.net]
Sent: Wednesday, August 03, 2016 9:27 AM
To: ldohack@ellisville.mo.us; vmcgrath@ellisville.mo.us; cpool@ellisville.mo.us; bbaker@ellisville.mo.us; gvoss@ellisville.mo.us; dduffy@ellisville.mo.us; mcahill@ellisville.mo.us; apaul@ellisville.mo.us
Cc: Jenn Robinson <JRobinson@millsproperties.net>
Subject: Short term rentals at 73 Vesper Drive

To Whom it may concern:

I am writing you in regards to the petition of Nicole and Mike Boyher. I have several concerns pertaining to changing the Single- Family Residential zoning to allow "Short-Term" rentals.

First, I would like to express my concern that the letter states "Short-Term" rentals. The question of allow short term rentals versus nightly rentals has come across to many as complete opposite things. What Mr. and Mrs. Boyher are trying to achieve is renting their basement out nightly to random individuals across the United States. I feel that the letter does not clearly state what they are trying to accomplish.

My husband and I purchased our house at 71 Vesper Drive almost 12 years ago. The reason we chose this street and home was because of the sense of community and a safe place to raise our children. My Mother, Aunts, Uncles and Cousins grew up on this street and Vesper Drive has always been a second home to me. Now, I am faced with the possibility of my next door neighbor being allowed to rent her basement out nightly. This is something that any Mother of children would be concerned with. The fear of having your next door neighbor rent out their basement nightly to a criminal, sex offender, kidnapper, drug addict or terrorist is frighten. Let's face it, in today's society this is something that you have to take very seriously.

I know that Mr. and Mrs. Boyher were previously listing their rental as a "Bed in Breakfast" on Airbnb and Home Away and since reported to code enforcement ceased their advertising. Neither one of those websites screen their renters for a criminal background check. During the month and half they were renting out their basement, there were several times that my family and I were faced with uncomfortable situations. One evening, our dogs woke my husband up at 2:00 a.m. and while he was taking the dogs out a man was walking along side our fence holding a sleeping 3-4 year old. The man, then entered the basement at the Boyher Residence. There were several other evenings that we were woken in the middle of the night by our dogs barking because of people entering their basement. The most heartbreaking situation one evening at 6:30 while my children were playing catch in our backyard. They both ran in terrified because the mid-aged renters where standing in Mr. and Mrs. Boyher's yard between our fence and their basement staring at my children. I should not have my children fearful of playing outside due to a situation like this that could be prevented.

Mr. and Mrs. Boyher have stated to a few neighbors they are moving and will not continue to reside at 73 Vesper Dr. They are advertising on Zillow.com "Make me Move" that the rentals on Airbnb are allowed, which is concerning as this has not been approved yet.

http://www.zillow.com/homes/73-vesper-drive-Ellisville,-mo-63011_rb/?fromHomePage=true&shouldFireSellPageImplicitClaimGA=false

I am a Regional Manager for one of the largest property management companies in St. Louis. I have been in this industry for 17 years and have first-hand seen the circumstances related to not screening individuals for rentals while taking over communities from other companies. By allowing nightly renters, it is simply an invitation to crime to our beautiful city. I am not sure of what the benefit could possibly be as they are only renting for 1-2 nights at the most. I do not wish to live next door to a motel and that is why I chose my home on a quiet street at the end of a cul-de-sac. I hope that you understand what an impact this would be on our community.

Thank you for your time.

Jenn Robinson
71 Vesper Drive

Jenn Robinson, ARM, CAPS
Regional Manager

2650 S. Hanley, S. 200
St. Louis, MO 63144
p: [314.721.8000](tel:314.721.8000) X263
w: millsapartments.net
t: [@millsapartments](https://twitter.com/millsapartments)
b: Real Life STL
fb: facebook.com/millsapartments



Ada Hood

From: Cindy Parnell
Sent: Wednesday, August 03, 2016 4:06 PM
To: 'ahood@ellisville.mo.us'
Subject: FW: Short Term Residential Rentals
Attachments: 6735H01.01H Bill Amendment 1.pdf; HB2662I.pdf; HB2662C Bill Summary.pdf

Here is the bill and bill summary for the HB2662, which prohibits "unreasonable" municipal restrictions on short term rentals. It has passed in the House and will be considered by the Senate in the near future.

Cynthia L. Parnell
Attorney at Law
RESTOVICH&ASSOCIATES, LLC
214 North Clay, Suite 210
Kirkwood, MO 63122
P: 314-434-7700
F: 314-480-3355
www.restovichlawstl.com

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From: Cindy Parnell
Sent: Wednesday, August 03, 2016 3:56 PM
To: 'ahood@ellisville.mo.us' <ahood@ellisville.mo.us>
Subject: Short Term Residential Rentals

Draft text amendments attached.

Cynthia L. Parnell
Attorney at Law
RESTOVICH&ASSOCIATES, LLC
214 North Clay, Suite 210
Kirkwood, MO 63122
P: 314-434-7700
F: 314-480-3355
www.restovichlawstl.com

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House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2662, Page 1, in the Title, Line 3, by deleting the words "dwelling rentals"
2 and inserting in lieu thereof the words "dwellings offered for rent to transient guests"; and

3
4 Further amend said bill, Pages 1-2, Section 67.309, Lines 1-33, and Pages 2-3, Section 315.005,
5 Lines 1-33, by deleting all of said sections and lines and inserting in lieu thereof the following:

6
7 "67.5110. 1. As used in this section the following terms mean:

8 (1) "Facilitation platform", an intermediary that facilitates the rental of a residential
9 dwelling and collects payment from a transient guest;

10 (2) "Political subdivision", any county, city, town, village, or township;

11 (3) "Residential dwelling", any building, structure, or part of the building or structure, that
12 is primarily used and occupied for human habitation or intended to be so used and includes any
13 appurtenances belonging to it or enjoyed with it;

14 (4) "Residential dwelling rental", a residential dwelling or any part thereof that is offered
15 for rent to transient guests;

16 (5) "Transient guest", any person who rents and occupies a guest room in a residential
17 dwelling rental for a period of less than thirty-one days.

18 2. A political subdivision may not enact or enforce an ordinance that prohibits or
19 unreasonably restricts residential dwelling rentals, or that regulates or otherwise restricts residential
20 dwelling rentals based solely on their classification, use, or occupancy as a residential dwelling unit.

21 3. The provisions of subsection 2 of this section shall not prohibit a political subdivision
22 from applying and enforcing any ordinance in effect prior to August 28, 2016.

