

**CITY OF ELLISVILLE  
COUNCIL MEETING**

**MARCH 17, 2021**

Due to the Saint Louis County Executive Order gathering limitations the March 17, 2021 Regular Council meeting was held via live videoconference. *A link was provided on the City's website for all that wanted to participate in the videoconference.*

Mayor Roemerman served as the host of this videoconference meeting and opened this Regular Meeting at 7:05 p.m. In attendance were via videoconference were Council Members Chismarich, McGrath, Reel, Cahill, Pool and Duffy.

Also present via videoconference were: City Manager Schwer, City Attorney Restovich, City Planner Hood, Chief Steve Lewis, and City Clerk Dohack.

All those in attendance via videoconference recited the Pledge of Allegiance led by Council Member Chismarich.

**APPROVAL OF AGENDA**

Mayor Roemerman moved to approve the evening's agenda, seconded by Council Member Reel. The votes on the approval were "AYES".

**APPROVAL OF MINUTES**

Mayor Roemerman moved to approve the minutes from the March 3, 2021 Regular Council Meeting. The motion was seconded by Council Member Duffy. The votes on the minutes were: Chismarich "AYE", McGrath "AYE", Reel "AYE", Cahill "AYE", Pool "AYE", Duffy "AYE", and Roemerman "AYE".

**PUBLIC COMMENTS I**

There were no public comments.

**PETITIONS**

7 Rendina Court, chain link fence variance

Petition from Natalia Catlett for City Council consideration and approval allowing a new chain link fence at 7 Rendina Court within the R-1 Single Family Residential Zoning District.

Natalia Catlett was present to answer questions about the petition. Ms. Catlett stated that she would like to enclose the back yard with a chain link fence similar to others in the neighborhood. Mayor Roemerman noted that that City has been trying to move away from chain link fences. Ms. Catlett noted that the North side of the yard will have a privacy fence facing Rend Trail. Council Member Duffy welcomed Ms. Catlett to the City and then provided a list of homes in this neighborhood that have replaced the chain link fencing with wood or vinyl fencing. Also, powder coated chain link has been installed in the area. Council Member Duffy also shared a sample photo of a vinyl fence for a higher quality fencing option. Council Member Pool noted that the

homeowner should be allowed the choice and that she approves of the vinyl privacy fence facing the trail. Council Member Cahill stated he was in favor of the petition request. Council Member McGrath questioned the homeowner if black vinyl coated chain-link would be considered. Ms. Catlett stated that she has not looked into that option, but would if required. Mayor Roerman asked if vinyl would be considered for the whole yard. Council Member Pool moved to approve the request as presented. The votes were: Chismarich “NAY”, McGrath “NAY”, Reel “NAY”, Cahill “AYE”, Pool “AYE”, Duffy “NAY”, and Roerman “NAY”.

16152 Clayton Road, secondary accessory structure request

Petition of Robert Kenkel for consideration and approval of a second accessory structure resulting in a combined floor area in excess of 600 square feet maximum allowed at 16152 Clayton Road within the R-1 Single Family Residential Zoning District.

Robert Kenkel participated in the meeting to answer questions from the Council noted the need for additional storage on the property. Mr. Kenkel noted that this would be more than a metal shed, it is a pre-fab structure that can be coordinated to the home with paint and roofing material. Mayor Roerman noted that the existing garage on the property is larger than what is allowed by Code. Council Member Duffy commented that Mr. Kenkel came before the Council to seek approval for the garage that is larger than the existing requirements and he was hesitant at that time to approve the structure. Discussion continued pertaining to the size of the structure. City Planner Hood noted that the code allows up to 600 square feet total for accessory buildings and stated Mr. Kenkel’s proposal was over the maximum allowed square footage with the first building, and with the proposed second building the situation is exacerbated. Mayor Roerman commented that structure should not be larger than the house, but to compliment the home.

Council Member Duffy moved to consider the petition request, seconded by Council Member Pool. The votes were: Chismarich “NAY”, McGrath “NAY”, Reel “NAY”, Cahill “NAY”, Pool “NAY”, Duffy “NAY”, and Roerman “NAY”.

**RECIEPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS**

Mayor Roerman moved to receive and file of the following Planning and Zoning Commission’s recommendations:

- A. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated March 11, 2021 relative to the petition of Higher Ground Education for issuance of a conditional use permit to allow the operation of a day-care facility at the location known and numbered as 15468-15472 Manchester Road, within the “C-3” Commercial Zoning District of the City of Ellisville, Missouri.
- B. Receipt and filing of Planning and Zoning Commission’s positive recommendation dated March 11, 2021 relative to the City-initiated petitions for text amendments to Title IV: Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, to modify regulations pertaining to the use of chain-link fencing.

- C. Receipt and filing Planning and Zoning Commission’s positive recommendation dated March 11, 2021 relative to City-initiated petition for text amendments to Title IV: Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville, to add auto repair, auto service, and auto wash as permitted uses in the M-1 Light Industrial Zoning District.

The motion was seconded by Council Member Duffy. The votes were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerman “AYE”.

