

MEETING MINUTES

**Planning and Zoning Commission Meeting
Meeting Date: February 9, 2022**

Chairman Greg Sanborn called meeting to order at 7:01 P.M.

PRESENT

ABSENT

Chairman 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Secretary Al Tamulaitis.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present were:

Assistant City Attorney Cindy Parnell, City Planner Ada Hood and Council Member Vince McGrath

APPROVAL OF AGENDA

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

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

APPROVAL OF MEETING MINUTES

Commissioner Rajiv Gupta moved to approve Meeting Minutes of January 12, 2022 and was seconded by Commissioner Nancy Bengtson.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Marilyn Niebling.....

Lee Foster.....

John Scatizzi.....

Mindy Kelley.....

Rajiv Gupta.....

Sandie McGrath.....

Al Tamulaitis.....

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 overlay zoning district to the existing “R-1” Single-Family Residential Zoning District designation, of the City of Ellisville, Missouri.

Chairman Sanborn opened the public hearing. Assistant City Attorney Parnell read the exhibits into the record. City Planner hood was sworn in by Chairman Sanborn. City Planner Hood reminded the Commission this was a continued public hearing and that additional information had been forwarded to the Commission.

Chairman Sanborn stated that Russel Bliss was the person responsible for the contamination and that the EPA had already performed clean-up of the sites costing approximately \$2-\$3 million. Additionally, he felt that he could not move forward without knowing the potential cost of testing.

Commissioner Scatizzi asked about the financial impact of the overlay district on the existing home and if the existing home could be excluded, as the site was already developed. City Planner Hood stated that the Commission could choose to recommend removal of the developed parcel as part of their recommendation to the City Council.

Assistant City Attorney Parnell suggested that Commissioner could choose to adopt the overlay district and not include any parcels at this time.

Commissioner Foster commented on the EPA’s cleaning efforts of the site. He expressed concern about the creek. City Planner Hood stated that the map included in the Commission’s packet showed the areas tested.

Commissioner Bengston asked if the property(s) sold at some point in the future, would a disclosure be required. Assistant Attorney Parnell stated no.

Chairman Sanborn opened the public hearing.

Mr. Dubman – Stated that the Wildwood locations did not have cleanup so an overlay was added. He also, stated that the overlay would cause his property to be unsellable due to cost of testing/mitigation.

Mr. Marquart –Stated that the intent to protect residents is terrific but the proposed language is not ideal. He added that Wildwood performed 3 tests on easily accessible locations and the cost was \$45K. He stated that the cost of testing Mr. Dubman’s property would be \$14 million. He concluded that blanket grid testing is not appropriate, whereas an environmental assessment (Phase 1) should be conducted, instead.

Chair Sanborn asked if there were any other comments. There being none, he closed the public hearing.

Chairman Sanborn stated the costs are very high and that the suggestion of only requiring a Phase 1 seemed ideal.

Commissioner Scatizzi indicated that the costs should be provided by the City and that we should wait until the City secures cost estimates. He also suggested removing the existing home from overlay.

Commissioner Foster asked about the Phase 1 suggestion. City Planner Hood stated that the City already has language requiring Phase 1 assessments. She added that a Phase 1 does not include any type of testing. City Planner hood then explained the draft language and emphasized that the testing requirement will only apply to previously untested areas, not the whole site. She further added, that assuming Mr. Dubman was correct when he stated that 90% of the site was already tested, then the cost of \$14 million provided by Mr. Marquart would have to be cut by 90%.

Commissioner Gupta stated that the cost of doing the testing falls on buyer and or seller.

Chairman Sanborn asked if the City was liable if the regulations were not adopted. Assistant Attorney Parnell stated that she cannot guess what a court would determine, but that she believed it was unlikely as it is private property.