23 4. Nothing in this section limits the authority of a political subdivision to enact or enforce
24 an ordinance that imposes reasonable restrictions on residential dwelling rentals in any of the
25 following areas:

26 (1) Protection of the public's health and safety, including rules and regulations related to fire
27 and building codes, health and sanitation, transportation and traffic control, solid and hazardous
28 wastes, and pollution control;

29 (2) Local taxes that may be imposed on residential dwelling rentals to transient guests;

30 (3) A requirement that any person who rents out his or her residential dwellings shall obtain
31 a business license and pay an annual license fee;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

- 1 (4) The imposition or payment of inspection fees for residential dwellings;
 2 (5) Posting requirements for licenses, certificates, or registrations as well as emergency
 3 procedures;
 4 (6) Response time periods for complaints and short-term renter concerns;
 5 (7) Nuisances related to residential dwellings;
 6 (8) Age requirements for renters;
 7 (9) Off-street parking requirements; or
 8 (10) Zoning requirements.

9 5. A transient guest shall pay all applicable tax on the occupancy of a residential dwelling
 10 rental by a transient guest imposed by the state or by the municipality, county, or local taxing entity
 11 in which the residential dwelling is located, whether the tax imposed be a sales and use tax, hotel
 12 tax, occupancy tax, or otherwise. A facilitation platform shall collect and remit any such applicable
 13 taxes on the occupancy of a residential dwelling rental by a transient guest. An intermediary that
 14 facilitates the rental of a residential dwelling but does not collect payment from the transient guest
 15 shall:

- 16 (1) Disclose in its terms of service the obligation to pay any applicable taxes to both the
 17 transient guest and the owner of the residential dwelling;
 18 (2) Require as a term of service that the transient guest and the owner of the residential
 19 dwelling acknowledge the obligation to pay any applicable taxes; and
 20 (3) Maintain records of any rentals facilitated for a period of three years for audits requested
 21 by a tax administrator and conducted during normal business hours.

22 315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates
 23 otherwise, the following terms mean:

- 24 (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning
 25 appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as
 26 adopted by the department. The department in its discretion, may incorporate, in whole or in part,
 27 the standards or codes promulgated by the National Fire Protection Association, Building Officials
 28 and Code Administration International, Inc., Great Lakes Upper Mississippi River Board of State
 29 Sanitary Engineers, and American Society of Sanitary Engineers;
 30 (2) "Department", the director of the department of health and senior services or an agent of
 31 the director of the department of health and senior services;
 32 (3) "Guest room", any room or unit where sleeping accommodations are regularly furnished
 33 to the public;
 34 (4) "Lodging establishment", any building, group of buildings, structure, facility, place, or
 35 places of business where five or more guest rooms are provided, which is owned, maintained, or
 36 operated by any person and which is kept, used, maintained, advertised or held out to the public for
 37 hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort,
 38 cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and
 39 includes all such accommodations operated for hire as lodging establishments for either transient
 40 guests, permanent guests, or for both transient and permanent guests, except that "lodging
 41 establishment" does not include a residential dwelling rental as defined in section 67.5110;

1 (5) "Owner", the person responsible for obtaining a license from the department for
2 operating the lodging establishment;

3 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
4 establishment for a period of thirty-one days or more;

5 (7) "Person", any individual, partnership, corporation, association, organization, firm, or
6 federal, state, county, city, village, or municipal association or corporation;

7 (8) "Transient guest", any person who rents and occupies a guest room in a lodging
8 establishment for a period of less than thirty-one days."; and

9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.

HOUSE BILL NO. 2662

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURLISON.

6735H.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 315.005, RSMo, and to enact in lieu thereof two new sections relating to residential dwelling rentals.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 315.005, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 67.309 and 315.005, to read as follows:

67.309. 1. The provisions of this section shall be known and may be cited as the "Short Term Rental Freedom Act". As used in this section, the following terms mean:

(1) "Political subdivision", any county, city, town, village, or township in the state of Missouri;

(2) "Residential dwelling", any building, structure, or part of a building or structure that is primarily used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging to it or conjoined with it;

(3) "Residential dwelling rental", a residential dwelling or any part thereof that is offered for rent to transient guests;

(4) "Transient guest", any person who rents and occupies a guest room in a lodging establishment or residential dwelling rental for a period of less than thirty-one days.

2. Except as provided in subsections 3 and 4 of this section, a political subdivision shall not enact or enforce any ordinance that prohibits or unreasonably restricts residential dwelling rentals based on a rental's classification, use, or occupancy as a residential dwelling unit.

3. The provisions of subsection 2 of this section shall not prohibit a political subdivision from applying and enforcing any ordinance in effect prior to August 28, 2016.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **4. The provisions of subsection 2 of this section shall not limit the authority of any**
19 **political subdivision to enact or enforce any ordinance imposing reasonable restrictions on**
20 **residential dwelling rentals in any of the following areas:**

21 **(1) Protection of public health and safety, including rules and regulations relating**
22 **to fire and building codes, health and sanitation, transportation or traffic control, solid or**
23 **hazardous wastes, and pollution control;**

24 **(2) Room taxes that may be imposed on residential dwellings;**

25 **(3) Annual license fees or other fees that may be imposed on persons who rent out**
26 **their residential dwellings;**

27 **(4) The imposition or payment of inspection fees for residential dwellings;**

28 **(5) Posting requirements for licensing, certification, registration, and emergency**
29 **procedures;**

30 **(6) Response time periods for complaints and short-term renter concerns;**

31 **(7) Nuisances relating to residential dwellings;**

32 **(8) Age requirements for renters; and**

33 **(9) Off-street parking requirements.**

315.005. As used in sections 315.005 to 315.065, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Code", the standards relating to fire safety, sanitation, electrical wiring, fuel-burning
4 appliances, plumbing, swimming pools and spas, sewage and waste treatment and disposal as
5 adopted by the department. The department in its discretion, may incorporate, in whole or in
6 part, the standards or codes promulgated by the National Fire Protection Association, Building
7 Officials and Code Administration International, Inc., Great Lakes Upper Mississippi River
8 Board of State Sanitary Engineers, and American Society of Sanitary Engineers;

9 (2) "Department", the director of the department of health and senior services or an agent
10 of the director of the department of health and senior services;

11 (3) "Guest room", any room or unit where sleeping accommodations are regularly
12 furnished to the public;

13 (4) "Lodging establishment", any building, group of buildings, structure, facility, place,
14 or places of business where five or more guest rooms are provided, which is owned, maintained,
15 or operated by any person and which is kept, used, maintained, advertised or held out to the
16 public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist
17 court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever
18 name called, and includes all such accommodations operated for hire as lodging establishments
19 for either transient guests, permanent guests, or for both transient and permanent guests; **except**
20 **"lodging establishment" shall not include a residential dwelling rental;**

