



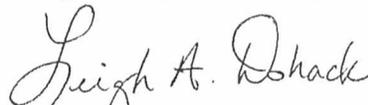
**NOVEMBER 9, 2016**

Posted 2:00 p.m., Thursday, November 3, 2016

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

- I. Call to Order – Chairman Hoffman
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of Minutes – October 12, 2016 [Pages 2-7](#)
- VI. Petitions for Recommendation
  - 1) Request of Joseph Kander, d/b/a The Greek Kitchen, for approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15939 Manchester Road within the C-3 Commercial Zoning District. [Pages 9-21](#)  
Action on Petition #16-11-01
- VII. Adjournment

Respectfully submitted,

  
LEIGH A. DOHACK  
City Clerk

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

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



# City of Ellisville

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## PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

Meeting Date: October 26, 2016

### TABLE OF CONTENTS

1. Approval of Agenda
2. Approval of Minutes: September 14, 2016
3. Petitions for Approval
  - A. Petition #16-10-01: Petition of Dan Stegmann and Ben Stegmann, representing Cypress Equity, LLC for a conditional use permit to allow for a retail/commercial use in excess of 50,000 square feet in size, structure(s) over 30 feet in height, drive-through facilities (for restaurant use), liquor sales and the sale of firearms and related merchandise at a location known and numbered as 15950 Manchester Road, within the C-3 Commercial Zoning District.
4. Adjournment

DRAFT

**PLANNING AND ZONING COMMISSION MEETING SUMMARY**

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

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

**1. APPROVAL OF AGENDA**

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

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

**2. APPROVAL OF MINUTES**

A motion was made by Commissioner Ellebrecht to approve the September 14, 2016, Regular Meeting Minutes, as written, and was seconded by Commissioner Gundlach. 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>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Sticksel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. PETITION(S) FOR APPROVAL**

**Petition #16-10-01: Petition of Dan Stegmann and Ben Stegmann, representing Cypress Equity, LLC for a conditional use permit to allow for a retail/commercial use in excess of 50,000 square feet in size, structure(s) over 30 feet in height, drive-through facilities (for restaurant use), liquor sales and the sale of firearms and related merchandise at a location known and numbered as 15950 Manchester Road, within the C-3 Commercial Zoning District.**

Planner Hood stated the applicant is requesting consideration and approval of a new retail/commercial development, which may include a multi-tenant center, an outbuilding, or a single-tenant building. All described uses are permitted in the C-3 Commercial Zoning District. The applicant is also requesting consideration and approval of a conditional use permit to allow any of the previously mentioned uses to be in excess of 50,000 square feet in size, over 30 feet in height, with drive-through facilities, liquor sales, and the sale of firearms and related merchandise. The applicant has requested the Planning and Zoning Commission and the City Council consider approval without a finalized site plan, as there is no required approval process for site plans. The applicant has indicated the plan will comply with all City requirements.

Ms. Shawn White, with CBB, presented traffic study recommendations, all of which were agreed upon by the Planning and Zoning Commission and the applicant.

Mr. Ben Stegmann, the applicant, stated his firm wishes to develop a new retail/commercial site that may include a multi-tenant center, an outbuilding, or a single-tenant building. Mr. Stegmann stated extensive remediation and demolition will be needed at the site. There are also grade and topographic concerns, which may result in the need for taller buildings. Mr. Stegmann also stated his firm anticipates having an anchor tenant within 4 months, or sooner. Mr. Stegmann stated his firm will work with the City in regard to setbacks, parking, landscaping, storm water, buffering/fencing, traffic, and necessary fire protection approvals.

Discussions ensued among Commissioners and applicant.

Commissioner McGrath moved to change delivery times between the hours of 7AM and 9PM, and was seconded by Commissioner Boggs. The votes were as follows:

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

Motion failed.

Commissioner Schmidt moved to add “engineered sound wall,” and 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>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Stickssel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed.

Commissioner Schmidt moved to add “dark sky compliant,” and was seconded by Commissioner Ellebrecht. The votes were as follows:

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

Motion passed.

Commissioner Chismarich moved to add Item 14 to Recommendations, and 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>
Suzanne Gundlach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Curtis Boggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Chismarich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Hoffman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Ellebrecht	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nanci Stickssel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liz Schmidt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion passed.