## **PUBLIC HEARINGS**

### 15468 Manchester Road (Higher Ground Education), day-care facility CUP

Mayor Roemerman opened the public hearing regarding the petition of Murphy Real Estate Services, on behalf of Higher Ground Education, for issuance of a conditional use permit to allow the construction and operation of a day-care facility at the property known and numbered as 15468 Manchester Road, located within the “C-3” Commercial Zoning District. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1, Certified Copy of the Municipal Code, Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on February 26, 2021; Exhibit 5, Public Posting of Notice on February 26, 2021; Exhibit 6, Letter mailed to the abutting property owners within 185 feet on March 1, 2021; Exhibit 7, Application Cover Sheet received February 23, 2021; Exhibit 8, Application for Conditional Use Permit, with attached plans; Exhibit 9, Letter from Chris Horney to City Council dated February 23, 2021; Exhibit 10, Letter from Chris Horney to City Planner dated February 23, 2021, with attached updated plans; Exhibit 11, Letter from Chris Horney to Planning and Zoning Commission dated February 10, 2021; Exhibit 12, Letter from Richard Berkmeier to City Council dated February 3, 2021; Exhibit 13, Higher Ground Guidepost Montessori Project Information Packet; Exhibit 14, Terraspec Landscape Plan Review #1 dated February 5, 2021; Exhibit 15, Lochmueller Group Traffic Impact Study dated March 10, 2021; Exhibit 16, Planning and Zoning Commission Report and Favorable Recommendation dated March 11, 2021; and Exhibit 17, City Planner’s Memo dated March 11, 2021.

Chris Horney with Murphy Real Estate Services, Elan Walsh with Higher Ground Education, Julie Nolfo with Lochmueller Group, City Planner Hood and City Manager Schwer were sworn in.

Chris Horney shared his screen to present updated drawings for the proposed site, after the comments from the Planning and Zoning Commission public hearing including adding the curb cut from Reinke Road. Mr. Horney also noted that this proposal is a \$2,000,000 investment in the property and the day-care has a proposed 20-year lease with the owner. Elan Walshe representing Higher Ground Education commented that this is a Montessori organization and they want to grow the program in the community. Mr. Walshe also noted that they own and operate all the schools.

Mayor Roemerman began with concerns about the sidewalk in front of the school. Mr. Horney noted that there will be a 5-foot sidewalk between the building and the parking area with a raised curb. Council Member McGrath asked about the parking area and Mr. Horney noted that some of the hill will be removed and tapered to square off the parking area. Discussion continued about the access to Reinke Road and it was noted that this will provide right-in access to reduce backup at Manchester. Council Member Duffy asked if a development agreement would be considered and if there was a number of additional cars that will be on Reinke at peak times. Skip Berkmeier was sworn in to answer some questions as the building owner. Mr. Berkmeier stated that this

development was the best partner for this property. Discussion continued about concerns with traffic cutting through the parking lot from Reinke to Manchester. The traffic engineer stated the cut-throughs may be a possibility but it would be better to plan in signage or maybe a speed bump to reduce this concern. Mayor Roemerma again commented on his concerns with the parking area in front of the building and the playground area next to the parking area, questioning if bollards could be utilized. Mr. Horney noted that fencing will be a barrier between the parking area and the playground. There was additional discussion about how many staff members, children to staff ratios and when the peak times will be for drop off and pickup.

*There were no public comments.*

Mayor Roemerma polled the participating Ellisville residents and property owners regarding the information as presented: Three (3) residents were in favor and no one was in opposition.

Mayor Roemerma closed the public hearing.

Text Amendments, chain-link fencing

Mayor Roemerma opened the public hearing regarding the City-initiated petition for text amendments to Title IV: Land Use, of the City of Ellisville, Missouri, to modify regulations pertaining to the use of chain-link fencing. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1-7, entered at public hearing before the Planning and Zoning Commission on March 10, 2021; Exhibit 8, Planning and Zoning Commission Report and Favorable Recommendation dated March 11, 2021.

City Planner Hood was sworn in at the previous public hearing. City Planner began a presentation pertaining to the proposed text amendments by explaining the process and discussing the recommendations brought forward from the Planning and Zoning Commission. At this time no chain-link fencing is allowed by code, but property owners can petition the Council for a variance. The amendment would clarify that if a variance is requested, no chain-link would be allowed over 4-feet. Discussion also continued pertaining to vinyl coated chain-link fence. Council Member McGrath asked that this discussion be sent back to staff for additional discussion. Council Member Pool asked what the cost difference is from standard chain-link to vinyl coated chain-link and expressed her concern with affordability for the residents.

*There were no public comments.*

Mayor Roemerma polled the participating Ellisville residents and property owners regarding the information as presented: No residents were in favor and one (1) resident was in opposition.

Mayor Roemerma closed the public hearing.

