

MEETING MINUTES

**Planning and Zoning Commission Meeting
Meeting Date: January 12, 2022**

Chair Greg Sanborn called the meeting to order at 7:00 PM

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
Chair Greg Sanborn.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rajiv Gupta.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present were:

Ada Hood, City Planner, Cindy Parnell, Assistant City Attorney and Rob Compton, Council Member

APPROVAL OF AGENDA

Commissioner Nancy Bengtson moved to approve the Agenda, as written, and was seconded by Commissioner Lee Foster.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			
Marilyn Niebling				x
Lee Foster	x			
John Scatizzi	x			
Mindy Kelley	x			
Rajiv Gupta	x			<input type="checkbox"/>
Sandie McGrath	x			
Al Tamulaitis	x			

APPROVAL OF MEETING MINUTES

Commissioner Lee Foster moved to approve Meeting Minutes of December 8, 2021 and was seconded by Commissioner Al Tamulaitis.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			

Marilyn Niebling		x
Lee Foster	x	
John Scatizzi	x	
Mindy Kelley	x	
Rajiv Gupta	x	<input type="checkbox"/>
Sandie McGrath	x	
Al Tamulaitis	x	

PUBLIC HEARING

A. Petition #22-01-01: City-initiated petition for a change in zoning of the properties known as 145 Strecker Road and 151 Strecker Road to add an environmental protection overlay zoning district to the existing “R-1” Single-Family Residential Zoning District designation, of the City of Ellisville, Missouri.

City Planner Hood presented the city-initiated petition. Assistant City Attorney Parnell discussed the specific draft regulations. Commissioner McGrath asked how the 100 linear foot by 100 linear foot grid was to be applied. Commissioner Foster asked about the selection and payment of the environmental engineer and report. Assistant City Attorney Parnell responded that the city selects the environmental engineer and the applicant is required to reimburse the city for the cost of the environmental report and testing.

Chairman Sanborn opened the public hearing for comment.

Mr. Brooke Dubman stated the environmental protection overlay district would make his property unmarketable. He also stated the property had been tested by the EPA and cleared.

Commissioner McGrath moved to suspend rules to allow Assistant City Attorney Parnell to respond to Mr. Dubman’s questions. Commissioner Bengtson seconded.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			
Marilyn Niebling				x
Lee Foster	x			
John Scatizzi	x			
Mindy Kelley	x			
Rajiv Gupta	x			<input type="checkbox"/>
Sandie McGrath	x			
Al Tamulaitis	x			

Assistant City Attorney Parnell stated that once tested, it would not require retesting.

Commissioner Foster moved to resume rules, and was second by Chair Sanborn.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			
Marilyn Niebling				x

Lee Foster	x	
John Scatizzi	x	
Mindy Kelley	x	
Rajiv Gupta	x	<input type="checkbox"/>
Sandie McGrath	x	
Al Tamulaitis	x	

Commissioner Bengtson inquired about the comments in the chat. She wanted to know if they were part of the record. Assistant City Attorney Parnell indicated that the chat comments were not part of the record. Commissioner Foster indicated he would like to see the EPA report. Commissioner Scatizzi asked if the city had a copy of the report. City Planner Hood responded the city has a copy of the report. Additionally, she added that according to the report some areas of the overall site were not tested. Chair Sanborn asked about the cost to prepare an environmental report and the required testing. Commissioner Scatizzi indicated that the cost was not cheap, but doable. He added that he believed the cost of the additional requirements would not stop the development. Secretary Tamulaitis asked if the proposed regulations would only apply to new development and asked if a deck would trigger the requirement for testing. Assistant City Attorney Parnell stated that if a building permit was issued, then testing would be required.

Commissioner Scatizzi inquired about the reluctance of passing the amendment. Chair Sanborn responded the cost and overall impact to the owner(s) of the properties. Commissioner Scatizzi asked if there was an existing home on the existing property. Chair Sanborn responded yes. Commissioner Foster if asked if there was any liability to the city if the draft regulations were not passed. Assistant City Attorney Parnell responded that a liability suit can be filed by just about anyone, for just about any reason. City Planner Hood added that the EPA had tested parts of the site and had cleared the entire site.

Commissioner McGrath asked which, if any parts had been removed from the superfund. Commissioner Kelly asked why the EPA would clear the site if there was a possibility that it was still contaminated. City Planner Hood explained the typical environmental assessment protocols, which only require testing if recognized environmental concerns (RECs) are evident. Commissioner McGrath informed the commission about the Marel dioxin site. She explained that the EPA had tested parts of the site where RECs were identified, mitigated those areas and cleared the entire site. She added that based on demand from the public, the EPA tested soil near an existing shed, which had not been tested before, and found that dioxin levels exceeded their standards, and did additional remediation. Commissioner Bengtson stated that it was important to adopt this environmental protection overlay district because as time passes, less people will remember the environmental issues associated with these properties.

Commissioner Foster made a motion to continue the petition to get more information regarding the history of the site, copy of the environmental report, and what the EPA has done. Chair Sanborn seconded.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			
Marilyn Niebling				x
Lee Foster	x			
John Scatizzi	x			
Mindy Kelley	x			

Rajiv Gupta	x	<input type="checkbox"/>
Sandie McGrath	x	
Al Tamulaitis	x	

PETITIONS FOR APPROVAL

- A.** Petition #22-01-02: Request of CF Altitude LLC d/b/a Alta Convenience, new owner/operator, for approval of a minor amendment to an existing Conditional Use Permit (approved via Ordinances #1843 and 2431) allowing the operation of a Gasoline Filling Station and Issuance of a Liquor License associated with the Petro Mart located at 15670 Manchester Road within the C-3 Commercial Zoning District.

Planner Hood summarized the petition in a presentation. Commissioner McGrath asked if the Commission could add a recommendation. She stated the importance of securing a cross access easement. Commissioner Bengtson agreed. City Planner Hood stated the Commission could add the condition. Assistant City Attorney Parnell informed the Commission that adding the condition, would change the petition to a regular CUP, and not a minor amendment.

Commissioner McGrath moved to add a condition requiring the cross-access easement and was seconded Commissioner Bengtson.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Foster.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Scatizzi.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rajiv Gupta.....	<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"/>
Al Tamulaitis.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The motion to add the condition failed.

Commissioner Foster inquired about liquor sales and hours of operation. City Planner Hood stated it is regulated by State.

Commissioner Foster moved to approve the petition. It was seconded by Commissioner Sanborn.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	x			
Nancy Bengtson	x			
Marilyn Niebling				x
Lee Foster	x			
John Scatizzi	x			
Mindy Kelley	x			
Rajiv Gupta	x			<input type="checkbox"/>
Sandie McGrath	x			

Al Tamulaitis x

ADJOURNMENT

Chair Sanborn adjourned the meeting at 8:17 P.M.