Commissioner Boggs moved to approve and forward a favorable recommendation to the City Council, subject to the following conditions(s):

1. No single-tenant use shall exceed 75, 000 square feet in size, unless specifically approved by the City Council; and
2. The applicant agrees to meet the parking requirements; and
3. The applicant agrees to implement all feasible recommendations made by the City's third party traffic consultant to reduce/mitigate negative impacts; and
4. The applicant submits a final site plan, in substantial conformance with the conceptual site plan; and
5. The final site plan shall be subject to approval by the City Engineer; and
6. The City Engineer shall have the authority approve minor amendments to the site plan, as may be deemed necessary to comply with applicable codes and good site design practices; and
7. The applicant agrees to comply with all landscape and buffer requirements; and
8. The applicant submits a landscape plan subject to approval by the City's Third Party Landscape Architect; and
9. The applicant agrees to install a 6-foot engineered sound wall adjacent to all loading areas which abut residential uses; and
10. Loading and unloading of merchandise deliveries should be limited to between the hours of 7AM and 11PM, whenever the loading area abuts a residential use; and
11. Building height shall not exceed 40' maximum; and
12. All site lighting shall be "dark-sky" compliant and be limited to a maximum height of 20 feet, except those light poles adjacent to and illuminating pedestrian walkways, which should have a maximum height of 15 feet; and
13. The applicant shall secure ARB approval; and
14. The applicant agrees to provide necessary access for future development of roadwork to improve traffic conditions along Manchester Road near the site's west access point.

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

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

**4. ADJOURNMENT**

Chairman Hoffman adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

Angie Shoemate

**DRAFT**

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# City of Ellisville

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## Memo

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

From: Ada Hood, City Planner *AH*

Meeting

Date: November 9, 2016

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

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### BACKGROUND

The applicant is requesting approval of a Conditional Use Permit to authorize the issuance of a liquor license at 15939 Manchester Road within the C-3 Commercial Zoning District. The applicant has taken over the Café Kabob restaurant, which will now be named The Greek Kitchen.

As you may recall, Café Kabob was approved via a CUP in 2013 authorizing the operation of a fast food restaurant with no liquor sales. As all restaurants (including fast food) are now deemed permitted by right in the C-3 Commercial zoning district and do not require a CUP, the CUP issued to Café Kabob will be deemed obsolete.

The applicant is requesting a CUP authorizing liquor sales associated with The Greek Kitchen. The applicant is proposing to sell beer and wine. Although, the applicant will not be serving alcohol in the outdoor patio area this year, the request includes authorization to do so in the future, if the applicant chooses to.

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

The Zoning Code establishes the following criteria for conditional uses:

1. It shall be the responsibility of the applicant to clearly establish that the following criteria are met:
  - a. The use will not have any negative effect upon traffic conditions.

(1) In the event that the proposed commercial use or building is a motor vehicle oriented business as defined by Section 400.430(A)(2), traffic impact consideration screening procedures as set forth in Section 400.430(A)(4) shall be considered by the Council in determining whether there is a negative effect upon traffic conditions, in addition to any other evidence adduced pursuant to the permit procedure.

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

Additionally, Section 600.030 of the Municipal Code pertains to liquor licenses and requires that liquor sales shall occur in association with the sale of other non-alcoholic goods having a value according to invoices of at least one thousand dollars (\$1,000.00). Additionally, a liquor license shall not be granted within one hundred (100) feet of any school, church or other building regularly

used as a place of religious worship. The proposed use will include a full food menu well in excess of \$1,000. Additionally, the building is located in excess of the 100 feet from any school, church or place of worship.

**IMPACT**

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

**RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission waives the public hearing at the Commission level as a public hearing will be held at the City Council level. Staff recommends approval of the request as proposed, with the condition that if the applicant chooses to serve alcohol in the outdoor seating area, that the outdoor seating area is properly contained/secured and subject to city approval.



RECEIVED

OCT 31 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: 15939 MANCHESTER RD ELLISVILLE, MO 63011

Project Description: CONDITIONAL BEER & WINE LICENSE

### 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**: (JOE) ELIZABETH - partner.  
JOSEPH KANDER C/O THE GREEK KITCHEN

Address: 15939 MANCHESTER RD. ELLISVILLE MO 63011

Phone Number: 636-686-7200 Email goldstreamcorp@gmail.com

Name of Business Owner(s) - if different than above: Same as applicant.