21 (5) "Owner", the person responsible for obtaining a license from the department for
22 operating the lodging establishment;

23 (6) "Permanent guest", any person who rents and occupies a guest room in a lodging
24 establishment for a period of thirty-one days or more;

25 (7) "Person", any individual, partnership, corporation, association, organization, firm,
26 or federal, state, county, city, village, or municipal association or corporation;

27 (8) **"Residential dwelling", any building, structure, or part of a building or**
28 **structure, that is primarily used and occupied for human habitation, or intended to be so**
29 **used, and includes any appurtenances belonging to it or conjoined with it;**

30 (9) **"Residential dwelling rental, a residential dwelling or any part thereof that is**
31 **offered for rent to transient guests;**

32 (10) "Transient guest", any person who rents and occupies a guest room in a lodging
33 establishment **or residential dwelling rental** for a period of less than thirty-one days.

✓

HB 2662 with HCA 1 to HCA 1 and HCA 1 as amended -- SHORT TERM RENTAL FREEDOM ACT

SPONSOR: Burlison

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Local Government by a vote of 8 to 0.

This bill prohibits political subdivisions from enacting or enforcing ordinances that prohibit or unreasonably restrict residential dwelling rentals, as defined in the bill, other than ordinances in effect prior to August 28, 2016. The bill also specifies certain areas regarding residential dwelling rentals that may be regulated by political subdivisions, and clarifies that residential dwelling rentals are excluded from the definition of "lodging establishment" for purposes of certain laws regulating hotels, motels, and other similar lodging establishments.

HCA #1: This amendment requires guests of residential dwelling rentals to pay all applicable taxes imposed by the state or a local taxing entity. A facilitation platform, which is defined in the bill, must collect and remit any taxes a transient guest is required to pay. Intermediaries that facilitate rentals of residential dwellings that do not meet the definition of a facilitation platform must retain records of rentals and notify transient guests that they are obligated to pay certain taxes.

HCA #1 to HCA #1: This amendment clarifies that "transient guest" does not mean an occupant under a lease agreement.

PROPOSERS: Supporters say that this will prevent municipalities from overreaching, and it is an economic opportunity for Missouri.

Testifying for the bill were Representative Burlison and Expedia Inc.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they want to make sure that residential dwelling rentals adhere to safety standards and that business licenses are purchased.

Testifying on the bill were Tri-County Lodging Association and the Missouri Municipal League.

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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 
Meeting
Date: August 10, 2016
Re: Request of Midwest Bank Centre and Plantation Properties II LLP, property owner, for approval of a Minor Amendment to an existing Conditional Use Permit to reflect a change in ownership and operation of a Financial Institution without a Drive-Through Facility at 16024 Manchester Road within the C-3 Zoning District.

BACKGROUND

On December 5, 2001 the City Council approved ordinance # 24667, authorizing a conditional use permit to Bremen bank to allow the construction and operation of a financial institution without a drive through facility at the subject site. The applicant is requesting approval for a change in ownership and operation allowing Midwest Bank Centre to continue to operate the existing bank.

On March 23, 2015, the City Council adopted Ordinance #2932 which added regulations applicable to all Financial Institutions, as follows:

Section 400.465

1. 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 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.

IMPACT/ISSUES

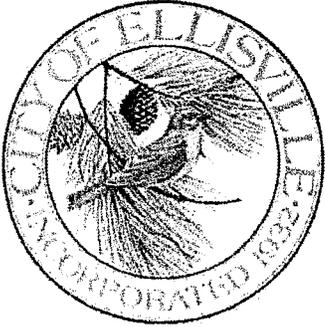
Staff has conducted an inspection of the site and determined that the site is in compliance with applicable zoning regulations including, setbacks, parking and the required twenty-foot planting strip. The applicant will have to submit an affidavit verifying compliance with Section 400.465, as listed above. Additionally, the code now requires the installation of bike racks for all businesses. Additionally, as the site is located with the 'town center' as envisioned by the Great Streets Master Plan, staff recommends the Commission consider requiring the applicant to install new decorative street lights along Clarkson Road (see attached specifications) and that the property owner provide cross access to the property to the west.

Staff believes the proposed transfer may be deemed a minor amendment. The zoning code has a provision which would allow the Planning and Zoning Commission to approve the transfer.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission approve the minor amendment, subject to the following conditions:

1. That the property owner authorizes the application, as required by Code, and agrees to the conditions required by the City; and
2. That the Petitioner submits an affidavit verifying compliance with Section 400.465 of the Zoning Code; and
3. That the Petitioner and/or property owner installs a bike rack or secures a waiver; and
4. That Petitioner will coordinate with City staff to install new decorative lights along Manchester Road; and
5. That the property owner agrees to provide cross access to the property to the west.



RECEIVED

JUL 20 2016

City of Ellisville

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: 16024 Manchester Road, Ballwin, MO 63021

Project Description: Bank

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**: John P. King, Lathrop & Gage LLP, Attorney for Midwest BankCentre

Address: Pierre Laclede Center, 7701 Forsyth Blvd., Suite 500, St. Louis, MO, 63105

Phone Number: 314-613-2809 Email: jpking@lathropgage.com

Name of Business Owner(s) - if different than above: Midwest BankCentre

Address: Attention: Fredy Dyer, 2191 Lemay Ferry Road, St. Louis, MO 63125

Phone Number: 314-544-7260 Email: fdyer@midwestbankcentre.com

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

Address: _____

Phone Number: _____ Email: _____

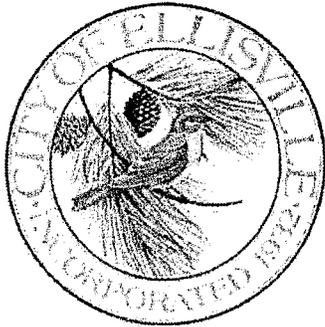
Name of Architect, Landscape Architect, Planner or Engineer: NA

Address: _____

Phone Number: _____ Email: _____

Revised: August 25, 2014

1



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

RECEIVED
JUL 20 2016
City of Ellisville

**APPLICATION FOR AMENDMENT TO
CONDITIONAL USE PERMIT**

pd
350-
cct# 7615

(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: 16024 Manchester Road, Ballwin, MO 63021

Applicant: John P. King, Lathrop & Gage LLP, Attorney for Midwest BankCentre

PART A: BUILDING CONSTRUCTION N/A

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 façade 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: _____

Change name of occupant

Please describe why the proposed amendment is necessary: _____
Bremen Bank & Trust was acquired by Midwest BankCentre on July 15, 2016 and desires to change the name to Midwest BankCentre _____

PART C: MULTI-TENANT/MIXED USE N/A

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 N/A

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 N/A

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 N/A

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: Yes How long is lease for: _____ Any Easements: No Describe: _____
Yes / No Yes / No

Who will provide any maintenance: Midwest Describe: Internal Maintenance Staff

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?
- N/A 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.

