

**MEETING MINUTES OUTLINE**

**Planning and Zoning Commission Meeting  
Meeting Date: April 13, 2022**

Senior Commissioner Sandie McGrath called the meeting to order at 7PM.

Commissioner McGrath asked for nominations for Chair and Secretary to run the meeting this evening, as official annual elections were scheduled for May 2022. Commissioner Lee Foster nominated himself to serve as secretary, all present voted in favor. Commissioner Nancy Bengtson nominated herself to serve as Chair, all present voted in favor.

Acting Chair Nancy Bengtson asked the secretary to call the roll. Acting Secretary Lee Foster called the roll.

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

**Also present were:**

City Planner Ada Hood, City Attorney Brian Malone, Council Member Vince McGrath and Council Member Curt Boggs

**APPROVAL OF AGENDA**

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

<b><u>Vote Call</u></b>	<b><u>Aye</u></b>	<b><u>Abstain</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>
Nancy Bengtson.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marilyn Niebling.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Sanborn.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

John Scatizzi..... ..... ..... .....

**APPROVAL OF MEETING MINUTES**

Commissioner Rajiv Gupta moved to approve Meeting Minutes of March 9, 2022 and was seconded by Commissioner Sandie McGrath.

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

**RESOLUTION**

Secretary Lee Foster read the resolution honoring Chairman Greg Sanborn for his service as a Planning and Zoning Commissioner.

Commissioner Sandie McGrath moved to approve the resolution and was seconded by Commissioner Lee Foster.

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

**PUBLIC HEARING**

- A. Petition #22-04-01: 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.

Acting Chair Nancy Bengtson opened the public hearing. Attorney Brian Malone read the exhibits into the record. City Planner Hood summarized the petition and the discussions previously held by the Planning and Zoning Commission.

Commissioner Lee Foster asked for verification of the testing depth assumed in the cost estimate. City Planner Hood verified 5'.

Commissioner Mindy Kelley asked why the EPA did not test all areas. Planner Hood responded that the EPA's standard practice is to test out until they find samples that are at acceptable contamination levels.

Commissioner Rajiv Gupta asked how the property became contaminated. City Planner Hood indicated the information was in the reports that were provided to the Commission previously. She added that the prior property owner took it upon himself to accept toxic contaminants and dispose of these on the property.

Commissioner Marilyn Niebling as asked why this petition was brought forth now. She also wondered if the petition would make more sense if it were discussed as part of the comprehensive plan update. She also suggested that perhaps less testing could be required, and then if contaminants were found, then additional testing could be added.

Commissioner Mindy Kelley commented that there was still questions as to the contamination levels on the properties. She quoted a section of the 2020 EPA report which stated that there was uncertainty regarding the extent and level of contamination on the properties.

Commissioner Marilyn Niebling indicated she was very interested in keeping the community safe, but felt the language was too aggressive. She added that the EPA had already cleaned up the site and continues to monitor on site. She also stated that the city already has an environmental assessment process in place.

Commissioner Lee Foster asked if it was the City's position that only 10 tests were needed. He also asked about the topography/grades of the sites. He added that it might make sense to do testing on the lower grades only. City Planner Hood responded that the city was not suggesting 10 tests, only. She added that the report previously provided has a grading map. Additionally, she stated that the EPA purposely stopped testing on steeper terrain, with the assumption that it was unlikely that barrels would be carried uphill to be buried.

Commissioner Nancy Bengtson asked if random samples could be done. In response, City Planner Hood summarized the draft language, which requires an environmental impact report and testing, but also authorizes the City Manager to waive the requirements. Attorney Brian Malone added that the proposed petition serves two purposes. First, the petition creates an environmental protection overlay district, and secondly, it rezones the properties at 145 and 151 Strecker Road to be included within the environmental protection overlay district. Commissioner Lee Foster asked if it was standard practice for the city manager to be given authority. Attorney Brian Malone indicated yes.

Acting Chair Nancy Bengtson opened the public hearing for comments.

Mr. Brooke Dubman, 151 Strecker Road, asked for copies of the maps and the 2020 study. City Planner Hood agreed to provide Mr. Dubman with the copies. Mr. Dubman stated that he appreciated the City's concern for the community's safety and health. He asked that the city make the EPA results of all prior testing public. He added that after the EPA cleanup, testing of the site revealed that contaminants were less than half the acceptable level. He added that wildlife is abundant on his property and healthy. He asked the city to listen to the EPA. He stated that according to his estimation his property would need 800 tests, resulting in a cost of approximately \$800,000, rendering his property undevelopable. Mr. Dubman indicated his real estate attorney believed he had a winning case against the city, if the overlay district was approved. He commented that the overlay district singles out his property. He also stated he would consider offering the city a portion of the 20-acre site for some type of passive recreational use.

Acting Chair Nancy Bengtson closed the public hearing.

Commissioner Lee Foster made a motion to approve the petition. The motion was seconded by Commissioner Mindy Kelley.

The Commission discussed amongst themselves. They were concerned for the health and safety of the community, they were concerned for the current owner's predicament, they believed that health and safety were more important than financial gain. Commissioner Bengtson expressed the need to document and set requirements now. She expressed concern that future leaders and residents may not be aware or remember that the sites were associated with dioxin contamination.

<b><u>Vote Call</u></b>	<b><u>Aye</u></b>	<b><u>Abstain</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>
Greg Sanborn.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Lee Foster.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Scatizzi.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mindy Kelley.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**ADJOURNMENT**

Acting Chair Nancy Bengtson adjourned the meeting at 7:50 P.M.