Commissioner Foster moved to continue the item to March and that the item be divided into the following sections:

- A: Determine whether to include both parcels
- B. Specify what substance(s) are we tested for
- C: Better definition of how many 100' x 100' squares

Chairman Sanborn seconded the motion.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta	<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"/>
Al Tamulaitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PETITIONS FOR APPROVAL

- A. Petition #22-02-02: Request of TR Auto & Tire Service d/b/a Ellisville Tire & Service to amend an existing Conditional Use Permit (approved via Ordinances #2230 & #2271) authorizing the operation of a Retail Tire Store at the property known and numbered as 16384 Truman Road within the "C-4" Ellisville Business Park Zoning District.

City Planner Hood stated that the applicant had just purchased the business and wished to continue operation of the tire shop with tire service only. She added that if the Commission deemed the change minor, the Commission could approve the petition.

Commissioner Bengtson asked about the auto service uses currently performed at the shop. Commissioner Gupta added that the current business and the proposed business include auto service.

City Planner Hood indicated that Auto Service uses now require a CUP, and that the existing approval was limited to tire services only. Assistant City Attorney Parnell stated that in order to expand the uses allowed under the CUP, the Commission would not be able to approve the CUP and would have to forward a recommendation to the City Council, instead.

Commissioner Bengtson moved to forward a positive recommendation to the City Council and was seconded by Commissioner Gupta.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta	<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"/>
Al Tamulaitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Petition #22-02-03: Request of Guidepost Montessori at Ellisville to amend an existing Conditional Use Permit (approved via Ordinance #3354) authorizing the operation of a Day Care Facility at the property known and numbered as 16058 (formerly 16062) Manchester Road within the “C-3” Commercial Zoning District.

City Planner Hood stated that the existing day care facility would be operated by a new owner, and that the Commission should deem the amendment minor and approve the request.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta	<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"/>
Al Tamulaitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PETITIONS FOR RECOMMENDATION

A. Petition #22-02-04: Request of XGolf Indoor Golf Simulator for a conditional use permit to allow the operation of a retail beverage and retail entertainment establishment with the sale of liquor at the location known and numbered as 15382 Manchester Road within the C-3 Commercial Zoning District.

City Planner Hood summarized the request as being a Conditional Use Permit to allow and entertainment facility featuring virtual golf and liquor sales. The applicant described the franchise and operation aspects of the business.

Commissioner Gupta asked about parking. Commissioner Bengtson asked about the regulations applicable to the liquor sales. Commissioner Foster followed up on the parking concern and asked about peak hours. He then asked about the required cross access. Commissioner Scatizzi asked about maximum capacity.

Commissioner McGrath asked about the use becoming more of a ‘bar’ hangout. She also asked who was responsible for the required site improvements. Commissioner Gupta stated that a similar business nearby operates without issue.

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

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta	<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"/>
Al Tamulaitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Petition #22-02-04: Request of Vapor Maven MO, LLC for approval of a Conditional Use Permit allowing a Retail Tobacco Store at 15639 Manchester Road within the C-3 Commercial Zoning District.

City Planner Hood indicated that the applicant had filed a lawsuit against the City. Assistant Attorney Parnell directed the Commission to consider the request without consideration of the distance requirements, as the distance requirements were what was contested in court. She added that the applicant had petitioned for a variance from the distance requirements and was denied.

Commissioner Foster requested additional information regarding the distance requirements. Assistant Attorney Parnell explained the regulations. Commissioner Bengtson asked if the shop would sell CBD and whether that needed to be included in the notice. City Planner Hood stated that the City Attorney had deemed CBD as permitted by right.

Applicant’s attorney Beth Lum made a detailed presentation.

Commissioner Foster stated that he did not agree that the proposed use was a positive for the residents. Commissioner Bengtson asked about other local Vapor Mavens. The applicant indicated there were none in St. Louis County.

Chairman Sanborn moved to forward a positive recommendation to the City Council. It was seconded by Commissioner Tamulaitis.

<u>Vote Call</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>	<u>Absent</u>
Chairman Greg Sanborn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nancy Bengtson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rajiv Gupta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sandie McGrath	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Al Tamulaitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADJOURNMENT

Chairman Sanborn adjourned the meeting at 8:59 p.m.