SECTION 2: Issuance of a Conditional Use Permit to Bremen Bank does not constitute authority to construct or operate any signage, and any sign constructed or operated at 16018-16030 Manchester Road shall be authorized by a sign permit issued by the Building Commissioner in conformity with Chapter 21 of the Municipal Code of the City of Ellisville.

SECTION 3: Bremen Bank agrees to conform to all Ordinances, Statutes and Fire regulations applicable to the C-3 Commercial Zoning District of the City of Ellisville.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 2629 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 5th day of December, 2001.

First Reading votes:

Second Reading votes:

DATE: 12-5-01

DATE: 12-5-01

	AYE	NAY	ABSTAIN
KNAPP	<u>X</u>		
JAMES	<u>X</u>		
ALLEN	<u>X</u>		
LACAILLE			<u>ABSENT</u>
MURPHY	<u>X</u>		
BUENTE	<u>X</u>		
KHOURY	<u>X</u>		

	AYE	NAY	ABSTAIN
	<u>X</u>		
	<u>X</u>		
	<u>X</u>		
			<u>ABSENT</u>
	<u>X</u>		
	<u>X</u>		
	<u>X</u>		

ATTEST:

CITY OF ELLISVILLE

Catherine Demeter
CITY CLERK

M. Khoury
MAYOR

SPONSORED BY: _____
INTRODUCED BY: _____

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE #2467 TO REFLECT A CHANGE IN OWNERSHIP OF THE FINANCIAL INSTITUTION WITHOUT DRIVE-THROUGH AT THE LOCATION KNOWN AND NUMBERED AS 16024 MANCHESTER ROAD, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT, FROM BREMEN BANK TO MIDWEST BANKCENTRE, APPROVED BY THE PLANNING AND ZONING COMMISSION AS A MINOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT.

WHEREAS, on December 5, 2001, the City adopted Ordinance #2467 authorizing the issuance of a Conditional Use Permit to Bremen Bank to allow the operation of a financial institution without drive-through at a location known and numbered as 16018-16030 Manchester Road (now 16024 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, Midwest BankCentre 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 August 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 #2467 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 #2467 to reflect a change in ownership of the financial institution without drive-through at the location known and numbered as 16024 Manchester Road (formerly 16018-16030 Manchester Road), from Bremen Bank to Midwest Bank Centre, as approved by the Planning and Zoning Commission as a minor amendment to the existing Conditional Use Permit issued by Ordinance #2467, subject to the following conditions:

BILL NO. _____

ORDINANCE NO. _____

1. That the property owner authorizes the application, as required by Code, and agrees to the conditions required by the City; and
2. That the Petitioner submits an affidavit verifying compliance with Section 400.465 of the Zoning Code; and
3. That the Petitioner and/or property owner installs a bike rack or secures a waiver; and
4. That Petitioner will coordinate with City staff to install new decorative lights along Manchester Road; and
5. That the property owner agrees to provide cross access to the property to the west.

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		AYE	NAY	ABSTAIN
MCGRATH	_____	_____	_____		_____	_____	_____
VOSS	_____	_____	_____		_____	_____	_____
BAKER	_____	_____	_____		_____	_____	_____
CAHILL	_____	_____	_____		_____	_____	_____
DUFFY	_____	_____	_____		_____	_____	_____
POOL	_____	_____	_____		_____	_____	_____
PAUL	_____	_____	_____		_____	_____	_____

ATTEST:

CITY OF ELLISVILLE

CITY CLERK

MAYOR ADAM Q. PAUL

Approved as to legal content and form:

City Attorney

CITY OF ELLISVILLE

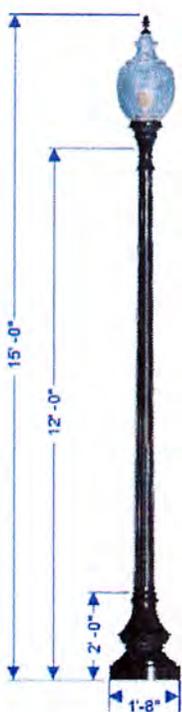
ST. LOUIS COUNTY

SIDEWALK LUMINAIRE GUIDELINES

COMMERCIAL DISTRICT

The installation of sidewalk luminaires within the commercial district promotes a walkable, inviting and safe environment encouraging a feeling of community and destination. This is a segment of the envisioned long term enhancement objectives promoting the economic vitality and sustainability of the corridor.

1. Luminaires will generally be located 1 to 3 feet behind the sidewalk though some locations may require other configurations with city approval.
2. Luminaires will be located on private property or public right-of-way depending upon the location of the sidewalk.
3. Luminaires located on public right-of-way will require coordination and permitting with MoDOT by the developer. The city of Ellisville will execute a maintenance agreement with MoDOT for the installed luminaires. The city of Ellisville in turn will enter into a maintenance agreement with the developer for maintenance of the luminaires provided by the developer.
4. Energy and metering will be supplied to luminaires by the developer from underground a pedestal mount meter socket / main breaker combination in accordance with local utility requirements (Ameren). Alternatives will be considered on an individual basis.
5. The developer will provide a lighting plan with a luminaire schedule, photometric layout (independent of any general site photometric layout), typical luminaire/foundation installation detail and electrical plan. This may be included with or independent of the overall development plan.
6. Luminaires will operate from dusk to dawn with a minimum of 1 foot-candle coverage required for a sidewalk located across the property frontage abutting a public or private street within a commercial zoning district or as determined by the city.
7. Luminaires will be uniformly spaced not to exceed 60 feet between units and no more than 15 feet from a curb cut sidewalk crossing.
8. Luminaires will be manufactured by Sternberg Lighting meeting the following specifications.