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

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

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

Address: 8643 Hansen Ste 200, Lenexa KS 66225

Phone Number: 913-438-4538 Email weather.blacketer@brixmor.com

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

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

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

**PART B: SITE DESCRIPTION**

Legal Address of Property: 15939 Manchester Locator No.: —

Lot No.: — Block No.: — Current Zoning: C-3

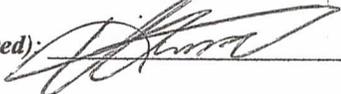
Current Use of Site: restaurant + outdoor seating

Proposed Use of Site: restaurant + outdoor seating + liquor sales-

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

CONDITIONAL USE PERMIT - BEER & WINE

**PART D: AUTHORIZATION (FULL LEGAL NAME IS REQUIRED)**

Signature of Applicant (Required):  Date: 10-31-16

Title/Interest in Property: \_\_\_\_\_

Signature of Property Owner (Required): see email Date: \_\_\_\_\_

Title/Interest in Property: \_\_\_\_\_

## Ada Hood

---

**From:** Heather Blacketer  
**Sent:** Tuesday, November 01, 2016 10:04 AM  
**To:** ahood@ellisville.mo.us  
**Cc:** Fred Spille  
**Subject:** FW: CUP for Cafe Kabob/Greek Kitchen - 15939 Manchester  
**Attachments:** Ord #3123 - 15939 Manchester Road (Cafe Kabob CUP).pdf

Hi Ada – Thanks for the email. Yes, we are okay with The Greek Kitchen’s application and I am copying our Property Manager, Fred Spille, on this email as he will be the person signing the application.

Thanks again.

**Heather Blacketer**  
*Regional VP, Leasing*  
Direct (913) 438-4538



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**From:** Ada Hood [mailto:ahood@ellisville.mo.us]  
**Sent:** Tuesday, November 01, 2016 9:51 AM  
**To:** Heather Blacketer <Heather.Blacketer@brixmor.com>  
**Subject:** FW: CUP for Cafe Kabob/Greek Kitchen - 15939 Manchester

Heather- I received a CUP application (for liquor sales) for the Cafe Kabob/Greek Kitchen located at 15939 Manchester Road within the Ellisville Square shopping center. The application is not signed by the property owner (Brixmor). Would you please respond to this email and verify you, representing the property owner, authorize the CUP application?

Kind Regards,

A handwritten signature in cursive script that reads "Ada A. Hood".

Ada A. Hood, AICP  
City Planner  
City of Ellisville  
1 Weis Avenue  
Ellisville, MO 63011  
636-227-9660 office  
314-799-1162 mobile  
636-227-9486 fax

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**From:** Leigh Dohack [mailto:ldohack@ellisville.mo.us]  
**Sent:** Tuesday, November 01, 2016 9:07 AM  
**To:** Ada Hood <ahood@ellisville.mo.us>  
**Subject:** CUP for Cafe Kabob - 15939 Manchester



# City of Ellisville

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

RECEIVED

OCT 31 2016

City of Ellisville

PZ 11-9-16  
CC 12-7-16

## 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: 15939 MANCHESTER ROAD ELLISVILLE MO 63011

Applicant: JOSEPH KANDEL / THE GREEK KITCHEN

### 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: \_\_\_\_\_

Please describe why the proposed amendment is necessary: 0

**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: GREEK RESTAURANT

SERVING GREEK AND SOME AMERICAN FOOD - DINE IN/TAKE OUT

Hours of Operation: 11am - 7pm M-W 11am - 8pm TH-SA

Will a liquor license be requested? Yes  No \_\_\_\_\_ If yes, which type: BEER AND WINE ONLY / Full liquor req.

Square Footage of Proposed Use: 1,000 No. of seats: 48

Number of Parking Spaces: 45 No. Employees: 4 Valet Parking? Yes \_\_\_\_\_ No

Location of Parking Facilities: COMMON PARKING FOR PLAZA

If restaurant is to offer deliveries, please describe this operation: 0

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, liquor property line, right-of-way line, proposed seating plan and landscaping.

Seating only? Or full service? option for both Square Footage of Patio: ex.

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

No. Tables: \_\_\_\_\_ No. Seats: \_\_\_\_\_ No. Umbrellas: \_\_\_\_\_ Logo on Umbrellas: n/a

Description of Furniture: ex

Description and proposed location of Pedestrian Barrier: waived. If liquor served in patio then required.

Description of Landscaping: n/a

Description of Lighting: existing

**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: YES How long is lease for: 2 yrs Any Easements: NO Describe: \_\_\_\_\_  
Yes / No Yes / No

Who will provide any maintenance: LANDLORD Describe: PAID FOR IN NNN FEES

**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?
- N/A 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?
- 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.

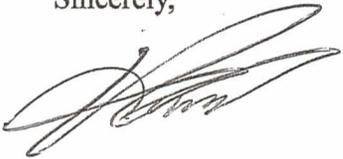
The Greek Kitchen  
15939 Manchester Road  
Ellisville, MO 63011

To: City of Ellisville

This letter is to state our intentions of adding a conditional use permit of beer and wine to the Greek Kitchen in Ellisville Square Plaza. The permit will be intended to add a few more beverages to our menu offering customers options above soda and tea.