Text Amendments, adding automobile uses in M-1 Light Industrial Zoning District

Mayor Roemerma opened the public hearing regarding the City-initiated petition for text amendments to Title IV: Land Use, of the City of Ellisville, Missouri, to add certain automobile service/repair uses as permitted uses in the "M-1" Light Industrial Zoning District. City Attorney Restovich entered the following exhibit for purposes of this hearing: Exhibit 1-7, entered at public hearing before the Planning and Zoning Commission on March 10, 2021; Exhibit 8, Planning and Zoning Commission Report and Favorable Recommendation dated March 11, 2021.

City Planner Hood was sworn in at the previous public hearing. City Planner began a presentation pertaining to the proposed text amendments by explaining the process and discussing the recommendations brought forward from the Planning and Zoning Commission. The proposed changes would add auto repair, auto service and car wash to the “M-1” Light Industrial Zoning District. City Planner Hood noted that at this time there is a business interested in moving to the zoning district and this text amendment would be needed to be allowed. It was noted that the only area with an M-1 Zoning designation is west of Old State Road. Staff clarified the difference between auto service (i.e. – oil change, tire installation) and auto repair.

*There were no public comments.*

Mayor Roemerma polled the participating Ellisville residents and property owners regarding the information as presented: One resident was in favor and one (1) resident was in opposition.

Mayor Roemerma closed the public hearing.

## **LEGISLATION**

### **Bill #3702, 15468 Manchester Road (Higher Ground Education), day-care facility CUP**

Council Member Chismarich introduced Bill #3702, AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO HIGHER GROUND EDUCATION TO ALLOW THE OPERATION OF A DAY-CARE FACILITY AT THE LOCATION KNOWN AND NUMBERED AS 15468 MANCHESTER ROAD, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Chismarich moved for consideration and perfection of Bill #3698, seconded by Council Member McGrath.

Mayor Roemerma stated that he was not in favor of this proposed development and noted his concern with replacing an existing City business. Council Member Pool she would in favor of the day-care and it would provide a service to the community.

The votes on the first reading of Bill #3702 were: Chismarich “NAY”, McGrath “AYE”, Reel “AYE”, Cahill “NAY”, Pool “AYE”, Duffy “AYE”, and Roemerma “NAY”. Mayor Roemerma objected to a second reading. The final reading will be given consideration at the next Council meeting on April 7, 2021.

### **Bill #3703, Text Amendment pertaining to chain-link fencing**

Council Member Duffy introduced Bill #3703, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO REVISE REGULATIONS PERTAINING TO FENCES, AS PROVIDED HEREIN. Council Member Duffy moved for consideration and perfection of Bill #3703, seconded by Council Member Reel.

Discussion began about amendments to the proposed ordinance and there were still some additional changes to be considered

Mayor Roemerma moved to send Bill #3703 back to staff for clarification and consider it again at the next Council Meeting. The motion was seconded by Council Member Reel. The votes to table were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”,

Duffy “AYE”, and Roemerma “AYE”.

Ord. #3474, Text Amendments add auto service/repair uses M-1 Light Industrial Zoning District  
Council Member McGrath introduced Bill #3704, AN ORDINANCE AMENDING TITLE IV: LAND USE: CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ADD CERTAIN AUTOMOBILE SERVICE/REPAIR USES AS PERMITTED USES IN THE “M-1” LIGHT INDUSTRIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member McGrath moved for consideration and perfection of Bill #3474, seconded by Council Member Cahill. The votes on the first reading of Bill #3704 were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”. Council Member McGrath introduced Bill #3704, as amended for final passage, AN ORDINANCE AMENDING TITLE IV: LAND USE: CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ADD CERTAIN AUTOMOBILE SERVICE/REPAIR USES AS PERMITTED USES IN THE “M-1” LIGHT INDUSTRIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member McGrath moved for final passage of Bill #3704, seconded by Council Duffy. The votes on the second reading of Bill #3704 were: Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Cahill “AYE”, Pool “AYE”, Duffy “AYE”, and Roemerma “AYE”. Bill #3704 becomes ORDINANCE #3474.

### **PUBLIC COMMENTS**

Robert Kenkel, 16199 Clayton Hollow Lane, commented that with the changing times it is better to have businesses come to the City and fill vacant spaces. Mr. Kenkel also asked for clarification on who should be polled during public hearings.

### **MAYOR/COUNCIL BUSINESS/REPORTS**

#### Proclamation for Council Member Stephen Chismarich

Mayor Roemerma read a proclamation honoring Council Member Stephen Chismarich in appreciation for his dedication as Council Member. It was noted that Council Member Chismarich will be moving to Colorado to pursue a new job opportunity. Council Member Chismarich thanked the Council and staff and noted that his time with the City has meant a great deal and made him better person.

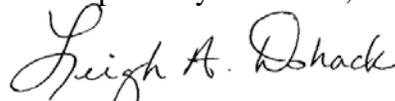
### **ACTIVE COMMITTEE STATUS/UDPATES**

Council Member Reel noted that City will receive a new sculpture from “Art on the Move.

Council Member Pool asked that the Council consider going back to in-person Council meetings.

Mayor Roemerma adjourned the meeting at 9:06 p.m.

Respectfully submitted,



LEIGH A. DOHACK  
City Clerk