POLE	Model: 5200 (52) Height: 12 ft. (12) fluted tapered 6-4 inch, 6063-T5 aluminum allow Shaft Type: (ETFP6-4) Color: Black (BK)
FIXTURE	Type: (A850) Old Town series acorn Mounting: (T) or (TL) twist-lock Configuration: (PT) Lens: (WP) white polycarbonate vandal resistant
FITTER	Type: (5PT) 356 cast aluminum
BULB OPTION I - METAL HALIDE :	
	Ballast: (150MHP) 150 watts Voltage: selected by developer Socket: (MED) medium Optic: (RE5)
BULB OPTION II - LED (XRLED):	
	Driver: (MDL21) 96 watts Color Temp: (45) 4500 K LED's: (12L) number of LED's Optic: (T5)



City of Ellisville

Memo

To: Carl Hoffman, Chairman and Members of the Planning and Zoning Commission
From: Ada Hood, City Planner *AH*
Meeting
Date: August 10, 2016
Re: Request of Clarkson BP LLC for approval of a Minor Amendment to an existing Conditional Use Permit to allow the continued operation of the existing service/gas station, car wash, and liquor sales at 28 Clarkson Road within the C-3 Zoning District.

BACKGROUND

On February 6, 2008 the City Council approved ordinance # 2878, allowing the continued operation of the existing gas station, convenience store, car wash and liquor license to RLLM Holdings Company LLC. On October 1, 2008 the City Council approved Ordinance #2911 extending the hours of operation to 24 hours per day and 7 days per week. Note, gas stations/convenience stores along Manchester Road all operate 24-hours per day and 7 days per week.

The applicant is requesting approval to transfer the existing Conditional Use Permit to allow Clarkson BP LLC to continue to operate the existing service/gas station, including the convenience store, car wash and liquor license at the subject site.

On March 23, 2015, the City Council adopted Ordinance #3213 which added regulations applicable to all Gasoline Filling Stations, as follows:

Section 400.333

A. In addition to all other pertinent and applicable regulations, the following special conditions shall apply to gasoline filling station uses:

1. In all commercial zoning districts:

- a. All motor fuels must be stored in underground tanks.
- b. High-speed diesel fuel pumps are prohibited.
- c. There shall be a maximum of ten (10) fuel-dispensing pumps [twenty (20) stations].
- d. Operations outside of any enclosed permanent structure shall be limited to the dispensing of gasoline, windshield washer fluid, air and water.

- e. All storage and display of merchandise and supplies must be conducted within an enclosed permanent structure.
- f. Motor vehicle repairs, auto detailing, car washing, and drive-through activities may only be conducted when specifically permitted or conditionally permitted within a district and approved by conditional use permit.

The applicant is proposing to continue outdoor display of specific merchandise in conjunction with the convenience store. Please recall, the Land Use Regulations allow retail uses to have outdoor display.

IMPACT/ISSUES

Staff has conducted an inspection of the site and determined that the site is in compliance with applicable zoning regulations including, setbacks, parking and the required twenty-foot planting strip, and the new Gasoline Filling Station regulations. However, the code now requires the installation of bike racks for all businesses. Additionally, as the site is located with the ‘town center’ as envisioned by the Great Streets Master Plan, staff recommends the Commission consider requiring the applicant to install new decorative street lights along Clarkson Road (see attached specifications).

Staff believes the proposed transfer may be deemed a minor amendment. The zoning code has a provision which would allow the Planning and Zoning Commission to approve the transfer.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission approve the minor amendment, subject to the following conditions:

- 1. That Petitioner installs a bike rack or secures a waiver; and
- 2. That Petitioner will comply with all current regulations pertaining to gasoline filling stations; and
- 3. That the Petitioner is authorized to continue have outdoor display of merchandise in conjunction with the convenience store retail sales; and
- 4. That Petitioner will coordinate with City staff to install new decorative lights along Clarkson Road.

SPONSORED BY: _____
INTRODUCED BY: _____

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NOS. 2878 AND 2911 TO REFLECT A CHANGE IN OWNERSHIP OF THE GASOLINE FILLING STATION WITH CONVENIENCE STORE, LIQUOR SALES AND CAR WASH LOCATED AT 28 CLARKSON ROAD, WITHIN THE C-3 COMMERCIAL ZONING DISTRICT, FROM RLLM HOLDING COMPANY, LLC TO CLARKSON BP, LLC, APPROVED BY THE PLANNING AND ZONING COMMISSION AS A MINOR AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT.

WHEREAS, on February 6, 2008, the City adopted Ordinance #2878 authorizing the issuance of a Conditional Use Permit to RLLM Holding Company, LLC to allow the operation of the BP Amoco gasoline filling station with convenience store, liquor sales, and car wash located at 28 Clarkson Road, within the C-3 Commercial Zoning District of the City of Ellisville; and

WHEREAS, on October 1, 2008, the City adopted Ordinance #2911 amending Ordinance #2878 to extend the BP Amoco permitted hours of operation to 24 hours a day; and

WHEREAS, pursuant to Section 400.150 of the Municipal Code of the City of Ellisville, Clarkson BP, LLC 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 August 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 #2878 and Ordinance #2911 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 #2878 and Ordinance #2911 to reflect a change in ownership of the BP Amoco gasoline filling station with convenience store, liquor sales and car wash located at 28 Clarkson Road, within the C-3 Commercial Zoning District of the City of Ellisville, from RLLM Holding Company, LLC to Clarkson BP, LLC, as approved

BILL NO. _____

ORDINANCE NO. _____

by the Planning and Zoning Commission as a minor amendment to the existing Conditional Use Permit issued by Ordinance #2878 and amended by Ordinance #2911, subject to the following conditions:

1. That Petitioner installs a bike rack or secures a waiver; and
2. That Petitioner will comply with all current regulations pertaining to gasoline filling stations; and
3. That the Petitioner is authorized to continue have outdoor display of merchandise in conjunction with the convenience store retail sales; and
4. That Petitioner will coordinate with City staff to install new decorative lights along Clarkson Road.

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		AYE	NAY	ABSTAIN
MCGRATH	_____	_____	_____		_____	_____	_____
VOSS	_____	_____	_____		_____	_____	_____
BAKER	_____	_____	_____		_____	_____	_____
CAHILL	_____	_____	_____		_____	_____	_____
DUFFY	_____	_____	_____		_____	_____	_____
POOL	_____	_____	_____		_____	_____	_____
PAUL	_____	_____	_____		_____	_____	_____

ATTEST:

CITY OF ELLISVILLE

CITY CLERK

MAYOR ADAM Q. PAUL

Approved as to legal content and form:

City Attorney



RECEIVED

JUL 21 2016

City of Ellisville

One Weis Avenue
Ellisville, MO 63011

(636) 227-9660 FAX: (636) 227-9486

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: 28 Clarkson Road, Ellisville, MO 63011

Project Description: C.O.P Gas station, C-Store, Liquor

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**: Clarkson BP LLC

Address: 28 Clarkson Road, Ellisville, MO 63011

Phone Number: 618-340-2930 Email SumeshPatel14@gmail.com

Name of Business Owner(s) - if different than above: Sumesh Patel

Address: 550 Michelle Dr. Columbia, IL 62236

Phone Number: 618-340-2930 Email SumeshPatel14@gmail.com

Name of Property Owner(s) - if different than above: Sumesh Patel

Address: 550 Michelle Dr. Columbia IL 62236

Phone Number: 618-340-2930 Email SumeshPatel14@gmail.com

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

Address: _____

Phone Number: _____ Email _____

PART B: SITE DESCRIPTION

Legal Address of Property: 28 Clarkson Road, Ellipton, MO 63011 Locator No.: _____

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

Current Use of Site: Gas Station with C-store, Car Wash.