We will only be offering a small selection and will not be serving past 7pm Monday-Wednesday and 8pm Thursday-Saturdays.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Kandel', written in a cursive style.

Joseph Kandel  
Principle  
The Greek Kitchen

SPONSORED BY: COUNCIL MEMBER POOL  
INTRODUCED BY: COUNCIL MEMBER POOL

BILL NO. 3327  
ORDINANCE NO. 3123

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ADMIR MEHMEDOVIC D/B/A CAFÉ KABOB, TO ALLOW THE OPERATION OF A FAST FOOD RESTAURANT AT A LOCATION NUMBERED 15939 MANCHESTER ROAD WITHIN THE C-3 COMMERCIAL ZONE DISTRICT.

WHEREAS, Café Kebob has applied to the City for a conditional use permit to operate a restaurant at 15939 Manchester Road, within an existing shopping center; and

WHEREAS, the conditional use permit application was considered by the Ellisville Planning and Zoning Commission on August 14, 2013, pursuant to Title IV, Land Use, of the Municipal Code of the City of Ellisville and the Commission forwarded a positive recommendation to the Council; and

WHEREAS, a public hearing was held by the City Council on August 21, 2013 pursuant to Title IV, Land Use, of the Ellisville City Code for the issuance of this conditional use permit and for approval of the associated site plans; and

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

WHEREAS, the Council finding that the proposed development, as approved herein: (1) will not adversely affect traffic conditions, (2) will not substantially increase fire hazards, (3) will not adversely affect the character of the neighborhood, (4) will not adversely affect the general welfare of the community, (5) will not overtax the sewage or public utilities, (6) will not adversely affect or overtax police or other City services, (7) will be the highest and best use of the location applied for, (8) and will not adversely affect the financial condition of the City, including an adverse impact upon utility, property and sales tax, (9) will not have a substantial negative impact on the environment, and (10) will comply with all applicable provisions of Title IV, Land Use, of the Ellisville City Code; and

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

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

**SECTION 1:** The issuance of a conditional use permit pursuant to Section 400.150 of the City Code is hereby authorized to allow the operation of a fast food restaurant at 15939 Manchester Road, subject to the conditions prescribed herein.

**SECTION 2:** The issuance of this permit does not constitute authority to construct or operate any signage, and any sign constructed or operated at 15939 Manchester Road shall be authorized by a sign permit issued by the City Planner in conformity with Chapter 410 of the Ellisville City Code.

**SECTION 3:** The Applicants shall conform to all ordinances, statutes, fire regulations, and other laws applicable to the property and the C-3 Commercial District of the City of Ellisville. Nothing in this Ordinance shall be considered as a waiver of such ordinances, statutes, fire regulations, and laws.

**SECTION 4:** The City Council may revoke this conditional use permit if, after providing written notice and a hearing, the Council finds (i) that the Applicants have violated one or more of either the conditions noted herein, other ordinances or regulations of the City, or other applicable laws, and (ii) such violation(s) merit discontinuance of the permitted use. The burden of proof shall be on the City.

**SECTION 5:** In addition, the City may cause a summons to be issued to Applicants for any violation of the noted conditions of this permit, and upon conviction thereof, the Applicants shall be subject to punishment as provided in Section 100.110 of the Ellisville Municipal Code.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage and approval by the Council.

This Bill No. 3327 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 21<sup>st</sup> day of August, 2013.

First Reading votes:

DATE: <u>08/21/2013</u>	AYE	NAY	ABSTAIN
PIRRELLO	<u>X</u>		
VOSS	<u>Absent</u>		
REEL	<u>X</u>		
CAHILL	<u>X</u>		
ACUP	<u>X</u>		
POOL	<u>X</u>		
PAUL	<u>X</u>		

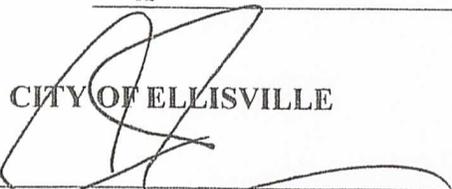
Second Reading votes:

DATE: <u>08/21/2013</u>	AYE	NAY	ABSTAIN
	<u>X</u>		
	<u>Absent</u>		
	<u>X</u>		

ATTEST:

  
 CITY CLERK

CITY OF ELLISVILLE

  
 MAYOR ADAM Q. PAUL