Proposed Use of Site: Gas Station with C-store, Car Wash.

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.

C.U.P.

PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED) Under Contract.

Signature of Applicant (Required): Jess Date: 7/21/2016

Title/Interest in Property: Owner

Signature of Property Owner (Required): Jess Date: 7/21/2016

Title/Interest in Property: Owner



RECEIVED

JUL 21 2016

City of Ellisville

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

City of Ellisville

7-21-16
pd. cash
\$350

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: 28 Clarkson Road. Ellisville, MO 63011

Applicant: Clarkson BP LLC.

~~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 façade 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: change of Ownership

Please describe why the proposed amendment is necessary: Change of Ownership. Everything stays the same Gas Station with C-store, Car Wash.

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?
- 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?
- Yes 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.

Sumesh Patel
July 22, 2016

Ellisville Planning & Zoning Commission

Subject: Transfer of Conditional Use Permit

I am pleased to inform you that I am buying the BP on 28 Clarkson Road, Ellisville, MO 63011.

I am requesting if you can transfer the Conditional Use permit in my name. I am very excited to do business and serve the community of Ellisville.

Sincerely,

Sumesh Patel

INTRODUCED BY ALDERMAN Norwood

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO AMOCO OIL COMPANY, TO ALLOW THE CONSTRUCTION AND OPERATION OF SELF-SERVICE GASOLINE PUMP ISLANDS, A CONVENIENCE STORE AND A CAR WASH AT A LOCATION NUMBERED 28 CLARKSON ROAD WITHIN THE BUSINESS DISTRICT OF THE CITY OF ELLISVILLE, PURSUANT TO CHAPTER 30, ARTICLE 3, SECTION 54, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE.

WHEREAS, a public hearing has been held by the Board of Aldermen of the City of Ellisville on July 19, 1989, pursuant to Chapter 30, Article 3, Section 54, of the Municipal Code of the City of Ellisville, for the issuance of a Conditional Use Permit to Amoco Oil Company, to authorize the construction and operation of self-service gasoline pump islands, a convenience store and a car wash at a location numbered 28 Clarkson Road; and

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

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

WHEREAS, the Board of Aldermen 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, and (8) would not adversely affect the financial condition of the City including an adverse impact upon utility, property and sales tax.

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

SECTION 1: A Conditional Use Permit pursuant to the provisions of Chapter 30, Article 3, Sections 53 through 69, of the Municipal Code of the City of Ellisville is hereby granted to Amoco Oil Company, to allow the construction and operation of self-service gasoline pump islands, a convenience store and a car wash at a location numbered 28 Clarkson Road under certain conditions herein contained.

SECTION 2: That said self-service gasoline pump islands, convenience store and car wash shall be constructed in accordance with building and site plans submitted to and approved by the Board of Aldermen, City Engineer and Building Commissioner; and shall be constructed in conformity with the Building, Plumbing, Electrical and Fire Codes applicable to the City of Ellisville.

SECTION 3: That Amoco Oil Company shall provide for adequate buffer zones,

fencing and landscaping on said property as required by Chapter 30, Article 5, Sections 111 through 117 inclusive, of the Municipal Code of the City of Ellisville, and as approved or required by the Board of Aldermen.

SECTION 4: That Amoco Oil Company shall provide for the discharge of storm water from subject property in a manner satisfactory to the City of Ellisville and as approved by the City Engineer.

SECTION 5: That Amoco Oil Company shall dedicate to the City of Ellisville a fifteen (15) foot wide strip of land along their entire Clarkson Road property frontage. The applicant must present evidence of said dedication prior to the City granting an occupancy permit allowing the operation of subject facility.

SECTION 6: That Amoco Oil Company shall install and maintain a concrete sidewalk along the entire property frontage of the subject property, or shall contribute to the City sidewalk fund an amount of \$10.00 per lineal foot of the entire subject property frontage in lieu of said sidewalk installation. Such sidewalk fund contribution must be received by the City of Ellisville prior to the City granting an occupancy permit allowing the operation of subject facility.

SECTION 7: That Amoco Oil Company acknowledges that egress onto Clarkson Road from facility driveways connecting to said roadway shall be limited to right turns only. There shall be ingress and egress to Ellisville Square Shopping Center provided from subject facility when adequate driveway or parking lot contiguity exists.

SECTION 8: That Amoco Oil Company shall ensure that all outside lighting is backshielded to transmit light only to the subject property.

SECTION 9: That the issuance of a Conditional Use Permit to Amoco Oil Company does not grant authority for the construction or operation of any signage, and any sign constructed for use at 28 Clarkson Road shall be by a sign permit issued by the Building Commissioner in conformity with Chapter 21 of the Municipal Code of the City of Ellisville.

SECTION 10: That Amoco Oil Company agrees to conform to all Ordinances, Statutes, and Fire regulations applicable to the business district of the City of Ellisville.

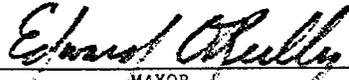
SECTION 11: That Amoco Oil Company acknowledges that this Conditional Use Permit shall be null and void if construction does not commence within twelve (12) months from the effective date of this Ordinance.

SECTION 12: That Amoco Oil Company shall conform to all Ordinances, Statutes and Fire Regulations applicable to the business district of the City of Ellisville.

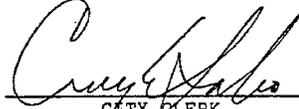
SECTION 13: This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

This Bill No. 1620 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 2nd day of August, 1989.

CITY OF ELLISVILLE


MAYOR

ATTEST:


CITY CLERK

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO RLLM HOLDING COMPANY LLC TO ALLOW THE OPERATION OF THE EXISTING BP AMOCO SELF-SERVICE GASOLINE STATION, CONVENIENCE STORE, AND CAR WASH, AND TO ALLOW THE SALE OF EVERY CLASS OF LIQUOR BY THE PACKAGE, NOT FOR CONSUMPTION ON THE PREMISES, AND SUNDAY SALES AT A LOCATION NUMBERED 28 CLARKSON ROAD.

WHEREAS, a public hearing has been held by the Council of the City of Ellisville on January 16, 2008, pursuant to Title IV, Land Use, of the Municipal Code of the City of Ellisville, for issuance of a Conditional Use Permit to RLLM Holding Company LLC to allow operation of the existing BP Amoco self-service gasoline station, convenience store, and car wash, and to allow the sale of every class of liquor by the package, not for consumption on the premises, and Sunday Sales at a location numbered 28 Clarkson Road; and

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

WHEREAS, a copy of the proposed Ordinance has been made available for public inspection prior to its consideration by the Council; 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 Title IV, Land Use, including performance standards.

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

SECTION 1: The issuance of a Conditional Use Permit pursuant to the provisions of Title IV, Land Use, of the Municipal Code of the City of Ellisville is hereby authorized to RLLM Holding Company LLC to allow operation of the existing BP Amoco self-service gasoline station, convenience store, and car wash, and to allow the sale of every class of liquor by the package, not for consumption on the premises, and Sunday Sales at a location numbered 28 Clarkson Road, under certain conditions herein contained.

SECTION 2: Egress onto Clarkson Road from 28 Clarkson Road shall be limited to right turns only. All signage, including painted ground arrows, limiting said turning movements onto Clarkson Road shall be maintained at all times.

SECTION 3: The following shall be completed no later than March 6, 2008: (a) Existing parking spaces and drive aisles to be re-stripped in compliance with required dimensions; and (b) landscaping within the twenty-foot planting strip to be brought into compliance. The Council may grant extensions not exceeding thirty (30) days each, upon written application, without notice or hearing, and extensions may be granted for delays resulting from weather factors.

SECTION 4: The exterior sides of the canopies shall not be illuminated and the hours of operation are limited to: Monday through Friday 5:30 a.m. to 11:00 p.m.; Saturday 5:30 a.m. to Midnight; and Sunday 6:00 a.m. to 11:00 p.m.

SECTION 5: That the issuance of a Conditional Use Permit to RLLM Holding Company LLC does not constitute authority to construct or operate any additional signage, and any sign constructed or operated at 28 Clarkson Road shall be authorized by a sign permit issued by the City Planner in conformity with Title IV, Land Use, of the Municipal Code of the City of Ellisville.

SECTION 6: RLLM Holding Company LLC acknowledges that authority for this Conditional Use Permit relative to liquor sales is subject to reconsideration every year upon renewal of the liquor license and could be rescinded.

SECTION 7: RLLM Holding Company LLC agrees to conform to all Ordinances, Statutes and Fire regulations applicable to the C-3 Commercial Zoning District of the City of Ellisville.

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

This Bill No. 3064 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 6th day of February, 2008.

First Reading votes:

Second Reading votes:

DATE: 2-6-08

DATE: 2-6-08

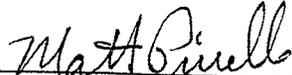
	AYE	NAY	ABSTAIN
COMPTON	X		
ANGLIN	X		
LACAILLE	X		
COOK	X		
PAVLACK	X		
MURRAY	ABSENT		
PIRRELLO	X		

	AYE	NAY	ABSTAIN
	X		
	X		
	X		
	X		
	X		
	ABSENT		
	X		

ATTEST:

CITY OF ELLISVILLE


 CITY CLERK


 MAYOR

Section 4: The exterior side of the canopies shall not be illuminated and the hours of operation are not restricted.

SECTION 2: All other provisions and sections of Ordinance #2878 are in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after the passage and approval by the Council.

This Bill No. 3100 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 1st day of October, 2008, by an affirmative vote of two-thirds (2/3) of all the members of the Council, pursuant to Section 400.050(C)(1) of the Municipal Code of the City of Ellisville.

First Reading votes:

Second Reading votes:

DATE: 10-1-08

DATE: 10-1-08

AYE NAY ABSTAIN

AYE NAY ABSTAIN

COMPTON	<u>X</u>
ANGLIN	<u>X</u>
LACAILLE	<u>X</u>
COOK	<u>X</u>
PAVLACK	<u>X</u>
MURRAY	<u>X</u>
PIRRELLO	<u>X</u>

<u>X</u>

ATTEST:

CITY OF ELLISVILLE


CITY CLERK


MAYOR



CITY OF ELLISVILLE

ST. LOUIS COUNTY

SIDEWALK LUMINAIRE GUIDELINES

COMMERCIAL DISTRICT

The installation of sidewalk luminaires within the commercial district promotes a walkable, inviting and safe environment encouraging a feeling of community and destination. This is a segment of the envisioned long term enhancement objectives promoting the economic vitality and sustainability of the corridor.

1. Luminaires will generally be located 1 to 3 feet behind the sidewalk though some locations may require other configurations with city approval.
2. Luminaires will be located on private property or public right-of-way depending upon the location of the sidewalk.
3. Luminaires located on public right-of-way will require coordination and permitting with MoDOT by the developer. The city of Ellisville will execute a maintenance agreement with MoDOT for the installed luminaires. The city of Ellisville in turn will enter into a maintenance agreement with the developer for maintenance of the luminaries provided by the developer.
4. Energy and metering will be supplied to luminaires by the developer from underground a pedestal mount meter socket / main breaker combination in accordance with local utility requirements (Ameren). Alternatives will be considered on an individual basis.
5. The developer will provide a lighting plan with a luminaire schedule, photometric layout (independent of any general site photometric layout), typical luminaire/foundation installation detail and electrical plan. This may be included with or independent of the overall development plan.
6. Luminaires will operate from dusk to dawn with a minimum of 1 foot-candle coverage required for a sidewalk located across the property frontage abutting a public or private street within a commercial zoning district or as determined by the city.
7. Luminaires will be uniformly spaced not to exceed 60 feet between units and no more than 15 feet from a curb cut sidewalk crossing.
8. Luminaires will be manufactured by Sternberg Lighting meeting the following specifications.



POLE	Model: 5200 (52) Height: 12 ft. (12) fluted tapered 6-4 inch, 6063-T5 aluminum allow Shaft Type: (ETFP6-4) Color: Black (BK)
FIXTURE	Type: (A850) Old Town series acorn Mounting: (T) or (TL) twist-lock Configuration: (PT) Lens: (WP) white polycarbonate vandal resistant
FITTER	Type: (5PT) 356 cast aluminum
BULB OPTION I - METAL HALIDE :	
	Ballast: (150MHP) 150 watts Voltage: selected by developer Socket: (MED) medium Optic: (RE5)
BULB OPTION II - LED (XRLED):	
	Driver: (MDL21) 96 watts Color Temp: (45) 4500 K LED's: (12L) number of LED's Optic: (T5)



City of Ellisville

Memo

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

From: Ada Hood, City Planner *OH*

Meeting

Date: August 10, 2016

Re: Petition of Ellington Homes by McBride for approval of a Subdivision Plat associated with the property located at 224 Hutchinson Road within the R-1 Single Family Residential Zoning District.

BACKGROUND /SUMMARY

The applicant is proposing a subdivision plat creating two separate lots, where currently there is one. The subject lot measures 44,962 square feet (1.0372 ac) in size and is zoned R-1 Single Family Residential Zoning District (R-1).

Subdivision Plat

The proposed subdivision plat will result in two separate lots where currently there is only one. Each lot will measure 107 feet in width along Virginia Avenue, approximately 170 feet in depth and over ½ acre in size. Both lots will be accessed via an existing public street, as required by code. No right of way dedication is proposed, nor required. The City Engineer has reviewed the plat and finds the subdivision acceptable as proposed. As the proposed lots comply with the minimum lot size, a park sum/dedication is not required.

There was a question as to whether the Lot 2 complied with the minimum lot width. Staff determined that the proposed lot split is in compliance with the code. The existing lot is located within the radius curve of Virginia and therefore, may be deemed similar to lots located within the radius curve of a cul de sac. Such lots, generally do not have 100 linear feet of street frontage (because of the radius curve) but do have 100 linear feet of width at the building line, as required. The code states:

Section 400.210.G.2: Minimum width of lot. One hundred (100) feet measured at the required building line.

Section 400.090 Definitions: BUILDING LINE (SETBACK) - The required minimum distance as established by the regulation of a particular zoning district from the road right-of-way line, road

right-of-way centerline or lot line that establishes the area within which a structure can be erected or placed.

In short, staff has determined that the proposed lot split complies with the City's codes, but is subject to the subdivision plat process and approval is at the discretion of the City Council. The setbacks will be consistent and in compliance with the R-1 district requirements, as follows:

- 35-feet Minimum Front Yard
- 10-feet Minimum Side Yard
- 30-feet Rear Yard

IMPACT

The Subdivision Code requires consideration of the following:

In addition to the plat requirements, all plats must meet the following criteria as determined by the Planning and Zoning Commission and/or the City Council:

1. Consistency with the Comprehensive Plan;
2. Compatibility of lot size and density;
3. Creation of a lot which provides adequate dimensions to construct improvements of similar size and nature to the surrounding area;
4. Creation of a lot which is in compliance with the area and frontage requirements (no flag lots), as specified in Chapter 400, Zoning Regulations, and provides for an orderly pattern of development;
5. Promotion of a creative approach to the use of land and related physical facilities resulting in better site layout and development;
6. Preservation and enhancement of desirable site characteristics, such as natural topography, vegetation and geologic features and the prevention of soil erosion;
7. Enhancement of water quality;
8. Elimination of incompatible land configurations;
9. Consistency with good planning practices;
10. Compliance with all applicable codes, ordinances, and standards.

RECOMMENDATION

Staff recommends the Planning and Zoning Commission forwards a favorable recommendation.



RECEIVED

City of Ellisville

JUL 29 2016

One Weis Avenue
Ellisville, MO 63011

City of Ellisville

(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: 224 HUTCHINSON RD.

Project Description: PT. LOT 10 SPRINGER + BOYLAN'S SUBD.

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: Josh Peterman - Ellington Homes by McBride

Address: 16091 Swingley Ridge, Suite 300, Chesterfield, MO 63017

Phone Number: 314.336.0289 Email JPeterman@McBrideHomes.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: Jamey A. Henson, PLS

Address: The Sterling Company, 5055 New Baumgartner Rd, St. Louis, MO 63129

Phone Number: 314-487-0440 Email JHenson@Sterling-Eng-Sur.com



City of Ellisville

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

RECEIVED

JUL 29 2016

City of Ellisville

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

PAID \$400
CL 22817

(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: 224 HUTCHINSON,

Applicant: Josh Peterman - Ellington Homes by McBride, LLC

PART A: LOT INFORMATION

EXISTING LOT

PROPOSED LOT

Lot size: 44,962 sq ft (1.0372 AC)

No. Lots: 2 Lot Size(s): 22,493 + 22,469 sq ft.

Topography: Residential

Topography: Residential

Existing Zoning: R-1

Water features/creeks/wetland and stormwater detention

Existing: N/A

Proposed: N/A

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

Existing: Hutchinson Rd (East) + Virginia Ave (North)

Proposed: No Changes

Location and width of pedestrian ways and easements:

Existing: 10' W Utility Easmt on East PL

Proposed: No Changes

Location of all utilities:

Existing: Water on East R/W line, SAN on W. side of Hutchinson,

Proposed: No Changes

Setbacks:

Existing: 35' Front, 10' side, 30' Rear

Proposed: No Changes

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? _____
2. Can additional greenspace be preserved? _____
3. Can proposed development be located in already developed areas? _____
4. Can stormwater be captured and infiltrated into the ground? _____
5. Can stormwater be captured and reused for irrigation or décor? _____
6. Could permeable surface materials be used to promote infiltration and limit runoff? _____
7. Can land disturbance be restricted to less sensitive areas? _____
8. Is the development located outside the 100 year flood plain? _____
9. Is the development located outside the stream bank setback buffer? _____
10. Does the development warrant engineering channel protection controls (because of size or stream bank erosion problems)? _____
11. Does the development plan avoid sensitive areas? _____
12. Does the site development plan utilize stormwater credits? _____
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? _____
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? _____
15. Is over 1 acre of impervious area being added? _____
16. Is the development tributary to any existing basins that need to be upgraded? _____

PART C: LOT CONSOLIDATION PLAT

<u>EXISTING LOT(S)</u>	<u>PROPOSED LOT</u>
Lot size: _____	Lot Size: _____
Lot size: _____	
Topography: _____	
Description of change: _____	

PART D: BOUNDARY ADJUSTMENT PLAT

<u>EXISTING LOT(S)</u>	<u>PROPOSED LOT(S)</u>
Lot sizes: _____	Lot Size(s): _____
Lot sizes: _____	Lot Size(s): _____
Lot sizes: _____	Lot Size(s): _____
Topography: _____	
Description of change: _____	

PART E: CONDOMINIUM PLAT

